

History of Title IX Legislation, Regulation and Policy Interpretation

“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.”

1972	Congress enacts Title IX of The Educational Amendments of 1972 20 U.S.C. § 1681 et seq.	Signed into law by President Richard Nixon, June 23, 1972. Prohibits sex discrimination in any education program or activity, within an institution receiving any type of Federal financial assistance.
1974	“Tower Amendment” proposed and rejected.	May 20, 1974, Senator Tower introduced an amendment to exempt revenue-producing sports from being tabulated when determining Title IX compliance. The amendment was rejected.
1974	“Javits Amendment” enacted & included in the Education Amendments	July 1974, Senator Javits proposed, in lieu of proposed Tower Amendment, a proposal stating HEW must issue Title IX regulation including “with respect to intercollegiate athletic activities, reasonable provisions considering the nature of particular sports.” (e.g., event-management needs, etc.)
1975 & 1977	Two bills attempt to alter Title IX coverage in athletics; both die in committees before reaching House or Senate floors.	<ul style="list-style-type: none"> • June 1975, Rep. O’Hara introduced House Bill (H.R. 8394), proposing to use sports revenues first to offset cost of that sport, then to support other sports. • July 15, 1977, Senators Tower, Bartlett, & Hruska introduced Senate Bill(S. 2106), proposing to exclude revenue-producing sports from Title IX coverage.
1975	HEW issues final Title IX regulation 34 C.F.R. Part 106	Signed into law by President Gerald Ford, effective 7/21/75. Includes provisions prohibiting sex discrimination in athletics and establishes a three year window for educational institutions to comply.
1975	Congress reviews and approves Title IX regulations and rejects resolutions disapproving them.	<ul style="list-style-type: none"> • June 4, 1975: The present Title IX regulation was transmitted to Congress. • June 5, 1975, Senator Helms (S. Con. Res. 46), and June 17, 1975, Rep. Martin (H. Con. Res. 310): disapproving entire Title IX legislation • June 17, 1975, Rep. Martin (H. Con. Res. 311), disapproving Title IX legislation only as it has to do with intercollegiate athletics • July 16, 1975, Senators Laxalt, Curtis & Fannin (S. Con. Res. 52), disapproving application of Title IX to intercollegiate athletics
1975 & 1977	Senate refuses to act on bills to curtail Title IX enforcement.	<ul style="list-style-type: none"> • July 21, 1975, Senator Helms introduced S. 2146 in an attempt to prohibit the application of Title IX regulations to athletics where participation in those athletic activities are not a required part of the educational institution’s curriculum. • January 31, 1977, Senator Helms re-introduced S. 2146 as S. 535..

1978	HEW issues proposed policy "Title IX and Intercollegiate Athletics" for notice and comment	Presumption of compliance based on substantially equal average per capita expenditures for men and women athletes and future expansion of opportunity and participation for women.
1979	HEW issues final policy interpretation on "Title IX and Intercollegiate Athletics" 44 Fed. Reg. 71413 et seq.	December 11, 1979: Rather than relying exclusively on presumption of compliance standard, final policy focuses on institution's obligation to provide equal opportunity and details the factors to be considered in assessing actual compliance. (Currently referred to as the 3-Prong-Test)
1980	Department of Education is established.	DOE was given oversight of Title IX through the Office for Civil Rights (OCR).
1984	Grove City vs. Bell Decision	Removed the applicability of Title IX in athletics programs by stating that only those programs or activities which receive direct Federal financial assistance be held under the umbrella of Title IX.
1988	Civil Rights Restoration Act	Becomes law on 3/22/88 after overriding a Presidential veto by President Ronald Reagan. Overrides Grove City vs. Bell, and mandates that all educational institutions which receive any type of Federal financial assistance, whether it be direct or indirect, be bound by Title IX legislation.
1990	Title IX Investigation Manual	April 2, 1990: OCR, of the U.S. Dept. of Education, publishes manual. Authored by Valerie M. Bonnette and Lamar Daniel.
1992	Franklin vs. Gwinnett County Public Schools	February 2, 1992: Supreme Court rules unanimously that plaintiff's filing Title IX lawsuits are entitled to receive punitive damages when intentional action to avoid Title IX compliance is established.
1992:	NCAA Gender Equity Study	Shortly after Franklin decision, NCAA completes and publishes a landmark Gender-Equity study of its member institutions.
1994	Equity in Athletics Disclosure Act (EADA) Section 360B of Publ.L. 103-382 34 CFR Part 668.41-668-48 Fed. Reg. 11/29/95 p. 61424	<ul style="list-style-type: none"> September 1993: Sponsored by Senator Mosley-Braun (S. 1468) and Rep. Collins (H.R. 921) States that any coeducational institution of higher education that participates in any Federal student financial aid program and has an intercollegiate athletics program must disclose certain information concerning that intercollegiate athletics program. Annual reports required; first disclosure report is to be available no later than October 1, 1996.
1996	Policy Clarification	January 16, 1996: OCR issues clarifications of three-part "Effective Accommodation Test"
1996	First EADA Report Due.	October 1, 1996: All institutions must have available to all who inquire, specific information on their intercollegiate athletics department as required by the Equity in Athletics Disclosure Act