

## **Title IX about way more than athletics, so learn the law**

By Sylvia Chariton

Known for creating opportunities for women and girls in athletics, Title IX affects all areas of education. As the school year begins, parents need to know that the scope of this important legislation goes well beyond the playing field.

Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex discrimination in education. It covers any educational institution or program that receives federal funds. This includes school districts, colleges and universities, for-profit schools, technical education agencies, libraries and museums. It also protects staff members, including teachers and other employees.

Title IX affects all areas of education: recruitment, admissions and housing; technical education; pregnant, parenting and/or married students; science, technology, engineering and math (STEM); sexual harassment and assault; comparable facilities and access to course offerings; financial assistance; student health services and insurance benefits; harassment based on gender identity; and athletics.

Title IX's work is not done and parents need to be vigilant. Nationally, sexual harassment pervades the lives of students. Nearly half of students in grades 7-12 experienced harassment in the 2010-11 school year (56 percent of girls and 40 percent of boys). Of that number, 87 percent said it had a negative effect.

Schools must appoint at least one employee to coordinate Title IX compliance. Parents and students in any Idaho public school district should know their Title IX coordinator's name.

More than athletics, Title IX requires recipients of federal education funding to evaluate their current policies and practices, adopt and publish a policy against sex discrimination, and implement grievance procedures

providing for prompt and equitable resolution of student and employee discrimination complaints.

Sexual harassment creates an inequitable learning environment and is a violation of Title IX. If a school fails to recognize and address discriminatory harassment based on sex or gender identity, it can be held responsible for violating students' civil rights. Title IX prohibits gender-based harassment, even if those acts do not involve conduct of a sexual nature.

The U.S. Department of Education Office for Civil Rights (OCR) issued guidance on Title IX and sexual violence. Students' rights are violated when a school does not take sufficient steps to address a hostile environment that allows sexual violence to occur. This emphasis on students' safety was reiterated by the Obama administration, which in April 2014 issued recommendations for ending sexual assault on college campuses.

Sex segregation persists in career and technical education, with women making up about 90 percent of the students enrolled in courses leading to traditionally female occupations such as cosmetology, child care and health services. Only 39 percent of all full-time professors at colleges and universities are women. Women's teams receive only 33 percent of recruiting dollars and 36 percent of operating funds. Women receive only 17 percent of computer science and 18 percent of engineering-related technology bachelor's degrees.

Pregnant and parenting students are often steered toward separate and less rigorous schools. In 2013, OCR clarified the Title IX ban on schools forcing them out.

The Title IX law, enforced by OCR, prohibits retaliation for filing a Title IX complaint or advocating for those making a complaint. On the field, on the campus and in the classroom, Title IX is a game changer. As a parent or student, make sure you know the rules.

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*women and girls through advocacy, education, philanthropy and research.*

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# Supreme Court vacancy must be filled sooner rather than later

BY AMIE L. BRUGGEMAN

The American Association of University Women (AAUW) joins the nation in mourning the passing of Supreme Court Justice Antonin Scalia. His untimely passing has left a void at a critical time in the history of the court and the country. Many people, including women and their families, have cases pending before the court that may require a full complement of nine justices to be decided. If a court of eight justices renders a split decision, there will not be a resolution. As has been said, justice delayed is often justice denied.

We are fortunate, as a nation, to have a constitutional process to expeditiously fill the vacancy that has been left by the sudden passing of this great jurist. Article 2 provides that the president “shall nominate” a replacement; hearings are then held before the Senate Judiciary Committee, where the nominee and witnesses may testify; a simple majority vote of that committee may send the nomination to the full

Senate; the nominee may then be confirmed by the Senate; and, if confirmed, the president appoints the nominee to fill the vacancy.



Before 1981, the approval process was usually quite rapid, typically taking one month. From President Reagan's administration until today, the process has taken longer, an average of 67 days. The longest, for Justice Clarence Thomas, took 99 days, while Justice Sandra Day O'Connor was confirmed in just 33 days. President Obama's two previous nominees received hearings and votes within 88 days.

History tells us that there is more than enough time to select and confirm a qualified nominee. There are more than nine months left before the next president takes office. There is also precedent for confirming a nominee in an election year even when the sitting president's party differs. Justice Anthony Kennedy — though first nominated in November 1987 by Reagan — was confirmed by a Democratic-controlled Senate in the election year of 1988.

In this politically charged election year, there have been assertions by Senate GOP leaders that confirmation hearings will not be held until after the next president is seated in January 2017. These assertions were made even before a nominee was announced by the president. If the Senate fails to perform its duty to promptly act upon receiving a nomination from the president, the Supreme Court will not have a full complement for the bulk

of two court terms — well over a year. This unprecedented delay could have dire consequences not only because it creates uncertainty in our courts, but also because it undermines our constitutional system of judicial succession for the highest court in the nation.

The president has met his constitutional duty to designate a nominee. The members of AAUW urge the Senate to perform its constitutional duties in promptly filling the vacancy that now exists on the Supreme Court. In following the orderly process provided, the tradition of this highest of courts will be protected.

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