THE ADJUSTMENTS NECESSARY TO COMPLY WITH TITLE IX REGULATIONS IN THE SECONDARY SCHOOLS OF THE CLARKSVILLE - MONTGOMERY COUNTY SCHOOL SYSTEM

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THE ADJUSTMENTS NECESSARY TO COMPLY WITH TITLE IX REGULATIONS IN THE SECONDARY SCHOOLS OF THE CLARKSVILLE-MONTGOMERY COUNTY SCHOOL SYSTEM

An Abstract

Presented to

the Faculty of the Graduate School

Austin Peay State University

In Partial Fulfillment

of the Requirements for the Degree

Education Specialist

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by

Robert Belton Kendall Jr.

May 1977

AN ABSTRACT

THE ADJUSTMENTS NECESSARY TO COMPLY WITH TITLE IX REGULATIONS IN THE SECONDARY SCHOOLS OF THE CLARKSVILLE-MONTGOMERY COUNTY SCHOOL SYSTEM

A specific statement in the Title IX Regulations served as the nucleus for this field study.

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

With certain exceptions, the law bars sex discrimination in any academic, extracurricular, research, occupational training or other educational program operated by any organization or agency which receives or benefits from federal aid.

Although Title IX became law in 1972, federal enforcement regulations were not written until 1974 and did not become effective until July 21, 1975. Officials at all levels, including Boards of Education, have used the lack of regulations as an excuse to ignore the law.

The secondary schools of the Clarksville-Montgomery County School System served as the sources for the study. These schools were:

1. Burt Junior High School.
2. Clarksville High School.

3. Montgomery Central High School.

4. Greenwood Junior High School.

5. Montgomery-Stewart Comprehensive Vocational Technical Center.

6. New Providence Junior High School.

7. Northwest High School.

A questionnaire was furnished to each school designed to collect feeder information covering the following subject areas.

1. Sexism.

2. Recruiting.

3. Admissions.

4. Financial aid.

5. Rules and regulations.

6. Housing rules and facilities.

7. Requirements for graduation.

8. Physical education and equal athletic opportunities.

9. Health care and insurance.

10. Student employment.

11. Textbooks and curricula.

12. Single sex courses.

13. Extra-curricular activities.

14. The counseling of students.

15. Vocational education.

The study contains 50 pages broken into four chapters and two appendixes.

Chapter 1. Plans for the study.

Chapter 2. Review of Related Literature.

Chapter 3. Analysis of the questionnaire.

Chapter 4. Conclusions and Recommendations.

Appendix A - PEER, Summary of the Regulation for Title IX Education Amendments of 1972.

Appendix B - Questionnaire

THE ADJUSTMENTS NECESSARY TO COMPLY WITH TITLE IX REGULATIONS IN THE SECONDARY SCHOOLS OF THE CLARKSVILLE-MONTGOMERY COUNTY SCHOOL SYSTEM

A Field Study

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Robert Belton Kendall Jr.

May 1977

To the Graduate Council:

I am submitting herewith a Field Study written by Robert Belton Kendall, Jr. entitled "The Adjustments Necessary to Comply with Title IX Regulations in the Secondary Schools of the Clarksville-Montgomery County School System." I recommend that it be accepted in partial fulfillment of the requirement for the degree of Education Specialist, with a major in Administration and Supervision.

Donald B. Lankford
Major Professor

We have read this field study
and recommend its acceptance:

Allan E. Williams
Minor Professor
or
Second Committee Member

Bryan Cutchens
Third Committee Member

Accepted for the
Graduate Council:

William H. Ellis
Dean of the Graduate School

TABLE OF CONTENTS

CHAPTER		PAGE
1.	INTRODUCTION	1
	Statement of the Problem	2
	Limitations	3
	Purpose of the Study	4
	Methodology	4
2.	REVIEW OF RELATED LITERATURE	6
	Introduction	6
	Sexism	8
	Recruiting	9
	Admissions	10
	Financial Aid	12
	Rules and Regulations	13
	Housing Rules and Facilities	14
	Requirements for Graduation	15
	Physical Education and Equal Athletic Opportunities	16
	Health Care and Insurance	17
	Student Employment	18
	Textbooks and Curricula	19
	Extra-Curricular Activities	20
	The Counseling of Students	20
	Vocational Education Programs	20

CHAPTER PAGE

Conclusions 21

3. ANALYSIS OF THE QUESTIONNAIRE 22

Sexism 22

Recruiting 24

Admission 24

Financial Aid 26

Rules and Regulations 26

Housing 30

Graduation 30

Physical Education and Equal Athletic Programs ... 31

Health Insurance 34

Employment 34

Textbooks - Curriculum 35

Single Sex Courses 36

Extra-Curricular Activities 36

Counseling 36

Vocational Education Programs 37

Clarksville-Montgomery County School Board Policy 37

4. CONCLUSIONS AND RECOMMENDATIONS 39

BIBLIOGRAPHY 47

APPENDIXES

A. PEER, Summary of Title IX Regulations 49

B. Questionnaire 50

Chapter 1

INTRODUCTION

The education amendment of 1972, Title IX stated:

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

With certain exceptions, the law bars sex discrimination in any academic, extracurricular, research, occupational training or other educational programs operated by any organization or agency which receives or benefits from federal aid.

Although Title IX became law in 1972, federal enforcement regulations were not written until 1974 and did not become effective until July 21, 1975. Officials at all levels, including Boards of Education, have used the lack of regulations as an excuse to ignore the law.

Complaints from students and teachers during the 1975-76 school year about sex discrimination in their schools were raised about the non-compliance with Title IX. Officials have stated, for one reason or another, they cannot comply with the law, and it is suspected in some of these districts the desire to end discrimination in all areas is not widespread.

Many persons feel the regulations fall short of fully enforcing the spirit and the letter of the law. A

compromise was accepted due to the outcry from the big and powerful football schools. This cry echoed down to the secondary school level. It is felt the most liberal interpretations of the law may come from the courts, and for that reason, legal action should be pursued where discrimination complaints are not satisfied under the regulations. Many suits should come out of secondary school areas, primarily the physical education and athletic programs as individuals become aware of the law and demand its enforcement.

Basically, the regulation for Title IX falls into five categories:

1. General matters related to discrimination on the basis of sex.
2. Admissions.
3. Treatment of students once they are admitted.
4. Employment.
5. Procedures.

STATEMENT OF THE PROBLEM

The Clarksville-Montgomery School System is an agency that must comply with the Title IX Regulations. Considering all areas programmed traditionally, adjustments must be made within the secondary schools. What adjustments are necessary to comply with Title IX Regulations in the secondary schools of the Clarksville-Montgomery County School System?

LIMITATIONS

This field study was restricted to the following areas.

1. Secondary schools of the Clarksville-Montgomery County School System .

   a. Burt Junior High School.

   b. Clarksville High School.

   c. Montgomery Central High School.

   d. Greenwood Junior High School.

   e. Montgomery-Stewart Comprehensive Vocational Technical Center.

   f. New Providence Junior High School.

   g. Northwest High School.

2. The following areas were considered within each secondary school.

   a. Sexism.

   b. Recruiting.

   c. Admissions.

   d. Financial aid.

   e. Rules and regulations.

   f. Housing rules and facilities.

   g. Requirements for graduation.

   h. Physical education and equal athletic opportunities.

   i. Health care and insurance.

j. Student employment.

k. Textbooks and curricula

l. Single sex courses.

m. Extra-curricular activities.

n. The counseling of students.

o. Vocational education programs.

PURPOSE OF THE STUDY

The purpose of this study was to identify areas needing adjustments in the secondary schools of the Clarksville Montgomery County School System in order to make a smooth transition in complying with Title IX Regulations.

This study was not designed to point out faults or to degrade the administrators, teachers or other organizations connected with the educational system. It was the intent of this study to serve as an aid to a realistic approach in implementing Title IX Regulations.

