This presentation provides general information and does not represent a complete recitation of the applicable law and OCR policy in this area. It does not address specific issues of compliance because determinations of compliance depend on specific facts on a case-by-case basis. The language used in these slides is approved for the purposes of this presentation only and should not be used for other purposes.
What This Presentation Will Cover

• What every college and university senior administrator needs to know about Title IX as it applies to campus sexual assault
• How OCR handles complaint and compliance review investigations
• What you can expect during an OCR Title IX complaint or compliance review investigation focusing on campus sexual assault
What you Need to Know about Title IX
History of Title IX

- Enactment/Development and publication of Regulations – 1972-1975 (HEW)
- Policy Interpretations and Guidance
  - 1997 - Sexual Harassment Guidance
  - 2001 – “Revised Sexual Harassment Guidance”
  - 2010 – Bullying and Harassment Guidance (includes gender stereotypes)
  - 2011 – April 4, 2011 – Guidance on Sexual Harassment and Sexual Violence
  - 2014 – April 14, 2014 – Questions and Answers on Title IX and Sexual Violence
Title IX Protections and Requirements

• Title IX prohibits discrimination on the basis of sex in recipient programs

• Title IX regulations include certain basic requirements

• Failure to prevent or effectively respond to sexual harassment or gender-based harassment and sexual violence may constitute a violation of Title IX
Three Critically Important Procedural Requirements

- **Notice of Non-Discrimination** - you must adopt and publish a policy against sex discrimination
- **Designated Coordinator** - Must have at least one employee designated to coordinate and carry out Title IX responsibilities
- **Grievance Procedures** - Must have grievance procedures that provide prompt and equitable resolution of sex discrimination complaints, including complaints of sexual harassment and assault
OCR Complaint and Compliance Review Investigations
OCR’s Mission

The Office for Civil Rights is a Federal civil rights enforcement agency whose mission is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.
How OCR Accomplishes Its Mission

- Complaints
- Compliance Reviews
- Technical Assistance
OCR Across the Country

www.ed.gov/ocr
Complaint Resolution Tools

- Early Complaint Resolution (Agreement between the parties)
- Voluntary Resolution before the conclusion of an investigation (302 Agreement)
- Investigations and Investigation Determinations (“no violation”/settlement agreement)
OCR Compliance Reviews

• Congress requires that OCR conduct periodic compliance reviews to ensure compliance

• These reviews permit OCR to target resources on class-wide compliance problems that appear particularly acute
Conduct of Compliance Reviews

- Notification to institution and area congressional representatives
- Data Request (policies and procedures, etc.)
- Onsite interviews, focus groups, other information
- Analysis of evidence
- OCR determination, resolution and issuance of resolution and determination letters
Investigation and Resolution of Compliance Reviews

• Reviews investigated and resolved in much the same manner as OCR complaints
• May be resolved by agreement ("302 Agreement") before the conclusion of an investigation
• If not resolved, OCR will complete its investigation
• If violation is identified, OCR will contact institution and attempt to negotiate a resolution
• OCR resolution letter will indicate either "no violation" or will be issued with resolution agreement, which addresses violation and provides for OCR monitoring

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Technical Assistance

OCR provides technical assistance to help institutions, parents, and students understand their rights and responsibilities.

Types of technical assistance:
- Presentations
- Responses to telephone and written inquiries
- Workshops
- Consultations
Other Considerations

- First Amendment
- Retaliation
- Clery Act
- FERPA
- VAWA
Resources

- To file a complaint with OCR: http://www.ed.gov/ocr/complaintintro.html
- OCR’s Title IX policy guidance: http://www.ed.gov/ocr/publications.html#TitleIX
- DCL: Harassment and Bullying (10/26/10) http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf
- Sexual Harassment: It’s Not Academic (Revised 9/08), http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf
More Resources

• 2001 Revised Sexual Harassment Guidance: Harassment of Students by Employees, Other Students, or Third Parties
  http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf

• Department of Education’s Letter to Chief State School Officers on Teen Dating Violence Awareness and Prevention (February 28, 2013),
  https://www2.ed.gov/policy/gen/guid/secletter/130228.html

• Department of Education’s National Center on Safe Supportive Learning Environments
  http://safesupportivelearning.ed.gov/

• Department of Justice, Office on Violence Against Women
  http://www.ovw.usdoj.gov/
More Resources

- April 2011 Dear Colleague letter on Sexual Harassment/Sexual Violence:
  http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html

- April 2014 Q&A on Title IX and Sexual Violence:
  http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf

- April 2015 Dear Colleague Letter regarding Title IX Coordinators:
  http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf
OCR Across the Country

www.ed.gov/ocr
Contact OCR

HEADQUARTERS:

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LBJ Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

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FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

OCR website: http://www.ed.gov/ocr
Contact for Regional OCR Offices


- Seattle Office, Office for Civil Rights
  U.S. Department of Education
  915 Second Avenue Room 3310
  Seattle, WA 98174-1099
  Telephone: 206-607-1600
  FAX: 206-607-1601; TDD: 800-877-8339
  Email: OCR.Seattle@ed.gov

Region IX (California)

- San Francisco Office, Office for Civil Rights
  U.S. Department of Education
  50 Beale Street, Suite 7200
  San Francisco, CA 94105-1813
  Telephone: 415-486-5555
  FAX: 415-486-5570; TDD: 800-877-8339
  Email: ocr.sanfrancisco@ed.gov
Contact for Regional OCR Offices

- **Region VIII (Colorado, Arizona, New Mexico, Wyoming, Utah)**
  - Denver Office, Office for Civil Rights
  - U.S. Department of Education
  - Cesar E. Chavez Memorial Building
  - 1244 Speer Boulevard, Suite 310
  - Denver, CO 80204-3582
  - Telephone: 303-844-5695
  - FAX: 303-844-4303; TDD: 800-877-8339
  - Email: OCR.Denver@ed.gov

- **Region VII (South Dakota)**
  - Kansas City Office, Office for Civil Rights
  - U.S. Department of Education
  - One Petticoat Lane
  - 1010 Walnut Street, 3rd floor, Suite 320
  - Kansas City, MO 64106
  - Telephone: 816-268-0550
  - FAX: 816-268-0599; TDD: 800-877-8339
  - Email: OCR.KansasCity@ed.gov
Contact for Regional OCR Offices

• Region VI (North Dakota)
  Chicago Office, Office for Civil Rights
  U.S. Department of Education
  Citigroup Center
  500 W. Madison Street, Suite 1475
  Chicago, IL 60661-4544
  Telephone: 312-730-1560
  FAX: 312-730-1576; TDD: 800-877-8339
  Email: OCR.Chicago@ed.gov
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