PERSPECTIVES ON TITLE IX

Lessons from an emerging area of Law

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No information presented or opinion expressed is legal advice or official opinion of the Texas Attorney General's Office.

TITLE IX

The Statute – Codified at 20 U.S.C. § 1681 *et seq.*

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

Title IX of the Education Amendments of 1972
Implementing Regulations at:
20 U.S.C. § 1681 & 34 C.F.R. Part 106

TITLE IX

As interpreted by the Supreme Court

- *Cannon v University of Chicago*,
  441 U.S. 677 (1977)
  Recognized a private right of action.
- *Franklin v. Gwinnett County Public Schools*,
  503 U.S. 60 (1992)
  Allowed damages in private suits under Title IX.

TITLE IX

As interpreted by the Supreme Court

- *Gebser v. Lago Vista Independent School District*,
  524 U.S. 274 (1998)
  "[D]efine[d] the contours of [Title IX] liability…"
- *Davis v. Monroe County Board of Education*,
  526 U.S. 629 (1999)
  Student-on-student sexual harassment.

TITLE IX

As interpreted by the Supreme Court

The Contours of Liability defined by *Gebser*:

1) An **appropriate person** must have
2) **Actual Knowledge** of the alleged discrimination and
3) Respond (or fail to respond) with **deliberate indifference.**

TITLE IX

As interpreted by the Supreme Court

*Davis: A s*chool is not liable for *students'* conduct, but for "its *own* decision to remain idle in the face of known student-on-student harassment."

A school must respond in a manner that is not clearly unreasonable.

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