



## Title IX -Breaking Down Barriers

January 11, 2021

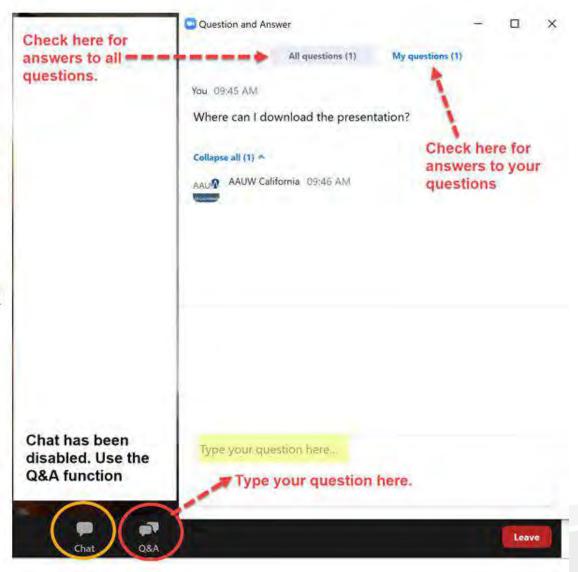


#### Presentation materials:

- Download the presentation from the AAUW California website home page.
- The meeting recording, a summary Q&A document and example documents will be posted following the meeting.

#### Questions:

- Use the Q&A function to pose a question. We'll stop periodically to answer general questions.
- Chat has been disabled.



### The Panelists



#### Alicia Hetman

- AAUW California Title IX Consultant & Public Policy Committee
- AAUW National Public Policy Committee



#### Keasara (Kiki) Williams

 Executive Director of Student Experience & Equity Compliance, San Francisco Unified School District



#### Kim Turner

- Senior Staff Attorney Legal Aid for Work
- Gender Equity & LGBT Rights Program
- Fair Play for Girls in Sports Project



#### Jean Reed

- Co-President AAUW Petaluma Branch
- AAUW San Jose Branch Title IX Focus Group Contributor



Linda Slater

- President AAUW
   Hayward-Castro Valley
   Branch
- AAUW California Communications Committee



#### **Donna Lilly**

- AAUW California College/University contact
- AAUW San Diego Branch Fund Chair



## Alicia Hetman

- 1993-2001 California Dept of Education, Gender Equity Consultant/Onsite Compliance Reviews
- AAUW Title IX Champion, charter member
- Fair Play for Girls in Sports
   Advisory Council, current
   member
- 2013 Title IX AAUW California/LA Sparks partnership founder







## TItle IX History

1964	1965	1972	1980
Civil Rights Act Title IV-C	Regulations	Title IX Enacted by Congress	Department of Education
Non-discrimination by race, national origin or sex	Federal monies made available for technical assistance	Non-discrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance.	Department of Education established and given oversight of Title IX compliance through the Office of Civil Rights.
1982	1992	1993	2022
California Sex Equity in Education Act Education Code	Title V Uniform Complaint Procedures	Title V Regulations	Fiftieth Anniversary of Title IX

200-264



## Title IX: What the Law States

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

**Education Amendments of 1972** 





## Senior Staff Attorney Legal Aid at Work

- Gender Equity & LGBT Rights Program
- Fair Play for Girls in Sports Project











#### **Fair Play for Girls in Sports**

A project of the nonprofit Legal Aid at Work ensuring gender equity in school and P&R sports

January 2021

## Fair Play for Girls in Sports

- Project of Legal Aid at Work
   104 year old legal services non-profit
- Staff Kim Turner & Elizabeth Kristen
- History 2003, Title IX work began;
   2011, Fair Play for Girls in Sports



- Clients Serving low-income girls of color in CA + beyond
- **Tools** Training, Legislation, Technical Assistance & Litigation
- Laws Title IX & CA AB 2404 (Fair Play in Community Sports Act)





## **Benefits for Girls that Play**

#### Health

- Lower rates of depression
- Lower rates of breast cancer as adults



#### Academic

 Higher rates of graduation, especially among girls of color, at high school and college level

#### Employment

- 90% of "C-Suite" women played sports growing up
- Girls that played sports in high school → 7% higher wage as adults





## **Core Title IX Obligations**

- Equitable Participation Opportunities
  - Gold Standard: Proportionality



- Whole program analysis
- *e.g.*, facilities; uniforms; scheduling; coaching quality; fundraising ability
- No Retaliation &
   Data / Complaint Process Obligations
   No adverse actions against complainant











## **Core Title IX – Participation**

Participation Opportunities (one prong must be met)

