Title IX “No person in the United States...

Shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”
Institutional and financial assistance information for students
Dear Colleague,

2011 guidance from the department of education.

July 21, 2006

Dear Colleague:

I am writing to inform you of a new requirement to provide assurances of compliance with the Boy Scouts of America Equal Access Act of 2001 (Boy Scouts Act), 20 U.S.C. 7905, 34 CFR Part 108. The Boy Scouts Act applies to any public elementary school, public secondary school, local education agency (LEA), or state education agency (SEA) that has a designated open forum or limited public forum and that receives funds made available through the United States Department of Education (described in this letter as “recipients subject to the Boy Scouts Act”). To comply with the Boy Scouts Act regulatory provision at 34 CFR §108.8, you must submit to the United States Department of Education (Department), Office for Civil Rights (OCR), a signed assurance of compliance. The reason for this requirement follows.

On Jan. 8, 2002, President George W. Bush signed into law the No Child Left Behind Act of 2001, Public Law 107-110, amending the Elementary and Secondary Education Act of 1965 (ESEA). The Boy Scout Act is section 9525 of the ESEA. The Boy Scout Act prohibits any recipient subject to the act from denying equal access or a fair opportunity to meet to, or from discriminating against, any group officially affiliated with the Boy Scouts of America (Boy Scouts) or any other youth group listed in Title 36 of the United States Code (as a patriotic society) that wishes to conduct a meeting within the recipient’s designated open forum or limited public forum.

If OCR determines, based on the investigation of a complaint, that a recipient subject to the Boy Scouts Act has not complied with the act or with its lawfully adopted regulations, guidelines and standards, OCR will attempt to secure the recipient’s voluntary compliance. If OCR is unable to negotiate a voluntary agreement with the recipient, OCR will initiate enforcement action, which could include termination of all funds made available through the Department.

Purpose: Improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.
Delivered by Fax and Surface Mail

Ms. Jane E. Genster  
Vice President and General Counsel  
Room 202, Healy Hall  
Georgetown University  
Washington, D.C. 20057

Re: OCR Complaint No. 11-03-2017

Dear Ms. Genster:

In the course of OCR’s review of the subject complaint, OCR discovered that Georgetown University applies a “clear and convincing” evidentiary standard to certain types of allegations of sexual harassment. You have indicated that the University intends to revise this standard, but have asked for a letter from our office regarding this matter. This is to confirm our discussions of July 25, 2003, and more recently September 24, during which we explained that federal courts, and therefore OCR, use a preponderance of the evidence standard in resolving allegations of discrimination under all of our statutes, including Title IX. Thus, in order for a recipient’s sexual harassment grievance procedures to be consistent with Title IX standards, the recipient must draw conclusions about whether particular conduct rises to the level of sexual harassment using a preponderance of the evidence standard. (See attached Evergreen resolution letter and agreement.)
environment form of sexual harassment. To establish such harassment under Title IX, it must initially be shown that the complainant was subjected to unwelcome conduct of a sexual nature that was sufficiently serious to deny or limit the complainant’s ability to benefit from or participate in the educational program.

(3) During one of the [b](7)(C) classes, he made inappropriate remarks of a sexual nature regarding his wife’s medical condition and inappropriate comments of a sexual nature about a female client.

(4) In the course of his comments, [b](7)(C) referred to his client as "bitch." At that point, a student [b](7)(C) turned his head towards the Complainant, nodded, and stared at her.
University’s Title IX Coordinator. Further, the University does not have a prompt and equitable grievance procedure for addressing student and employee complaints alleging any action prohibited by Title IX, as is required by Title IX’s implementing regulation, at 34 C.F.R. § 106.8(b). While the University has a policy against sexual harassment
Questions?

Murphie Chappell
Title IX Coordinator

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