

TOOLS FOR EDUCATORS

Gender Equity for Students

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Data on Gender Issues in Education

POSTSECONDARY EDUCATION & GENDER EQUITY

The numbers of bachelor's degrees and doctoral degrees earned in the U.S. per year more than doubled from 1971-72 to 2016-17, but the proportion of bachelor's degrees earned in the U.S. by women went from under 44 percent in 1971-72 to over 57 percent in 2016-17.¹ Only 11 percent of doctoral degrees conferred in 1971-72 were to women; by 2016-17, over 53 percent of doctoral degrees were to women.² There remains a significant gender gap for women in STEM³ degree attainment and a larger gap in STEM (high-paying) careers.⁴

The proportion of faculty in degree-granting postsecondary institutions who are women has increased, from 33.2 percent in 1987 to 49.3 percent in 2016.⁵ Salaries for women faculty continue to lag behind that of men.⁶

SCHOOL SPORTS & GENDER EQUITY

While both male and female sports participation in high school has continually increased, as of 2016, the girls' high school participation rate is greater than 10 times what it was when Title IX was passed, an increase of more than 1,000 percent. However, current girls' participation numbers have never reached the boys' 1971-72 level.⁷

While both male and female sports participation in college has continually increased, for NCAA collegiate championship sports (all divisions), women's participation went from 30.5 percent in 1982 to 43.5 percent in 2016. However, NCAA Division I athletic departments spend on average about twice as much on their men's programs than their women's programs.⁸

There is still room for more improvement in these realms. In other areas, even greater challenges remain.

HARRASSMENT, ASSAULT AND OTHER DISCRIMINATION AGAINST LGBTQ⁹ STUDENTS¹⁰

Among high school students nationwide, the prevalence of having been electronically bullied was higher among gay, lesbian, and bisexual students (27.1 percent) than heterosexual students (13.3 percent).

The prevalence of having been bullied on school property was higher among gay, lesbian, and bisexual students (33.0 percent) than heterosexual students (17.1 percent).

The prevalence of having not gone to school because of safety concerns was higher among gay, lesbian, and bisexual students (10.0 percent) than heterosexual students (6.1 percent).

The prevalence of having been threatened or injured with a weapon one or more times on school property in the past year was higher among gay, lesbian, and bisexual students (9.4 percent) than heterosexual students (5.4 percent).

The prevalence of having been forced to have sexual intercourse was higher among gay, lesbian, and bisexual students (21.9 percent) than heterosexual students (5.4 percent).

The prevalence of having seriously considered attempting suicide was higher among gay, lesbian, and bisexual students (47.7 percent) than heterosexual students (13.3 percent).

The prevalence of having attempted suicide was higher among gay, lesbian, and bisexual students (23.0 percent) than heterosexual students (5.4 percent).

The prevalence of having made a suicide attempt resulting in an injury, poisoning, or overdose that had to be treated by a doctor or nurse was higher among gay, lesbian, and bisexual students (7.5 percent) than heterosexual students (1.7 percent).

The federal survey providing the above info did not include identification of any students as transgender. Another recent student survey found that some discriminatory school policies targeted transgender and gender nonconforming students: 42.1 percent of transgender and gender nonconforming students responding to the survey were prevented from using their preferred name or pronoun. 46.5 percent of transgender and gender nonconforming students were required to use a bathroom corresponding with their assigned sex at birth. 43.6 percent of transgender and gender nonconforming students were required to use a locker room corresponding with their assigned sex at birth.¹¹

SEXUAL HARRASSMENT AT SCHOOL, GENERALLY

A year-long investigation by The Associated Press uncovered roughly 17,000 official reports of sex assaults in elementary and secondary schools by students over a four-year period; unwanted fondling was the most common form of assault, but about one in five of the students

assaulted were raped, sodomized or penetrated with an object; about 5 percent of the sexual violence involved 5- and 6-year-olds.¹² The above does not include sexual assaults/harassment by school employees; see 2017 Magnolia Consulting Report.¹³

Nationwide, the prevalence among high school students of having been forced to have sexual intercourse in the past year was higher among female (11.3 percent) than male (3.5 percent) students.

The prevalence of having experienced sexual violence by anyone in the past year was higher among female (15.2 percent) than male (4.3 percent) students.

The prevalence of having experienced sexual dating violence was higher among female (10.7 percent) than male (2.8 percent) students.¹⁴

Approximately 19 percent of women will be sexually assaulted during their time at college.¹⁵

Students who experience sex-based harassment/assault report lower academic achievement, and higher school-related stress.¹⁶

Title IX Protections

Title IX of the Education Amendments of 1972, with accompanying regulations, prohibits any state, district, public school or other school receiving federal funds from acting in a discriminatory manner towards any student “on the basis of sex.”¹⁷ Public schools and other education institutions that receive federal funds must ensure that students are afforded equitable opportunities to participate in school programs,¹⁸ including in academics and athletics. Most federal appellate courts in recent years have recognized that discrimination against an LGBTQ person because of their gender identity or sexual orientation constitutes prohibited discrimination “on the basis of sex.”¹⁹ Educational institutions also have Title IX obligations to assist pregnant/parenting students,²⁰ and students who experience sex-based harassment, assault or violence in a school activity.²¹

EQUITY IN COURSEWORK/COUNSELING/RECRUITMENT

No student should be discriminated against in admission to educational programs.

Educational institutions are also barred from basing career counseling advice or recruitment efforts on sex stereotypes about men and women.

