

Jackson v. Birmingham Board of Education

S.Ct. (March 29, 2005)

Roderick Jackson had been the girls' basketball coach at a Birmingham school. He complained about the girls receiving inferior practice and playing conditions (non-regulation-size gym and bent basketball rims) compared to the boys. He was fired from his coaching position in 2001, although he retained his job as a physical education teacher. Jackson sued, stating that he was protected from retaliation under Title IX of the Education Amendments of 1972. Title IX prohibits sex discrimination in public and private schools that receive federal funding. The Birmingham Board of Education countered that Jackson had no private right of action since he was not the victim of the alleged discrimination and, further, that Title IX does not specifically prohibit retaliation.

The Supreme Court ruled 5-4 in favor of Jackson. The majority found that retaliation is necessarily an intentional act and that it was irrelevant that Jackson was not a victim of the alleged discrimination. The loss of extra pay and retirement credit was an adverse employment action. Justice Sandra Day O'Connor, writing for the majority, stated that "without protection from retaliation, individuals who witness discrimination would likely not report it, indifference claims would be short-circuited, and the underlying discrimination would go unremedied."