

CALIFORNIA STATE UNIVERSITY, NORTHRIDGE

Evolution of Title IX in the Media

A graduate project submitted in partial fulfillment of the requirements

For the degree of Master of Social Work

By

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in collaboration with Estefania Elizalde

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## Dedication

I dedicate my Capstone project to my father Adan, whose soul may rest in the heavens above. Thank you for being my guardian angel. I love you and I miss you. To my mother Guadalupe, whose support, encouragement, and constant love have sustained me throughout my life. Thank you for your unconditional love and guidance. I love you and you are my rock. To my beautiful sister Guadalupe, brother Adan, niece Yaretzi (Monkey), and nephew Adan (Bebe) for cheering me up when I felt tired and ready to give up. I love you all.

To my partner Juan, who has been my constant source of support and encouragement during the challenges of graduate school and life. I love you and I am truly thankful for having you in my life. This work is also dedicated to my grandmother, aunts, uncles, cousins, sister-in-law, Jeanine, and friends that did not allow me to quit. Thank you all! Finally, I would like to thank my research partner, Estefania Elizalde. You have been a role model, inspiration, and a great friend. It was a pleasure working with you. Thank you for your unconditional support. You go girl!

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## Abstract

### Evolution of Title IX in the Media

By

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Master of Social Work

Since the beginning of Title IX in 1972, when it brought about equality for females in sports in higher education to now where Title IX promotes safety on campus by advocating for awareness of sexual violence and sexual assault in higher education. Therefore, demonstrating the evolution of Title IX as a powerful law that has impacted the college and university communities as a whole. The purpose of this study is to analyze the portrayal, evolution and intentions of Title IX since it was originally enacted in 1972. By utilizing purposive random sampling, five college and university campuses were selected to be analyzed using discourse analysis of the media portrayal of Title IX. Followed by a careful examination of the implementation and evolution of Title IX on these college and university campuses. Results indicated that Title IX is uniquely implemented within each college and university campuses in a way that fits the culture of their campus. However, the feasibility of obtaining Title IX information varies on each individual campus, thus limiting the accessibility of resources to students, staff, and faculty. This study could be used as a building tool for assessing the implementation and evolution of Title IX while following the OCR guidelines as well as assessing how accessible Title IX resources are to the college and university community.

*Keywords:* Title IX, Sexual Harassment, Athletics, Sexual Violence, Discrimination, Office of Civil Right (OCR)

## **Introduction**

Title IX of the Education Act of 1972 also known as “The Act”, was signed by President Nixon in 1972 to address the issue of gender equality on federally funded college and university campuses. This law states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance” (Juliano, 2013). According to Juliano (2013), Title IX had two objectives---“to avoid the use of federal resources to support discriminatory practices and to provide individual citizens effective protection against those practices” (Juliano, 2013). The overall intentions of Title IX as stated above is to provide equal opportunity to all students regardless of their gender, yet since the initial implementation and introduction of Title IX, this law has been amended to and grown to include protections against any type of discrimination to any student, staff, faculty regardless of their gender, race, ethnicity, socioeconomic status and any other demographic identity. The purpose of this study is to take a closer look at how different colleges and universities have implemented Title IX and how it has been adopted into these campuses.

Even through the backlash of and controversy with Title IX which included, but not limited to the resistance in integration of female students in the many areas of education, Title IX has achieved its initial goal of creating gender equality in education (Juliano, 2013). This has been shown in the portrayal of Title IX in the media and the implementation of the law on college and university campuses (Juliano, 2013). According to Juliano, college campuses are not mandated to “preferential or disparate treatment,” meaning they must allow equal access to education and sports for men and women (2013). For instance, “the proportion of high school girls in sports went from 1 in

27 in 1972 to 1 in 4 in 1978, while the proportion of boys in sports held steady at 1 in 2 “ (Juliano, 2013). In 2010 to 2011, 3,173,549 high school girls participated in varsity sports and in 2008 to 2009, 915,986 women were awarded bachelor degrees (Juliano, 2013). These numbers show an increase of women participation when looking at the numbers from 1971 to 1972. From 1971 to 1972, 386,683 women were awarded bachelor degrees (Juliano, 2013). Even though its initial intention has been addressed, other gaps of gender inequality have arisen and have since been included into Title IX regulations. Such gaps and regulations include sexual assault/sexual harassment. Juliano (2013) explains, “that in essence, Title IX is an anti-discrimination law, with provisions to address sexual harassment and sexual assault on school campuses. Title IX is not an affirmative action statute; it is an anti-discrimination statute” (Juliano, 2013). Furthermore, this study hopes to evaluate Title IX initial intention, how has it evolved with time, the media’s current portrayal of Title IX on college campuses, how college campuses have implemented this law and identify other gaps that have arose with Title IX.

