

## TITLE IX: NEW GUIDANCE AVAILABLE FOR ALL FEDERALLY FUNDED EDUCATIONAL INSTITUTIONS

Title IX of the Education Amendments of 1972 (Title IX) is a federal law which prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. On April 24, 2015, the U.S. Department of Education (DOE) released several new items of Title IX guidance for educational institutions that receive federal funds.

### **DEAR COLLEAGUE LETTER**

The April guidance included a Dear Colleague letter to school district superintendents and college and university presidents, reminding them that all educational institutions receiving federal financial assistance must designate at least one employee to coordinate the institution's efforts to comply with and carry out the school's responsibilities under Title IX. The letter outlined the factors an institution should consider when designating a Title IX coordinator, described the Title IX coordinator's responsibilities and qualifications, and reminded institutions of the importance of supporting Title IX coordinators by ensuring that they are visible in their school communities and have the appropriate training.

### **TITLE IX COORDINATOR LETTER AND RESOURCE GUIDE**

The new DOE guidance also included a letter to Title IX coordinators accompanying a Title IX Resource Guide. This 26-page guide is intended to assist Title IX coordinators in carrying out their work. The resource guide is divided into five parts discussed below. Each section ends with referrals to additional resources, guidance and regulations.

#### **1. Scope of Title IX**

This section serves to remind school officials that if any part of a school district or college receives any federal funds for any purpose, all of the operations of the district or college are covered under Title IX. In some quarters, there is still a misperception that Title IX applies predominately in the college setting. However, all public schools, both K-12 and postsecondary institutions are subject to Title IX. Title IX not only protects students, but current employees and applicants for admissions and/or employment from all forms of sex discrimination.

#### **2. Responsibilities and Authority of a Title IX Coordinator**

This section discusses a Title IX coordinator's responsibilities with regard to drafting, revising, and implementing policies and procedures on sex discrimination; coordinating the implementation and administration of the institution's procedures for resolving Title IX complaints; monitoring the institution's response to all complaints involving sex discrimination; surveying school climate; and providing training and technical assistance on school policies regarding sex discrimination. The Resource Guide stresses that Title IX coordinators can only be effective agents for ensuring gender equity within their institutions when they are provided with the appropriate authority and support necessary to

coordinate their institution's Title IX compliance. An institution can designate more than one Title IX coordinator; however, the DOE suggests that there be one lead Title IX coordinator who has ultimate oversight responsibility.

### 3. Administrative Requirements

The Resource Guide describes Title IX's Administrative Requirements as the underpinning of Title IX compliance for both the Title IX coordinator and the institution for which he or she works. The two main administrative requirements discussed in this section are (a) that the institution must establish a system for the prompt and equitable resolution of complaints and (b) that it ensure that members of the school community are aware of their rights under Title IX and have information on how to contact the Title IX coordinator and how to file a complaint.

### 4. Application of Title IX to Various Issues

The Resource Guide describes some of the key issues covered by Title IX, including: recruitment and admissions; financial assistance; athletics; sex-based harassment; pregnant and parenting students; discipline; and retaliation.

### 5. Information Collection and Reporting

The Resource Guide discusses how each Title IX coordinator should gather information and data about the "climate" of their educational institution with regard to sexual discrimination and sexual violence. This information collection obligation is coupled with a reporting obligation under the Clery Act and other federal laws for postsecondary institutions. This section of the Resource Guide also describes the DOE resources available to Title IX coordinators to assist with the collection and reporting of data.

The Dear Colleague letter, Title IX Coordinator letter and Resource Guide can be found at the following links:

- Dear Colleague:  
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>
- Title IX Coordinator:  
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-letter-201504.pdf>
- Resource Guide:  
<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

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