METHODOLOGY

This study was conducted utilizing four chapters as outlined below. As the study progressed, adjustments were made as to content. Format for the study was in compliance with Campbell's guide for writing and related material from Education Course 500. Method of collecting data was by the use of a questionnaire.

1. INTRODUCTION

   Statement of the problem

   Limitations

   Purpose of the study

   Methods and procedures

2. REVIEW OF RELATED LITERATURE

3. ANALYSIS OF THE QUESTIONNAIRE

Information from each school was collected by a questionnaire sent to each school under consideration. The questionnaire was designed to insure equal treatment would be given to each school. The author selected the principal, head basketball coach, senior counselor, and president of the student body to respond to the questionnaire.

4. SUMMARY AND CONCLUSIONS

Chapter 2

REVIEW OF RELATED LITERATURE

INTRODUCTION

Title IX of the Education Amendments of 1972[1] mandated sex discrimination be eliminated in federally assisted education programs. There has been considerable speculation about what changes will be required of educational institutions to comply with Title IX.

There are many areas to be considered in implementing Title IX. These areas are: recruiting, admissions, financial aid, student rules and regulations, housing rules, health care and insurance benefits, student employment, textbooks and curriculum, single sex courses and women's study programs. Implementation of the amendments surely poses a problem. It is doubtful any child may reasonably be expected to succeed in life if denied the opportunity of an education.[2]

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[1]Margaret Dunkle and Bernice Sandler, Sex Discrimination Against Students: Implications of Title IX of Education Amendments of 1972, Inequality in Education, Number 18, Center for Law and Education, Harvard University, Larsen Hall 14, Appian Way, Cambridge, Massachusette 02138, 1974.

[2]Brown v. Board of Education of Topeka, S. Ct, 626, 98, L. Ed. 873 (1954).

In many instances, the courts have been less willing to prohibit sex discrimination than race discrimination in educational institutions.[3] They have generally not interpreted the due process and equal protection guarantees of the Fifth and Fourteenth Amendments with the same strictness for sex discrimination as they have for race discrimination.

Until the fall of 1971, there was no federal legislation prohibiting sex discrimination among students at any level of education. Female students could be legally excluded from schools and colleges, denied admission to certain classes and subjected to a variety of other discriminatory practices.

Vanderbilt University, Nashville, Tennessee is under review by a commission investigating sex discrimination at the University. The commission recommended a University wide policy of hiring and promoting women. The commission criticized the University for failing to make students and employees aware they were protected from discrimination by Title IX.[4] The commission noted comments in the follow-

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[3]Sweatt v. Painter, 339, U. S. 629 (1950).

[4]Nancy Varley, "Vanderbilt University Women Victims of Sex Bias"? The Tennessean, Vol. 71, No. 291, Nashville, Tennessee, January 24, 1977, pp. 1 and 4.

ing areas:

1. Stereotyping in jobs.
2. Lower pay for women.
3. Sexist attitude of the university.

The commission recommended Vanderbilt publish a hiring policy. Of the two hundred twenty five full professors at the school, only seven are women.

Sexism

Men and women should be treated primarily as people, and not primarily as members of opposite sexes. Their shared humanity and common attribute should be stressed - not their gender differences.

Society is often guilty of referring to women as girls in their reporting and headlines. They refer to business women as "office girls".[5]

Webster (unabridged) defines girl:

1. A female child.
2. A female servant.
3. A young unmarried woman.
4. A sweetheart.
5. A prostitute.

A guide to correct and accurate usage of language is

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[5]Carolyn Cowan, Sexism In Language - A Deterrent To Equality, Tennessee Commission on the Status of Women, 1212 Andrew Jackson Building, Nashville, Tennessee 37219, 1975.

an equality of terms table:

1.	Female	Male
2.	Woman	Man
3.	Lady	Gentleman
4.	Girl	Boy
5.	Gal	Fella
6.	Chick	Rooster
7.	Broad	Narrow

One of the most interesting phenomena about sexism in public education is the openness with which it is practiced. Where sex rather than race is the factor in determining what educational opportunities are made available to a child, educators have been far more candid in expressing the basis for their discriminating policies.[6]

Recruiting

Recruiting of students is not a major concern in the secondary schools. There is recruiting material such as brochures, catalogs, and applications, which display sexism in the secondary schools. This process can discriminate against women both overtly and subtly if care is not taken to assure that it is unbiased. Examples are:[7]

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[6]Susanne Martinez, "Sexism In Public Education": Inequality In Education, Number 18, Harvard University, October 1974.

[7]Duncle and Sandler, loc. cit.

1. Material displayed as having only or predominately male recruiters or admissions personnel.

2. Having pictures in publications which show students as male, while not showing women at all.

3. Describing male sex typed programs in ways which discourage women from applying.

4. Describing female sex-type programs in ways which unnecessarily encourage women and discourage men from applying.

5. Using the generic "He" in catalogs and other publications.

A number of institutions are now making special efforts and developing special materials to recruit women. Affirmative recruiting to alter a pattern of limited participation by one sex or the other is legal under Title IX.

Admissions

Admission to secondary schools is not a discriminatory problem. Compulsory attendance laws have erraticated sex attendance problems.

The issue of sex discrimination in admission is a primary problem in post-secondary institutions. If an individual is not admitted to an institution because of sex discrimination, equal treatment in the problem becomes irrelevant. Many of the considerations which affect the admissions decision are mirrored in later treatment of

students.

Title IX specifically exempts certain institutions from non-discriminatory admissions. Private undergraduate institutions, preschools and elementary and secondary schools other than vocational schools and single-sex public undergraduate institutions. If single-sex public institutions decide to admit both sexes, they have up to seven years to admit female and male students on a non-discriminatory basis provided that their plans are approved by the commission of education.[8]

Because of class assumptions about the role of women and men, a well intentioned admissions officer or counselor may discriminate on the basis of sex by:[9]

1. Admitting married men, but not married women.

2. Making pre-admission inquiries concerning whether a person is "Ms.", "Miss", "Mrs." or "Mr."

3. Using different standards for admitting women and men because of assumptions about what are suitable and proper fields for women. Examples are: home economics, nursing, elementary education and for men; science, med-

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[8]Dunkle and Sandler, op. cit., p. 32

[9]Ibid., p. 17.

icine and auto mechanics.

4. Refusing to admit men, but not women with long hair.

5. Admitting older men, but not older women.

Admission cases have been acted upon by the courts. In the case Berkelman v. San Francisco Unified School District, the challenge of the admission standards of an elite academic high school in San Francisco where the standards for admission of female applicants were higher than for male applicants. When a group of female students with higher grades than admitted male students were denied admission, they filed suit and won.[10]

Financial aid

The awarding of financial aid at the secondary level does not pose a problem in the implementation of Title IX. However the awarding of financial aid is often of prime importance at the post secondary level. The controlling of financial aid to students can also control which sex will attend certain institutions.

Until women achieve a higher participation rate in (fellowship, internship, and other training programs), many qualified women will lack one of the more important credentials necessary for career upward mobility. They

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[10] Berkelman v. San Francisco Unified School District 324 F. Supp. 552 (San Francisco, Calif., 1972).

will always be less qualified.[11]

Billy Jean King, the woman's tennis champion, testifying before a senate education subcommittee stated some 50,000 men annually earn a college education through athletic scholarships while fewer than 50 women in the entire nation obtain any such assistance.[12]

Rules and regulations

There are a variety of rules, regulations and policies which differentiate on the basis of sex. These regulations are:

1. Different curfew or visitation hours for women and men.

2. Appearance codes which set different standards based on sex such as requirement that boys have short hair, while girls are permitted to have either short or long hair.

3. Dress code permitting boys but not girls to wear slacks. Although it is clear Title IX covers this issue, there is some debate concerning the appropriate test to be used to determine compliance.

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[11]Cynthia L. Attwood, Women in Fellowship and Training Program, Association of America Colleges, Washington, D. C., 1972.