### **Literature review**

Title IX of the Education Act of 1972 opens the doors to the discussion of discrimination and gender equality when focusing the attention to women and their accessibility and role in educational employment and academics.

Educational employment refers to the limited accessibility of women to acquire employment in institutions of higher education such as universities due to sex discrimination (Libertwitz et al., 2016). The limited accessibility of women to acquire employment in institutions of higher education due to sex discrimination in the 1960s resulted in the intense involvement of feminists like Bernice Sandler, a lecturer at the University of Maryland College Park and

later the executive director of the Project on the Status and Education of Women for the Association of American Colleges. Sandlers addressed the issue of educational employment due to its initial exclusion as an anti-discrimination legislation “on the grounds that educational institutions were autonomous entities that ought not to be subjected to government interference” (Libertwitz et al., 2016, p. 70). The limited ability of the government to address issues of sex discrimination in higher education employment hindered the ability of women to hold a faculty rank. Moreover, Sandlers argued that sex discrimination needed the immediate attention of congress to further address the issue of sex discrimination in the educational employment sector to further document the extent of this problem and provide solutions.

Representatives Martha Griffiths (D-MI) and Edith Green (D-OR) requested for legislation that would revise Title VII of the Civil Rights Act of 1964 which would ensure employees who worked for educational institutions and to revise Title VI to include the Equal Pay Act which forbids discrimination based on gender and applies to college and university administrators, professionals, and executives (Libertwitz et.al., 2016). The request for legislation of both Representatives Martha Griffiths and Edith Green was taken by Senator Birch Bayh (D-IN) whom understood that there was a need in addressing the issues pertaining to women and sex discrimination in academics. Senator Bayh’s argues that “discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community” (Libertwitz et al., 2016, p. 71). As a result, Senator Bayh introduced to the House and the Senate the new and revised version of both Title VII and Title VI as Title IX of the Education Acts. The new version of Title IX addressed “sex discrimination not only in

faculty employment but also in student admissions, scholarships, and the like” (Libertwitz et.al., 2016, p. 71) as he understood and connected the importance of education and the possible effects it would have in the lives of the women who were seeking a higher education. Moreover, in addressing this issue, Senator Bayh was able to make the connection between education and women by noticing that education is one of the many fields that experiences differential treatment, but because it provided access to employment and financial security, discrimination becomes a barrier for women and their success (Libertwitz et al., 2016, p. 71).

After several congressional debates, on whether or not to pass Title IX, Title IX was signed into law in 1972 by President Richard Nixon. This new law stated that “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 educational program or activity receiving Federal financial assistance” (Libertwitz et.al., 2016, p. 71). To understand how Title IX is implemented and executed, it is important to mention how Title VI and Title VII serve as the foundation of Title IX. According to Libertwitz et.al., (2016) Title IX and Title VI target federal funding on the agreement that any recipient of federal funding shall not discriminate against any person based on their demographics such as race, gender, ethnicity, nationality, etcetera (Libertwitz et.al., 2016); therefore creating a union between the federal government and those receiving the funding. Moreover, Title VII has its own scope and meaning, but Title IX uses this model to address sex-based discrimination in employment. Title VII prohibits employment discrimination in both the public

and private workforce based on employees' ethnicity, racial background, gender, and nationality (Libertwitz et.al., 2016).

The historical outline of Title IX also includes the judicial interpretation and implementation of the law. Title IX has changed over the course of the years, from its early enactment in 1972 to today's application of the law. According to Libertwitz et.al., (2016) the early interpretation of Title IX did not address sexual harassment directly, but it had a narrowed view of sex discrimination (Libertwitz et.al., 2016). Within the early implementation of Title IX several questions were raised in regards to how certain aspects of the law were going to be addressed and implemented. For instance, Libertwitz et.al., (2016) explains that in the late 1970s "administrative remedies (such as the termination of federal funding) or other remedies (such as reinstatement or individual monetary awards for damages suffered) could be awarded following the determination of an intentional violation of Title IX" (The History, Uses, and Abuses of Title IX, 2016, p. 72). Such administrative remedies were not clear to those who needed to enforce the law. Following those specific questions, the "applicable scope" (Libertwitz et.al., 2016, p. 72) of Title IX was also questioned: "was its enforcement limited to the programs and offices that received federal financial assistance, or did Title IX apply to all programs throughout the entire institution?" (Libertwitz et.al., 2016, p. 72). To further extend, in 1979 the Supreme Court accepted the "implied private right of action-a judicially inferred right to relief from inquiries caused by another's violation of a federal statute-under Title IX, thereby paving the way for students to sue in a wide array of cases involving gender equity" (Libertwitz et.al., 2016, p. 72). This, however, did not include the allegations of victims for sex discrimination, but the court ruled in the case of *Cannon v. University of Chicago* that a woman was deemed the right to sue an institution that negated her

