

# Title IX Grievance Procedures, Elementary and Secondary Education

## OFFICE OF THE ASSISTANT SECRETARY

April 26, 2004

Dear Colleague:

On behalf of the Office for Civil Rights of the United States Department of Education (OCR), I am writing to highlight aspects of the responsibilities of recipients of federal financial assistance to comply with the requirements of Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 *et seq.* (Title IX), and its implementing regulations, 34 C.F.R. Part 106. As you are aware, Title IX prohibits discrimination on the basis of sex in education programs or activities by recipients of federal financial assistance. Specifically, this letter is to remind chief state school officers and state and local educational agencies that the Title IX regulations require recipients to designate a Title IX coordinator, adopt and disseminate a nondiscrimination policy, and put grievance procedures in place to address complaints of discrimination on the basis of sex in educational programs and activities.

OCR recently reviewed the Title IX compliance status of selected recipients and found in several instances that recipients have not complied with some of the above requirements of the Title IX implementing regulations. Examples of deficiencies identified by the investigations include the failure to designate and/or adequately train at least one employee to coordinate the recipient's Title IX responsibilities, the failure to have and/or disseminate notice of the nondiscrimination policy, and the failure to adopt or publish required Title IX grievance procedures to address sex discrimination claims. The most frequently cited problem was the failure to effectively disseminate notice of the Title IX coordinator's identity and contact information as required by the Title IX regulations. These are all the things that OCR looks for in conducting investigations on these issues.

Recipients of federal financial assistance, including state and local educational agencies, must comply with the Title IX implementing regulations. The Title IX implementing regulations at 34 C.F.R. § 106.8(a) require that each recipient designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The coordinator's responsibilities include investigating complaints communicated to the recipient alleging noncompliance with Title IX. Section 106.8(a) also requires the recipient to notify all students and employees of the name, address, and telephone number of the designated coordinator. Section 106.8(b) requires that each recipient adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints under Title IX.

The Title IX regulations at 34 C.F.R. § 106.9 require that each recipient publish a statement (notice) that it does not discriminate on the basis of sex in the education programs or activities it operates. The notice must state, at a minimum, that the recipient does not discriminate on the basis of sex in admission to or employment in its education programs or activities. The notice must further state that inquiries to

recipients concerning the application of Title IX and its implementing regulations may be referred to the Title IX coordinator or to OCR.

Section 106.9(b) requires that the notice of nondiscrimination be displayed prominently in each announcement, bulletin, catalog, or application form used in connection with recruitment of students or employees. The notice should also include the name, office address, and telephone number for the designated Title IX coordinator.

The Department is committed to enforcing Title IX aggressively. The compliance problems OCR noted during our recent investigations suggest that some recipients may not have been vigilant in ensuring compliance with the above-mentioned procedural requirements of the regulations implementing Title IX. My goal is that, by focusing attention on this issue, recipients will re-evaluate their policies and practices in this area, increase their compliance with these requirements, and improve access to educational benefits and services for all beneficiaries. If you need additional information about Title IX, have questions regarding the Department's policies, or seek guidance, please contact the OCR enforcement office that serves your state or territory for further assistance. I have enclosed the addresses and telephone numbers of those offices.

Thank you for your attention to these matters.

Sincerely,

Kenneth L. Marcus  
 Delegated the Authority of the  
 Assistant Secretary for Civil Rights  
 U.S. Department of Education

Enclosure

<b>OFFICE FOR CIVIL RIGHTS U.S. DEPARTMENT OF EDUCATION</b>	
400 Maryland Avenue, SW, Washington, DC 20202-1100 Customer Service #: (800) 421-3481 * TDD#: (877) 521-2172 * <a href="http://www.ed.gov/ocr">http://www.ed.gov/ocr</a>	
<b>E a s t e r n  D i v i s i o n</b>	<b>Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont</b> Office for Civil Rights, <i>Boston Office</i> U.S. Department of Education J. W. McCormack POCH, Room 701 Boston, MA 02109-4557 Telephone: (617) 223-9662 Facsimile: (617) 223-9669 TDD: (617) 223-4097 <u>Email: <a href="mailto:OCR.Boston@ed.gov">OCR.Boston@ed.gov</a></u>
<b>i l l i n o i s</b>	<b>Illinois, Indiana, Minnesota, Wisconsin, Iowa, North Dakota</b> Office for Civil Rights, <i>Chicago Office</i> U.S. Department of Education 111 North Canal Street, Suite 1053 Chicago, IL 60606-7204 Telephone: (312) 886-8434 Facsimile: (312) 353-4888 TDD: (312) 353-2540 <u>Email: <a href="mailto:OCR.Chicago@ed.gov">OCR.Chicago@ed.gov</a></u>
<b>n  e w J e r s e y  P u e r t o R i c o  V i r g i n I s l a n d s</b>	<b>Michigan, Ohio</b> Office for Civil Rights, <i>Cleveland Office</i> U.S. Department of Education <i>New York Office</i>

