

FEDERAL LAWS PROTECT WOMEN FROM DISCRIMINATION

Federal laws protect students, teachers, and other employees from sex discrimination on university campuses. Two significant federal laws in this area are Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. If a school or an employer is doing something that makes it harder for women than men to succeed, it may be violating these laws. If you believe you have been discriminated against, you can lodge a complaint with a government agency or you can file a lawsuit.

Title VII prohibits discrimination in employment on the bases of sex, race, color, religion, and national origin. Title VII also prohibits sexual or racial harassment on the job. The law prohibits discrimination on the basis of pregnancy, because pregnancy discrimination is a form of sex discrimination. Further, Title VII bars employers from retaliating against employees who protest discrimination.

A variety of practices that put women at a disadvantage in the workplace may violate Title VII. Title VII makes it illegal to discriminate in any area of employment, including hiring and firing, pay, benefits, promotions, job advertisements, recruitment, training, and other terms or conditions of employment. For instance, if an employer refuses to give a woman a promotion because of a belief that her family obligations will keep her from doing the job well, this may violate Title VII. In addition to prohibiting intentional discrimination against a particular person because of his or her sex (called “disparate treatment” discrimination), Title VII also prohibits seemingly neutral practices that disproportionately disadvantage one group, if those practices are not related to and necessary for the employer’s business operations (called “disparate impact” discrimination). For example, if an employer makes all job applicants take a certain test, and many more male than female applicants pass the test, this might violate Title VII. If a particular group, such as women, are significantly underrepresented in a certain job compared to the number of people of that group who are eligible or who apply for the job, this may be evidence that disparate impact or other forms of discrimination are occurring.

Title IX prohibits sex discrimination in federally funded education. Title IX makes it illegal to discriminate on the basis of sex in any federally funded education program or activity. This includes most colleges and universities, as well as elementary and secondary schools. While many people know that Title IX applies to athletics programs, it also applies to all other areas of education, including math and science. Title IX makes it illegal for a school to treat women worse than men. The law applies to employees, and practices that violate Title VII will generally also violate Title IX. Significantly, Title IX also protects students from sex discrimination. Thus, if a school engages in practices that prevent or discourage women from taking engineering classes, this might violate Title IX. Similarly, if students are sexually harassed by teachers or other students, this may also violate Title IX.

If you believe you have been discriminated against, you can file a complaint. Complaints about possible violations of Title VII can be made to the Equal Employment Opportunity Commission (EEOC). More information is available at <http://www.eeoc.gov/facts/howtofil.html>. Complaints about possible violations of Title IX can be made to the Office of Civil Rights, which is part of the Department of Education. See <http://www.ed.gov/about/offices/list/ocr/complaintprocess.html>. Also, under Title IX students and some employees who have been discriminated against can file a lawsuit in court without first filing a complaint.

Patterns of underrepresentation may signal that discriminatory barriers persist at a university. For more information on your rights and how to enforce them, contact the National Women's Law Center at action@nwlc.org.