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(B) any program or activity of any secondary school or educational institution specifically for -

(i) the promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or

(ii) the selection of students to attend any such conference;

(8) Father-son or mother-daughter activities at educational institutions

this section shall not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex; and

(9) Institution of higher education scholarship awards in "beauty" pageants

this section shall not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received such award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only, so long as such pageant is in compliance with other nondiscrimination provisions of Federal law.

(b) Preferential or disparate treatment because of imbalance in participation or receipt of Federal benefits; statistical evidence of imbalance

Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: *Provided*, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this chapter of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

(c)"Educational institution" defined

For purposes of this chapter an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

Sec. 1684. Blindness or visual impairment; prohibition against discrimination

No person in the United States shall, on the ground of blindness or severely impaired vision, be denied admission in any course of study by a recipient of Federal financial assistance for any education program or activity, but nothing herein shall be construed to require any such institution to provide any special services to such person because of his blindness or visual impairment.

Sec. 1686. Interpretation with respect to living facilities

Notwithstanding anything to the contrary contained in this chapter, nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes.

Sec. 1688. Neutrality with respect to abortion

Nothing in this chapter shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

Private Parties can sue to enforce prohibitions of Title IX. Guardians Association v. Civil Service Commission of City of New York, 463 U.S. 582, 103 (1983);

Students can sue under Title IX. Franklin v. Gwinett County Pub. Schs., 503 U.S. 60 (1992)(student harassed by teacher may seek money damages in private suit for violations of Title IX).

Teachers and Coaches can sue under Title IX. Jackson v. Birmingham Bd. Of Ed., 544 U.S. 167 (2005).

Gays and Lesbians can sue under Title IX. Schroeder ex. Rel. Schroeder v. Maumee Bd. of Educ.

harassment based on his perceived sexual orientation states a valid claim under Title IX).

Montgomery v. Indep. School Dist. No. 709, 109 F.Supp2d 1081 (D.Minn. from peer harassment and harassment based on gender based stereotyping, *i.e.*, his failure to conform to male stereotype, is actionable under Title IX).

Ray v. Antioch Unified School Dist., 107 F.Supp.2d 1165 (N.D.Ca. 2000)(school perception that plaintiff is gay is actionable under Title IX).

See Oncale v. Sundowner

Title IX is interpreted in many aspects to follow Title VI of the Civil Rights Act of Section 504 of the Rehabilitation Act, which courts look to for implied causes of action and remedies under Title IX.

Jackson v. Birmingham Bd. Of Ed., 544 U.S. 167 (2005).

Papelino v. Albany College of Pharmacy of Union University, 633 F.3d 81, 91 (2d Cir. 2011)(retaliation can follow post graduation);

A. Pregnancy/ Family Responsibilities Discrimination

Absent policy:

Students get leave as long as medically necessary

Employees get reasonable leave

Students and Employees should be returned to same status following pregnancy related leave.

Students can sue for pregnancy discrimination under Title IX. Chipman v. Grant County School District, 30 F.Supp.2d 975 (E.D.Ky. 1998)(female students moved for preliminary injunction after being excluded from national honor society after becoming pregnant and having children out of wedlock) .

At least one court has held that employees can sue for pregnancy discrimination under Title IX. Ivan v. Kent State University, 863 F.Supp. 581 (N.D.Ohio

Palmer ex rel. Palmer v. Santa Rosa County, Fla., School Board, 2005 WL 3338724

sports activity or is no longer a student may lack standing to assert an individual
□ Cook v. Colgate University, 992 F.2d
17, 20 (2d Cir. 1993)).

Monetary damages available for intentional discrimination. Franklin v. Gwinnett County Pub. Schs., 503 U.S. 60 (1992) Back pay; lost benefits; compensatory damages; attorney fees and costs, but unlike Title VII there is no statutory cap on damages under Title IX.

Punitive damages likely unavailable. Barnes v. Gorman, 536 U.S. 181, 122 S.Ct. 2097, 153 L.Ed.2d 230 (2002).

Mercer v. Duke University, 401 F.3d 199 (4th
fees with nominal damage award affirmed). Mercer v. Duke Univ., 181 F.Supp.2d
525, 531 (M.D.N.C.2001), *vacated in part & remanded*, 50 Fed.Appx. 643 (4th
Cir.2002)(In light of the Su5y.u).

In general, the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. §1232(g), protects educational records or personally identifiable information from improper disclosure. D.14 T8A v. Wodornsuenty osuy23od2d2d