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Christine Franklin, Petitioner v. Gwinnett County Public Schools and William Prescott, 60 U.S.L.W. 4167 (February 26, 1992)

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COURTWATCH by Tahirih Sadrieh*

Christine Franklin, Petitioner v. Gwinnett County Public Schools and William Prescott,
60 U.S.L.W. 4167 (February 26, 1992)

The Supreme Court declares that students can sue their schools for money damages under Title IX.

As a high school student, petitioner Christine Franklin, was subjected to continuous sexual harassment and was coerced into sexual intercourse with Andrew Hill, a teacher, during her sophomore and junior years. Though the school became aware of and investigated the teacher's sexual harassment of the petitioner and other female students, no action was taken. Ms. Franklin was discouraged from pressing charges against Hill. The school closed its investigation when the teacher agreed to resign on the condition that all matters pending against him would be dropped.

The District Court and the Eleventh Circuit dismissed the sexual harassment claim on the ground that Title IX does not authorize money damages. These courts relied on Drayden v. Needville Independent School Dist., 642 F. 2d 129 (5th Cir. 1981), which concluded that Title VI does not support a claim for money damages. Both courts noted that judicial analysis of Title IX and Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, has developed along similar lines. A second basis for the ruling was that Title IX was enacted under Congress' Spending Clause power and that "[u]nder such statutes, relief may frequently be limited to that which is equitable in nature, with the recipient of federal funds thus retaining the option of terminating such receipt in order to rid itself of an injunction." Franklin v. Gwinnett Cty. Public Schools, 911 F. 2d 617, 621 (11th Cir. 1990).

The Supreme Court reversed. Writing for the majority, Justice White reasoned that a long line of cases have presumed the availability of all appropriate remedies unless Congress expressly indicated otherwise. Respondents and the United States as amicus curiae advanced three reasons why money damages should not be allowed in Title IX cases. First, they claimed that such an award would violate the separation of powers by expanding the federal courts' power into a sphere properly reserved to the Executive and Legislative Branches. The Court stated that while finding a cause of action not previously authorized would increase judicial authority, the historic role of the courts is to award all appropriate relief in cases brought into the court system.

Secondly, respondents and the United States argued that the normal presumption in favor of all appropriate remedies should not apply because Title IX was enacted pursuant to Congress' Spending Clause power. This proposition would have expanded the ruling in Pennhurst State School and Hospital v. Halderman, 451 U.S. 1, 18-19 (1981), which held that remedies under Spending Clause statutes are limited when the alleged violation is unintentional. It does not apply to intentional violations. The Court stated that the expansion was unwarranted since the justification for disallowing money damages is not presented where the violations are intentional. When violations are intentional, the entity has been placed on notice. Whereas, in cases of unintentional violations, the receiving entity lacks notice that it will be liable for a monetary award.

Finally, the United States asserted that the remedies permissible under Title IX should be limited to back pay and prospective relief. The Court held that the proper inquiry should be whether monetary damages provide an adequate remedy, and if not, whether equitable relief would be appropriate. In this case, equitable remedies leave the petitioner without a remedy. Thus, the Court held that to make Christine Franklin whole, damages must be awarded and are available for an action brought to enforce Title IX.

