



## Facilitator's Guide **Module 11: Title IX**

SQUINCH Curriculum

[Module 11: Video](#)

[Survey](#)

[Kahoot game](#)

### **Goals:**

Describe Title IX protections

Understand how LGBTQ+ people's rights are protected under Title IX

Understand how Title IX requires schools to be responsible for preventing bullying, sexual harassment, and sexual assault

SQUINCH survey: [www.tinyurl.com/squinch](http://www.tinyurl.com/squinch)

**NewMexicoLegalAid.com**

**Safe 2BU Program: 1-877-545-7270**

**Kahoot game:** Just before the module OR Immediately following the Module Video, [tap the link to this Kahoot Quiz](#) for a review of the information you learned.

Want the Low Fi game question? [Click here](#) for questions, answers, and explanations.

Who won the Kahoot? Lucky you! You get to lead the **Title IX Timeline Game (instructions below)**!

### **Resources:**

Note that a lot of potential cases turned into settlements. You can see these victories here: <https://feminist.org/our-work/education-equity/take-action/winning-title-ix-cases/>

## **Title IX Timeline Game**

Print enough copies of the Cases (the last three pages of this guide) so each group (made up of 3-4 people) can have a set.

Don't tell them the dates, yet:)

Pick a prize for the group that gets closest to the correct order.

**Read these instructions to the group:**

*All of your rights go back to the Bill of Rights and the U.S. Constitution. However, over the years the scope and specifics of those rights have been clarified by the Supreme Court. People who have had their rights violated have sued their oppressors and those cases have sometimes went all the way to the Supreme Court of the United States. When the Supreme Court makes a ruling about a case, it sets something called a Precedent. When a court decision sets a precedent, it means that it becomes an example for how laws and your rights are interpreted by the other courts in the future. Many questions related to Title IX protections are still being worked out in courts and governmental agencies such as the Department of Justice (DOJ) and Education Department.*

*The following are a list of cases and executive orders that lead to our modern interpretation of your rights under Title IX. Get into groups of 2 to 4 people and place them in the chronological order in which you think they were decided. Discuss! Once all groups have finished. The facilitator will tell you the years and order they were decided.*

**When the groups are finished, you can give them the correct order and the dates.**

**1954: Brown vs. Board of Education**

**1988: Haffer v. Temple University**

**1992: Davis v. Monroe County Board of Education**

**1996: United States v. Commonwealth of Virginia (VMI)**

**2005: Jackson v. Birmingham Board of Education**

**2016: President Obama issued an Executive Order including trans students in Title IX protections**

**2017: President Trump issued an Executive Order Rescinding Executive Order that offered guidance to include trans students in Title IX protections.**

**2021: President Biden issued two executive orders and the Department of Education has offered a new interpretation, (January and March)**

**2021: Grimm v. Gloucester County (June)**

***Title IX Cases and Executive Orders –Print a set for each group and cut them***



### **Jackson v. Birmingham Board of Education:**

Supreme Court Ruling finding that **Retaliation** against a girls sports coach complaining of discrimination/Title IX violations against his team equals discrimination. Coach Roderick Jackson discovered that his team was not receiving equal funding and equal access to athletic equipment and facilities, he complained unsuccessfully to his supervisors and was then fired as coach. He was unable to get another coaching job in the district.



**President Obama issued an Executive Order including trans students in Title IX protections.** Under the Obama administration, The Department of Justice (DOJ) and Education Department (ED) [issued guidance](#) on protecting transgender students under Title IX.<sup>32</sup> ED outlines that the prohibition of sex discrimination encompasses discrimination based on a student's gender identity, including transgender status. In relation to athletics, schools are permitted to operate sex-segregated athletic teams, but they cannot adopt requirements that are based on stereotypes about differences between transgender students and cisgender students. This interpretation allows age-appropriate, tailored requirements that are based on current medical research about the impact of student participation on competitive fairness and physical safety.



**Brown vs. Board of Education:** Landmark Supreme court decision finding that "Separate but equal" isn't really equal, so it is unconstitutional.