<p>U. S. Department of Education 75 Park Place, 14th Floor New York, NY 10007-2146 Telephone: (212) 637-6466 Facsimile: (212) 264-3803 TDD: (212) 637-0478 <a href="mailto:OCR.NewYork@ed.gov">Email: OCR.NewYork@ed.gov</a></p>	<p><b>i</b> <b>o</b> <b>n</b> 600 Superior Avenue East, Suite 750 Cleveland, OH 44114-2611 Telephone: (216) 522-4970 Facsimile: (216) 522-2573 TDD: (216) 522-4944 <a href="mailto:OCR.Cleveland@ed.gov">Email: OCR.Cleveland@ed.gov</a></p>
<p><b>Delaware, Maryland, Kentucky, Pennsylvania, West Virginia</b> Office for Civil Rights, <i>Philadelphia Office</i> U.S. Department of Education The Wanamaker Building 100 Penn Square East, Suite 515 Philadelphia, PA 19107 Telephone: (215) 656-8541 Facsimile: (215) 656-8605 TDD: (215) 656-8604 <a href="mailto:OCR.Philadelphia@ed.gov">Email: OCR.Philadelphia@ed.gov</a></p>	<p><b>Kansas, Missouri, Nebraska, South Dakota, Oklahoma</b> Office for Civil Rights, <i>Kansas City Office</i> U.S. Department of Education 8930 Ward Parkway, Suite 2037 Kansas City, MO 64114 Telephone: (816) 268-0550 Facsimile: (816) 823-1404 TDD: (800) 437-0833 <a href="mailto:OCR.KansasCity@ed.gov">Email: OCR.KansasCity@ed.gov</a></p>
<p><b>Alabama, Florida, Georgia, Tennessee</b> Office for Civil Rights, <i>Atlanta Office</i> U.S. Department of Education 61 Forsyth Street S.W., Suite 19T70 Atlanta, GA 30303-3104 Telephone: (404) 562-6350 Facsimile: (404) 562-6455 TDD: (404) 562-6454 <a href="mailto:OCR.Atlanta@ed.gov">Email: OCR.Atlanta@ed.gov</a></p>	<p><b>Arizona, Colorado, New Mexico, Utah, Wyoming</b> Office for Civil Rights, <i>Denver Office</i> U.S. Department of Education Federal Building, Suite 310, 1244 Speer Boulevard Denver, CO 80204-3582 Telephone: (303) 844-5695 Facsimile: (303) 844-4303 TDD: (303) 844-3417 <a href="mailto:OCR.Denver@ed.gov">Email: OCR.Denver@ed.gov</a></p>
<p><b>Arkansas, Louisiana, Mississippi, Texas</b> Office for Civil Rights, <i>Dallas Office</i> U.S. Department of Education 1999 Bryan Street, Suite 2600 Dallas, TX 75201 Telephone: (214) 880-2459 Facsimile: (214) 880-3082 TDD: (214) 880-2456 <a href="mailto:OCR.Dallas@ed.gov">Email: OCR.Dallas@ed.gov</a></p>	<p><b>California</b> Office for Civil Rights, <i>San Francisco Office</i> U.S. Department of Education Old Federal Building 50 United Nations Plaza, Room 239 San Francisco, CA 94102-4102 Telephone: (415) 556-4275 Facsimile: (415) 437-7783 TDD: (415) 437-7786 <a href="mailto:OCR.SanFrancisco@ed.gov">Email: OCR.SanFrancisco@ed.gov</a></p>

<p><b>North Carolina, Virginia, Washington, D.C., South Carolina</b> Office for Civil Rights, <i>District of Columbia Office</i> U.S. Department of Education P.O. Box 14620 Washington, DC 20044-4620 Telephone: (202) 208-2545 Facsimile: (202) 208-7797 TDD: (202) 208-7741 <a href="mailto:OCR.DC@ed.gov">Email: OCR.DC@ed.gov</a></p>	<p><b>Alaska, Hawaii, Idaho, Nevada, Oregon, Montana, Washington, Pacific Region</b> Office for Civil Rights, <i>Seattle Office</i> U.S. Department of Education 915 Second Avenue, Room 3310 Seattle, WA 98174-1099 Telephone: (206) 220-7900 Facsimile: (206) 220-7887 TDD: (206) 220-7907 <a href="mailto:OCR.Seattle@ed.gov">Email: OCR.Seattle@ed.gov</a></p>
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