

Title IX Athletics

A Chronology of the Rancorous Politics

1972

Title IX Becomes Law. Title IX of the Education Amendments of 1972, prohibiting sex discrimination in federally funded education programs, is enacted; Title IX author, Congresswoman Patsy Mink of Hawaii, was herself denied admission to medical school because of her gender.

1974

Draft Regulation Published.

The draft regulation to implement the 1972 Title IX statute is published for public comment and includes requirements for athletics programs. Male athletics professionals and members of Congress testify at congressional hearings that Title IX will mark the end of college sports as we have known them.

Statutory Amendment. Senator John Tower of Texas proposes an amendment to exempt revenue producing sports from Title IX coverage; the Tower Amendment is rejected; an amendment proposed by Senator Jacob Javits of New York is adopted instructing the Secretary of HEW to create "reasonable regulations . . . considering the nature of the particular sports."

1975

Regulation Implementing the Title IX Statute Becomes Law.

The Title IX regulation becomes law. The regulation addresses admissions, treatment of students, access to academic courses, and employment, and delineates requirements for athletics programs.

1979

Intercollegiate Athletics Policy Interpretation Becomes National Policy; Creates Three-Part Test.

The Intercollegiate Athletics Policy Interpretation is adopted by the Office for Civil Rights (OCR) of the U.S. Department of Health, Education, and Welfare, which has nationwide enforcement authority for Title IX. The 1979 Policy Interpretation provides a framework for athletics investigations and creates a three-part test for analyzing whether female and male students have an equal opportunity to become intercollegiate athletes.*

OCR's three-part test is debated and litigated extensively for the next 30 years. False claims that OCR's policy requires institutions to provide intercollegiate participation opportunities proportionate to enrollment persist despite the facts.

The Heart of the Controversy – The Three-Part Test

Under OCR's Title IX policy, institutions need to meet only one test of the three tests for determining equitable opportunities to participate. Education administrators may choose which one test of the three tests their institutions shall meet. One of the choices is proportionality. As studies later show, the two choices other than proportionality are selected over 70% of the time.

Test One – proportionality: provide intercollegiate or interscholastic participation opportunities for women and men in proportion to their respective rates of enrollment (for example, if women are 52% of the enrollment, then approximately 52% of the athletics participants are to be women); or

Test Two – program expansion: demonstrate a history and continuing practice of program expansion for the underrepresented sex by showing that opportunities have been added for the underrepresented sex (nearly always girls and women) as their interests and abilities have developed and evolved (for example, if women are 52% of the enrollment but only 40% of the participants, the institution may still comply by showing that it has added women's opportunities in a timely manner that has been responsive to women's developing interests); or

Test Three – full accommodation of the underrepresented sex: fully accommodate the underrepresented sex by offering every team for which there is sufficient interest and ability for a viable team, and sufficient competition in the geographic area where the institution normally competes (for example, if women are 52% of the enrollment but only 40% of the participants, the institution may still comply if it currently offers all women's teams for which there is sufficient interest, ability, and regional competition); all three factors – interest, ability, and regional competition – must exist before an institution is obligated to offer a team if choosing compliance with test three.

Most Institutions Comply With the Three-Part Test. As of 1979, most institutions meet test two, by recent additions of women's teams during the 1970s, or meet test three by already offering every team for women for which the three factors of test three all apply—sufficient interest, ability, and competition.

1984

Title IX Enforcement Halted. The U.S. Supreme Court rules in *Grove City College v. Bell* that Title IX applies only to education programs receiving direct federal funds. Few athletics programs receive federal aid directly, so nearly all aspects of

athletics programs are no longer subject to Title IX. Within weeks of the *Grove City* decision, some members of Congress (including Republicans like Bob Dole) introduce bills to “overturn” the Supreme Court’s decision; passage is delayed by President Ronald Reagan and his Administration.

1988

Title IX Enforcement Restored. Congress passes the Civil Rights Restoration Act of 1987 by two-thirds majority over President Reagan’s veto on March 22, 1988, clarifying its intent that all programs at an educational institution are covered by Title IX when any one program receives federal funding. Title IX’s application to athletics programs is restored.