admission to medical school (Libertwitz et al., 2016). This case was the first to acknowledge that under Title IX a private remedy was available to penalize those who intentionally violated Title IX and that administrative remedies were insufficient to address discrimination (Libertwitz et al., 2016). In addressing all of the questions that were raised during the early implementation of the law, it became evident that the narrowing down of Title IX and its targeted issues became entrapped in an array of administrative remedies, federally assisted programs, and court cases that attempted to address discrimination.

The *Grove City v. Bell* court case was also an important case due to the changes that were applied to those institutions that were conflicted in terms of Title IX and their federally assisted programs. According to Taylor (1983) the Supreme Court's decision narrowed Title IX's authority and application to only target programs and departments that were receiving federal funds (Libertwitz et al., 2016). Consequently, this case affected women's sports as it left them with minimal protections under Title IX and monetary cuts as they were no longer accepting federal funds (Libertwitz et.al., 2016). The *Grove City v. Bell* case had its positive outcomes as well. This case allowed Congress to ratify the Civil Rights Acts of 1988 as it stated that "discrimination is prohibited throughout entire agencies or institutions if any part receives federal financial assistance" (Libertwitz et.al., 2016, p. 73). This case also opened the doors to the conversation of sexual harassment, not only in the employment and educational sectors, but in other areas that include "unacceptable forms of sexual conduct" (Libertwitz et.al.,2016, p. 73).

In the early enactment of Title IX, the term sexual harassment was not mentioned. This change in 1977 when *Alexander v. Yale University* court case

established that sexual harassment was a form of sex-discrimination (Libertwitz et.al., 2016). However, this created a further problem due to the minimal understanding of the term sexual harassment and the various definitions that were given by various entities. For instance, in 1980 the Equal Employment Opportunity Commission that is in charge of implementing Title VII provided the first ordinary definition of sexual harassment. They defined sexual harassment as “the demand for favorable treatment (the quid pro quo demand), [u]nwelcomed sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature” (Libertwitz et al., 2016, p. 74). In 1980 The National Advisory Council on Women’s Educational Programs reviewed Title IX to ensure that students were protected under the law when academic sexual harassment allegations were made in colleges and universities (Libertwitz et al., 2016). Through the review of Title IX, the Council decided to include and implement the term academic sexual harassment which is defined as “the use of authority to emphasize the sexuality or sexual identity of a student in a manner which prevents or impairs that student’s full enjoyment of educational benefits” (Libertwitz et al., 2016, p. 74). The argument here is that Title VII protects academic employees and does not protect students; therefore creating an imbalance of power between the students, faculty, and staff (Libertwitz et al., 2016). A year later in 1981, the U.S. Department of Education’s Office for Civil Rights (OCR) which works to eliminate discrimination and is in charge of monitoring the adequate implementation of Title IX in educational institutions, followed the approach of the National Advisory Council on Women’s

Educational Programs and released a policy memorandum that provided a new definition of sexual harassment.

The Office for Civil Rights (OCR) defined sexual harassment as “verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provision of aid, benefits, services or treatment protected under Title IX” (Libertwitz et al., 2016, p. 74). This definition; however does have its flaws as it does not take into consideration the presence of a hostile environment in educational programs as this new definition focuses on allegations made at the individual level (Libertwitz et al., 2016). To further elaborate, cases like *the Lipsett v. Rive-Mora* (1987), *Bougher v. University of Pittsburgh* (1989), *Franklin v. Gwinnett County Public Schools* (1992), *Doe v. Petaluma City School Districts* (1996), and *Davis v. Monroe County Board of Education* (1999) have all helped ensure the inclusion and narrowing down of what constitutes a hostile environment to allow the OCR to utilize its power to protect student rights under Title IX (Libertwitz et al., 2016).