[12]Susanne Martinez, "Sexism In Public Education": Inequality In Education, Number 18, Harvard University, Cambridge, Mass., 1974, p. 11.

4. Different standards of punishment or different types of punishment based on sex such as punishing females, but not males who swear, or using corporal punishment on men only.

5. Forbidding unmarried mothers but not unmarried fathers, from participating in extra-curricular activities or athletic teams, or prohibiting unwed mothers from eligibility for awards.

6. Requiring prom and homecoming queens be virgins. In the fall of 1973, seventeen year old Sharon Boldman was ruled off the Urbana (Ohio) High School homecoming queen ballot by her school principal who said, "only virgins can run for homecoming queen." Ms. Boldman was a mother of an infant daughter born out of wedlock. Ms. Boldman won the lawsuit.[13]

Housing rules and facilities

Housing and facilities propose no real problems in the secondary schools. In higher education, one does recognize problems. Dormitories are one of those problem areas. Institutions are not required by Title IX to integrate their dormitories, they are prohibited from discriminating on the basis of sex in the options they offer their female and male students. Sex-based differences in housing options can take a number of forms:

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[13]Dunkle and Sandler, op. Cit., p. 33.

1. Allowing men, but not women, to live off campus.

2. Offering women and men differential opportunities to live in housing which permits drinking, and the presence of pets.

3. Offering different security provisions based on sex, such as guards, locks on doors.

4. Offering different roommate selection procedures based on sex.

5. Offering married students different housing options based on sex.

6. Charging different housing fees based on sex.

Requirements for graduation

There are a surprising number of instances in which females and males are required to amass different credentials in order to graduate. These differences are especially pronounced in traditionally sex segregated physical education, home economics or shop classes.

Listed below are areas which violate Title IX:

1. Requiring females to take home economics and requiring males to take shop or industrial arts.

2. Requiring females and males to have a different total number of courses, credits or hours to graduate.

3. Having different required courses for female and male physical education majors or requiring them to have different grade point averages to graduate.

4. Awarding academic credit to men, but not to women, who participate in interscholastic or intercolle-

giate athletics.

Physical education and equal athletic opportunities

Perhaps no issue concerning Title IX has generated as much heated debate and controversy as equality in sports and athletics. Gross inequalities in the total amount of money spent on women's and men's sports can be used as a rough measure of discrimination.

Subpart D, Section 86.34(a) of the proposed regulations specifically prohibits single-sex classes or courses, including health and physical education courses.

Some problems encountered in this area are:

1. Sex-based requirements for physical education majors.

2. Physical education requirements for graduation.

3. Sex-based intramural programs.

4. Sex-based recreational opportunities.

5. Discrimination in competitive programs might occur in:

   a. The funding of programs, including the source of money, size of the budget and use of funds.

   b. The provisions of facilities and equipment.

   c. Scheduling games and practice times.

The existing structure of providing impressive athletic programs for male students while providing female students with either no program or token programs is highly vulnerable to legal challenge. Non-contact sports such as

skiing and golfing have won court decisions when the program was not provided for females.[14]

6. The availability of funds for travel and per diem allowances.

7. Awarding athletic scholarships.

8. Recruiting athletics.

9. Media coverage.

10. The female/male composition of the team, single-sex versus mixed or co-educational teams..

Health care and insurance

The area most frequently cited as discriminatory involves pregnancy, gynecological care and family planning. In the past, pregnant students have often been treated differently because of moral judgment about their pregnancy, rather than because of concern for their health. Some problems noted are:[15]

1. Excluding pregnant students altogether.

2. Providing more limited coverage of pregnancy than of other temporary disabilities.

3. Covering pregnancy only for women who are married and who have either a joint or high option policy.

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[14]Reed v. Nebraska Athletic Association, 341, supp. 252 (D. Neb. 1972).

[15]Caspar W. Weinberger, Secretary of Health, Education, and Welfare, NEW NEWS, U. S. Department of Health, Education and Welfare, Washington, D. C. June 3, 1975.

4. Expelling pregnant students.[16] Requiring pregnant students to enroll in special classes or be tutored at home.

5. Requiring pregnant students to leave school a certain number of months before childbirth or forbidding them from returning to school for a certain number of months after childbirth.

In January 1974, the U. S. Supreme Court ruled school boards violated the due process clause of the Fourteenth Amendment by maintaining and enforcing mandatory maternity leave policies requiring teachers to leave their jobs four and five months before childbirth. The court noted that some systems were requiring pregnant students to have a doctor's certificate to either remain in or return to school, while not making similar requirements for students with other physical disabilities and treating pregnant students differently depending on their marital status.[17]

Student employment

Students employed by an educational institution are protected by the same anti-discrimination legislation and

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[16]Ordway v. Hargroves, 323 F. Supp. 1155 (D. Mass. 1971).

[17]Cleveland Board of Education v. LaFleur, 414 U. S. 632, 94 S. Ct. 791, 39 L. Ed. 2d. 52 (1954).

regulations which cover other employees. Sex bias in student employment can manifest itself in a number of ways.

1. Assigning routinely women student to secretarial jobs and men to the grounds and building crew.

2. Discouraging or refusing women student particular job assignments.

3. Referring only males to fields which are predominately male, while referring females to fields traditionally thought of as feminine.

Textbooks and curricula

Differential treatment of women and men is generally more easily identified in textbooks than in most other curricula material. A few examples are:

1. Women are rarely mentioned in the texts. The book covers mostly display men.

2. Texts often ignore much of the subject matter dealing with women.

Single sex courses

A number of institutions at all levels have courses which are open to only one sex. Many high schools offer home economics to females only and industrial arts to males only.[18]

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[18]Executive Order 11246, Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963.

Extra-Curricular activities

Extra curricular activities are an integral part of the educational program offered by secondary schools. Secondary schools which endorse single-sex extra-curricular activities, clubs or programs would be vulnerable to charges of discrimination under Title IX.

The counseling of students

Sex bias in counseling is perhaps even more difficult to identify and rectify than bias in textbooks or the curricular. Counseling usually mirror the attitudes of the secondary schools toward females. Often sex bias is transmitted by well-meaning counselors who pass on stereotypes about men and women.

Tools counselors might use in counseling are restricted by Title IX. They are: interest, inventories, catalogs, tests, occupational material and posters.[19]

Vocational education programs

Many of the vocational education programs and courses taught in schools have been sex segregated. Title IX specifically prohibits sex discrimination in admission to all vocational

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[19]HEW, Fact Sheet, Title IX - Civil Rights, Department of Health, Education and Welfare, Washington, D. C., June 1975, p. 9.

schools.

The Della Casa case challenged a school district's practice of excluding female students from auto mechanics courses. The high school principal stated "it so happens that auto mechanics has been a male occupation". Whether or not we agree with this, it is still predominately a male occupation.[20]

Conclusions

The freshness of Title IX Regulations must make its impression upon school systems receiving funds from the federal government. Already courts are involved in determining proper methods of applying the regulations.

Title IX should not be misunderstood as a female regulation in that both sexes are involved. Male students are eligible to file charges of discriminatory practices as well as female students.

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[20]HEW, Fact Sheet, Title IX - Civil Rights, Department of Health, Education and Welfare, Washington, D. C., June 1975, p. 9.

Chapter 3

ANALYSIS OF THE QUESTIONNAIRE

The purpose of the questionnaire was to collect information pertaining to attitudes and practices of those individuals directly involved with the operation of the schools. The schools considered for this study were:

1. Burt Junior High School.
2. Clarksville High School.
3. Montgomery Central High School.
4. Greenwood Junior High School.
5. Montgomery-Stewart Comprehensive Vocational Technical Center.
6. New Providence Junior High School.
7. Northwest High School.

It was decided that the following individuals from each school would be questioned.

1. The principal.
2. The senior counselor.
3. The senior basketball coach.
4. President of the student body.

Sexism

Questions 1, 2 and 3 were asked pertaining to sexism. Attitudes were the major consideration. See Appendix B, Page 50.