1990

Title IX Athletics Investigator’s Manual. OCR issues its “Title IX Athletics Investigator’s Manual.” The Manual outlines policies and procedures by which OCR staff are to conduct investigations.

1993 – 1994

Brown University – First Circuit Court. The Court of Appeals for the First Circuit confirms that Brown University violated Title IX when it demoted two women’s teams (gymnastics and volleyball) and two men’s teams (golf and water polo) from intercollegiate to club status. Women were already underrepresented in the program (48% of the enrollment and 36.7% of the participants), so Brown University did not meet test one, proportionality. By discontinuing two women’s intercollegiate teams, Brown did not meet test two (program expansion) or test three (full accommodation). The Court affirms that the three-part test “as a whole is reasonably constructed to implement the statute” and is a “plausible, if not inevitable, reading of Title IX.”

Colorado State University – Tenth Circuit Court. The Court of Appeals for the Tenth Circuit concurs that CSU violated Title IX when it discontinued its baseball and softball teams. “The underlying mandate of this opinion is that CSU may not continue to operate an intercollegiate athletic program that provides a disproportionate amount of participation opportunities to male athletes [test one] where there is no evidence of continuing program expansion [test two] or effective accommodation of the interest and abilities of its female students [test three].”

Indiana University of Pennsylvania – Third Circuit Court. Indiana University of Pennsylvania (IUP) announces plans to discontinue two men's teams (tennis and soccer) and two women's teams (gymnastics and field hockey), which increases the imbalance between men's and women's rates of participation and rates of enrollment. The district court orders the reinstatement of the women's teams and denies the University's request to modify the order by substituting soccer for gymnastics. The University appeals. The Court of Appeals for the Third Circuit leaves the scope and method of attaining compliance to the district court, but concurs that substituting soccer for gymnastics does not place IUP in compliance with any of the three tests.

Kentucky High School Athletic Association – Sixth Circuit Court.

Twelve female slow-pitch softball participants sue the Kentucky High School Athletic Association (KHSAA) and Kentucky Board of Education alleging that failure to offer fast-pitch softball and sponsoring fewer state tournaments for girls violates Title IX. The KHSAA begins offering fast-pitch softball. In speaking to the proper analysis, the Court of Appeals for the Sixth Circuit states: "We are significantly aided in our analysis of this question by the thorough discussion of similar issues in recent cases from our sister circuits [First, Tenth, and Third Circuits], all issued after the district court's decision in this case." "The Policy Interpretation's reading of the regulation draws its essence from the statute and stands upon a 'plausible, if not inevitable, reading of Title IX,' and is thus entitled to enforcement."

University of Illinois – Seventh Circuit Court. Women are 44% of the enrolled students and 23% of the intercollegiate athletics participants. The University announces its intention to eliminate men's swimming and fencing and men's and women's diving. Members of the men's swim team sue the University alleging violations of Title IX and the Equal Protection clause of the U.S. Constitution because men's but not women's swimming is terminated. The district court rules in favor of the University, and the plaintiffs appeal. The plaintiffs argue that the regulation and Policy Interpretation "pervert" Title IX and that the Policy Interpretation establishes a gender-based quota system. The court responds that "Congress itself recognized that addressing discrimination in athletics presented a unique set of problems not raised in areas such as employment and academics," quoting Senator Birch Bayh, Senate sponsor of Title IX; moreover, "Given the unique problems raised by discrimination in athletic opportunity, it would be inappropriate to import a body of law developed in other contexts." The Circuit Court states that the Policy Interpretation merely creates a presumption that a school is in compliance when achieving a statistical balance, and notes that two other methods of compliance are available. The court finds that the Policy Interpretation "passes constitutional muster" since the interest of the disproportionately burdened gender is protected.

Equity in Athletics Disclosure Act Becomes Law. The Equity in Athletics Disclosure Act (EADA) is enacted. The EADA requires institutions participating in the federal student loan program and operating intercollegiate athletics programs to submit an annual report to the federal government. The legislation is introduced by Congresswoman Cardiss Collins of Illinois, who is inducted into the Women's Sports Hall of Fame.

