

# Title IX Timeline

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- 1964** Title VII of the Civil Rights Act of 1964 is enacted, prohibiting discrimination in employment based on race, color, sex, national origin, or religion. Title VI of this Act prohibits discrimination in federally assisted programs—including education programs—on the basis of race, color and national origin, but not on the basis of sex.
- 1970** Congress holds first hearings on sex discrimination in higher education.
- 1972** Title IX of the Education Amendments of 1972 is enacted, prohibiting discrimination on the basis of sex in all federally-assisted education programs and activities.
- 1974** Tower Amendment, which would have exempted revenue-producing sports from Title IX compliance, is proposed and rejected. Javits Amendment, an alternative to the Tower Amendment, is passed. It states that Title IX regulations must include reasonable provisions considering the nature of particular sports.
- 1975** Department of Health, Education and Welfare (HEW) issues final Title IX regulations. Elementary schools are given one year to comply. High schools and colleges are given three years to comply. Several attempts in Congress to disapprove the HEW regulations and to amend Title IX are rejected, including a reintroduced version of the Tower Amendment. HEW publishes “Elimination of Sex Discrimination in Athletics Programs” in the Federal Register and sends it to school officials and college and university presidents.
- 1976** NCAA unsuccessfully files a lawsuit challenging the Title IX athletic regulations.
- 1979** After notice and comment, HEW issues a Policy Interpretation, “Title IX and Intercollegiate Athletics,” introducing the “three-part test” for assessing compliance with Title IX’s requirements for equal participation opportunities. U.S. Supreme Court rules in *Cannon v. University of Chicago* that individuals have the right to sue under Title IX.
- 1980** Federal education responsibilities are transferred from HEW to a new Department of Education. Primary oversight of Title IX is transferred to the Office for Civil Rights (OCR) of the new Department. OCR issues Interim Investigators’ Manual re Title IX Compliance to investigators in its regional offices.
- 1984** U.S. Supreme Court rules in *Grove City v. Bell* that Title IX applies only to the specific programs within an institution that receive targeted federal funds. This decision effectively eliminates Title IX coverage of most athletic programs and other activities and areas of schools and colleges not directly receiving federal funds.
- 1987** OCR publishes “Title IX Grievance Procedures: An Introductory Manual” to assist schools with their obligation to establish a Title IX complaint procedure and designate a Title IX coordinator to receive those complaints.
- 1988** Civil Rights Restoration Act is passed over President Reagan’s veto. This Act restores Title IX coverage to all of an educational institution’s programs and activities if any part of the institution receives federal funds.
- 1990** OCR updates and finalizes its Title IX Investigators’ Manual.
- 1992** U.S. Supreme Court rules unanimously in *Franklin v. Gwinnett County Schools* that students who suffer sexual harassment in schools may be awarded monetary damages under Title IX. NCAA publishes a Gender-Equity Study of its member institutions, detailing widespread sex discrimination in athletics programs.
- 1994** Equity in Athletics Disclosure Act (EADA) is passed, requiring federally assisted, coeducational institutions of higher education to disclose information about the gender breakdown of their intercollegiate athletic programs. The requisite annual reports from these institutions allow for better monitoring of Title IX compliance.

- 1996** OCR issues the “Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test,” explaining in detail how schools can comply with each prong of the three-part “effective accommodation test” first set forth in the 1979 Policy Interpretation.
- U.S. Court of Appeals for the First Circuit, after an extensive analysis, upholds the lawfulness of the three-part test in *Cohen v. Brown University*.
- U.S. Government Accountability Office issues a report entitled “Issues Involving Single-Gender Schools and Programs.”
- 1997** OCR issues “Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties.” The Guidance establishes standards for Title IX compliance, and emphasizes that institutions are responsible for preventing and punishing student-on-student sexual harassment.
- 1998** U.S. Supreme Court rules in *Gebser v. Lago Vista Independent School District* that a student may sue for damages for a teacher’s sexual harassment only if the school had actual notice of the teacher’s misconduct and acted with “deliberate indifference” to the harassment.
- 1999** U.S. Supreme Court rules in *Davis v. Monroe County Board of Education* that Title IX covers student-on-student harassment, and, as with teacher-student harassment, that damages are available only if the school had actual notice of and was “deliberately indifferent” to the harassment. The harassment must go beyond teasing and be so severe, pervasive and objectively offensive that it deprives the victim of access to the benefits of education.
- 2001** OCR issues “Revised Sexual Harassment Guidance” reaffirming in large part the compliance standards described in the 1997 Guidance. It makes clear that the *Gebser* and *Davis* standards only apply to suits for damages, not to OCR’s enforcement or to suits for injunctive relief.
- Department of Justice issues the Final Common Rule on Title IX enforcement for all federal agencies that did not already have their own regulations.
- Department of Justice issues “Title IX Legal Manual” providing guidance to federal agencies regarding compliance with Title IX.
- 2002** The National Wrestling Coaches Association files suit against the Department of Education challenging the three-part test. The Department establishes a Commission on Opportunity in Athletics to evaluate changes to Title IX athletics policies.
- President’s budget calls for the elimination of all funding for programs under the Women’s Educational Equity Act.
- 2003** The Title IX Commission on Opportunity in Athletics issues its report, recommending significant and damaging changes to the Department of Education athletics policies. The Secretary of Education rejects all recommendations, and a “Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance” affirming the existing policies is issued in July.
- 2005** U.S. Supreme Court rules in *Jackson v. Birmingham Board of Education* that individuals, including coaches and teachers, have a right of action under Title IX if they are retaliated against for protesting sex discrimination.
- Without any notice or opportunity for comment, the Department of Education issues an “Additional Clarification of Intercollegiate Athletics Policy Guidance: Three-Part Test—Part Three,” allowing colleges to use a single e-mail survey to show that they are meeting women’s interests in playing sports.
- 2006** Department of Education issues changes to the 1995 Title IX regulations, allowing schools to offer single-sex programs without adequate safeguards against stereotyping and other forms of sex discrimination.