*This photo is of Ruby Bridges, one of the first African-American children to integrate into an all-White school. She was being escorted to and from her elementary school in New Orleans because white communities were violent in resisting the court decision.*

**Haffer v. Temple University:** Eight female, undergraduate athletes filed a class action lawsuit against Temple University. Their claims focus on three basic areas: (a) the extent to which Temple affords women students fewer "opportunities to compete" in intercollegiate athletics; (b) the alleged disparity in resources allocated to the men's and women's intercollegiate athletic programs; and (c) the alleged disparity in the allocation of financial aid to male and female student-athletes.

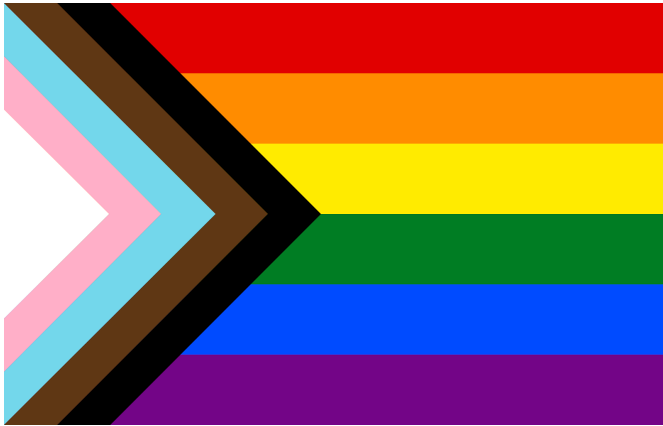
(This case did not progress to the supreme court, but was decided by a lower court, U.S. District Court for the Eastern District of Pennsylvania)



**Trump Executive Order Rescinding Executive Order including Trans students in Title IX protections.** Under the Trump administration, The DOJ and ED rescinded the Title IX guidance that included transgender students in protections against sex discrimination.



**President Biden issued two executive orders and the Department of Education has offered a new interpretation** after Trump rescinded the previous interpretation made during the Obama Administration.



[Executive Order 13988](#), “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation,” which states, “All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.” According to the order, laws that prohibit sex discrimination, including Title IX, “prohibit discrimination on the basis of gender identity or sexual orientation, so long as the laws do not contain sufficient indications to the contrary.”

[Executive Order 14021](#), “Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity.” It states the Biden Administration’s objective to guarantee to all students “an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity,” citing Title IX as applicable governing law.

Citation: <https://www.womenssportsfoundation.org/advocacy/history-of-title-ix/>



### **Grimm v. Gloucester County**

Gavin Grimm sued his school board for excluding him the restrooms any other boy in his school would use — simply because he is transgender. Represented by the ACLU and ACLU of Virginia, Gavin sued his school board for discriminating against him in violation of the Equal Protection Clause and Title IX of the U.S. Education Amendments of 1972, a federal law prohibiting sex discrimination by schools. After four years of litigation—including a trip to the Supreme Court and back-- the U.S. District Court for

the Eastern District of Virginia ruled in favor of Gavin on all his claims.

<https://www.aclu.org/cases/grimm-v-gloucester-county-school-board>





**United States v. Commonwealth of Virginia (VMI):** The United States struck down this public, cadet-training institution's male-only admission policy. Although the Supreme Court relied on the 14th Amendment's Equal Protection Clause, this case is very much what Title IX is about.



**Davis v. Monroe County Board of Education:** Supreme Court decision that school boards are liable for stopping student-on-student sexual harassment and that school boards are liable when officials are "deliberately indifferent to sexual harassment, of which they have actual knowledge, that harassment is so severe, [pervasive](#), and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the

school."

## Resources:

<https://www.myschoolmyrights.com/lgbtq-student-rights/>

Healthy Equity Alliance for LGBTQ+ New Mexicans has a resource directory of agencies, online resources, and information. <https://www.healplusnm.org/explore/>

Join our newsletter for events, resources and updates.

<https://www.healplusnm.org/contact/newsletter/>

IG @HEALplusNM