Women's Advocate Supports Illegal Quota Claims of Congressman Dennis Hastert and the Men's Advocacy Groups. A representative of a national women's advocacy organization is quoted in major newspapers nationwide declaring that Title IX requires proportionality. The women's advocate's repeated proclamations provide significant support to the claims of Congressman Dennis Hastert and the men's advocacy groups that Title IX requires illegal quotas.

1995

Congressman Dennis Hastert Calls for a Hearing on Title IX.

Congressman Dennis Hastert of Illinois calls for a hearing of the U.S. House of Representatives Subcommittee on Postsecondary Education. Hastert is a former wrestling coach and president of the Illinois Wrestling Coaches Association. Congressman Hastert testifies that the enforcement of Title IX is harmful to men as it constitutes a quota system that penalizes men. He issues a press release citing "OCR's strict adherence to a 'proportionality standard'" as leaving institutions "with no option but to eliminate men's sports programs to remain within the law."

Congressman Dennis Hastert Introduces Legislation. Congressman Hastert introduces legislation to force OCR to issue a clarification of its enforcement policies or lose its enforcement budget for Title IX. The legislation does not pass.

1996

OCR Issues Three-Part Test Clarification. The Office for Civil Rights issues a "Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test," as a result of the hearing called by Congressman Dennis Hastert. The policy confirms that there are three different methods of compliance for participation opportunities.

Congressman Dennis Hastert Honored. Congressman Dennis Hastert receives the National Wrestling Hall of Fame's Order of Merit.

The Government Accountability Office Shows That Quota Claims Are False.

The Government Accountability Office (GAO), an independent and nonpartisan agency that conducts investigations for Congress, issues its report entitled, "Intercollegiate Athletics, Status of Efforts to Promote Gender Equity." The GAO finds that from 1992 to 1996, OCR investigated 80 intercollegiate athletics complaints involving the three-part test. Of these 80 institutions, 18 had not determined which of the three tests they would meet. Of the remaining cases, 74% of the institutions chose compliance with test three (full accommodation) or test two (program expansion), not test one (proportionality). The 1996 GAO study shows that Congressman Dennis Hastert's continuing allegations and the claims of the advocacy groups regarding quotas are false.

1997

THE 25TH ANNIVERSARY OF TITLE IX

National Women's Law Center Files 25 Scholarship Complaints.

The National Women's Law Center files complaints with the Office for Civil Rights alleging violations in the awarding of athletic financial assistance by 25 institutions. OCR changes its policy in mid-investigation, and obtains compliance agreements from most of the institutions. Implicit in the execution of these agreements is that the institutions violated Title IX. [Author's Note: OCR's written policy at the time the complaints are filed allows for broad compliance parameters, and it is highly likely that 80% or more of the 25 institutions already complied with OCR's written policies for athletic scholarships before signing agreements. OCR did not make narrowing these parameters a priority because many institutions were awarding women disproportionately higher amounts of scholarship aid, a result of women's underrepresentation in athletics.]

1998

OCR Issues Scholarship Guidance. OCR issues new guidance on athletics scholarships to address any confusion that may remain regarding its scholarship policies.

Congressman Dennis Hastert Introduces More Legislation.

Congressman Dennis Hastert introduces legislation requiring colleges to publicly disclose their intention to drop a sport. The legislation does not pass.

ABC Television’s “20/20” Leads Viewers to Believe That Title IX Requires Proportionality. ABC Television airs a segment of its news program “20/20” on Title IX athletics. The program begins with Hugh Downs asking, “Equal treatment for girls and boys – is that always a good idea?” He adds, some say no, having postulated a provocative argument: “Worrying too much about equality is destroying a great American tradition – school sports for boys.” Barbara Walters states: “As John Stossel discovered, this plan for equality appears to have backfired.” Stossel relates the accusation that the law has been “twisted by federal regulations and court rulings,” and proclaims, “Under Title IX, the ratio of female athletes is supposed to match the ratio of female students.” ABC Television’s “20/20” leads its audience of 15 to 20 million viewers to believe – incorrectly – that Title IX requires proportionality. [Author’s Note: The 1996 GAO study, issued well before this “20/20” segment, demonstrates that the comments regarding proportionality are false.]