When it was requested to indicate your definition of

a girl, all personnel answered incorrectly except one. A girl is considered to be a female child, a female servant, a young unmarried woman, and a sweetheart. The survey indicated females are thought of as a female child but should be thought of as all of the names listed. Indications were that attitudes need adjusting in our secondary schools.

Question 2 was a matching question asked for the purpose of equalizing terminology. The counterbalance, as indicated by the survey, was answered correctly by all individuals except two indicating that citizens of the schools surveyed are knowledgeable of equalizing terms. The terms matched were:

Female	Male
Woman	Man
Lady	Gentleman
Girl	Boy
Gal	Fella
Chick	Rooster
Broad	Narrow

The survey indicated that in terminology, no adjustments are necessary.

Question three, pertained to bulletin board display of materials indicating males or females in school. Of the eighteen responses, sixteen indicated males and females were displayed equally on bulletin boards and two

indicated that mostly girls are displayed. The survey indicated adjustments are necessary in the equality of displaying materials. Complete modification is not necessary and additional display materials displaying females should be posted.

Recruiting

The second area of consideration was recruiting. The responses were negative from junior high schools because of the ages of students. The responses indicated in this field study pertained to the three senior high schools.

The survey revealed recruiting was about equal for male and female students. When recruiters visit the schools in this system, they give equal consideration to male and female students.

The survey revealed no adjustments are necessary in the procedures of recruiting for college ROTC programs and military service. Comparable efforts must be made to recruit members of both sexes in all areas of those activities being supported by federal funds.

Admission

As indicated by the review of the literature, the regulations cover admission policies. It includes specific prohibition of sex discrimination through separate ranking of applicants, application of sex-based quotas, administration

of sex-biased tests or selection criteria and granting of preference to applicants based on their attendance at particular institutions if the reference results in sex discrimination. The final regulation also forbids application in a discriminatory manner of rules concerning marital or parental status and prohibits discrimination on the basis of pregnancy and related conditions.

Questions 6 and 7 were asked pertaining to admission. See Appendix B, page 50. This area is covered extensively in Title IX Regulations. If you had the choice, would you admit pregnant girls into your school? Thirteen people interviewed stated that they would admit pregnant girls into their schools. Three individuals surveyed indicated that they would not and two indicated that they would discourage pregnant girls from entering school.

Adjustments in attitudes are necessary in this area as was indicated by the survey. Title IX regulations prohibits sex discrimination based on pregnancy.

The second question asked: If you could make the decision, would you admit married males into your school? Of the eighteen responses, two indicated no, fourteen indicated yes, and two indicated they would discourage admittance.

Again this question dealt with the adjustment of attitudes. Title IX prohibits discrimination based on sex and attitudes could determine how married students are

treated while attending school.

The third question was identical to the preceeding one but addressed itself to females. The trend changed in fourteen of those surveyed indicated they would admit married females and four indicated they would discourage them.

Financial aid

Secondary schools are not involved in receiving financial aid from the federal government on a per individual basis based on sex. Federal funds are awarded on an average daily attendance and does not discriminate on the basis of sex.

Rules and regulations

The surveyor spent 40% of his effort in the area of rules and regulations within each school surveyed. In writing rules and regulations, one person indicated females are referred to as Ms., eight as Miss, two as girls and two as ladies. Write-in information indicated males and females are referred to by first name only. The survey indicated the present trend required no adjustment in it's a matter of taste and not discrimination in referring to females by title.

Question 9 dealt with admitting males with long hair into schools. All individuals surveyed answered in agreement. The survey indicated long hair is no longer an issue for males or females.

Do you, as a rule, encourage females to apply for financial aid when applying for college entrance? Ten individuals completing the survey indicated that they do encourage females to apply for financial aid while two indicated no, and five indicated that they are not involved. Research of the literature indicated this is a weak point and is addressed extensively by Title IX. This survey indicated no adjustments in this system are necessary, as males and females are encouraged to apply for financial aid.

School Board File JQJ states there shall be no smoking in public school buildings. This question dealt with allowing girls to smoke in school. Ten of those surveyed indicated they would permit girls to smoke, seven indicated they would not and one was undecided. The second question was intentionally identical only substituting the word male resulting in an identical count, ten, seven and one.

The findings indicated it is a matter of personal belief and not a problem of discriminating because of sex. The survey also indicated that no adjustments are necessary in practice but in attitudes only. Adjustments to school board policy need consideration.

Questions 13 and 14 are identical questions and a quick review would expose our well ingrained culture, yet this dealt with equality of sexes rather than past folk-

ways. The questions asked: Do you permit males and females to go bare chested in school?

All individuals surveyed indicated boys do go bare-chested in school and girls are not permitted to dress likewise. Our culture will not permit females to "strip half down" therefore the adjustment necessary is to require males to put on their tops. This adjustment is necessary to curtail suits adjudged against the school system by a sharp female declaring equal rights under the Title IX Regulations.

Questions 15 and 16 dealt with dress in school. When asked if you preferred females to wear slacks in school, all individuals completing the survey answered "no" indicating dress is of no major concern and no adjustments are necessary.

When asked if you prefer males to wear dresses in school, all individuals completing the survey answered "no" indicating there is a concern pertaining to male dress. No adjustments are necessary in the dress policy in that tradition takes care of this area and no restrictions are placed in the rules pertaining to dress. If male students should wear dresses, culture would dictate the administrator's action.

Two questions were asked concerning corporal punishment. The Baker v. Ownes case heard by the Supreme Court did not exempt females being spanked in school. When asked if you spanked girls in school for swearing, six indicated yes, ten answered no, and two indicated that they do not

believe in spanking girls.

When asked the same question pertaining to spanking boys, six indicated yes, ten indicated no and two indicated that they do not believe in spanking. This tabulation is identical to the preceeding question pertaining to spanking girls.

The survey revealed no adjustments are needed in rules for spanking students. It appeared to be a matter of personal belief rather than discriminating on the basis of sex. If adjustments should be made, both boys and girls should be spanked or none at all.

Two additional questions were asked pertaining to spanking to verify the two preceeding questions with equal results. Ten answering the questionnaire believed in spanking boys and girls while eight indicated disapproval of spanking boys and girls. Again the survey indicated spanking is not a sex issue but a personal judgment based upon prior teaching of the person responsible for administering corporal punishment.

In the past, school age females with children have been prohibited from becoming queen, and participating as cheerleaders. Title IX provided for non-discriminating acts because of pregnancy or martial status.

When asked the question if the homecoming queen is required to be a virgin, twelve of those answering indicated that they do not while six of those answering they do not

get involved. The survey indicated no adjustments are necessary in the system under study.

Housing

Generally, all facilities must be available without discrimination on the basis of sex. The regulation permits separate housing based on sex as well as separate locker rooms, toilets and showers.

When asked about the utilization of cafeteria space, all individuals completing the survey stated that the cafeteria facility is used by both male and female. The survey indicated no adjustments are required in cafeteria space.

Bathroom space was about equal for both male and female students and may be separated by sex. Male and female students, as indicated in the survey, do not use the same bathroom facilities. No adjustments are required.

Male and female students do utilize lockers together in the same location as indicated by the survey. Of the eighteen individuals completing the survey, fifteen indicated lockers may be shared and three indicated they were not shared. Physical education lockers are not shared due to their locations. The survey indicated no adjustments are needed.

Graduation

A recipient shall not provide any course or otherwise

carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial arts, business, vocational, technical, home economics, music, and adult education courses.

When the surveyor asked about graduation requirements, fifteen indicated graduation requirements were the same while three completing the survey stated that no policy existed within the school. The survey indicated no restrictions were placed on courses based on sex.

When asked about graduation robes, seven of those surveyed stated that the robe color is different for male and female students, four stated the color is the same while six stated that none are required. Junior high schools are not involved in graduation ceremonies. The survey indicated adjustments are necessary in color of robes. Color denotes sexism in that males wear dark colors and females wear lighter colors denoting purity.

