

Case 13: Title IX or CYA?

When Title IX legislation took effect in 1972, many decried the inevitable diminishment of men's sports and the "punishing" of male athletes who had done nothing wrong, but who would now lose coveted athletic scholarships. When the clarification of the scope of Title IX was released in 2011, in the form of a "Dear Colleague Letter" from the Department of Education (DoE), some feared that the federal government had gone too far in attempting to address so-called campus rape culture. They worried that the letter would lead to a new and frightening era in which college men would be falsely accused of rape. Defenders of Title IX say the legislation addresses long-standing practices that unfairly deny opportunities to women and also addresses campus cultures in which rapes are common and perpetrators seldom punished.

The 2011 Dear Colleague Letter required all schools receiving federal funding to specify a Title IX coordinator, preferably one without a conflict of interest. However, to avoid lawsuits from those who have been sanctioned or expelled, and to avoid appearing on the DoE's list of schools with federal Title IX complaints, many colleges and universities have chosen to house their Title IX coordinator within their legal office. Some schools have even hired attorneys specifically to act as their Title IX coordinators. Critics of this practice note that a school's attorney is responsible for protecting the interests of the school. Those interests may not always include equitable treatment for victims and survivors or gender equity.

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