1999

California State University at Bakersfield – Ninth Circuit Court.

Members of the wrestling team and the National Wrestling Coaches Association sue because CSUB chooses to meet test one – proportionality by reducing the number of participants on the wrestling team and other men’s teams, while increasing women’s participation overall. CSUB sought to avoid discontinuing a men’s team. The wrestlers argue that equal opportunity is achieved when each gender’s athletic participation roughly matches its interest in participating. The Court of Appeals for the Ninth Circuit responds that such accommodation “would freeze the inequality of the status quo.” “Because the OCR’s three-part test gives universities two avenues other than substantial proportionality for bringing themselves into Title IX compliance, it does not conflict with [the Title IX statute].”

Illinois State University – Seventh Circuit Court. Illinois State adds women’s soccer and discontinues men’s soccer and wrestling, achieving participation rates of 52% women and 48% men, within three percentage points of enrollment rates. The plaintiffs argue that eliminating the men’s teams, even when men were 45% of the enrollment and 66% of the participants, constitutes sex discrimination against men in violation of Title IX. The Court of Appeals for the Seventh Circuit states “Unless we are willing to mandate such spending, the agency’s substantial proportionality rule must be read to allow the elimination of men’s athletic programs to achieve compliance with Title IX.”

Congressman Dennis Hastert Named Speaker of the U.S. House of Representatives. Congressman Dennis Hastert of Illinois becomes Speaker of the U.S. House of Representatives.

2000

Congressman Dennis Hastert Honored Again. Congressman Dennis Hastert is inducted into the National Wrestling Hall of Fame as an Outstanding American and named an Honorary Vice President of the American Olympic movement by the United States Olympic Committee.

Louisiana State University – Fifth Circuit Court. The Court of Appeals for the Fifth Circuit affirms the three-part test, stating: “The proper analytical framework for assessing a Title IX claim can be found in the Policy Interpretations to Title IX. The Circuit Court finds that LSU violated Title IX, because: men’s and women’s athletics participation and enrollment were disproportionate (test one); a women’s team had not been added for 14 years (test two); and women were not fully accommodated because softball was not offered (test three).

Second GAO Report Shows That Quota Claims Are False. The Government Accountability Office issues a report entitled “Gender Equity, Men’s and Women’s Participation in Higher Education,” per the request of Congresswoman Patsy Mink of Hawaii. In 74 cases, 49 institutions selected test three (full accommodation), 21 selected test one (proportionality), and 4 selected test two (program expansion). In effect, 72% (53 of 74) of the cases were closed by the institution complying with or committing to comply with test three or test two, not the proportionality option of test one. The 2000 GAO study provides a second study showing that the allegations of Congressman Dennis Hastert and of those claiming that Title IX requires illegal quotas are false.

2001

GAO Report on Discontinuing Teams. The GAO issues a report entitled “Intercollegiate Athletics: Four-Year Colleges’ Experiences Adding and Discontinuing Teams. The GAO analyzed information for NCAA and NAIA institutions for the 1981-82 to 1998-99 academic years. The GAO finds that between 1981-82 and 1998-99, women’s participation increased by 81%, while men’s participation increased by 5%. As of the 1998-99 academic year, men had 69,083 more participation opportunities than women, while women had 330 more teams than men. Of the 948 institutions

that added one or more women's teams, 72% did not discontinue any teams. Between 1992-93 and 1999-2000, institutions added 1,919 teams for women and 702 teams for men, while discontinuing 150 women's teams and 386 men's teams. Institutions cited multiple reasons for discontinuing teams. For the 272 institutions that provided an explanation for discontinuing men's teams, 91% cited lack of student interest, 31% cited gender equity goals, and 30% cited budget reallocation needs.

2002

THE 30TH ANNIVERSARY OF TITLE IX

Title IX Author, Congresswoman Patsy Mink, Predicts Title IX's Survival; Honored After Her Death.

Congresswoman Patsy Mink, speaking at a Title IX 30th anniversary event hosted by the NCAA, predicts that Title IX will continue to survive "the little fusses" that may arise from time to time. Later in the year, she dies of pneumonia. Title IX is renamed the Patsy T. Mink Equal Opportunity in Education Act.