Today, Title IX applies to colleges, universities, primary and secondary schools or any other entities that receive federal funding (Libertwitz et al., 2016). These educational programs and other entities include Pre-K to adult education programs, coeducational programs, single sex programs, public and private institutions, and protects students, parents, and institutions staff and faculty (Libertwitz et al., 2016). Nonetheless, Title IX currently serves as an anti-discrimination law that includes ten key components that pertain to women and their education (Libertwitz et al., 2016). The ten key components

pertain to “access to higher education, athletics, career training and education, education for pregnant and parenting students, employment, the learning environment, math and science education, sexual harassment, standardized testing, and technology (Libertwitz et al., 2016, p.71). Moreover, there is a lot of history that pertains to Title IX and its early interpretation and implementation; however the examination of the law continues through media and its interpretation and evolution of the law.

Kaiser (2009) argues that it is important to examine how to identify and organize the opposition and advocacy frames when examining the implementation of anti-discriminatory policies and potential conflicts and backlash that could occur with their implementation. Using a public policy case study of the implementation of Title IX of 1972 and analysis of major newspapers, legal, and legislative sources Kaiser argues that the backlash is part of the responsive process of implementing anti-discriminatory policies such as Title IX (2009). The framing of such policies also play an effect into the implementation, such as in the case for Title IX, Kaiser explains that there were two sides to the implementation which included those institutes that swiftly implemented the policy and funding accordingly and the other side of the implementation included those institutes that argued that funding and power would need to be reallocated, all within the context of athletics. The interpretation of the law by some institutions revealed the concern that funding for athletic programs would need to be reallocated to allow for equal opportunity for all students (Kaiser, 2009). Using advocacy framing and close media

analysis Kaiser demonstrates how backlash of anti-discriminatory policies, such as Title IX, create a backlash and controversial media portrayal as part of the dynamic process of implementing anti-discriminatory policies. This also demonstrated the struggles faced by having open implementation of the law, which plays a role in implementing all aspects of the law.

Now, with the liberty that institutions have for implementation of Title IX, as addressed earlier, also comes backlash and resistance, yet there is also accountability. Gertner (2015) emphasizes the lack of accountability that colleges and universities had prior to 2014, until Catherine Lhamon and President Barack Obama called to action these institutions to uphold Title IX regulations (2015). This occurred after gaps and struggles in implementation of the law were found among college and university campuses. Title IX had been signed into law in 1972, yet colleges and universities are still adapting and attempting to implement in 2014, that is a forty-two year old gap that these institutions have had to follow the law that is Title IX. Gertner argues that Title IX up until that point had remained dormant for the most part, as there were no real consequences for the institutions whom were not abiding by Title IX regulation (2015). There needed to be a change, real consequences for these institutions. With the new call to action by President Barack Obama, colleges and universities are now more closely monitored by the Office of Civil Rights, yet still have the liberty to implement Title IX as the institutions as they see fit so long as they follow the basic guidelines (Gertner, 2015). This leaves the interpretation of Title IX open to fit any college and university colleges receiving federal funds which also includes the way that college and university media portrays Title IX as well as the professional media.

Huffman, Tuggle and Rosengard (2004) argue that although university and college campus administrators have been urged to provide equal opportunity between male and female athletes, there is still a huge discrepancy in the coverage of female athletes in the professional media (2004). There were many elements that were used to analyze media coverage such as the framing of the media portrayal, the amount or scope of coverage of female athletics in the media, and the trends of the media (Huffman et al., 2004). When looking into all these variables allows paints a clear picture of possible discrepancies there may be between female and male athletics and other educational opportunities.

### **The Gold Standard Instrument and the OCR**

After careful examination and understanding of the law, the researchers will shift their focus on the implementation and evaluation of Title IX by using the Title IX Gold Standard Instrument that is used by the U.S. Department of Education's Office for Civil Rights (OCR) to address and enforce issues pertaining to Title IX. (U.S. Department of Education, Office for Civil Rights, 2012). The U.S. Department of Education, Office for Civil Rights (OCR) is in charge of enforcing Title IX in educational settings like K-12 school districts, colleges, and universities. To support schools, colleges, and universities the OCR provides detailed documentation with policy guidelines that address legal requirements, frequently asked questions that institutions encounter, and recommendations on how to meet legal requirements (U.S. Department of Education, Office for Civil Rights, 2012, p. 2). The OCR enforces Title IX by investigating the "allegations of discrimination and obtains robust remedies that address the root causes of discrimination" (U.S. Department of Education, Office for Civil Rights, 2012, p. 2).

Furthermore, a copy of the Title IX Gold Standard Instrument is attached in Appendix A where all eight issues are exposed. The following three issues are discussed in depth as the literature demonstrates that these are the three most prevalent issues that pertain to Title IX: equity in athletics, sexual violence, and sexual harassment. Moreover, the following issues are also a part of this study and are addressed by the OCR and the researchers: comparable-educational opportunities, the right to equal treatment, additional areas of focus (e.g., admissions, financial aid, academic programs, etcetera), transformed civil rights data collection, and accessibility of Title IX resources and service in college/university campuses.

