

## **Title IX**

**"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..." 20 U.S.C. § 1681.**

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the gender of students and employees of educational institutions which receive federal financial assistance.

The Title IX Coordinator at Florida SouthWestern State College is Ms. Jana Sabo, Title IX Coordinator/Equity Officer.

### **TOPICS:**

- WHO IS COVERED BY TITLE IX?
- COLLEGE TITLE IX COORDINATOR
- FREQUENTLY ASKED QUESTIONS ABOUT TITLE IX
- FAILURE TO COMPLY WITH TITLE IX
- WHO ENFORCES TITLE IX?
- COMPLAINTS UNDER TITLE IX AT FLORIDA SOUTHWESTERN STATE COLLEGE
- CONTACT INFORMATION

### **WHO IS COVERED BY TITLE IX?**

Educational institutions that receive federal financial assistance are covered by Title IX. The U.S. Department of Education Office for Civil Rights enforces Title IX and its associated federal regulations which are found in 34 CFR Part 106. If only one of the institution's programs or activities receives federal funding, all of the programs within the institution must comply with Title IX regulations. In compliance with Title IX, Florida SouthWestern State College prohibits discrimination in employment as well as in all programs and activities on the basis of sex.

### **COLLEGE TITLE IX COORDINATOR**

In accordance with Title IX regulations, Florida SouthWestern State College has designated Jana Sabo, Title IX Coordinator/Equity Officer, as the College's Title IX Coordinator. She is charged with monitoring compliance with these regulations. Questions regarding Title IX, as well as concerns and complaints of non-compliance, may be directed to Ms. Sabo. Contact information for Ms. Sabo can be found at the end of this document.

### **FREQUENTLY ASKED QUESTIONS ABOUT TITLE IX**

### **Does Title IX apply only to discrimination against females?**

No. While Title IX has been used mostly by females seeking to protect their rights, Title IX also serves to protect the rights of males. Title IX requires that males and females receive fair and equal treatment in all areas of education.

### **Does Title IX apply only to athletic programs?**

No. This is perhaps the most widely held misconception about Title IX. Athletics are not the only component of academic life governed by Title IX. Other areas which fall within the scope of Title IX include:

- Recruitment, Admissions, Financial Aid and Scholarships
- Course Offerings and Access
- Counseling
- Hiring and Retention of Employees
- Benefits and Leave

Title IX also prohibits sexual harassment, which includes sexual assault and sexual violence.

### **Does Title IX require that all educational activities and programs must be open to both males and females?**

Not necessarily. Title IX specifically allows for, or has been interpreted to allow for, single-sex programs in a number of categories. Included among those are: religious schools, traditional men's/women's colleges, social fraternities/sororities, youth service organizations such as, The Boy/Girl Scouts of America, and beauty pageants.

### **Does Title IX prohibit gender bias in science related fields?**

The under-representation of females in science related fields may violate Title IX. Educational institutions are required to provide females resources, support, and promotional opportunities in all educational fields which are comparable to their male colleagues.

### **Are individuals who file complaints of discrimination under Title IX for themselves or others protected from retaliation under Title IX?**

Yes. The U.S. Supreme Court has broadened the interpretation of Title IX to protect from retaliation whistle-blowers who accuse educational institutions of sex discrimination. The court is of the opinion that reporting incidents of discrimination is integral to Title IX enforcement and would be discouraged if retaliation against those who report it goes unpunished.

## **FAILURE TO COMPLY WITH TITLE IX**

The penalty for failure to comply with Title IX in the most extreme circumstances can include the termination of all or part of an institution's federal funding. This includes grants, subsidies, and other program funds from the federal government. In addition to the loss of federal funds, colleges may be sued by those seeking redress for violations of Title IX. It is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner. To ensure the College's compliance with the law, adherence to Title IX regulations is everyone's responsibility.

## **WHO ENFORCES TITLE IX?**

The United States Department of Education's Office for Civil Rights (OCR) is in charge of enforcing Title IX in public educational institutions. Information regarding OCR can be found at [www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html).

## **COMPLAINTS UNDER TITLE IX AT FLORIDA SOUTHWESTERN STATE COLLEGE**

### **Students:**

If you are a student who believes you have been subjected to (1) sexual harassment by a Florida SouthWestern State College faculty or staff; or (2) any other form of gender discrimination under Title IX, you may report such misconduct or file a formal complaint with the Title IX Coordinator. If you are a student who believes you have been or are the victim of sexual harassment, including sexual assault, sexual violence or other sexual misconduct, by another College student, you may report such conduct or file a complaint under Title IX with the Title IX Coordinator or by contacting the Student Ombudsman.

College Operating Procedure 05-0107 covers the complaint procedure and may be found on the Florida SouthWestern State College website.

### **Employees:**

If you are an employee who believes you have been subjected to discrimination under Title IX, including sexual harassment, or who wishes to file a complaint under Title IX, you may report such misconduct or file a complaint with the Title IX Coordinator. College Operating Procedure 05-0107 covers the complaint procedure and may be found on the Florida SouthWestern State College website or by contacting the Office of Human Resources.

Federal and state laws, as well as College Operating Procedures, prohibit the taking of retaliatory measures against any individual who files a complaint in good faith.

## **CONTACT INFORMATION**

The College's Title IX Coordinator/Equity Officer is:

Jana Sabo  
Title IX Coordinator/Equity Officer  
Presidio Building, G-219B- Thomas Edison Campus  
8099 College Parkway  
Ft. Myers, FL 33919  
239-489-9051  
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The College's Student Ombudsperson is:

Mark Bukowski  
Associate Dean of Students  
Taeni Hall, S-262B  
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