- Prong 1: Proportionality (e.g., 50% of students are female → should have 50% of athletes that are female)
  - Large gaps in female students' % and female athletes %
  - No acceptable participation gap OK in OCR or courts
  - Title IX violations: 3.2% gap (38 college women denied opportunity) and 6.7% gap (47 HS girls denied opp.)
- Prong 2: History and Continued Practice of Expansion
- <u>Prong 3: Athletic Interests of Under-Represented Gender Met</u> (*e.g.*, using surveys; note, results always show interest)





## Participation Opportunities – Demo. Of Analysis



#### MIRA LOMA High School

Parents

Students

Staff Community

Q

**OUR SCHOOL** 

STUDENTS & FAMILIES

**COLLEGE & CAREER** 

**ACTIVITIES** 

ATHLETICS

**DEPARTMENTS & STAFF** 

Home | Athletics Directory

Sports

## Participation Census Data Mira Loma Athletic Statistics

Total number of students 1697
Total Number of Males 780
Total Number of Females 917

Male Only Female Only Total 8 6 14

Teams 14 12 26
Participants 354 233 587

#### **TITLE IX ANALYSIS**

Female students = 54% of school Male students = 46% of school

Female athletes = <u>40%</u> of athletic program Male athletes = 60% of athletic program

Participation gap = (54-40%=14% GAP)





## Participation Opportunities – Demo. Of Analysis

Mira Loma HS – 14% gap; <u>183</u> female athletes lacking opp.



Participation Gap - Difference Between Percent of Students Who Are Female and Percent of Athletes Who are Female:

14.3432%

Number of New Female Athletes the School Must Add to Current Number of Female Athletes:

183.177

Total Number of Female Athletes Needed for Gender Equity / Proportionality:

416





## How YOU Can Help Gender Equity in Athletics?

- Review Local Schools and Park and Recreation (AB 2404)
  - Look at (and request) SB 1349 data for schools
  - Ask Fair Play for help with analysis
  - Make Public Records Act requests



- Review and Share Know-Your-Rights Materials
  - <u>www.fairplayforgirlsinsports.org</u> web page = materials
  - Conduct a zoom / in-person training / meeting to educate
- Make a Complaint, Request Change, and Follow-Through
  - With the information, you can complain to:
    - The school / district / park and rec.
    - Office for Civil Rights
    - CA Dept. of Ed. (or similar dept. of education)





## Fair Play Impact

"My school had been lacking resources for girls, while putting boys on a pedestal and giving them the best resources. The Fair Play team wrote a letter to the school, asking for change. Soon my school got new locker rooms for girls, team rooms, renovations for the girls' gym, and new sports teams—this allowed girls to feel motivated to join more



teams. Our newly-added girls' water polo team ended up setting records in our county. <u>Title IX gave girls the opportunity to shine just as much as the boys.</u>"

- Fair Play Title 1 high school client; current UC student





## Thank You & Questions / Input

- **Thank you** for this time to connect!
- Questions?
- Input on Fair Play work?
- Contacts
   kturner@legalaidatwork.org
   fairplayforgirlsinsports.org
   fairplay4girlsinsports
   (FB, IG, Twitter)

HS softball before | HS softball after









## Linda Slater

President, AAUW Hayward-Castro Valley Branch



Board Member, AAUW California Special Projects Fund (SPF)

Member, AAUW California Communications Committee





## Changes to Title IX Sexual Assault Policies

In 2020, the Department of Education implemented new rules that weaken protections against sexual assault in schools by rescinding previous guidance on Title IX sexual assault policies.





## Harassed in the Wrong Place

Schools must dismiss any complaints about sexual misconduct that occurred outside of campus-controlled buildings or educational

activities.





## Hasn't Suffered Enough

Narrows the definition of sexual harassment to include only instances that are severe, pervasive, and objectively offensive.





## Asked the Wrong Person for Help

Schools can dismiss cases of sexual violence if not reported to the school's designated authority.





## Unnecessary Delays

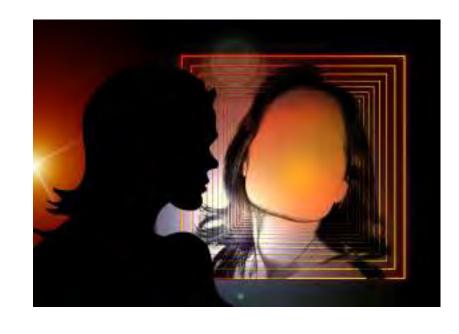
Removes the previous 60-day timeline for school investigations without providing an alternative timeline.





## Retraumatizing Live Cross-Examination

Colleges must allow live cross-examination by a representative of choice.





## Presumption of No Sexual Harassment

Schools must start all sexual harassment investigations with the presumption that no sexual harassment occurred.





## No Notice of Religious Exemption

Religiously affiliated institutions can claim a Title IX exemption even after they are charged with discrimination.





## Mistreating Victims

A school's obligation to act against sexual harassment is greatly

reduced.





