

UW Extension

Equal Opportunity Policy No: EO 009

Subject: Title IX of the Higher Education Act – Prohibition of Discrimination on the Basis of Sex in the Provision of Educational Programs

Date Effective: July 1, 1979; Revised July 1, 1984, October 1, 1987 and March 1, 1988

Chancellor Approval: (signature on original copy)

PURPOSE

Consistent with the provisions of Title IX of the Higher Education Act, The Regents of the University of Wisconsin by Resolution adopted a policy on Equal Opportunities in Education that prohibits discrimination on the basis of sex and covers both employees and students. The Regent Resolution requires all university sponsored or funded functions and/or activities be generally available to all students/clientele without regard to gender. In keeping with the federal intent of non-discrimination on the basis of sex, on April 6, 1973 the University of Wisconsin System Board of Regents adopted a System policy that

"... Prohibits participation in, support for, or sanction of activities which discriminate on the basis of sex, when in fact, no exception can be allowed except on the basis of a bona fide physical dichotomy..."

Each UW institution is required to review all educational functions and activities, proscribe corrective actions where gender discrimination is identified and to act affirmatively to eliminate gender stereotypes through leadership in all educational and administrative areas, including recruitment, employment, admissions, health care, insurance, counseling and other student support services, public service, instruction/instructional support, educational programs, extra-curricula activities, and research.

POLICY

It is the policy of the University of Wisconsin-Extension Title IX of the Higher Education Act states that discrimination on the basis of sex is prohibited in the provision of all educational programs and in employment.

Consistent with the requirements of Title IX, this policy and its provisions apply to both employees and students/clientele. Title IX of the Higher Education Act (hereinafter, Title IX) provides in part that:

"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 educational program or activity receiving Federal financial assistance..."

The University of Wisconsin-Extension is committed to providing equal opportunities to both men and women in employment, student services, recruitment and access to programs and services, program content, and instructional materials. The self-study materials which follow in the Procedures section are to be used as a guide to assist the divisions, units, programs, and facilities operations of UWEX in assessing the effectiveness of their efforts to eliminate any existing discriminatory practices.

Definitions

Student/Audience/Client: Individuals, groups, organizations, and/or communities for whom a UWEX program or service is intended.

Program/Service: A course of study offered through a class, workshop, seminar, conference, or through educational materials and/or technology; informal or formal provision of information, expertise, applied knowledge, and/or entertainment.

Volunteer: A person who willingly provides time and service to UWEX with no promise of monetary compensation.

Employee: UWEX employees include unclassified (faculty and academic staff), classified staff, student employees, limited term employees, persons hired under contractual obligation, and, in some instances, volunteer employees who act on behalf of the organization.

PROCEDURES

Bi-annually, each functional administrative division in UW-Extension having responsibilities for employment activities and educational programming shall assess its on-going efforts to insure that all extension programs and operations are free of discrimination on the basis of sex; and shall make a bi-annual report to the Chancellor. The report shall include a compilation of all necessary data and summarize the results of any remedial efforts to identify and eliminate any existing discriminatory practices.

The following guidelines are provided to assist with the assessment, problem identification and resolution processes used to determine on-going compliance with this policy. These guidelines as written account for differences in problems and problem areas that may result in varied methods used to resolve any identified problems or areas of concern.

Materials and Data to Review

Materials and data to be reviewed are suggested for each section of this self-study guide. These suggestions are not all inclusive; you should incorporate other types of data or materials that would be of assistance during the assessment.

Self-Assessment Standards

Is there a copy of the UWEX policy statement of non-discrimination on the basis of sex (Title IX) on file in a designated location? Where is this statement maintained?

How and how often are staff made aware of this policy and its implications?

Who in the unit has designated responsibility for monitoring compliance with the institutional policy of non-discrimination?

Admissions/Access to Courses

Title IX in section 86.34, provides that an institution or agency may not:

provide any course or otherwise carry out any of its educational program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music and adult education courses.

Further, according to 86.36(c):

Where a recipient finds that a particular class contains a substantially disproportionate number of individuals of one sex, the recipient shall take such action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in counseling or appraisal materials or by counselors.

Materials and Data to Review

Before completing this section, review all student/clientele data about course enrollment and completion to insure that educational programs are being provided without regard to sex/gender. Also examine any promotional materials such as brochures, ads, catalogues, mailing lists and other recruitment lists, to determine whether recruitment and admissions materials are available to both males and females without discrimination.

Data about the provision of any special services for students/clientele are to be reviewed and analyzed to identify and eliminate any practices that have the effect of discriminating on the basis of gender. The data are to include the specific numbers of students/clientele served and the nature of the services provided and received. Include in this review any records of disciplinary actions taken against students/clientele during the previous two-years. Detail by sex of the student, the nature of offense and the type of action taken.