### **Athletic Programs**

In regards to athletic programs that are supposed to be available to both boys/men and girls/women in schools, colleges, and universities; the continuous disproportion of girls/women in athletic programs continues regardless of the OCR's responsibility to prevent Title IX violations. The U.S. Department of Education, Office for Civil Rights (2012) states that "from scholarships to placement on teams to other athletic program resources such as facilities, coaching, and equipment, women and girls continue to represent [a] low percentage of college and high school athletes when compared to their enrollment rates" (U.S. Department of Education, Office for Civil Rights, 2012, p. 6). To further extend, the National Collegiate Athletic Association (NCAA) (2010-2011) reports that "women make up 57 percent of college students but receive only 43 percent of positions on varsity sports teams" (as cited in U.S. Department of Education, Office for Civil Rights, 2012, p. 6).

To guarantee equal opportunity the OCR created policy guidance in April of 2010 that allowed them to evaluate how the institutions provide “nondiscriminatory athletic participation opportunities based on its students’ interests and abilities” (U.S. Department of Education, Office for Civil Rights, 2012, p. 6). The OCR enforces this policy guidance through investigations that “ensure that thousands of female students at an array of schools, including some known for athletic prowess, have an equal opportunity to participate in varsity sports (U.S. Department of Education, Office for Civil Rights, 2012, p. 6). Moreover, such investigations include the fundraising of athletic booster clubs that consist mostly of male teams, sports leagues for secondary school athletes, and redress for women athletes attending a university (U.S. Department of Education, Office for Civil Rights, 2012, p. 6).

### **Sexual Assault and Violence in Schools, Colleges, and Universities**

The prohibition of sexual assault and violence in schools, college, and university campuses is the number one priority of the Office for Civil Rights (OCR) as it relates to Title IX. According to Krebs et al., (2007) “about one in five women will be a victim of an actual or attempted sexual assault while in college, as will about 6 percent of undergraduate men” (as cited in U.S. Department of Education, Office for Civil Rights, 2012, p. 8). As of April of 2011, the OCR created a policy guidance that guarantees that schools, colleges, and universities understand what their responsibilities entail when implementing Title IX. The policy guidance “advises institutions on how they can prevent assault and sexual violence from occurring and ensure it gets identified and reported when it does occur, and explains their responsibility to

respond to any incident of sexual violence swiftly and effectively” (U.S. Department of Education, Office for Civil Rights, 2012, p. 8). The policy guidance includes preemptive measures that schools, colleges, and universities should consider in the prevention of sexual violence, options of remedies that can support the school community and the victims, the importance of communicating with law enforcement, and keeping the students informed about non-discrimination and anti-harassment policies (U.S. Department of Education, Office for Civil Rights, 2012, p. 8).

Furthermore, the OCR’s enforcement of Title IX’s policy guidance entails the detailed investigation of about 100 different cases pertaining to sexual violence that have opened the doors to different ideas, options and solutions in the last three years. For instance, these cases have allowed the OCR to implement various measures that schools, colleges, and universities should follow after a sexual violence accusation has been made under Title IX’s civil rights rather than allowing the criminal justice system to solely handle the case (U.S. Department of Education, Office for Civil Rights, 2012, p. 9). Other examples include, but are not limited to “interim protection and services for victims of sexual violence; systemizing cooperation between school officials and local law enforcement authorities to ensure Title IX investigations are completed promptly; conducting climate surveys; and publicizing school policies so that students know where and with whom to file reports and what to expect from the process” (U.S. Department of Education, Office for Civil Rights, 2012, p. 9).

## **Prohibition of Sexual and Gender-Based Harassment in Schools, Colleges, and Universities**

The prohibition of sexual and gender-based harassment in schools, colleges, and universities is as significant as the prohibition of sexual assault and violence. It is significant because it protects the rights of the LGBT students and addresses harassment based on race, disability, national origin, and color. Some may ask “What is harassment?” According to the U.S. Department of Education, Office of Civil Rights (2012) “harassing conduct may take many forms, including bullying and name-calling, graphic and written statements, or other conduct that may be physically threatening, harmful, or humiliating” (U.S. Department of Education, Office for Civil Rights, 2012, p. 10). Nonetheless, the OCR attempts to eliminate discriminatory harassment to create a safe environment for all students. The OCR’s description of their policy guidance indicates that under Title IX if an institution becomes aware of student-on-student harassment the school should take immediate action to address the issue (U.S. Department of Education, Office for Civil Rights, 2012).