University of North Dakota – Eighth Circuit Court. The University discontinues the wrestling team citing gender equity and budgetary considerations, and wrestling participants sue to reinstate the team. Although the University added three women's teams between 1995 to 2000, as of the 1999-2000 academic year, men were 51% of the enrolled students, 64% of intercollegiate athletics participants, and received 63% of the athletic scholarship budget, 69% of the operating budgets, and 77% of the recruitment budget. The wrestlers allege that the University seeks simply to equalize participation, which amounts to a quota system. The district and circuit courts agree with the University. The Court of Appeals for the Eighth Circuit cites to OCR's three-part test and the Policy Interpretation that "has guided the Office for Civil Rights' enforcement of nondiscrimination in athletics for over two decades, without change from Congress. No court has ever held it to be invalid." The circuit court also states: ". . . although Title IX does not require proportionality, the statute does not forbid it either."

The National Wrestling Coaches Association Sues the U.S.

Department of Education. The National Wrestling Coaches Association and others sue the U.S. Department of Education (DOE) alleging that DOE's January 16, 1996, "Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test" mandates "the very discrimination that Title IX prohibits" and "so flagrantly violate[s] [DOE's] duties under Title IX as to warrant this Court [the U.S. District Court for the District of Columbia] to order [DOE] to issue revised Title IX rules consistent with Title IX and constitutional Equal Protection guarantees."

Men's Advocate Appointed as OCR Deputy Assistant Secretary.

The Assistant Secretary for Civil Rights (the head of OCR nationwide and a position appointed by the President of the United States) appoints a new Deputy Assistant Secretary for Policy, the second highest position nationwide at the Office for Civil Rights of the U.S. Department of Education; his job is to coordinate the development of national civil rights policy. The new Deputy Assistant Secretary is the attorney who represented the men's wrestling and soccer teams in the Illinois State University case, arguing that, while men were 45% of the enrollment and 66% of the intercollegiate athletes, discontinuing men's teams discriminated against men in violation of Title IX.

Pulitzer Prize Winner George Will Calls Title IX a Train Wreck.

George Will, nationally syndicated columnist and a Pulitzer Prize winner for Commentary in 1977, entitles his column for the May 27, 2002, issue of Newsweek magazine "A Train Wreck Called Title IX." Will blames Title IX for the demise of 400 men's teams so colleges could "produce precise proportionality between men's and women's enrollments and men's and women's rates of participation in athletics." Will quotes a wrestling coach as an authoritative interpreter of federal civil rights law – at a school with enrollment of 50% boys and 50% girls, the coach declares "the law says you must give" 50% of the opportunities to girls and 50% to boys regardless of interests. Will also suggests that Title IX requires institutions to create demands for women's sports to meet the proportionality standard. [Author's Note: The 1996 and 2000 GAO studies, conducted well before Will's column, demonstrate that Will's comments are false.]

Secretary of Education Forms the Commission on Opportunity in Athletics Based on the Falsehood of Proportionality. The Secretary of Education announces the formation of the Commission on Opportunity in Athletics. The Secretary's Commission is created based on the falsehood that Title IX requires proportionality. The Commission consists primarily of athletics professionals who are charged, potentially, with rewriting federal civil rights policy, namely, the three-part test. At the time the Commission is created, the three-part test had already been validated by eight U.S. Courts of Appeals. [George W. Bush is President, and Congressman Dennis Hastert of Illinois is Speaker of the House of Representatives at this time.]

CBS Television’s “60 Minutes” Leads Viewers to Believe That Title IX Requires Proportionality.

CBS Television’s “60 Minutes” discusses the Secretary’s Commission, examines the hardships of wrestlers whose intercollegiate teams have been cut, and presents proportionality as the only “sure-fire” way to comply with Title IX. “60 Minutes” leads its audience of 15 to 20 million viewers to believe that institutions have no choice but to comply with test one – proportionality. [Author’s Note: The 1996 and 2000 GAO studies, issued well before this “60 Minutes” segment, demonstrate that the comments regarding proportionality are false, as over 70% of institutions choose a different compliance method.]