Review gender of faculty, ad hoc instructors, instructional academic staff who provide the courses you offer to insure that both men and women are represented on an equitable basis.

Assessment Standards

The basic principle underlying consideration of equality in access to course offerings is that all students should be provided full encouragement and support in selecting courses on the basis of their interests, values and abilities. Promotional materials should make clear that courses/programs are open to students of both sexes. Course/program advertisements and mailing lists should reach and appeal to both male and female audiences. Operating units are expected to take affirmative action when there is limited participation by one sex; a specific finding of discrimination is not required to justify actions taken. Where discrimination is found, specific remedial actions must be taken to overcome the effects of the discrimination.

At least bi-annually, course titles, course descriptions, and instructional materials are to be reviewed and updated to ensure that they are written in gender-free language (e.g., without labels such as "bachelor cooking" or descriptions as "course is designed to provide an introduction to basic child development and prepare students for the responsibilities of motherhood"). The use of sex-linked pronouns should be avoided in favor of such terms as "students" or "he/she" in student handbooks, course descriptions or curriculum guides.

Courses/programs should be free from prerequisites which have a sexually discriminatory effect on enrollment. Classes should be conducted on a coeducational basis. Are both male and female faculty, ad hoc instructors, or instructional academic staff available to serve in your programs/courses?

If the enrollment of students of one sex is 80% or above in any courses, steps been taken to ensure that this is not the result of either overt or subtle sex discrimination.

Self-Assessment Standards

Describe any aspects of your program which you believe need improvement to better bring them into compliance with the intent of the Title IX regulations in improving access to programs/courses.

Describe the steps you intend to take to improve access/admission to your programs/courses. (Include a timeline.)

Describe your accomplishments to date in making programs/courses accessible to both males and females.

Treatment of Students/Clients

In prohibiting discrimination on the basis of sex in the treatment of any student in an education program or activity Title IX at section 86.31(a) provides that:

no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives or benefits from Federal financial assistance.

Section 86.31(b) of the Act provides that:

in providing any aid, benefit or service to a student a recipient shall not, on the basis of sex:

1. treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
2. provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
3. deny any person any such aid, benefit, or service;
4. subject any person to separate or different rules of behavior, sanctions, or other treatment;
5. discriminate against any person in the application of any rules of appearance;
6. (is omitted as not relevant to local education agencies);
7. aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students;
8. otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity

Materials and Data to Review

To prepare for completing this section, please review student handbooks, policies affecting students/clients, descriptions of student services, including descriptions of any special services available to students, descriptions of eligibility for student services, copies of any policies, statements, and contractual agreements regarding employment of students. Also review data regarding the provision of services to students, specifically numbers of students (male and female) served and nature of service received. Review records of any disciplinary action taken against students during the past two years, by sex of student, nature of offense, and type of action taken.

Assessment Standards

Student/client services, benefits, rewards and disciplinary actions should be provided in a non-discriminatory manner with regard to gender and marital status. Any educational or extracurricular activity, student service or benefit, award, scholarship or financial aid which is intended for/provided to members of only one sex are inconsistent with the requirements of Title IX, except under very narrowly defined circumstances.¹

Student services such as counseling, advising and testing must be provided in a manner that is free of gender-bias. While restroom, shower and locker room facilities, and overnight accommodations may be segregated by sex, facilities must be comparable in both quality and accessibility. Students must also feel safe in the educational environment, which means, among other things, that the educational environment must be free from sexual harassment and from intimidation, whether perpetrated by faculty/staff or by other students.

Self-Assessment Standards

Describe aspects of your program which you believe need improvement to better bring them into compliance with the intent of the Title IX regulations governing treatment of students.

¹ Title IX exemptions are limited to the membership practices of certain organizations and only the membership practices of these groups are exempted. Programs provided by these organizations to persons other than or in addition to their members cannot be limited to one sex. This exemption **applies only to:**

- YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls.
- Social Sororities and Fraternities that have a 501(a) tax exemption from the Internal Revenue Service, and whose members consist primarily of students in attendance at higher education institutions.
- Voluntary youth service organizations that have a 501 (a) tax exemption from the Internal Revenue Service, and whose membership has traditionally been limited to one sex and principally to persons less than nineteen years of age.

Describe the steps you intend to take to make student/client services more equitable for male and female students. (Include a timeline)

Describe your accomplishments to date in making student services more equitable for male and female students.

Employment

Title IX provides comprehensive prohibitions of discrimination in employment policies and practices of education institutions. Section 86.51, paragraph (3) of its provisions outline general requirements for nondiscrimination and states in part :

...all employment decisions in any education program or activity...must be operated in a nondiscriminatory manner and shall not limit, segregate or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities because of sex.