In regards to the LGBT community/students, the OCR has notified the institutions that although Title IX “does not cover discrimination based solely on sexual orientation, harassment of LGBT students constitutes sex-based discrimination if it is based on the student’s failure to conform to sex stereotypes” (U.S. Department of Education, Office for Civil Rights, 2012, p. 11). It is then that the Office for Civil Rights

(OCR) enforces the harassment policy guidance through the investigation of the various types of sexual harassment under Title IX (e.g., student-on-student and teacher-student-harassment) ” (U.S. Department of Education, Office for Civil Rights, 2012). Moreover, this information and background led to the following purpose and question to be addressed in this current study. The purpose of this study is to analyze the portrayal and intentions of Title IX and how it has evolved since 1972. Researchers examined the implementation of Title IX on five selected college and university campuses and how the media portrayal of Title IX has evolved since “the Act” was originally implemented.

## Method

### Participants

Researchers focused on 5 college campuses in California as the study population (i.e. One school from each category include community colleges, private college/universities, California State University campuses, University of California, and Religiously Affiliated University campuses). This is the study population which includes all five categories, total number of students, and the number of schools.

Table 1:

#### *Demographics of Campuses*

Types of Schools	Total Number of Schools	Total Number of Students
California State University Campuses	23	459,398
University of California Campuses	10	238,700
California Community Colleges	113	2,400,000
Private Colleges/Universities	128	202,473
Religiously Affiliated Universities	42	99,409

### Sampling Procedure

The researchers utilized an online random numbers generator to randomly select one school from each catalog. Refer to Types of Schools on Table 1.

### Data Analysis:

Research on the history, intention and evolution of Title IX, dated from 1972 to 2016 was compiled. After careful examination and understanding of the law, researchers shifted their focus on the implementation and evolution of Title IX by using the Title IX Gold Standard Instrument; a copy of this instrument is attached. The OCR's Title IX Gold Standard instrument was used in this study to measure a small portion of the various components that the OCR oversees to ensure the enforcement of Title IX on all of the institutions that receive federal funding. There would also be a careful examination of

newspaper articles, journals, media, and government records to analyze the evolution of Title IX on the selected college campuses. Researchers focused on Title IX portrayal and the potential gaps of Title IX in the media in recent years. Media such as campus websites, articles, reports, and student manuals were utilized to examine each of the five schools by using the Title IX Gold Standard measure.

Researchers identified gaps in the implementation of Title IX, provide recommendations for future policies, and promote awareness. By researching the evolution of Title IX implementation and portrayal in the media, researchers can find information and resources for best practice patterns and possibly a best practice model on the accessibility of Title IX on the University campus.

The significance of this project is that it provides the information and education to promote a call to action on a social justice issue of discrimination and oppression that is occurring on college campuses. Researchers hope to provide a social work lens on the gaps highlighted by Title IX. For the community this project hopes to gain a lens on the accessibility of Title IX and how media may impact the community response to Title IX.

### **Research Design**

This is a discourse analysis design study that focused on the examination of secondary data such as media, newspapers, journals, and government records. A purposive random selection of five college and university campuses was utilized to gather data on how Title IX has been implemented and evolved on their campuses (i.e. One school from each category include community colleges, private college/universities, California State University campuses, University of California campuses). All the campuses selected for this study were coded to maintain the confidentiality of the

institutions. Time for data review was allocated over the course of two weeks, as this provided researchers adequate time to review data retrieved from the campuses' media. This study was approved by the Internal Review Board (IRB) of The California State University, Northridge.

### **Measurement of the Components of Title IX:**

#### **Title IX Gold Standard**

As required by the U.S. Department of Education and the Office for Civil Rights (OCR), the following list of Title IX components or areas to be evaluated represents only a small portion of the various components that would be used by the OCR when enforcing Title IX.

#### **Comparable educational opportunities, including college and career preparatory programs:**

- Promoting girls and women's access to courses that promote college and career readiness, such as science, technology, engineering, and math (“STEM”) courses.

#### **The right to equal treatment:**

- Requiring that schools treat students equally on the basis of sex in all programmatic areas, including academic and extracurricular activities, financial aid, facilities, and housing.

#### **Athletics:**

- Requiring that schools provide equal access to athletic opportunities and benefits at all levels.

**Sexual Violence:**

- Requiring that schools protect students from and adequately respond to sexual violence.

**Sexual and Gender-Based harassment (including bullying that rises to the level of harassment):**

- Enforcing the prohibition against sexual harassment as well as bullying and harassment based on gender or sex stereotypes (including sexual harassment and gender-based harassment of lesbian, gay, bisexual and transgender (LGBT) students because of their non-conformity to sex stereotypes).

