

## All Things Title IX

Marissa: Welcome to All Things Title IX. My name is Marissa Whittaker and I'm the prevention educator at SUNY Cortland.

Maggie: Hi, I'm Maggie Wetter, and I am the Title IX Coordinator at SUNY Cortland.

Marissa: This episode is part of a series celebrating the 50th anniversary of Title IX. Before we get too far into it, Maggie, can you tell our listeners a little bit about Title IX. How would you define it in your own words?

Maggie: Sure, so the best way to think of Title IX - Title IX came into place in the 1970s, and it applies to all education in the United States. So what you need to know basically, is that students and employees pretty much anyone who is at an educational institution is afforded rights with regard to gender and sex equity. Title IX protects individuals from discrimination while in an educational setting. It has expanded quite a bit over the last 50 years to include an array of rights and protections for individuals on both college campuses and K through 12.

Marissa: Wow. So hearing all of that, why is Title IX in place? Why do we have Title IX?

Maggie: Sure, so there's a lot of history behind it. My understanding of Title IX, in the way that I have researched it, so to speak and understood it as a practitioner working in Title IX, is that it started because there was a lack of equity for particularly women in athletics. It's funny, depending on your age, you probably have some personal definitions of Title IX, based off of when you first heard of it.

So I think that those individuals who were on college campuses in the seventies and eighties, and maybe even nineties, really think of Title IX as equity and athletics, particularly for women.

It's expanded quite a bit and so the biggest reason Title IX exists is to create equity for sex and gender and it's not, just within the scope of athletics. Now, we're looking at equity as it relates to people as sexual orientation as it relates to sexual violence sexual harassment, pregnancy accommodations. There are so many ways that Title IX now plays into equity on college campuses.

Marissa: For me, coming into this role on a college campus, you think it's for students - but just what you were saying - it's for a lot of people. So, who is Title IX for?

35 Maggie: Sure, so Title IX really has traditionally been for anyone who's a part of an educational setting, so you look at a place like Cortland you would say, "Okay, that applies to our employees and our students, and even potentially at times it could apply to visitors."

Now. That has changed, right? Different administrations have changed who Title IX covers and in what capacity, but I would say here at SUNY, Cortland, we really have as expanded of a view as possible for it, and even if something maybe doesn't exactly fit the definition of Title IX, if it falls within the scope of sex and gender discrimination, we probably have policies in place to help protect people.

Marissa: Wow, so is it frustrating or inconsistent that Title IX can change so quickly amongst administration?

Maggie: That has been probably one of the biggest challenges for anyone working in the field of Title IX right now is that there is constant guidance coming out and the guidance that comes out has looked different, depending on the year so end, depending on the administration, as you can imagine. So, in years past, we've had things called dear colleague letters, which it's been described to me as that carries the weight of law, but isn't necessarily a full blown regulation.

Whereas now, most recently, we had the Title IX final rules, come out, which is the first time we have real regulation written with regard to Title IX and yes, right. That is a challenge, and a pretty big lift for anyone working in the field to stay up to date and to make sure that your policies and practices align with what is currently being expected of you in the field of education. So I wouldn't say it's always frustrating because sometimes those changes are for the better.

Sometimes those changes though, are hard to implement with the resources that many of us have on campus. And so that is probably how I would describe it. It's a challenge and it requires a lot of detail in reading the law and getting professional development around whatever the new regulations could look like. We have new proposed regulations that just came out recently.

And we don't know what parts of that may come into play officially within the next year or so.

Marissa: Wow, wow. So, it sounds like there's a lot more to Title IX than what most people think. So that

That must bring about a lot of different feelings towards the fiftieth anniversary. So, does it feel celebratory that there's more that it needs to be done? I mean, how do you look at the fiftieth anniversary?

Maggie: I think in most circumstances, Title IX should be celebrated. Right? You look at even just athletes, and the ways in which our athletic programs have changed at a college setting at a university setting, it's huge. And that really has a lot to do with the ways in which Title IX created opportunity for women, and now, for all genders, right? We're considering the ways in which that interplays with athletics now, for transgender athletes for men for women anyone who's looking to play a sport on a college campus.

That said, I do think we like any field have a lot of work to do. We look at that in our regulations. What are the barriers to being able to remain compliant with Title IX? That is a resource allocation challenge, right? We see that a lot in higher education. And what are the barriers to stay current with Title IX with the changes?

