

TITLE IX RESOURCE GUIDE



U.S. Department of Education
Office for Civil Rights
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Notice of Language Assistance

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A. Scope

this responsibility

C. Title IX's Administrative Requirements

The administrative requirements in the Department's Title IX regulations are the underpinning of both the Title IX coordinator's job and a recipient's compliance with Title IX; their purpose is to ensure that a recipient maintains an environment for students and employees that is free from unlawful sex discrimination in all aspects of the educational experience, including academics, extracurricular activities, and athletics. These requirements provide that a recipient must establish a system for the prompt and equitable resolution of complaints. This allows an institution to resolve complaints of discrimination without the need for involvement by outside entities, such as the Federal government. They also provide that a recipient must ensure that members of the school community are aware of their rights under Title IX, have the contact information for the Title IX coordinator, and know how to file a complaint alleging a violation of Title IX.

1. Grievance Procedures

The Department's Title IX regulations require a recipient to adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee complaints under Title IX. These procedures provide an institution with a mechanism for discovering incidents and resolving them.

For more information on notices of nondiscrimination, please review:

- x 34 C.F.R. §§ 106.8(a), 106.9;
- x Notice of Nondiscrimination (August 2010),
<http://www.ed.gov/ocr/docs/nondisc.pdf>;
- x Dear Colleague Letter: Title IX Grievance Procedures, Postsecondary Education (August 4, 2004),
http://www.ed.gov/ocr/responsibilities_ix_ps.html; and
- x

For more information about sex discrimination in recruiting, admissions, and counseling, please review:

- x 34 C.F.R. §§ 106.3(b), 106.15, 106.36, and 34 C.F.R. Part 106, Subpart C; and
- x Title IX and Access to Courses and Programs in Science, Technology, Engineering and Math (October 2012), <http://www.ed.gov/ocr/presentations/stem-t9-powerpoint.pdf>.

2. Financial Assistance

Generally, a recipient may not: (a) provide different amounts or types of financial assistance, limit eligibility

For more information about the obligation to provide e

(b) Athletic Benefits and Opportunities

The Department’s Title IX regulations and OCR guidance require that recipients that operate or sponsor interscholastic, intercollegiate, club or intramural athletics provide equal athletic opportunities for members of both sexes. In determining whether an institution is providing equal opportunity in athletics, the regulations require the Department to consider, among others, the following factors: (1) the provision of equipment and supplies; (2) scheduling of games and practice time; (3) travel and per diem allowances; (4) opportunity for coaching and academic tutoring; (5) assignment and compensation of coaches and tutors; (6) provision of locker rooms, and practice and competitive facilities; (7) provision of medical and training facilities and services; (8) housing and dining services; (9) publicity; (10) recruitment; and (11) support services. These factors are sometimes referred to as the laundry list.

As part of the recipient’s obligation to provide equal athletic opportunity to its students, OCR

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(c) Athletic Financial Assistance

The Department's Title IX regulations specify that if a recipient awards athletic financial assistance, including athletic scholarships or grants-in-aid, it must provide reasonable opportunities for such awards for members of each sex in substantial proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics. Separate athletic financial assistance for members of each sex may be provided as part of separate athletic teams for members of each sex.

The Title IX coordinator should help coordinate the recipient's efforts to ensure that the athletic financial assistance awarded by the recipient complies with these provisions by working with the institution and its athletics department.

For more information about a recipient's obligations regarding awards of athletic financial assistance, please review:

- x 34 C.F.R. § 106.37(c);
- x Title IX Policy Interpretation: Intercollegiate Athletics (December 11, 1979), <http://www.ed.gov/ocr/docs/t9interp.html>; and
- x Dear Colleague Letter: Bowling Green State University (July 23, 1998), <http://www.ed.gov/ocr/docs/bowlgrn.html>.

4. Sex-Based Harassment

In order to best perform academically and to have equal access to all aspects of a recipient's educational programs and activities, students must not be subjected to unlawful harassment, either in the classroom or while participating in other

- x Finally, the Title IX coordinator should regularly review the effectiveness of the recipient's efforts to ensure that the recipient institution is free from sexual and gender-based harassment, and use that information to recommend future proactive steps that the recipient can take to comply with Title IX and protect the school community.

5. Pregnant and Parenting Students

6. Discipline

The Department's Title IX regulations prohibit a recipient from subjecting any person to separate or different rules of behavior, sanctions, or other treatment, such as discriminatory discipline, based on sex.

The Title IX coordinator should review the recipient's discipline policies to help make sure they are not discriminatory.

(b) Classes and Extracurricular Activities

The Department's Title IX regulations do not prohibit recipients from grouping students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex or using requirements based on vocal

The Department's Title IX regulations do not prohibit recipients from grouping students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex or using requirements based on vocal range or physical characteristics.

transgender students are treated consistent with their gender identity in the context of single-sex classes.

For more information about single-sex schools, classes, and extracurricular activities, please review:

- x 34 C.F.R. § 106.34;
- x Questions and Answers Regarding Single-Sex Elementary and Secondary Classes and Extracurricular Activities (December, 2014), <http://www.ed.gov/ocr/docs/faqs-title-ix-single-sex-201412.pdf>;
- x Dear Colleague Letter: Single-Sex Education (January 31, 2007), <http://www.ed.gov/ocr/letters/single-sex-20070131.html>; and
- x Final Rule: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 71 Fed. Reg. 62,530 (October 25, 2006), <http://www2.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.pdf>.

8. Employment

Under the Department’s Title IX regulations, a recipient is generally prohibited from discriminating on the basis of sex in any employment or recruitment, consideration or selection for employment, whether full-time or part-time.¹⁰ This includes employment actions such as recruitment, hiring, promotion, compensation, grants of leave, and benefits. A recipient must make employment decisions in a nondiscriminatory manner, and may not enter into contracts, including those with employment agencies or unions, that have the direct or indirect effect of subjecting employees or students to discrimination based on sex. Additionally, Title IX’s employment provisions protect against discrimination based on an applicant’s or employee’s pregnancy or marital or parental status. Finally, a recipient may not employ students in a way that discriminates against one sex, or provide services to any other organization that does so.

The Title IX coordinator should help the recipient in making sure school employees are aware that the Title IX coordinator is available to help employees as well as students. The Title IX coordinator should be familiar with the recipient’s employment policies and procedures, and train the appropriate human resource employees regarding the recipient’s obligations under Title IX.

For more information about employment discrimination, please review:

- x 34 C.F.R. Part 106, Subpart E; 34 C.F.R. § 106.38.

¹⁰ Employees are also protected from discrimination on the basis of sex, including sexual harassment, by Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e. OCR does not enforce Title VII. For information about Title VII, see the Equal Employment Opportunity Commission’s website at <http://www.eeoc.gov>.

E. Information Collection and Reporting

The Department requires recipients to report information about Title IX and other civil rights issues that may be useful to the work of Title IX coordinators. In addition, Title IX coordinators can play a helpful role in helping to ensure that their institutions' information is accurate, comprehensive, and

The Department's Office of Postsecondary Education also collects information about Title IX coordinators from postsecondary institutions in reports required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act.¹² Title IX coordinators in postsecondary settings should assist the institution's officials in accurately reporting the required information.

For more information about data collection and reporting, please review:

- x CRDC webpage, <http://www.ed.gov/ocr/data.html>; and
- x Campus Security webpage (for postsecondary institutions), <http://www.ed.gov/admins/lead/safety/campus.html>.