

## SECTION 5 - THE TREATMENT OF STUDENTS

The Regulation Title IX, paragraph 86.31(b) specifically requires 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 treatments;
- (5) Discriminate against any person in the application of any rules of appearance;
- (6) Is omitted as not being relevant;
- (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 rights, privilege, advantage or opportunity."

According to 86.31(d), these provisions prohibiting discrimination also apply to programs not operated by the recipient. They apply to:

Any recipient which requires participation by any applicant, student or employee, in any education program or activity not operated wholly by such recipient or which facilitates,

permits or considers such participation as part of or equivalent to an education program or activity operated by such recipient, including participation in educational consortia in cooperative employment and student teaching assignments.

In order to insure compliance with these provisions, a recipient agency or institution:

(i) Shall develop and implement a procedure designed to assure itself that the operator or sponsor of such other education program or activity takes no action affecting any applicant, student or employee of such recipient which this part would prohibit such recipient from taking; and .

(ii) Shall not facilitate, require, permit or consider such participation if such action occurs.

The Title IX Regulation further specifies prohibitions of sex discrimination in the treatment of students in the following areas:

86.83 Employment Assistance to Students

(a) Assistance by recipient in making available outside employment

"A recipient which assists any agency, organization or person in making employment available to any of its students:

(1) Shall assure itself that such employment is made available without discrimination on the basis of sex;

(2) Shall not render such services to any agency, organization or person which discriminates on the basis of sex in its employment practices.

(b) Employment of students by recipients

A recipient which employs any of its students shall not do so in a manner which violates (the employment provisions of the regulation.)'

### 86.39 Health Insurance Benefits and Services

"In providing a medical hospital, accident or life insurance benefit service policy or plan to any of its students, a recipient shall not discriminate on the basis of sex or provide such benefit service policy or plan in a manner which would violate (the employment portion of the regulation) if it were provided to employees of the recipient. This section shall not prohibit a recipient from providing any benefit or service which may be used by a different proportion of students of one sex than of the other including family planning services. However, any recipient which provides full coverage health service shall provide gynecological care."

The Title IX Regulation does not prohibit the preferential treatment of students regarding use of locker room and toilet facilities; it does require that such facilities be comparable for each sex.

### 86.33 Comparable Facilities

"A recipient may provide separate toilet, locker room and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex."

The Issue. Basic intent of those portions of the Title IX Regulation which prohibit sex discrimination in the treatment of students outside classroom or counseling situations is to insure that females and males are provided equal benefits, opportunities and responsibilities throughout the many diverse, extra, academic policies and programs within a school or education agency. Sex differentiation in any program or activity not only denies or limits the access of students to the benefits of that program or activity itself, but it

also institutionalizes and reinforces stereotype expectations which may limit the development of the skills and aspirations of both female and male students.

In order to assess and evaluate present compliance, the requirements of the Title IX Regulation for nondiscrimination in the treatment of students and to plan necessary modifications, the following materials were reviewed:

Student Handbooks-descriptions of student services including but not limited to health, employment and services for special needs;

Medical, hospital, accident or life insurance plans or policies made available to students;

Policy statements and contractual agreements regarding employment assistance to students both those provided by the institution and those by outside individuals and/or organizations;

Description of programs designed to provide student honors and awards and the criteria for student eligibility and selection;

Descriptive materials relating to extra-curricular activities provided for students and policies affecting student participation;

Policies and statements setting forth rules and regulations governing student behavior and appearance;

Policies and statements setting forth rules and regulations governing discipline, punishments and penalties;

Student employment and employment referral programs;

Listings of extra-curricular activities available to students.