And then all the challenges of managing your own emotions and feelings about how regulations change, and whether you agree, with certain aspects of how it affects both the individuals who

are making complaints and those who have been accused of something, right? And all of that enter plays in the ways, in which Title IX has more work to be done in that scope in that field.

Marissa: And, you know, kind of thinking about all that needs to be done but all that has been done. When we think about Title IX, we often think about its association with athletic matters, also with sexual assault; but what other arenas is Title IX involved in?

Maggie: So many things, the best way I describe it to someone is: Does it have to do with sex or gender discrimination? And we use those terms a little bit interchangeably, because the law has weighed in how those are the same or different over the course of the last few years.

But if there is an education program or activity that is going on your campus, and again I'm speaking in terms of a college setting, but absolutely this kind of a through K through 12. But in a college setting, for example, if someone is not receiving full and adequate rights as a result of their gender or sex, then it plays into Title IX. So an example, we know we are we've already talked about athletics. Right?

Athletics is a place in which gender equity matters. We also know that sexual harassment can play into this and sometimes the most extreme forms of sex or gender discrimination play out in things like sexual harassment, sexual violence. So we think about things like sexual assault rape, we think about things like stalking, dating and interpersonal violence. All of those things fall within it.

What I sometimes think that think that folks don't always remember may fall within the scope of Title IX and actually the new proposed regulations look to more clearly articulate this is that someone who is potentially pregnant or nursing on a college campus may fall within the scope of Title IX. someone who is experiencing discrimination based on their sexual orientation may fall within the scope of Title IX someone for example, one of the people have asked me what's just a general form of sex or gender discrimination that isn't around sexual harassment or violence.

And I say a good example that you see in the news a lot now, and you see on social media are when educational facilities, for example, have a dress code policy. dress code policies are not inherently gender biased per se, but if you have a dress code policy that only applies to 1, gender

Within your educational facility I would ask you to look into that. Right? I would say, let's look at that policy and make sure that it's not inherently gender bias, because we often see that a lot. I mean, I see it more in K through 12, which is not my scope necessarily, but that applies to all policies. And so part of my job as a Title IX coordinator is to take a critical look at our policies and procedures on our campus and try to help ensure that those are equitable in terms of gender as well.

Marissa: So, there was a recent case in Alabama where there were a lot of Title IX protections based on sexual orientation and gender identity. Can you highlight a little more what that looks like and how that might translate into the higher education in general?

Maggie: Sure, so I am by no means an expert on this case, but I've been following it a little bit in the news as well. Because what's unprecedented about this case in Alabama is that it is the first known case where there is a complaint around discrimination based on someone's sexual orientation. In this case, a student, and it's falling under Title IX in that it's being argued that that person's Title IX rights were violated, and that the school is not in compliance so to speak, with Title IX, is probably a better way to put it.

And so what that means is we had LGBTQ+ discrimination complaints and educational settings before; yes, we know we have. Right? Anyone who is paying attention, knows that. But we have not had someone make a case and say this is explicitly a Title IX violation. And so it'll be interesting and more likely - I like the word informative. I don't always love the word. Interesting because it almost pokes at someone else's challenges. Right? And so, let's call it informative. It will be informative for us to see what actually plays out in this case, and how Court's rule.

So I, I don't know, even where it stands at this point, but it is slightly unprecedented to be able to see these cases falling within the scope of Title IX, even though, you know, I talk a bunch of my colleagues, we absolutely would consider this within our scope of work. And once again, the new proposed regulations will likely more explicitly include this, and I anticipate that might increase reports within that realm as well.

Marissa: Yeah. And it's really fascinating and sometimes taking a moment to recognize, I guess the privilege we have with some of this - these things are set up because someone had to go through it.

And so, where a lot of things were, like, "of course, someone can participate in this sport!" That meant that somebody couldn't at one point. They had to advocate and these precedents had to become precedent. It's kind of in a way, trailblazing with some of this, but the fact that we have to have these things in place. This should be a law, but it should have been all along.