EQUITY IN ATHLETIC OPPORTUNITIES

Schools must provide equitable athletic opportunities for students.

These include provision of equipment and supplies, scheduling of competitions and practices, allowances for travel, access to locker rooms and training facilities, assignment of coaches, arrangement of medical services, publicity, recruitment, and other services.²²

EQUITY FOR LGBTQ STUDENTS²³

Most federal appellate courts in recent years have recognized that discrimination based on gender identity and sexual orientation is discrimination on the basis of sex; therefore, it violates Title IX.

Transgender and gender non-conforming students should also be able to access restrooms and other facilities that align with their gender identity.

SCHOOL RESPONSES TO SEX-BASED HARASSMENT AND VIOLENCE²⁴

Schools must provide accommodations, or interim measures, to students who experience harassment or violence; these can include tutoring, counseling, changes in academic and housing assignments, stay-away orders, etc.

Institutions must also adopt well-publicized, effective and equitable grievance procedures to protect the rights of survivors and accused students alike.

EQUITY FOR PREGNANT AND PARENTING STUDENTS²⁵

Schools cannot exclude students from courses and extracurricular activities on the basis of pregnancy, termination of pregnancy, and parental status.

To protect pregnant and parenting students' access to education, schools must provide accommodations, which can include access to elevators, larger desk space, excusing medically necessary absences, and allowing students additional time to complete work. Any services provided to students with temporary medical conditions must also be offered to pregnant and parenting students.

Questions to Consider

1. Identifying Educational Impacts

Has a student missed class as a result of experiencing sexual harassment or assault? Has a student been bullied for not acting how other kids think a boy or girl should act? Has a student missed class during pregnancy? Has the school pushed a student into thinking about certain careers, or discouraged a student from pursuing certain paths, based on gender?

2. Adequacy of the School Response

If the above happened at school, how did the school respond? Did they offer accommodations like tutoring, counseling, or extra time on coursework? Did the services they offered help the student?

3. Educator Training/Role

Are educators in the school made aware of the unique challenges/trauma that many LGBTQ students experience, and resulting unique needs of many LGBTQ students? Are educators in the school trained regarding recognizing and responding to sexual harassment in a trauma-informed manner, and to sex-based stereotyping in school? What special advocacy might educators engage in, to help ensure LGBTQ students, pregnant and parenting students and sexual harassment survivor students' needs are met? What can school leaders do to support all of these students?

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¹ <https://www.statista.com/statistics/185157/number-of-bachelor-degrees-by-gender-since-1950/>

² <https://www.statista.com/statistics/185167/number-of-doctoral-degrees-by-gender-since-1950/>

³ Science, Technology, Engineering and Math.

⁴ <https://library.cqpress.com/cqresearcher/document.php?id=cqresre2018090700>

⁵ https://nces.ed.gov/programs/digest/d17/tables/dt17_315.10.asp

⁶ https://nces.ed.gov/programs/digest/d15/tables/dt15_316.20.asp

⁷ <https://nces.ed.gov/fastfacts/display.asp?id=93>

⁸ http://www.ncaa.org/sites/default/files/TitleIX45-295-FINAL_WEB.pdf

⁹ Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning individuals.

¹⁰ https://www.cdc.gov/mmwr/volumes/67/ss/ss6708a1.htm?s_cid=hy-yrbs2017-mmwr

¹¹ <https://www.glsen.org/sites/default/files/GLSEN-2017-National-School-Climate-Survey-NSCS-Full-Report.pdf>; see also Chapter 8 of NCTE's trans survey report released in 2016: <https://www.transequality.org/sites/default/files/docs/USTS-Full-Report-FINAL.PDF>

¹² <https://www.ap.org/explore/schoolhouse-sex-assault/hidden-horror-of-school-sex-assaults-revealed-by-ap.html>

¹³ https://docs.wixstatic.com/ugd/b75d1b_119eff7f31d4d2898c39084011a4da2.pdf

¹⁴ https://www.cdc.gov/mmwr/volumes/67/ss/ss6708a1.htm?s_cid=hy-yrbs2017-mmwr

¹⁵ <https://www.knowyourix.org/issues/statistics/>

¹⁶ Victoria L. Banyard et al., Academic Correlates of Unwanted Sexual Contact, Intercourse, Stalking, and Intimate Partner Violence: An Understudied but Important Consequence for College Students, *J. of Interpersonal Violence* (June 21, 2017), <http://journals.sagepub.com/doi/10.1177/0886260517715022>.

¹⁷ <https://www.law.cornell.edu/uscode/text/20/1681> and <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>

¹⁸ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

¹⁹ https://www.lambdalegal.org/news/us_20190422_scotus-grants-review-employment-discrimination-lawsuits

²⁰ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html?exp=0>

²¹ <https://www.knowyourix.org/issues/schools-handle-sexual-violence-reports/>

²² <https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/issues/sex-issue04.html>

²³ See, e.g., *Whitaker v. Kenosha Unified Sch. Dist.*, 858 F.3d 1034 (7th Cir 2017). Cf. *Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518 (3rd Cir. 2018), cert denied No 18-658 WL 2257330 (U.S. May 2019). Also see re: sex discrimination federal law including Title IX, Title VII, FHA, etc. <https://transequality.org/federal-case-law-on-transgender-people-and-discrimination>

²⁴ 2001 Title IX Sexual Assault Guidance (not rescinded) <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

²⁵ <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201306-title-ix.html>