Physical education and equal athletic programs

Title IX prohibits sex seggegated physical education classes. The regulations do allow separation by sex in physical education classes during competition in wrestling, boxing, basketball, football, and other sports involving body contact.

When the surveyor asked if female physical education dressing rooms were as large as male physical education dressing rooms, eleven answered no and three did not know. Three of those surveyed were not involved. Adjustments are necessary in sizes and assorted equipment displayed therein. A variety of equipment, weight lifting devices, whirlpool, parallel bars, are provided for boys while no counteracting equipment is provided for girls.

When asked about co-physical education classes in school, eight answered yes, and eight answered no with two not answering. Adjustments are necessary in this area of non-discriminatory procedures in physical education programs.

Where selection is based on competitive skills or the activity involved is a contact sport, athletics may be provided through separate teams for males and females or through a single team open to both sexes. If separate teams are offered, a recipient secondary school may not discriminate on the basis of sex in provision of necessary equipment or supplies, or in any other way, but equal aggregate expenditure are not required. The goal of the regulation in the area of athletics is to secure equal opportunities for males and females while allowing schools flexibility in determining how best to provide such opportunities.

When asked if the National Anthem was played before

girl's games or boy's games, ten answered before boys games, and six answered not at all. Adjustments are necessary in this area in that female games are to receive equal treatment as male games. Adjustments are also necessary in that boys games are upheld as the major athletic contest for one evening while female games are played first.

When asked if female games are broadcasted, thirteen answered no and three did not answer. The survey indicated female contests should receive equal publicity as male games.

The subject of sports and alternate sports was a difficult area to evaluate. Those completing the survey stated that girls may participate in all sports. Listing the sports does not indicate this as being true.

Sport	Males	Females
Football	Yes	No
		No alternate
Basketball	Yes	Yes
Softball	Yes	Yes
Golf	Yes	Yes
Tennis	Yes	Yes
Wrestling	Yes	No
		No alternate

An alternate sport to counteract football and wrestling is necessary to bring this system in compliance with Title IX.

Health/Insurance

In providing a medical, hospital, accident, or life insurance benefits, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex. When asked if insurance coverage was provided for pregnant girls, all individuals completing the survey answered no. This subject should be considered for adjustment after more information is learned about the discriminatory practices of furnishing insurance to school students.

Title IX expresses a recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex. A recipient shall not discriminate against any student, or exclude any student from its educational program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recover therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

When asked if pregnant girls are expelled from school, seventeen of the eighteen completing the survey answered no indicating that the school system has adjusted to the subject of pregnancy and no adjustments are necessary.

Employment

A recipient employer may not recruit and hire em-

ployees solely from discriminatory sources in connection with its educational program or activity. A recipient employer must provide equal pay to male and female employees performing the same work in connection with its educational program nor exclude employees from employment on the basis of sex or pregnancy.

Mid-Cumberland summer work program employs many students from families meeting poverty status. When asked if the Mid-Cumberland program employed females in their work program in schools, seven completing the survey answered no, seven answered yes and two did not know. This survey indicated that equal employment opportunities must be rendered to both sexes.

When book lockers were being installed in school, would you allow girls to work? All individuals completing the survey answered yes indicating no adjustments are necessary based on employment of sexes in school.

Textbooks - Curriculum

The proposed regulation did not cover sex stereotyping in textbooks and curricular material. Textbook and curricular content is more properly dealt with at the state and local levels. Nothing in the Title IX Regulations shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.

When asked if males were encouraged to take home economics, fifteen individuals completing the survey answered yes and three answered no indicating no adjustments are necessary. When asked if females are encouraged to take Building and Trades in school, eleven completing the survey answered yes, six answered no and one did not apply indicating equal treatment must be given to all areas of education.

Single sex courses

When the surveyor asked those completing the survey to list single sex courses, three were listed: home economics, building and trades, and bachelor survival. The survey indicated discriminatory practice was a problem when courses are listed. Adjustments are necessary to bring the curriculum in compliance with Title IX.

Extra-curricular activities

The surveyor interviewed principals and learned extra curricular activities fall within the thinking of other activities of the normal program. A detail discussion is found under physical education and athletic activities.

Counselling

A recipient shall not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants for admission. This includes the use of appraisal and counseling material, and dispropor-

tion of classes based on sex. Specifically where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

When asked if equal counseling was given to males and females pertaining to military and other services, ten answered yes, five answered no and three did not complete the question indicating military counseling is male oriented and adjustments should be made. The survey indicated sexism could be a problem in counseling.

Vocational education programs

The surveyor included vocational training into the normal curriculum under textbooks and curriculum. Title IX prohibits discriminatory practices in vocational schools receiving funds from the federal government.

Clarksville-Montgomery County School Board Policy

A review of the board policy manual, Clarksville-Montgomery County System, was conducted with a review of the adjustments necessary to bring the policy in compliance with Title IX Regulations.

File AD line 12 makes reference to "He" which is sex bias. Since student was used at the beginning of line

8, student could be used to indicate male or female.

File BBE used the word "he" extensively and needs adjusting. "He" is also used in File BCBG line 14 but should not pose a problem as long as the director of schools is a male.

File GBR line 12, the word "man" is inappropriate for this policy. It should be adjusted to eliminate sexist terminology.

File IDFA does not provide equal opportunities for males and females. Football, a major drawing sport in the secondary schools under consideration does not provide females with an alternate activity and must be adjusted.

Paragraph 2B, regulations affecting senior high school athletic programs specifies different practicing schedules, should be readjusted in that Title IX requires a compensating game during football season for females.

Paragraph 3, baseball, does not offer an alternate sport for females which is in violation of Title IX regulations.

Paragraph 7, golf, does not specify provisions for females in that matches are male oriented. This area needs adjusting.

Paragraph 8, wrestling does not provide provisions for females and need to be adjusted to be in compliance with Title IX Regulations.

Chapter 4

CONCLUSIONS AND RECOMMENDATIONS

Title IX of the Education Amendments of 1972 promulgated thereunder prohibits discrimination on the basis of sex in the operation of most federally assisted educational programs. The law underlying these regulations is based on the knowledge-based society, equal opportunity in education being fundamental to equality in all other forms of human endeavor.

This study has revealed discrimination against females in education today exists unconsciously and through practices long enshrined in tradition. The regulations require that during the next year, those in education begin a searching self examination to identify any discriminatory policies or practices, which may exist within their institutions and to take whatever remedial action is needed.

One purpose of this study was to identify those areas requiring adjustments in the Clarksville-Montgomery County School System. Those areas were identified in Chapter 3.

This study has indicated the following areas are in compliance with Title IX Regulations:

1. Recruiting.
2. Admission.

3. Financial aid.

4. Student rules and regulations.

5. Housing.

5. Health care and insurance benefits.

7. Student employment.

8. Textbook and curriculum.

Recruiting for colleges and universities does not post a major problem as pointed out by this study. Military recruiting has improved in that both sexes are displayed during recruiting visits.

Secondary schools are covered under the compulsory education laws from age six through sixteen. Title IX will not impose a problem nor should adjustments be made in admissions. Institutions of higher learning do pose an admission problem.

An institution whose admissions are covered may not set different standards of admissions for one sex than for the other. A graduate school may not require a lower grade point average for men than for women. Grade point differences for college entrance from secondary schools cannot be different.

Financial aid to secondary schools in the system studied does not pose a problem as both sexes are computed equally. A recipient of federal funds is prohibited from discriminating in making available any benefits, services,

or financial aid although pooling of certain sex-restrictive scholarships is permitted.

Student rules and regulations are more pronounced in secondary schools than in schools of higher learning. Rules apply to haircuts, dress, school attendance and class assignments create no major problems in the school system under study.

No separate housing exist within the secondary school areas except physical education dressing rooms and bathrooms. Separation of these areas are permitted by Title IX. Sizes of physical education areas could come under question by someone utilizing a tape measuring device.

