



## Title IX Timeline

**Title IX states that: “[n]o 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.”<sup>1</sup>**

**Below is a list of some of the most influential events in the History of Title IX.<sup>2</sup>**

1972

- Title IX becomes law and is enacted on June 23, 1972 ( 20 U.S.C. S 1681). The author of Title IX, Congresswoman Patsy Mink (HI) wrote the proposal because she was denied admission to medical school based on her gender.

1975

- Regulation implementing the Title IX law goes into effect July 21, 1975 (34 C.F.R. Part 106).

1979

- Intercollegiate Athletics Policy Interpretation providing a framework for athletics investigations and creating the Three-Part Test becomes national policy.

1984

- *Grove City College v. Bell*: U.S. Supreme Court ruled that Title IX applied only to programs that directly benefit from federal funds. This ruling severely cut Title IX's application to nearly all aspects of athletics programs across the country. 465 U.S. 555 (1984).

1987

- Civil Rights Restoration Act of 1987 passed, effectively overturning the *Grove City* ruling. Title IX applies to all operations of an institution receiving federal funds when any one program receives federal funds, thereby restoring Title IX's application to all aspects of athletics programs.

1990

- Office for Civil Rights (OCR) issues its “Title IX Athletics Investigator’s Manual.” The Manual outlines policies and procedures by which OCR staff are to conduct investigations.

1993

- *Roberts v. Colorado State Board of Agriculture*: 10th Circuit concurs that CSU violated Title IX when it discontinued its baseball and softball teams. “The underlying mandate of this opinion is that CSU may not continue to operate an intercollegiate athletic program that provides a disproportionate amount of participation opportunities to male athletes [test one] where there is no evidence of continuing program expansion [test two] or effective accommodation of the interest and abilities of its female students [test three].” , 998 F.2d 824 (10th Cir. 1993); cert. denied 510 U.S. 1004.

1993

- *Favia v. Indiana University of Pennsylvania (IUP)*: IUP announces plans to discontinue two men’s teams (tennis and soccer) and two women’s teams (gymnastics and field hockey), which increases the imbalance between men’s and women’s rates of participation and rates of enrollment. The 3rd Circuit states that substituting soccer for gymnastics does not place IUP in compliance with any of the three tests. 7 F.3d 332 (3d Cir. 1993).

1994

- *Horner v. Kentucky High School Athletic Association (KHSAA)*: 12 female slow-pitch softball participants sue KHSAA alleging that failure to offer fastpitch softball and sponsoring fewer state tournaments for girls violates Title IX. The KHSAA begins offering fast-pitch softball. The 6th Circuit stated that plaintiffs had a Title IX claim and ordered the trial court hear the claim. 43 F.3d 265 (6th Cir. 1994).

1995

- *Kelley v. Board of Trustees, University of Illinois*: Women are 44% of the enrolled students and 23% of the intercollegiate athletics participants. The University announced its intention to eliminate men’s swimming and fencing and men’s and women’s diving. Members of the men’s swim team sue the University because men’s but not women’s swimming is terminated. The 7th Circuit determined that the university’s decision to terminate the men’s swimming program in which appellant athletes participated did not violate Title IX or the equal protection clause. 35 F.3d 265 (7th Cir. 1994), cert. denied 513 U.S. 1128 (1995).

1996

- OCR issues a “Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test,” as a result of the hearing called by Congressman Dennis Hastert. The policy confirms that there are three different methods of compliance for participation opportunities.

2011

- In a document entitled “Dear Colleague Letter: Sexual Violence,” OCR issues policy, which supplements OCR’s 2001 revised guidance regarding sexual harassment. Enforcement of sexual harassment and violence policies becomes OCR’s emphasis under Title IX.

2017

- The Department of Education withdraws the 2011 and 2014 policies for sexual harassment issued by the OCR.

2020

- U.S. Department of Education published its long-awaited final regulations regarding sexual harassment under Title IX of the Education Amendments of 1972. Changes include: narrowing the definition of sexual assault under Title IX, limiting the obligation to investigate complaints only to conduct that occurred in the school’s program or activity (and not to unrelated off-campus conduct), mandatory response obligations of schools (i.e., providing supportive measures), a change to the standard for school liability, more detailed grievance procedures that will alter the way schools process and respond to complaints, hearings are optional, written questions required (for K-12 Schools), schools may choose what standard of evidence to use (e.g., preponderance of evidence v. clear and convincing), and schools must offer both parties an appeal from a determination regarding responsibility.

1. Title IX and Sex Discrimination. U.S. Department of Education. Available at: [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)

2. Title IX Athletics, Title IX Specialists. Available at: <http://titleixspecialists.com/wp-content/uploads/2013/09/Title-IX-Chronology.pdf>