As a result of the review of the above materials, the following determinations

have been made:

Aid, benefits and services are provided equally to male and female students;

Eligibility requirements for student aid, benefits and services are identical for male and female students;

The nature, quality and quantity of aid benefits and services are provided identically for male and female students;

No students are denied aid, benefit or service on the basis of sex;

Medical, hospital, accident and life insurance policies or plans are provided equally to all students without differentiation in coverage, benefits or eligibility on the basis of sex;

Health services are provided to all students without regard to sex;

Basic gynecological services are provided for females in the health services coverage;

Employment in job placement assistance is provided to students without regard to sex;

Referrals of potential student employees are made without specification of sex;

Prizes, honors and awards are conferred upon students without differentiation on the basis of sex;

Honors, prizes and awards are free of gender labels;

Membership in all honorary societies or clubs is open to students without regard to sex;

Extra-curricular activities are conducted, operated, sponsored and supported by the institution without differentiation on the basis of sex;

School facilities are equally available for use by male and female students;

Toilet, locker room, and shower facilities are provided in comparable numbers and conditions to students of each sex (see Section 7, Athletics);

Rules and regulations regarding the behavior of students is the same for males and females;

The standards employed for determining compliance with these rules are the same for males and females;

Punishments or penalties imposed for violations of such rules are the same for males and females;

Rules and regulations concerning student appearance (attire, hair length, etc.) are the same for males and females.

The following is the applicable section of the report rendered by the Committee on Student Aid and Placement. The report in its entirety can be found under a separate cover on file in the College's office of AA/EEO.

### CONCLUSION

The services and benefits made available to students by the College are generally free of any bias with regard to the student's sex. The change in the Health Insurance plan to include maternity benefits will clear the only exception.

Note: The change in the Health Insurance has been accomplished as of the date of this self-evaluation. A copy of the plan can be seen in Section 6.

## STUDENT SERVICES AND BENEFITS

In addition to providing direct financial assistance and opportunities for employment to all students, The College also offers students a variety of personal services to enhance their growth and development. Title IX requires that all services or benefits be offered indiscriminantly to all students, regardless of sex. This committee reviewed three services provided, or administered, by the College: the Student Health Service; the Student Health Insurance program; and the Office of Career Counseling.

### Student Health Service

The objective of the Health Service is threefold: (1) Improvement of the health of the students; (2) Prevention or treatment of diseases; and (3) Instruction of students in matters essential to healthful living. It is housed in the new Student Health Center, a modern, fire-proof building containing outpatient clinic, dispensary and waiting room, kitchen, and eighteen bed inpatient facility.

A personal health history and complete physical examination form is required of all entering students. During each semester, each student who has (1) paid his or her health service fee, (which is included under "general fees") and (2) who has filed his or her completed Health Form with the Director is entitled to the use of the Health Service facilities. Undergraduates who are carrying at least 12 credits and graduate students carrying at least 9 credits are eligible by virtue of having been charged the Health Services fee under the aforementioned "general fee."



The medical services are as follows:

1. Medical care in the Health Service Clinic for most illnesses and accidents. Necessary drugs and dressings are included as much as possible.
2. Health consultation service with the medical staff during those days that school is formally in session.
3. Special medical examinations for certification for participation in intercollegiate athletics and other forms of strenuous activity sponsored by the school.
4. Hospitalization in the Health Service Center for a limited period for illness when advised by one of the College physicians. The College does not, however, assume the cost of special care nurses, consulting physicians where needed (including psychiatric care), surgical operations, X-rays, and any laboratory procedures that cannot be done directly through the Health Service facilities. Also, care in other hospitals and certain special medications that are not stocked in the Health Service pharmacy are the responsibility of the student or his family or his or her supplementary insurance coverage. Meals while in the infirmary are charged to the student at the prevailing dining hall rate.

The staff of the Health Service consists of:

3 full time physicians - 2 women, 1 male

1 lab technician

Full nursing staff - all women

A full range of health services are available to all. Annual physicals are required of College athletes, both male and female, who participate in

in contact sports. Annual physicals for men in non-contact sports are not required by the NCAA and are not conducted unless a known medical problem is present. However the NCAA requires all women participating in college sports to have an annual physical exam given by a College physician, and these are routinely conducted.