In higher education, with respect to housing, the regulations require comparability as to the facilities themselves and non-discrimination as to their availability and as to the rules under which they are operated.

In providing a medical, hospital, accident, or life insurance benefits, service, policy, or plan to any of its students, a recipient shall not discriminate on the basis of sex.

A review of the board policy for the system covered in this study revealed no discrimination on the part of the system in providing insurance benefits to students and other workers on the basis of sex. A policy for pregnant students may be considered.

Recipients of federal funds should assure themselves employment is made available without discrimination on the basis of sex and shall not render such services to any agency, organization, or person which discriminates on the basis of sex in its employment practices.

A study by the National Center for Educational Statistics revealed as of 1973, women college faculty members received avezage salaries almost $2,500 less than those of their male counterparts. A review of the system under study revealed sex discrimination in salaries does not exist. The survey also indicated males and females are given equal opportunities pertaining to employment.

Title IX Regulations make it clear nothing in the regulation shall be interpreted as requiring or prohibiting in any way the use of particular textbooks or curricular materials. The survey has revealed sex discrimination does not exist pertaining to textbook adoptions or usage.

The study has indicated the following areas are in moderate need of adjustments.

1. Requirements for graduation.
2. Extra curricular activities.
3. Counseling.

It is recommended no changes be made in graduation requirements except that of robes. The study revealed different robes are worn but robes are equal in cost and

grade of material. It is recommended that a single color of robes be considered to avoid sexism.

Extra-curricular activities were covered under physical education and equal athletic activities. No discriminatory acts were noted in the fine arts areas and no Title IX violations were noted except those mentioned in physical education and athletic activities.

Male and female students shall not be discriminated against on the basis of sex in counseling. A counselor may not use different materials in testing or guidance based on the students sex unless this is essential in eliminating bias and then provided the material covers the same occupation and interest areas.

It is recommended counselors review their total program to insure both male and female students are aware that no single sex courses are authorised.

The areas of greatest need to comply with Title IX Regulations are:

1. Sexism.
2. Physical education and athletic programs.
3. Single sex courses.
4. Vocational education.

Sexism seems to be a psychological problem involving traditions and can be dealt with by those in positions of authority.

A national survey conducted in 1970-71 by the National Education Association showed while women constituted sixty seven percent of all public school teachers, they account for only fifteen percent of the principals and six tenth percent of the superintendents.

The physical education program is by far lacking in compliance with Title IX Regulations. The final regulation allows separation during participation in contact sports and explicitly permits grouping of students by ability. It also allows separate classes in sex education.

The survey revealed physical education classes are separate during contact and non contact teaching units and males and females use different sections of the physical training areas.

It is recommended co-physical education classes be initiated and male and female teachers work in harmony in dressing and control of participating students. It is also recommended additional personal equipment be provided for females to equal male items.

A special memo is provided to recipients covering sex discrimination in athletic programs. This memo is furnished by the U. S. Department of Health, Education, and Welfare office for civil rights dated September 1975.

The regulation provides equal opportunity to members of both sexes interested in participating in the athletic

programs. Section 86.41 prohibits discrimination on the basis of sex in the operation of any interscholastic, intercollegiate, club or intramural athletic programs offered by an educational facility.

It is recommended the system under consideration provide an alternate sport for females to equal football played in the secondary schools by males. It is also recommended golf, softball, tennis and all other sports accept both sexes, that contact sports be separate, and equal programs be provided so as not to discriminate between sexes.

It is also recommended that male and female games be alternated so as not to make the male game the highlight of the evening activities. It is also recommended local radio stations give equal consideration to female and male games.

A recipient school system may not require males to take shop and females to take home economics, exclude females from shop and males from home economics, or operate separate home economics or shop classes for males and females.

The survey revealed the system is weak in that home economics, shop and building and trades classes are almost single sex courses. In the three high schools under study, males are excluded from home economics and females from building and trades due to the long standing cultural background of our society. Females and males are involved in

shop classes and no changes are necessary. Single sex courses need considerable adjustments, mostly in counseling and scheduling.

Vocational schools may not limit enrollment of members of one sex because of limited availability of job opportunities for members of that sex.

The study limited itself to secondary schools touching the administration of the Stewart-Montgomery County Vocational facility.

It is recommended a separate study be made to determine the availability of sexist courses in the center and if they exist, this practice be discontinued. Interviews with counselors in the three high schools revealed that single sex courses do exist due to planning and not necessarily based on sex.

The author concluded that much work needs to be done in the area of sex discrimination in secondary schools of Montgomery County and Clarksville. The major consideration was of attitude. Adjustments in attitudes should lead to compliance with Title IX Regulations.

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APPENDIX A

PEER

SUMMARY OF THE REGULATION

FOR TITLE IX

EDUCATION AMENDMENTS OF 1972

SUMMARY OF THE REGULATION* FOR TITLE IX EDUCATION AMENDMENTS OF 1972

Title IX of the Education Amendments of 1972 says:

"No person . . . 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. . . ."

With certain exceptions, the law bars sex discrimination in any academic, extracurricular, research, occupational training or other educational program (preschool to postgraduate) operated by an organization or agency which receives or benefits from federal aid. Exempted from the provisions of Title IX are schools whose primary purpose is training for the U.S. military services or the merchant marine and educational institutions controlled by religious organizations whenever compliance with Title IX would be contrary to their religious beliefs. In addition, the "Bayh Amendment" to Title IX exempts the membership policies of the Girl and Boy Scouts, the YMCA and YWCA, Campfire Girls and other single sex "youth service organizations" whose members are chiefly under age 19. This special exemption does not apply to recreational youth groups such as Little League. Also exempted by the amendments are university-based social fraternities and sororities.

Basically, the regulation for Title IX falls into five categories: general matters related to discrimination on the basis of sex, admissions, treatment of students once they are admitted, employment and procedures.

The following summary was adapted by PEER from a summary prepared by the **Resource Center on Sex Roles in Education** of the National Foundation for Improvement of Education.

GENERAL PROVISIONS — § 86.3 - 86.9

Each recipient of federal education aid must evaluate its current policies and practices to determine whether they comply with Title IX. Each recipient must then take whatever steps are necessary to end discrimination. Institutions must keep a description of these steps on file for three years, and they must complete the evaluation and steps to overcome the effects of bias by July 21, 1976.

The regulation also requires that recipients adopt and publish grievance procedures to resolve student and employee complaints alleging discrimination prohibited by Title IX. (Victims of discrimination are not required to use these procedures — they may file a complaint directly with the U.S. Department of Health, Education and Welfare.).

Recipients (for example, a school district, state education agency, or university) must appoint at least one employee to coordinate its efforts to comply with Title IX.

The regulation requires recipients to notify students, parents, employees, applicants, unions and professional organizations that they do not discriminate on the basis of sex. Students and employees must be told how to contact the employee coordinating Title IX compliance efforts.

By Oct. 21, 1975, recipients were required to issue this notice in the local press, student and alumni newspapers, and by a letter sent directly to students and employees. After that, all announcements, bulletins, catalogs and applications must contain a notice.

ADMISSIONS — § 86.21 - 86.23

The regulation bars sex discrimination in admissions to certain kinds of institutions: those of vocational, professional, graduate, and public coeducational undergraduate institutions. Admissions to private undergraduate institutions are exempt, including admissions to private, undergraduate professional and vocational schools. HEW will look at the admissions practices of each "administratively separate unit" separately.

Specifically, the regulation bars limitations (i.e., quotas) on the number or proportion of persons of either sex who may be admitted, preference for one sex, ranking applicants separately by sex, and any other form of differential treatment by sex.

*45 CFR Part 86. The text appears in the *Federal Register*, June 4, 1975, page 24128. Copies are available from the Director, Office for Civil Rights, U.S. Department of Health, Education and Welfare, 330 Independence Ave., SW, Rm. 3239, Washington, D.C. 20201.