2003

OCR Announces that the Three-Part Test Remains Unchanged.

OCR announces that the three-part test remains unchanged, has worked well, and encourages education officials to take advantage of its flexibility.

Lawsuit Against U.S. Department of Education Dismissed. The U.S. district court for the District of Columbia dismisses the suit against the Department of Education by the National Wrestling Coaches Association.

2005

OCR Issues New Policy for Test Three of the Three-Part Test; Confirms Quota Claims Are False.

OCR issues new policy specifically for test three (full accommodation) of the three-part test. OCR acknowledges that Title IX is not a quota law and does not require proportionality, noting that most institutions choose test three for compliance, not test one (proportionality). The policy discredits the claims of House Speaker Dennis Hastert, columnist George Will, ABC’s “20-20,” CBS’ “60 Minutes,” the National Wrestling Coaches Association, and those advocates who claim that Title IX requires proportionality.

OCR’s “Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test – Part Three” creates a Model Survey to assess students’ athletic interest and abilities. The Model Survey may be administered by email, and lack of response may be interpreted as lack of interest in athletics. In effect, an institution may claim that students’ lack of response to an email survey is evidence of insufficient interest for any girls’ and women’s teams not currently offered, which creates a presumption of compliance with

test three. [Author's Note: The 2005 policy is inconsistent with OCR's 1996 Policy Clarification for the three-part test and appears to be inconsistent with appellate court rulings for the three-part test. The First Circuit Court of Appeals, quoting the district court in the Brown University case, "[A] survey of interests would *follow* a determination that an institution does not satisfy prong three, it would not be utilized to make that determination in the first instance." (emphasis added). The Ninth Circuit court stated: "Adopting [an] interest-based test for Title IX compliance would hinder, and quite possibly reverse, the steady increases in women's participation and interest in sports that have followed Title IX's enactment." Members of Congress demanded rescission of OCR's 2005 test three policy within weeks of its issuance. George W. Bush is President and Dennis Hastert is Speaker of the House at this time.]

2007

Congressman Dennis Hastert's Tenure as Speaker of the House of Representatives Ends. Congressman Dennis Hastert's tenure as Speaker of the U.S. House of Representatives ends. He becomes a lobbyist.

2010

OCR Rescinds 2005 Policy on Test Three. OCR issues the "Intercollegiate Athletics Policy Clarification: The Three-Part Test – Part Three" withdrawing the 2005 Additional Clarification and all related documents. The 2010 Policy Clarification confirms that OCR does not consider survey results alone, or non-response to surveys, as evidence of lack of interest or ability under test three. The 2010 Policy Clarification reiterates the 1996 policy for test three and provides a non-exhaustive list for evaluating the interests of the underrepresented sex. [Barack Obama is President and Nancy Pelosi is Speaker of the House of Representatives at this time.]

2011

OCR Issues Sexual Harassment Policy. Due to growing requests for guidance, OCR issues policy in a document entitled "Dear Colleague Letter: Sexual Violence," which supplements OCR's 2001 revised guidance regarding sexual harassment. Enforcement of sexual harassment and violence policies becomes OCR's emphasis under Title IX.

2013

Quinnipiac University: Federal Judge Creates Policy Harmful to Women.

Quinnipiac University discontinues women's volleyball and men's golf and track and initiates a women's cheerleading team. The district court rules in favor of the female plaintiffs on the volleyball team. However, in addressing other questions, the court creates new policy harmful to women. The plaintiffs argue that the University violated the two-part test for levels of competition. A women's advocate, testifying for the plaintiffs, notes that OCR's 1990 Title IX Athletics Investigator's Manual instructs investigators to conduct an analysis that does not follow the plain language of OCR's 1979 Intercollegiate Athletics Policy Interpretation. The advocate suggests a different analysis. In his ruling, the judge ignores the directives of OCR's Title IX Athletics Investigator's Manual and uses his own analysis, noting that the testimony of the women's advocate reinforces his position. The judge finds that Quinnipiac University violates the two-part test for levels of competition. In announcing his ruling, the judge creates new policy for the two-part test that the Office for Civil Rights had rejected decades before as harmful to women. The district court judge also alludes to the potential of counting club participants under test two (program expansion) and test three (full accommodation) of the three-part test when analyzing intercollegiate athletics opportunities.

