

U.S. Department of Education

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Title IX Grievance Procedures, Postsecondary Education

OFFICE OF THE ASSISTANT SECRETARY

August 4, 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 postsecondary institutions 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 during OCR reviews 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 things that OCR looks for in conducting investigations on these issues.

Recipients of federal financial assistance, including postsecondary institutions, 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. OCR will continue to identify potential sites for additional compliance reviews, particularly at the postsecondary level. 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
Deputy Assistant Secretary for Enforcement
Delegated the Authority of the Assistant
Secretary for Civil Rights

Enclosure

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Last Modified: 10/15/2015