

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

OCT -2 1997

Dear Colleague:

Significant progress has been made since the passage of Title IX of the Education Amendments of 1972 (Title IX). However, representatives of students and other interested parties have raised concerns as to whether all educational agencies are in compliance with Title IX of the Education Amendments of 1972 (Title IX) and the U.S. Department of Education's implementing regulation at 34 C.F.R. § 106.8(a) requiring a Title IX coordinator. This letter is to remind you of your obligation under Title IX to designate an employee who coordinates your Title IX responsibilities, and to offer assistance if you have any questions about Title IX coordination responsibilities.

As you know, the Office for Civil Rights (OCR) enforces Title IX, 20 U.S.C. § 1681, et seq., and its implementing regulation found at 34 C.F.R. Part 106. Title IX prohibits discrimination on the basis of sex in education programs or activities receiving or benefiting from Federal financial assistance. Section 106.8(a) of the Title IX regulation requires that each recipient designate at least one employee to coordinate its responsibilities under Title IX. The coordinator's responsibilities include investigation of any complaint of discrimination on the basis of gender. Section 106.8(a) also requires that recipients notify all students and employees of the name, office address, and telephone number of the designated employee(s). Section 106.9 requires recipients to publish a notice of nondiscrimination on the basis of gender in publications made available to students, parents, employees, applicants for admission or employment, and in other sources. The notice must include at least the following information: 1) that the requirement not to discriminate extends to both employment and admission, and 2) that inquiries concerning the application of Title IX to the recipient may be referred to the employee designated under Section 106.8 or to OCR.

A recipient must ensure that all designated employees have adequate training to ensure a working knowledge of the provisions of Title IX. The Title IX coordinator must also be able to explain how the recipient's grievance procedures, required by Section 106.8(b), operate.

It is possible that an employee designated to handle Title IX complaints may him or herself engage in sex discrimination; therefore, a recipient may want to designate more than one employee to be responsible for handling complaints in order to ensure that students and employees have an effective means of reporting allegations of Title IX violations. While a recipient may choose to have a number of employees responsible for Title IX matters, it is also advisable to give one official responsibility for overall coordination and oversight of all Title IX complaints to ensure consistent practices and standards in handling complaints. Coordination of recordkeeping (for instance, in a confidential log maintained by the Title IX coordinator) will also ensure that the recipient can and will resolve recurring problems and identify employees who have multiple complaints filed against them.

These responsibilities are applicable not only to State educational agencies but also to local educational agencies (LEAs) and to all other recipients of federal financial assistance. Please ensure that the LEAs and other recipients in your State are aware of these responsibilities.

We are sure you are committed to providing equal educational opportunity, and we are available to provide assistance to you to help ensure that you meet your responsibilities under Title B. I have enclosed a list of our regional enforcement offices and their telephone numbers. Please feel free to contact them for further assistance.

Sincerely,

Norma V. Cantú
Assistant Secretary
for Civil Rights
U.S. Department of Education

Enclosure