Know Your IX -Empowering Students to Stop Sexual Violence

Know Your IX | Empowering Students to Stop Sexual Violence

Women's National Law Center - Fact Sheet, May 2020 DeVos's New Title IX Sexual Harassment Rule, Explained NWLC

AAUW - Where We Stand Title IX

Where We Stand: Title IX - AAUW: Empowering Women Since
1881



## Keasara (Kiki) Williams



Executive Director
Student Experience & Equity
Compliance,
San Francisco Unified School
District

# Title IX & Sexual Harassment Compliance at the K-12 Schools

January 11, 2021

## **Today's Discussion**

- About me
- Joining SFUSD
- 5 Years of Creating and Updating Systems
   & Biggest Challenges
- New Title IX Regulations
- Title IX v. Education Code

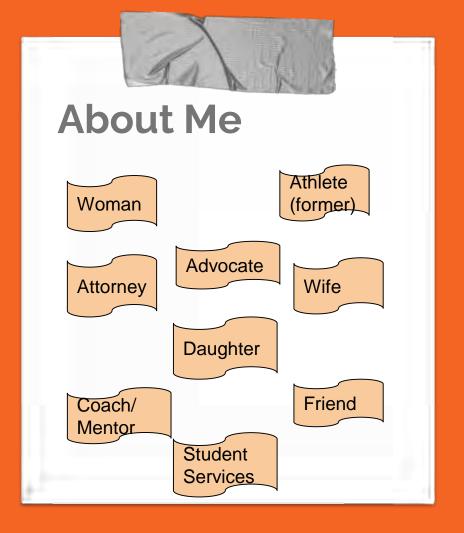


#### **About Me**

#### Kiki Williams

Executive Director, Student Experience and Equity Compliance

Williamsk3@sfusd.edu





- Equal Rights Advocates (<u>www.equalrights.org</u>)
- Power of IX Checklist
- Ending Harassment Now: Keeping our Kids Safe At School
- Title IX Athletics Checklist



# Role of Title IX Coordinator

- Updating Policies & Notices
- Providing Resources& Advice
- Training
- Assisting with Investigations
- Documentation & Data



How to bring about change to your K-12 district?



# The Importance of Training

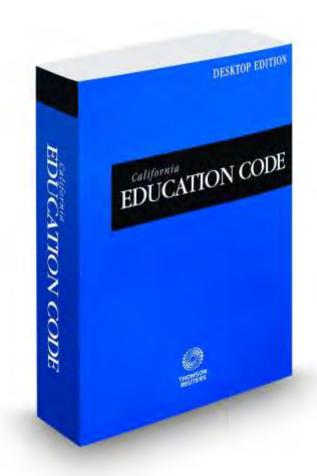
(and more training!)



Biggest
Challenges of
Managing Title IX
Compliance at a
K-12 District

# New Title IX Regulations





# Title IX (Federal) v. California Education Code (State)



#### Thank you!!

am happy to talk through any questions you may have. Feel free to contact me at my work email address or my personal

williamsk3@sfusd.edu

keasara.williams@gmail.com





Co-President Petaluma Branch
AAUW San Jose Branch Title IX
Focus Group Contributor, Sports
Equity Community Project



# Title IX Actions AAUW San Jose



#### Sports Equity Community Action Project

- Support programs and events that promote gender equity
- Advocate for legislation to protect Title IX
- Encourage participation in physical activity
- Provide communication and education
- Raise awareness that equity in sports is still an issue

San Jose Branch

Community Action Project

Why does Title IX matter?

many and the second section (1872)

but inquity is said an issue

a Ferryth shape of attended in term from A the partially at

Phillips without printing a process only in 1872.

What can I do?

· female spinish in was made into the party a service measurement and only the printing

CLOSED WINDOWS A TRANSPORT OF PERSONS ASSESSED TO SECURITY.

AN ACCUPANCE

NAME AND DESCRIPTION OF THE PARTY OF THE PAR

Control or other party or other

Come to the Third Wed

Program on September 16

Amen lever Various Williams changes from Cambridge by high school of separate of the train

Nine for IX "Venus VS

# Make a Difference

What can I do?

#### Make a few prione calls.

- Early year the Tory and Toronto Later Inc.
- The own has not read the rese measures. THE IS COLUMN TO WHAT I ARE THE THE

What can I do?

#### Come watch a BAWSI after-school session.

The same the direction of the state and state and or and Belleville of the subject activity program. down the bit follow your multiplier when we go named the pile and they believe the

#### Make a Difference

Volunteer





Work with BAWSI or with a neighborhood club



# **Sports** Equity

Title IX

What can I do?

#### BU ACTIVE PLAY SDUMS

and Billion to plan Freehald.