Information on all aspects of sexuality, including birth control, is available to all students. In addition, the Infirmary offers prenatal care to pregnant students. The Infirmary prescribes birth control methods to female students, but only after conducting a thorough physical exam and consulting the student's medical history.

The committee finds that the policies, procedures, and services offered by the Health Center provide no instance of discrimination with regard to a student's sex.

#### Student Health Insurance Program

The College does not directly administer a health insurance program. It does, however, inform all students that a private insurance company provides a low cost group health insurance plan. The plan is optional and all arrangements are made solely between the student and the insurance company.

The cost during academic year 1975-76 was \$38.00 per semester per student. The plan did not include a maternity benefit. The College has required that the new plan include a maternity benefit which may double the cost of the insurance.

The policy is well publicized. All students are eligible and all pay the same rate.

The committee feels that the addition of the maternity benefit to the plan will bring the program into full compliance. The committee urges the College to negotiate with the insurance company to hold the cost increase down. We note that the pregnancy rate is quite low (23 in 1974-75) and estimated to drop by 75% in 1975-76, since the Health Service began prescribing birth control methods. Therefore, the cost of claims to the company should be modest, requiring a minimal increase.

#### Center For Psychological Services

The Center for Psychological Services offers professional assistance to all students, staff, and faculty in the area of personal counseling and psychotherapy, dealing with problems of social relationships and the understanding of one's self and others. Staff members work with clients on an individual, couple, family or group basis, depending on the particular need. These services are free of charge and are provided by experienced clinical psychologists who are also members of the faculty. All relationships between counselors and clinicians are strictly confidential, and at no time do the results of counseling become part of a student's permanent College record. No information concerning an individual's contact with the Center can be released without written permission.

There are two full time women therapists, three part time male therapists and a woman psychometrician who occasionally acts as a therapist.

The students are self-selected or walk-in clients. They may request a particular therapist, and if possible are so accommodated. Usually the therapist is assigned to the client next in line on a first-come, first-served basis, although there is an attempt to balance the number of clients per therapist.

In individual cases decisions have been made that some problems and/or individuals do better with therapists of the opposite sex. These are, however, professional judgments in the best interest of the patient, and not instances of discrimination.

The committee feels that the operation of the Center for Psychological Services fully meets the requirements of Title IX.

#### Office of Career Counseling

The Office of Career Counseling offers professional assistance to students in career planning. The services include personal and group counseling in the areas of goal assessment, career decision-making, and vocational preparation. The office provides special programs on career options, offers such resources as a career information library and appropriate testing facilities, and works closely with related services such as academic advising and placement.

The services of the office are readily available to all students and alumni of the College. As with most services, students self-select their own participation.

Although guidance is offered without regard to a student's sex, the office acts as a repository for career information provided by various women's and minority groups. The information is available to all students.

The committee finds that the Office of Career Counseling is in full compliance with Title IX regulations.

Following is the report rendered by the Committee on Admissions Policy. The entire report is under a separate cover on file in the College's AA/EEO Office.

### CONCLUSION

Admissions forms and procedures have been modified wherever necessary to conform to Title IX guidelines. The two most sensitive areas appear to be potential influence of housing on admissions decisions, and preferential treatment given grant-in-aid men athletes. The influence of available housing on admissions is minimized by careful planning in Dean Livingston's office-- in particular, a conscious effort to keep dormitory assignments as flexible as possible. The second problem appears to have been settled by the system of "equivalent grants-in-aid" for women athletes, by which coaches of women's sports are allowed to request special consideration for a comparable number of women student-athletes.