**Additional areas of focus:**

- Beyond the issues addressed in this document, OCR routinely handles an array of topics related to Title IX, including admission, financial aid, academic programs, rights of pregnant and parenting students, student treatment and services, counseling and guidance, discipline, grading, vocational education, housing, and employment.

**Transformed Civil Rights Data Collection:**

- Providing new information from schools across the country to improve compliance with Title IX. The Civil Rights Data Collection now covers issues ranging from access to college and career preparatory courses to discipline to school finances, which can be analyzed by race, gender, and disability status.

**Accessibility:**

- Students/faculty/staff's accessibility to contact Title IX coordinator, Title IX on campus website, and Title IX on student handbook.

## Results

The results will be presented under different subheadings, per the Title IX Gold Standard measure that was utilized to guide the data collection and to identified other gaps that have immersed as a way to answer the following questions of Title IX: how different colleges and universities have implemented Title IX, how it has been adopted into these campuses, the current media’s portrayal of Title IX on these campuses, and how college campuses have implemented this law and identify other gaps that have arose with Title IX. Each section will go into significant findings and identify any gaps found during the data collection.

Table 2:

*Title IX Gold Standard Checklist*

Program Components:	Unique Identifiers of School				
	6981	6982	6983	6984	6985
Equal Opportunities	X	X	X	X	X
Equal Treatment	X	X	X		X
Athletics	X	X	X		X
Sexual Violence	X	X	X	X	X
Sex/Gender Harassment	X	X	X	X	X
Additional Areas	X	X	X	X	X
Transformed CR Data Collection	X	X	X		X
Accessibility	X	X	X	X	X

The overview of the findings can be found on Table 2 above, which outlines the findings within each component of the Title IX Gold Standard measure an X represents that the school met the Title IX requirement within that component and an absence of an

X represents that it is unclear if the requirement was met due to limited information provided. Descriptions of each finding will be explained below.

**Equal Opportunities:** (Comparable educational opportunities, including college and career preparatory programs)

Based on the information that was collected on the first component of the Title IX Gold Standard measure titled equal opportunity on Table 2, it was found that college and university campuses met the first criteria of the Title IX Gold Standard list which requires college campuses to promote girls and women's access to science, technology, engineering, and math (STEM) courses (U.S. Department of Education, 2012). Although not all campuses provided statistics or raw numbers on the number of female students accessing these courses, part of the data collection included how college and university campuses advertised STEM courses or programs for the student population. Various colleges and universities that were part of this study advertised equal access to STEM courses and programs by utilizing photographs of various groups of people with different demographic background such as persons of different race, religion, ethnic background in both students and faculty.

**Equal Treatment:** (The right to equal treatment)

Findings on the second component of the Title IX Gold Standard measure titled equal treatment, demonstrated difficulty in obtaining specific information on equal treatment to all students regardless of their gender in all school supported activity or facility. Data on one institution was very limited that it was difficult to affirm that there is equal treatment to all students. Information that was obtained from this specific institution confirmed that it was male dominant. Overall, most college and university campuses in this study appeared to be within compliance of Title IX.

**Athletics:**

After careful examination of the Athletics component during data collection, data demonstrated that four out of the five schools met the criteria for athletics; however one school did not as the information was not accessible through the schools website.

**Sexual Violence:**

Data collection of the sexual violence component showed that all five of the college and university campuses that participated in the study abide by the Office of Civil Rights requirements of protecting and responding to student and faculty reports of sexual violence (U.S Department of Education, 2012). The U.S. Department of Education Office for Civil Rights (2014), found that the schools that were selected for this study adequately respond to the reports of sexual violence made by students, staff, and faculty, furthermore the selected schools had variation in terms of how they respond to the reports of sexual violence (U.S. Department of Education, 2014). For instance, selected college and university campuses provided additional resources that can be found on the schools' websites, student handbooks, etcetera; which students can access for additional support. The additional resources can be found within this Gold Standard for Title IX as additional areas of focus.

**Sex/Gender Harassment:** (Sexual and gender-based harassment including bullying that rises to the level of harassment)

The sex/gender harassment component outlines the enforcement of zero tolerance of sexual harassment including bullying against any person based on their gender or sexual preferences (U.S. Department of Education, 2012). The five college and university campuses selected for this study appeared to adhere to the zero tolerance policy that is

closely monitored by the OCR. There was careful examination of the language used in prompting and explaining this section on the college campuses.