#### Title IX (1972)

Was precised in the document popular wheely one the marris of sent. he epolated from permission to be drested the bringing all or he subjected to assist investigat under the execution program in activity receiving festern framerical acclusioner



#### Make a Difference

#### Why should girls play sports?

Cole and propagation at the second of the

- The light the quity has of her reserve And appoint its married and an interpolation smaller attractive towns
- published the and the state of date
- of their latter or own Ware has a window
- NAME AND POST OFFICE ADDRESS OF TAXABLE PARTY.
- t have reduced the of facestaging coverage and circles determine
- the resident to the street of the second

What can I do?

#### Be in The Seals at a women's game.

FOR PARTIES, REPORTED IN THE WAR Buy a toket and once that demand exploand appoint sports.

## Make a Difference

#### Title IX means Sexual Harassement at school is lilegal

BASACION & INDOPENY PROPERTY. server Green walls owner supplier of street property and the problems of Manual Security Property in Communications and



#### What can I do?

Be sure that the students in your life know their rights.

In the Know Your IR Invited

Know Your D. to a nintered agreement of ASSESSMENT AND PERSONS OF REAL PROPERTY. maked without by others before appoints about they make and employments. transitional action for autory and are only





Page 46



## **Sports Equity Actions**

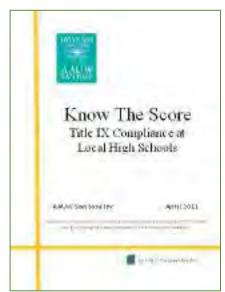
- Featured speakers and newsletter articles
- **BITS** = **Be** In **The Seats** *aka* **Butts** In **The Seats**

 Supported Bay Area Women's Sports Initiative (BAWSI) activities



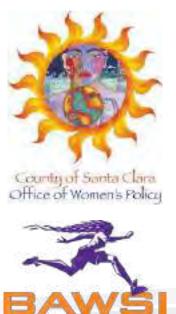
#### AAUW Toolkit: Know The Score

- Title IX compliance indicators
- Identifying high school Title IX Coordinator is not easy





Know The Score Forum co-hosted by BAWSI and Office of Women's Policy





AAUW members use the toolkit at a local sports event.





#### Directory of Title IX Coordinators

- 32 school districts in Santa Clara County
- Updated and distributed annually and posted on branch website
- Included additional Title IX resources
  - School website requirements
  - Posters/flyers
  - 2015 guidelines



Four high school basketball players who love their sport and learn about college scholarships. WHY SHOULD GIRLS PLAY SPORTS?

Versity Cert Time is a speci



#### Sexual Harassment

- Crossing The Line: Sexual Harassment at School
  - Presented to administrators and PTA
  - Branch was approached by school administrators and parents for Title IX issues
  - Served as liaison to experts for follow-up





### Community Forums

- Expert speakers from Legal Aid at Work, Equal Rights Advocates, California Women's Law Center
- Title IX Coordinator and student activist
- Audience: AAUW, community, Title IX Coordinators, students & parents



Publicized in community newspapers, flyers and on campus





#### Roundtable Calls for Title IX Coordinators

#### Series of four calls during school year

- Video conference with Q&A
- Recordings & slides posted
- Utilized directory and connections

#### Topics covered

- 1. Title IX Strategic Plan (SF Unified School District)
- 2. Title IX Case Study (Palo Alto Unified School District)
- 3. Use of Federal Title IX Guidelines (Equal Rights Advocates)
- 4. Model Title IX Policy (Alliance For Girls)



### Contacting Legislators

Public Policy Committee postcard writing campaigns

- Oppose DeVos revisions
  - Scripts provided by California Women's Law Center
- Strengthen and support Title IX
  - Postcard-of-the-Month
  - Script provided by Public Policy Committee







# Q&A



### Donna Lilly



AAUW California College & University Member Contact (2010 - Present)

San Diego Branch AAUW Fund Chair



# What Can You Do to Support Gender Equity in the schools?

- 1. Educate yourself about Title IX
- 2. Do your research
- 3. Use AAUW and other resources
- 4. Keep your eyes focused on equity
- 5. If you See Something, Say Something
- 6. Educate people in your community
- 7. Be prepared to help AAUW take action to rescind the 2020 Sexual Assault Policy
- 8. Become the best gender equity advocate you can be!

## **Justice** is the Goal

#### Equality



The assumption is that everyone benefits from the same supports. This is equal treatment.

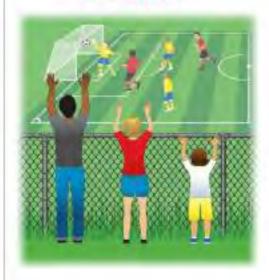
#### Equity



Everyone gets the supports they need (this is the concept of "affirmative action"), thus

producing equity.

#### **Justice**



All 3 can see the game without supports or accommodations because the cause(s) of the inequity was addressed. The systemic barrier has been removed.