## INTERDEPARTMENTAL COMMUNICATION

**From** Peter V. O'Neil, Chairman  
Admissions Policy Committee

**Date** March 11, 1976

**To** Wesley Wilson  
Assistant to the President

**SUBJECT:** Sex discrimination in admissions policies

On Tuesday, Jan. 27, 1976, the Admissions Policy Committee met to discuss current admissions policies and procedures in light of Title IX guidelines.

At this point, I should reference a memorandum dated April 1, 1974, from Margaret W. Freeman (then Chairperson of the Admissions Policy Committee) to Vice President Healy, which discussed some steps toward eliminating sex discrimination from our admissions process which have since been taken and which will not be described again in detail. In brief, they were:

- 1) to change the titles Director of Women's Admissions and Director of Men's Admissions;
- 2) to establish sex-independent criteria for rating applications, basing ratings on SAT scores and Achievement Tests, high school record, recommendations, and class rank;
- 3) to establish procedures within the admissions office to eliminate division of responsibility on the basis of sex;
- 4) to emphasize, in the College's current catalog, the possibility of admission "to all qualified students without regard to sex, race, creed,...."

The two major areas of present concern were discrimination in the selection process, and potential influence of policies governing allocation of dormitory space on the actual selection process. Below are our conclusions, addressed to specific aspects of these areas.

#### A. Discrimination in the Selection Process

##### 1. Consideration of the sex of the applicant

Current procedures in the Admissions Office call for each applicant to be rated independently by three members of the admissions staff. Ratings are based on high school record, class rank, recommendations and SAT scores. There is a space on the application form for the applicant to indicate sex, but this information is used later in allocating dormitory space, not in the selection process itself. In fact, enrollment figures show a roughly equal men-women ratio in each

freshman class (with small deviations of no statistical significance), indicating a working, non-discriminatory process.\*

## 2. Marital Status

Reference to marital status has been dropped from our admission application form (a copy of which is attached). Applicants for the freshman class entering Fall 1976 were not asked such information.

## 3. Entrance Examinations

The only standard tests used in evaluating all freshman applicants are the Scholastic Aptitude Test of the College Board Examinations. English and two other achievement examinations are recommended but not required.

## 4. Students Falling into Special Categories

A number (about 45) of grant-in-aid athletes are admitted under a special procedure. This may be viewed as in fact a discrimination on the basis of sex, as the women's sports at William and Mary have no grants-in-aid. Financial limitations prevent the College from simply awarding the women's sports an equal number of scholarships. However, coaches of women's sports are allowed to designate a certain number of women applicants as "equivalent grant-in-aid" applicants. These applicants are then subject to the same procedures as the men grant-in-aid applicants. In this way the committee feels that the College achieves equity in making special consideration for men and women student-athletes.

Also of concern to the committee is the fact that other special categories of students are considered. As one example, requests are received concerning alumni children, some of whom would not be admitted in the regular competition. The application form also allows a student to claim minority status, an admittedly vague term. Finally, a student with a special, distinguishing talent, but who might not be admitted under strict application of the usual criteria, may be recommended for special consideration. As with grant-in-aid athletes, such applicants are considered by a special committee consisting of four members of the admissions staff and four faculty members of the Admissions Policy Committee. The important considerations in such cases are the College's commitment to a diversified student body, the student's potential for contributing to the College community, and the student's potential for benefiting from a college experience at William and Mary (see attached statement of admissions policy). The sex of the applicant is not a factor in any of these considerations.

## 5. Transfer Students

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\* From a study done on Fall 1973 applicants; by total SAT score:  
of the top-rated 1744 applicants, 50.9% were men, 49.1% women;  
of the top-rated 579 out of state applicants, 53.4% were men, 46.6% women;  
of the top-rated 1165 in-state applicants, 49.7% were men, 50.3% women.



Transfer applications are processed by the admissions office. Subject to severe numerical limitations imposed by the stable size of our classes, and other factors such as availability of dormitory space and financial considerations, transfer applications are judged on the basis of academic record and potential for success at William and Mary. Sex is not a factor in these determinations.