[Author's Note: Title IX athletics experts recognize that the judge's potential interpretations for counting club participants under tests two and three would significantly alter the application of the three-part test and its protections for women. In regard to the two-part test for levels of competition, OCR's 1990 Title IX Athletics Investigator's Manual instructs investigators to analyze the two-part test in a manner that does not follow the plain language of the 1979 Intercollegiate Athletics Policy Interpretation. The reason is because OCR recognized through investigative experience that the Policy Interpretation analysis did not take into account the differences in the number of contests that may be scheduled based on the nature of particular sports. OCR found that the Policy Interpretation analysis could result in findings of compliance when, in fact, women's teams were disadvantaged. In short, OCR identified through investigative experience that the judge's newly created policy is harmful to women.]

2014

OCR Issues More Sexual Harassment Policy. OCR issues "Questions and Answers on Title IX and Sexual Violence." The document aims to explain that schools have an independent responsibility to investigate and address sexual violence apart from any criminal investigation.

2016

Former House Speaker Dennis Hastert is Jailed – Federal Judge Labels Hastert a Serial Child Molester.

Dennis Hastert is investigated by the Federal Bureau of Investigation for actions related to payments to an individual who was threatening to expose Hastert's activities with male students on the wrestling teams that he coached. Dennis Hastert is jailed, sentenced to 15 months in prison by a federal judge who labels him a serial child molester.

Donald Trump Boasts of Sexual Harassment.

CNBC online describes a video, from an incident in 2005 that was aired in October 2016 while Donald Trump is a candidate for President, in which Donald Trump is heard "boasting in lewd terms about a failed attempt to seduce a married woman and talks about kissing and groping women without their consent, saying 'when you're a star, they let you do it.'"

Donald Trump Elected President.

Donald J. Trump is elected President of the United States. For the second time in 128 years and the fifth time in U.S. history, the individual winning the popular vote does not become President. The only other individual in the last 128 years who lost the popular vote yet became President is George W. Bush.

2017

Donald Trump Becomes President of the United States.

Donald J. Trump is sworn in as President of the United States.

Department of Education Withdraws OCR's Sexual Harassment Policies.

The Department of Education withdraws the 2011 and 2014 policies for sexual harassment issued by the Office for Civil Rights.

Notes

* Prior to May 1980, the Office for Civil Rights was within the U.S. Department of Health, Education, and Welfare (HEW). HEW split in May 1980 to become the U.S. Department of Education and the U.S. Department of Health and Human Services. The Department of Education retained the duties to enforce Title IX in postsecondary and secondary education programs.

Grove City College v. Bell, 465 U.S. 555 (1984), 104 S. Ct. 1211 (1984) ["Bell" refers to Terrel H. Bell, who was Secretary of the U.S. Department of Education when the case was brought before the Supreme Court]

Cohen v. Brown University, 991 F.2d 888 (1st Cir. 1993); 101 F.3d 155 (1st Cir. 1996), cert. denied 520 U.S. 1186 (1997).

Roberts v. Colorado State Board of Agriculture, 998 F.2d 824 (10th Cir. 1993); cert. denied 510 U.S. 1004 (1993).

Favia v. Indiana University of Pennsylvania, 7 F.3d 332 (3d Cir. 1993).

Horner v. Kentucky High School Athletic Association, 43 F.3d 265 (6th Cir. 1994).

Kelley v. Board of Trustees, University of Illinois, 35 F.3d 265 (7th Cir. 1994), cert. denied 513 U.S. 1128 (1995).

Neal v. Board of Trustees of California State Universities, 198 F.3d 763 (9th Cir. 1999).

Boulahanis v. Board of Regents, Illinois State University, 198 F.3d 633 (7th Cir. 1999), cert. denied 530 U.S. 1284 (2000).

Pederson v. Louisiana State University, 213 F.3d 858 (5th Cir. 2000).

Chalenor, et al, v. University of North Dakota, 291 F.3d 1042 (8th Cir. 2002).