PEER, the Project on Equal Education Rights, is a project of the NOW Legal Defense and Education Fund. Funded by the Ford Foundation to monitor enforcement progress under federal law forbidding sex discrimination in education. 1029 Vermont Avenue, NW, Suite 800, Washington, D.C. 20005. Project Director: Holly Knox. Associate Director: Clelia Steele. Staff: Robin Gordon, Mary McKenzie, Chris Rusnock, Lynda Weston.

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The recipient may not use a test or other criterion for admission which adversely affects any person on the basis of sex unless the test or criterion is shown to predict successful completion of the educational program, and unbiased alternatives are not available. Also prohibited are rules concerning parental, family, or marital status of students which make distinctions based on sex; discrimination because of pregnancy or related conditions; and asking an applicant's marital status. Recipients can ask an applicant's sex if the information is not used to discriminate.

The recipient must make comparable efforts to recruit members of each sex, except when special efforts to recruit members of one sex are needed to remedy the effects of past discrimination.

TREATMENT OF STUDENTS — § 86.31 - 86.42

General Coverage — § 86.31

Although some schools are exempt from coverage with regard to admissions, all schools must treat their admitted students without discrimination on the basis of sex. Briefly, the treatment of students section covers courses and extracurricular activities (including student organizations and competitive athletics), benefits, financial aid, facilities, housing, rules and regulations (including rules of appearance), and research. A student may not be limited in the enjoyment of any right, privilege, advantage or opportunity based on sex.

The regulation forbids a recipient to aid or perpetuate sex discrimination by providing "significant assistance" to any agency, organization or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees (with some exceptions, including the membership policies of social fraternities and sororities, Boy and Girl Scouts, YMCA and YWCA). (Significant assistance may include the provision of a facility or faculty sponsor.)

Housing and Facilities — § 86.32 and 86.33

Institutions may provide housing separately for men and women. However, housing for students of both sexes must be as a whole:

- proportionate in quantity to the number of students of that sex that apply for housing, and
- comparable in quality and cost to the student.

Institutions may not have different housing policies for students of each sex (for example, if a college allows men to live off campus, it must allow women too).

Toilets, locker rooms and shower facilities may be separated on the basis of sex, but these facilities must be comparable for students of both sexes.

Courses and other Educational Activities — § 86.34 and 86.35

Courses or other educational activities may not be provided separately on the basis of sex. An institution may not require or refuse participation in any course by any of its students on that basis. This includes physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

However, sex education is an exception: portions of elementary and secondary school classes dealing with human sexuality may be separated by sex.

In physical education classes, students may be separated by sex *within* coeducational classes when playing contact sports. Contact sports include wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

Recipients must end single sex physical education classes "as expeditiously as possible," but elementary schools have until July 21, 1976, to comply fully. Secondary and post-secondary institutions must comply fully with this requirement by July 21, 1978.

Choruses may be based on vocal range or quality and may result in single-sex or predominantly single-sex choruses.

Local school districts may not, on the basis of sex, exclude any person from:

- any institution of vocational education;
- any other school or educational unit, unless the school district offers that person courses, services and facilities which are comparable to those offered in such schools, following the same policies and admission criteria.

Counseling — § 86.36

A recipient may not discriminate on the basis of sex in counseling or guiding students.

Whenever a school finds that a class has a disproportionate number of students of one sex, it must take whatever action is necessary to assure that sex bias in counseling or testing is not responsible.

A recipient may not use tests or other appraisal and counseling materials which use different materials for each sex or which permit or require different treatment for students of each sex. Exceptions can be made if different materials used for each sex cover the same occupations and they are essential to eliminate sex bias.

Schools must set up their own procedures to make certain that counseling and appraisal materials are not sex-biased. If a test does result in a substantially disproportionate number of students of one sex in a course of study or classification, the school must take action to ensure that bias in the test or its application is not causing the disproportion.

Student Financial Aid — § 86.37 and 86.31(c)

The regulation covers all forms of financial aid to students. Generally, a recipient may not, on the basis of sex:

- provide different amounts or types of assistance, limit eligibility, apply different criteria, or otherwise discriminate;
- assist through solicitation, listing, approval, provision of facilities, or other services any agency, organization or person which offers sex-biased student aid;
- employ students in a way that discriminates against one sex, or provide services to any other organization which does so.

There are exceptions for athletic scholarships and single-sex scholarships established by will or trust.

Athletic scholarships. An institution which awards athletic scholarships must provide "reasonable opportunities" for both sexes, in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic scholarships for each sex may be offered in connection with separate male/female teams to the extent consistent with both the section on scholarships and the section on athletics (86.-41).

Scholarships for study abroad. The regulation exempts discriminatory student assistance for study abroad (such as Rhodes Scholarships), provided that a recipient which administers or helps to administer the scholarship awards makes available similar opportunities for the other sex. (86.31(c)).

Single sex scholarships. An institution may administer or assist in the administration of scholarships and other forms of student financial aid whenever a will, trust, or bequest specifies that the aid can only go to one sex, as long as the overall effect of making sex-restricted awards is not discriminatory.

To ensure this, institutions must:

- select financial aid recipients on the basis of nondiscriminatory criteria, not the availability of sex-restricted scholarships;
- allocate sex-restricted awards to students already selected in such a fashion; and
- ensure that no student is denied an award because of the lack of a sex-restricted scholarship.

Student Health and Insurance Benefits — § 86.39

Student medical, hospital, accident or life insurance benefits, services, or plans may not discriminate on the basis of sex. This would not bar benefits or services which may be used by a different proportion of students of one sex than of the other, including family planning services.

Any school which provides full coverage health services must provide gynecological care.

Marital or Parental Status — § 86.40

The regulation bars any rule concerning a student's actual or potential parental, family, or marital status which makes distinctions based on sex.

A school may not discriminate against any student in its educational program, including any class or extracurricular activity, because of the student's pregnancy, childbirth, false pregnancy, miscarriage, or termination of pregnancy, unless the student requests voluntarily to participate in a different program or activity.

If a school does offer a voluntary, separate education program for pregnant students, the instructional program must be comparable to the regular instructional program.

A school may ask a pregnant student to have her physician certify her ability to stay in the regular education program only if it requires physician's certification for students with other physical or emotional conditions.

Recipients must treat disabilities related to pregnancy the same way as any other temporary disability in any medical or hospital benefit, service, plan or policy which they offer to students. Pregnancy must be treated as justification for a leave of absence for as long as the student's physician considers medically necessary. Following this leave, the student must be reinstated to her original status.

Athletics — § 86.41

General coverage. The regulation says that no person may be subjected to discrimination based on sex in any scholastic, intercollegiate, club or intramural athletics offered by a recipient of federal education aid.

Separate teams and contact sports. Separate teams for each sex are permissible in contact sports or where selection for teams is based on competitive skill. Contact sports include boxing, wrestling, rugby, ice hockey, football, basketball, and any other sport "the purpose or major activity of which involves bodily contact."

In *noncontact* sports, whenever a school has a team in a given sport for one sex only, and athletic opportunities for the other sex have been limited, members of both sexes must be allowed to try out for the team.

Equal opportunity. A school must provide equal athletic opportunity for both sexes. In determining whether athletic opportunities are equal, HEW will consider whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes. The Department will also consider (among other factors): facilities, equipment, supplies, game and practice schedules, travel and per diem allowances, coaching (including assignment and compensation of coaches), academic tutoring, housing, dining facilities, and publicity.

Equal expenditures are not required, but HEW "may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex."

Adjustment period. Elementary schools must comply fully with the section covering athletics "as expeditiously as possible" but no later than July 21, 1976. Secondary and post-secondary institutions have until July 21, 1978, to comply fully.

Textbooks — § 86.42

The regulation does not require or abridge the use of particular textbooks or curriculum materials.