#### B. Housing

Housing does not fall under the province of the admissions office. However, given the basic premise that some separate housing for men and women is desirable, it is in theory certainly possible to seriously influence admissions decisions in favor of one sex by allocating a larger percentage of dormitory space to men (or to women). The Committee is sensitive to this problem, as is the office of Dean Livingston, which is in charge of dormitory planning. We feel that the problem has been met by realistic and effective means, first, by using information from previous years to attempt to project the men-women ratio in a typical freshman class, and second, by leaving as much dormitory space as possible uncommitted until the admissions office determines as accurately as it can the actual ratio for the coming year. Timing causes difficulties, as some students who have been accepted may decide quite late not to enroll, and may be replaced by someone of the opposite sex. Nevertheless, the Committee feels that the degree of flexibility in housing assignments feasible with present facilities allows the admissions office to administer its procedures without consideration of sex as a determinant.

In order to emphasize its concern in this area, the Committee adopted the following resolution:

Resolved: that the Admissions Policy Committee recommends that as many freshmen dormitory spaces as possible be left undesignated with regard to sex until the admissions office makes its decisions on applications.

Again, this simply emphasizes a policy already in effect.

#### Summary:

Admissions forms and procedures have been modified wherever necessary to conform to Title IX guidelines. The two most sensitive areas appear to be potential influence of housing on admissions decisions, and preferential treatment given grant-in-aid men athletes. The influence of available housing on admissions is minimized by careful planning in Dean Livingston's office -- in particular, a conscious effort to keep dormitory assignments as flexible as possible. The second problem appears to have been settled by the system of "equivalent grants-in-aid" for women athletes, by which coaches of women's sports are allowed to request special consideration for a comparable number of women student-athletes.

cc: President Graves

*Peter V. Paul*

COLLEGE OF WILLIAM AND MARY

INTERDEPARTMENTAL COMMUNICATION

From Wesley C. Wilson

Date 5-21-75

To Rex Tillotson, Sam Sadler, Jack Morgan, Ronald Brown, Jerry Van Voorhis

SUBJECT:

On April 23, 1975, a meeting was held to discuss the impact of Title IX regulations on the Admission policies at the College of William and Mary. In attendance were those listed as addressees in this memorandum.

A summary of the meeting is that College admission policies must not be dictated by available housing if the housing is proportioned based on sex. All qualified candidates for admission to the College must be accepted on a best-qualified-regardless-of-sex process.

Housing may be designated as single sex. However, in addition to the preceding requirements, the designation of housing by sex may not be used as a regulation of the numbers to be admitted by sex; the equality of housing must be relatively equal.

It is strongly recommended by those in attendance at this meeting that the persons responsible for admissions and housing develop written guidelines that are in conformance with Title IX and insure that all personnel within their departments are fully conversive with these guidelines.

WCW:cg

Summary of the Office of Residence Hall Life response to the Title IX  
Regulation.

ONE INSTITUTION'S RESPONSE TO THE DEMANDS OF TITLE IX:

RE: HOUSING

The Title IX amendments of the Education Act of 1972 require that an institution of higher education which wishes to continue to receive federal aid not "on the basis of sex apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing - - -". The housing offered by an institution may be single-sexed. However, housing provided for one sex, when compared to that provided the other sex, shall be as a whole:

(i) Proportionate in quantity to the number of students of that sex applying for such housing;  
and

(ii) Comparable in quality and cost to the student.

In an effort to respond to the demands of Title IX, the Office of Residence Hall Life at the College of William and Mary continued to examine policies and regulations to assure that no sex discrimination existed. Fortunately, housing regulations have been applied, without difference, to the men and women for a number of years. However, an objective appraisal during 1974 of the assignment process and the comparability of housing suggested differential treatment.

In response to this conclusion, the Office of Residence Hall Life made plans to meet the demands of Title IX in the assignment and comparability areas.