Maggie: Right? I mean, rarely do you see any sort of regulations with, in terms of equity that isn't based off of inequities that are already playing out? Right we, we know that that's where the scope of Title IX came into play. We know that's where some of the expanded regulations come into play. We know where that's where some of the past regulations came into play right? Because rights were being violated, and it was trying to address just that. Just because someone at one high school may have those rights, another high school or college or institution, whatever that educational setting may be, may not have those rights. And so that school explicitly is not in compliance and your rights should not vary so drastically by the very nature of where you happen to live, or the school in, which you choose. Right?

Especially when you look at public education across the nation, if you're receiving public education, you should have at least certain standards of rights, especially related to your identity right? Your gender identity, your sex. So, and I think what's actually interesting when you look at Title IX, and just starting with the basic knowledge of what Title IX is on SUNY Cortland's campus. We have a Title line coordinator, and a deputy coordinator. We have an office, right? So we're doing that work.

But we also have a number of faculty member who are actually doing the research right now and have a really good sense of the history. And they can bring us up to speed. So, when you think about the 50th anniversary, which is what I keep thinking about, and why we're even doing this, it's interesting to actually get the full scope of perspectives from not just somebody who's doing the work in my realm for example, as a Title IX coordinator. My job is to receive reports and to know the policy right and to make sure that everyone receives access to their rights and their protections and to know those options and to receive resources and accommodations. Right? That's the scope of my work.

But there are others on our campus for helping people understand the history. Where have we come? What is the research? Where have the court cases progressed over the last few decades, and they actually are probably some of the best people to answer the question of, "Where do we still have to go?" Because they've been following this in a way that is so academic research based but I think they have a lot to weigh in on too.

So, as the course of this year goes on, and we do more podcast, it will be really interesting to hear from some of them because they're going to be able to weigh in a little bit about: What about Title IX and stem related fields? What about Title IX and athletics? Where do we still have to go? Is there more to say about how Title IX is covering transgender athletes right? Is it? Are we doing enough there? And all of the questions we have.

141 Marissa: So all of these resources really are in our own backyard for some of this stuff. So that's really cool. As we're wrapping the episode up, is there anything that the Title IX doesn't cover?

Maggie: That's a really good question, because that is probably as I was saying earlier that one of the biggest challenges as regulations and guidance changes throughout the years. So, the short answer is, there are many things that Title IX may not cover, especially in the most recent iteration of regulations.

But what I want people to know on our campus is although some things may not be covered - so I'll give you an example instances that happen off campus, outside of an educational program or activity would not necessarily be covered under Title IX currently.

What that means is that schools are given the ability to make some decisions about their own policies and procedures. So, here in SUNY Cortland, we do have policies and procedures in place for if someone reports something that occurred off campus, for example, a sexual assault. So, what I want people to know is that. Even, if something may not fall, explicitly Title IX the Title IX office. So those of us who are working within the scope myself, and the deputy coordinator, may still be able to provide them resources, accommodations options.

And actually, just the very nature of being in New York state, we have something called education law, 129 B, and what that law affords us is additional protections for individuals on our campus. There is an entire student Bill of rights. So there's a lot more protections in New York state.

And then some other states across the country where they've adopted very similar practices, which would allow people to make reports. And to receive resources and accommodations, even if Title IX may not cover it.

And so what I want people to know is that if you're not sure you can still come to us and we can help you figure out what makes the most sense - where are your options land as a result of where it falls in the law?

Marissa: That's great. And I think that will be really helpful for our listeners to have that information, thank you... Do you have anything you want to add to all of this?

Maggie: I want people to know that Title IX is all of the things that we talked about, but I also want them to know what that means. So, what that means that you have rights and protections and what those rights and protections for you are the ability to report to the Title IX office.

If you feel like, your rights are being violated, based on any of those things that we talked about earlier. So, if I could end on any note, I really would want people to know that the Title IX office is available for people to make reports. It's available for employees. It's available for students. And even, in some circumstances, it may be appropriate for a visitor of our campus to feel like they can make a report to me. Because at the end of the day, I can get them access to the options, the resources, and an understanding of what their rights are in that moment, and so that really is an important way to end today in my opinion to make sure people know, "Okay, so I have these rights." Well, what if they're not protected in that moment. What if something happens, where do I go? And the answer is: you come to the Title IX office.

Marissa: That's excellent, and a great way to wrap up our very first episode of All Things Title IX. Thank you so much for joining us, Maggie.

Maggie: Thank you for having me.