**Additional Areas:** (Additional areas of focus)

After careful examination on the sixth component of the Title IX Gold Standard measure titled additional areas, the data portrayed that all five college and university campuses comply with this section of Title IX. Additional areas of focus within this category include housing, student discipline, academic programs, grading, employment, vocational education, student treatment and services which include the rights of pregnant and parenting students, financial aid, counseling and guidance, and admissions (U.S. Department of Education, 2012).

**Transformed CR Data Collection:** (Transformed Civil Right Data Collections)

Based on the research collected on the transformed CR data collection component, the results outline the array of services and resources offered by college and university campuses to students, staff and faculty. Such services include preparatory courses, informational sessions on how to access college resources and school finances.

**Accessibility:**

For instance, the student accessibility to the Title IX coordinator and information related to Title IX policy, procedures, and students' resources and services. An example of limited accessibility that was encountered was the numerous school websites that were navigated in order to access Title IX policy and procedures of the institutions. On other occasions, Title IX policy and procedures was easily accessible simply by typing in Title IX within the school website search engine. Finding highlighted the gaps in accessibility of Title IX resources and information to students, faculty, staff and the community demonstrating that Title IX information was either readily available or difficult to access.

## **Discussion**

Throughout the process of this study, the repeating theme has been the gaps in accessibility to Title IX, which range throughout the differing college and university campuses. The range in accessibility varied from full, feasible Title IX information, resources, data, and policy to limited and difficult to obtain Title IX information, resources, data and policy. Reasons for the varying accessibility to Title IX information could vary from the set-up of media pages or resources on college campus to that information on Title IX is limited to only current students and faculty.

Title IX has been shown to be adaptable to each category of college and university campuses, which include community colleges, private colleges and universities, religiously affiliated colleges and universities, California State Universities, and University of California schools, that abide to the OCR's enforcement of Title IX. Research findings concluded that the selected schools for this study abide by Title IX policy and procedures, however the implementation of Title IX varies by school. With the varying in implementations gaps in accessibility to Title IX may be created unintentionally which could create a barrier in linking those in need to services. This calls for social work implications and recommendations to fill in the gaps that were found in this study. Recommendations for future studies include, but are not limited to: interviewing Title IX coordinators, student survey on their knowledge of Title IX, surveys on their experience in accessing Title IX, and survey for staff and faculty on their knowledge and accessibility to Title IX. In conclusion, Title IX policy is an important law that protects students, staff, and faculty's rights and is a vital instrument in promoting equality and nondiscriminatory actions or behaviors against anyone attending or employed in a federally funded institution. Thus it is essential for institutions to provide

easily accessible Title IX policy and procedures to those whom attend or are employed on their campuses. Feasibility of Title IX policy and procedures reiterates the importance of equality and safety on college and university campuses. Therefore, this project benefits society by demonstrating how the law has adapted to different needs and issues on college campuses and how college campuses have responded to these needs.

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## **Appendix A**

### **Title IX Gold Standard**

As required by the U.S. Department of Education and the Office for Civil Rights (OCR), these issues represent a small sample that OCR works with when enforcing Title IX:

#### **Comparable educational opportunities, including college and career**

##### **preparatory programs:**

- Promoting girls' and women's access to courses that promote college and career readiness, such as science, technology, engineering, and math (“STEM”) courses.

##### **The right to equal treatment:**

- Requiring that schools treat students equally on the basis of sex in all programmatic areas, including academic and extracurricular activities, financial aid, facilities, and housing.

##### **Athletics:**

- Requiring that schools provide equal access to athletic opportunities and benefits at all levels.

##### **Sexual Violence:**

- Requiring that schools protect students from and adequately respond to sexual violence.

##### **Sexual and Gender-based harassment (including bullying that rises to the level of harassment):**

- Enforcing the prohibition against sexual harassment as well as bullying and harassment based on gender or sex stereotypes (including sexual

harassment and gender-based harassment of lesbian, gay, bisexual and transgender (LGBT) students because of their non-conformity to sex stereotypes).

**Additional areas of focus:**

- Beyond the issues addressed in this document, OCR routinely handles an array of topics related to Title IX, including admission, financial aid, academic programs, rights of pregnant and parenting students, student treatment and services, counseling and guidance, discipline, grading, vocational education, housing, and employment.

**Transformed Civil Rights Data Collection:**

- Providing new information from schools across the country to improve compliance with Title IX. The Civil Rights Data Collection now covers issues ranging from access to college and career preparatory courses to discipline to school finances, which can be analyzed by race, gender, and disability status.

**Accessibility:**

- Students/faculty/staff's accessibility to contact Title IX coordinator, Title IX on campus website, and Title IX on student handbook.