Section 86.51 (b) Application, delineates the specific areas of employment policy and practice to which these provisions apply:

1. recruitment, advertising, and the process of application for employment;
2. hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;
3. rates of pay or any form of compensation, and changes in compensation;
4. job assignments, classifications and structure, including position descriptions, lines of progression, seniority lists;
5. the terms of any collective bargaining agreements;
6. granting and return of leaves of absence, leave of pregnancy, childbirth, false pregnancy, termination of pregnancy, leave of persons of either sex for children or dependents, or any leave;
7. fringe benefits available by virtue of employment, whether or not administered by the recipient;

8. selection and financial support for training, including apprenticeships, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;
9. employer-sponsored activities, including social or recreational programs; and,
10. any other term, condition, or privilege of employment.

Materials and Data to Review

Before completing this section review and examine the following records for employees by sex: job descriptions, salary for both unclassified and classified positions, application forms, policies relating to granting leaves of absence (medical, sabbaticals, emergency, administrative, and educational), retirement benefits and insurance policies, training programs (internships, apprenticeships and fellowships), promotion and tenure decisions, seniority practices, tests and other instruments used in employee selection and placement, administration of travel and training funds, work assignments, and collective bargaining agreements.

Where selection decisions are made, list the name and sex of the individuals affected, description of the transactions, relevant qualifications or lack thereof, rate of compensation if any, and method of selection or designation. Review and analyze to determine whether any of these programs, policies, procedures or practices have the effect of discriminating on the basis of sex.

Assessment Standards

The basic principle underlying the employment provisions of Title IX is to ensure that true equality of opportunity exists in all employment policies, practices and procedures of UW-Extension for applicants and employees. The employment provisions of Title IX are in large measure based upon the experience with other Federal antidiscrimination laws and regulations covering employment.

Care must be taken to distinguish between sex-typing of professional roles and the underutilization of qualified applicants and employees. Employment patterns sometime may be partially explained by societal and professional sex stereotyping of the roles of males and females and the individual choices made on the basis of such stereotypes.

The general pattern of societal stereotyping is expected to be modified and changed as society generally moves toward the reduction of sex-stereotyping roles. Sex-typing resulting from individual choices is not prohibited by this policy or by the Title IX Regulation. Discrimination in employment occurs when sex is used as a criterion for the differential in handling of applicants or employees.

Look for indicators of discrimination in policies or practices where there is an underutilization of either males or females in a particular job category or position. Discrimination in recruitment may occur in job descriptions or brochures which use sex-linked pronouns or provide consistent stereotyping of jobs in illustrations or examples. Application forms which require indications of marital status and number of dependants may screen out women.

Initial placement of women on salary schedules may be discriminatory in that males are more likely than females to receive credit for prior related experiences. Unequal pay is another area of potential discrimination where male and females hold substantially equivalent administrative or supervisory positions.

One very serious form of discrimination likely to occur is in the area of career mobility for women who desire to move into high level administrative or executive positions. Women are frequently underrepresented in these positions because of a range of factors including: discrimination in hiring; patterns of discouragement to obtain administrative training and experience; the lack of opportunity to gain prerequisite positions or experiences; the stereotypes and prejudices of persons making promotion decisions; the lack of objective criteria for evaluating performance; and the lack of published information about job opening and promotional opportunities.

Discrimination against males may also be identified in a number of areas: the expectation of performing supervisory, administrative, or physical tasks not required or expected of females occupying comparable positions; denied leave for child-rearing that is extended to females; and pressure to pursue higher-level administrative or executive positions.

Self-Assessment

Are all employment decisions made in a nondiscriminatory manner?

Do pre-employment inquiries avoid any reference to the potential or actual marital, parental or family status of applicants?

Have all tests, criteria, or techniques for employee selection and placement been reviewed to identify

any which have an adverse impact on the basis of sex? If so, have all identified been analyzed and found to be valid predictors of successful job performance?

Are all training, internships, staff development opportunities, tuition grants, or other compensation designed to prepare employees for advancement equally available to females and males except where they have been created to eliminate underrepresentation of members of one sex?

Are all leaves -- medical, sabbatical, emergency, administrative and educational -- equally available to men and women?

Are criteria for job classifications and for determining salary and other forms of compensation and benefits for the same or comparable jobs applied without regard to sex?

Do you confer with the UWEX Office of Equal Opportunity and Diversity Programs, and follow the institutional Affirmative Action Plan and hiring guidelines?

Are all decisions regarding recruitment, selection, transfer, referral, promotion, tenure, retention, nonrenewals, dismissal or employment status for both classified and unclassified employees made without regard to sex?

Are all contracts or collective bargaining agreements free from provisions which treat employees differently on the basis of sex?

Are all Extension sponsored activities and events open to employees of both sexes?