EMPLOYMENT — § 86.51 - 86.61

General Provisions — § 86.51 - 86.55

All employees in all institutions are covered, both full-time and part-time, except those in military schools, and those in religious schools to the extent compliance would be inconsistent with the controlling religious tenets.

In general, the regulation prohibits: discrimination based on sex in employment, recruitment, and hiring, whether full-time or part-time, under any education program or activity which receives or benefits from federal financial aid. It also bars an institution from entering into

union, employment agency, or fringe benefit agreements which subject individuals to discrimination.

An institution may not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of sex.

The regulation prohibits sex discrimination in all aspects of employment, including employment criteria, advertising and recruitment, hiring and firing, promotion, tenure, pay, job assignments, training, leave, and fringe benefits.

If the institution is found to have practiced sex discrimination in recruitment or hiring, however, it must recruit members of the sex against which it has discriminated to overcome the effects of past discrimination.

Fringe benefits — § 86.56

Fringe benefit plans must provide *either* for equal periodic benefits for male and female employees *or* equal contributions for both sexes. Retirement plans may not establish different retirement ages for employees of each sex.

Marital status and pregnancy — § 86.57

An institution may not apply any employment policy concerning the potential marital, parental or family status of an employee or employment applicant which makes distinctions based on sex.

In addition, it may not have policies based on whether the employee or applicant is head of household or principal wage earner in the family.

An institution may not discriminate in employment on the basis of pregnancy or related conditions. A temporary disability resulting from these conditions must be treated as any other temporary disability for all job-related purposes, including leave, seniority, reinstatement and fringe benefits. If the employer has no temporary disability policy, pregnancy and related conditions must be considered a justification for leave without pay for a "reasonable" time period and the employee reinstated to her original or comparable status when she returns from leave.

Effect of state and local laws — § 86.58 and 86.6

The obligation to comply with this regulation is not precluded by any state or local laws.

ENFORCEMENT PROCESS — § 86.71*

In enforcing Title IX, the U.S. Department of Health, Education and Welfare will follow the procedures of Title VI of the Civil Rights Act of 1964. Under these procedures HEW conducts compliance reviews — broad-based investigations of school districts or universities initiated by HEW.

HEW must also investigate promptly complaints submitted by individuals or groups. Letters charging that discrimination has occurred may be sent to the Director, Office for Civil Rights, U.S. Department of HEW, 330 Independence Avenue, SW, Room 3256N, Washington, D.C. 20201 or to the Director of the Regional Office for Civil Rights responsible for enforcement in that state.

The Title IX procedures require educational institutions to keep records demonstrating whether they are complying with the law's requirements. Records must be available to HEW upon request.

Discrimination complaints must be filed with HEW within 180 days of the date of discrimination. Aside from this requirement, no specific time limits are set on any other proceedings. If after this investigation, HEW finds that discrimination exists, it must try to achieve voluntary compliance by the institution. Failing this, HEW may then begin administrative hearings which could lead to termination of federal financial assistance.

HEW can also refer the matter to the Department of Justice for possible federal prosecution or to state or local authorities for action under state or local laws. Under the provisions for administrative hearings, recipient institutions (but not the complainant) are granted the right to counsel and the right to appeal.

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*The full text of these procedures appears at 45 CFR §§ 80.6 - 80.11 and 45 CFR Part 81.

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Appendix B

Appendix B is a questionnaire used to collect information for the study. Areas of consideration fall within the questions as numbered.

Questions	1 - 3	Sexism.
Question	4	Recruiting.
Questions	5 - 7	Admissions.
Questions	8 - 21	Rules and Regulations.
Questions	22 - 24	Housing.
Questions	25 - 26	Graduation.
Questions	27 - 33	Physical Education.
Questions	34 - 35	Student Employment.
Questions	36 - 37	Textbook and Curriculum.
Question	38	Single Sex Courses.
Question	39	Counseling.

QUESTIONNAIRE

1. Indicate your definition of a girl.

   a. A female child

   b. A female servant

   c. A young unmarried woman

   d. A sweetheart

   e. All of the above

2. Match the following words.

a. Female	_____	1.	Narrow
b. Woman	_____	2.	Rooster
c. Lady	_____	3.	Fella
d. Girl	_____	4.	Boy
e. Gal	_____	5.	Gentleman
f. Chick	_____	6.	Man
g. Broad	_____	7.	Male

3. In bulletin board display materials, a visitor to your school would likely see.

   a. Mostly boys

   b. Mostly girls

   c. Boys and girls

4. When recruiters visit your school, do they speak mostly of:

   Opportunities for girls

   b. Opportunities for boys

   c. About equal

5. If you had the choice, would you admit pregnant girls into your school?

   a. Yes

   b. No

   c. Discourage them

6. If you could make the decision, would you admit married males into your school?

   a. No

   b. Yes

   c. Discourage them

7. If you could decide, would you admit married females into your school?

   a. No

   b. Yes

   c. Discourage them

8. Do you refer to females as:

   a. Ms.

   b. Miss

   c. Girls

9. If you could decide, would you admit males with long hair into your school?

   a. Yes

   b. No

   e. Undecided

10. Do you encourage females to apply for financial aid when applying for college entrance?

a. Yes

b. No

e. I am not involved

11. If you could make the decision, would you allow girls to smoke in your school?

a. Yes

b. No

c. Undecided

12. If you had your choice, would you allow boys to smoke in your school?

a. Yes

b. No

c. Undecided

13. Do you allow boys to go bare-chested in your school?

a. Yes

b. No

c. I don't care

14. Do you allow girls to go bare-chested in your school?

a. Yes

b. No

c. I don't care

15. Do you prefer that girls not wear slacks in school?

    a. Yes

    b. No

    c. Undecided

16. Would you permit boys to wear dresses in your school?

    a. Yes

    b. No

    c. Undecided

17. Do you punish girls for swearing in your school by spanking them?

    a. Yes

    b. No

    c. I do not believe in spanking girls

18. Do you punish boys for swearing in your school by spanking them?

    a. Yes

    b. No

    c. I do not believe in spanking boys

19. Are boys spanked in your school?

    a. Yes

    b. No

20. Are girls spanked in your school?

    a. Yes

    b. No

21. Do you require the homecoming queen to be a virgin?

a. Yes

b. No

c. I do not get involved

22. Do boys and girls utilize one cafeteria in your school?

a. Yes

b. No

23. Do boys and girls utilize the same bathroom facilities in your school?

a. Yes

b. No

24. Do you allow boys and girls to share book lockers together in your school?

a. Yes

b. No

25. Are your graduation requirements the same for boys as for girls?

a. Yes

b. No

c. No policy

26. Do boys and girls wear different colored graduation robes?

a. Yes

b. No

27. Is the girl's P. E. dressing room as large as the boy's room?

a. Yes

b. No

28. Are there co-physical education classes in your school?

a. Yes

b. No

29. Do you play the National Anthem before:

a. The girl's game

b. The boy's game

c. Not at all

30. Are girl's games broadcasted?

a. Yes

b. No

31. If your school participates in the following sports, is there an alternate sport for girls?

	Yes/No	List alternate sport
a. Football	_____	_____
b. Basketball	_____	_____
c. Baseball	_____	_____
d. Softball	_____	_____
e. Golf	_____	_____
f. Tennis	_____	_____

32. Do you expell pregnant girls from your school for reasons of pregnancy?

a. No

b. Yes

33. Do you have insurance coverage for pregnant girls in your school

a. No

b. Yes

34. Does Midcumberland employ girls in its work program?

a. No

b. Yes

35. If book lockers were being installed in your school, would you allow girls to assemble them?

a. Yes

b. No

36. Do you encourage boys to take Home Economics in your school?

a. Yes

b. No

c. Does not apply to my school

37. Do you encourage girls to take Building and Trades in your school?

a. Yes

b. No

c. Does not apply to my school

38. Do you have a single sex course in your school? (If yes, please list this course)

_____

39. Is there equal counseling given to females pertaining to entrance into military service as males in your school?

a. Yes

b. No

c. No counseling is given