

Handout 1: Answer Key
The Fourteenth Amendment and Title IX

The Fourteenth Amendment to the U.S. Constitution reads:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

...

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Congress used its authority under Section 5 of the Fourteenth Amendment to pass Title IX, which reads:

(a) Prohibition against discrimination: 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.

1. What does the Fourteenth Amendment have to do with gender discrimination? Underline the phrase that you think would protect people against governmental discrimination based on their gender.

“...nor deny to any person within its jurisdiction the equal protection of the laws.” This is called the “Equal Protection Clause.” It means that the government must treat all people equally and may not discriminate on the basis of characteristics like race or sex.

2. Suppose you are a school superintendent and you want to make sure that your school is in compliance with Title IX. (If not, your school could lose its federal funding.) Underline any words or phrases in the Title IX that you would want further details about. Explain what you would want to know in the space below.

On the basis of sex: *How do you know when a decision is made on the basis of sex?*

Participation: *How much participation is required?*

Benefits: *What kinds of benefits is this referring to?*

Discrimination: *What exactly counts as discrimination?*

Education program or activity: *Does this involve only educational / academic things, or also extracurriculars that do not have any specific educational purpose?*

3. What is the main goal of Title IX?

To prevent discrimination based on sex in education programs and activities that receive federal financial assistance.