

Is employment discrimination on the basis of sex also prohibited in federally assisted programs?

Title IX prohibits discrimination on the basis of sex in employment as well as in the delivery of services, although these prohibitions apply only to federally assisted education programs.

Most of the program statutes containing nondiscrimination provisions that prohibit discrimination on the basis of sex also cover employment-based discrimination as well as services-based discrimination. These nondiscrimination provisions are not limited to federally assisted education programs. It is important to remember that complaints of employment discrimination in federally assisted programs most likely also will be covered by Title VII of the Civil Rights Act of 1964. Title VII is the major Federal civil rights statute that addresses employment discrimination and is enforced by the Equal Employment Opportunity Commission (EEOC). Generally, individual complaints of employment discrimination on the basis of sex will be investigated by the EEOC.

How can I file a complaint of discrimination on the basis of sex?

If you believe that you or others have been discriminated against on the basis of sex by a recipient of Federal financial assistance, you may file a complaint with the Office of Equal Opportunity Programs.

Your complaint should contain: your name, address, and telephone number; the name and address of the agency, institution, or department you believe discriminated against you; how, why, and when you believe you

were discriminated against, including as much information as possible about the alleged acts of discrimination, and the names of the individuals whom you allege discriminated against you, if known; and the names of any persons, if known, that the investigating agency could contact for additional information to support or clarify your allegations.

What will NSF do with my complaint?

NSF will review the complaint to determine whether it has jurisdiction to investigate the allegations raised. If NSF determines that it has jurisdiction, the allegations will be investigated and an attempt will be made to resolve violations found. If negotiations to correct violations are unsuccessful, enforcement proceedings may be instituted.

What if someone retaliates against me for filing a complaint?

It is against the law to retaliate against any person (or organization) because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under the nondiscrimination provisions covering programs of Federal financial assistance. If you believe that you have been retaliated against, you should immediately contact the Office of Equal Opportunity Programs.

**National Science Foundation
Office of Equal Opportunity Programs**

**Nondiscrimination
on the
Basis of Sex
in
Federally Assisted Programs
(Title IX of the Education
Amendments of 1972)**



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This brochure explains the requirements of various statutes that prohibit discrimination on the basis of sex in programs that receive Federal financial assistance, and describes how individuals can file complaints of discrimination when they believe their rights under these laws have been violated.

What are the civil rights statutes that prohibit discrimination on the basis of sex in federally assisted programs?

Title IX of the Education Amendments of 1972, as amended, 41 U.S.C. 1681 *et seq.* ("Title IX"), is the landmark civil rights statute that prohibits discrimination on the basis of sex in federally assisted education programs. Title IX is a "cross-cutting" civil rights statute because it applies government-wide to all educational programs (with certain statutory exceptions) for which the Federal government provides assistance.

Other Federal laws (known as "program statutes") also contain civil rights provisions that prohibit discrimination on the basis of sex. The coverage of these nondiscrimination provisions often is broader than Title IX's because they include all federally assisted programs, not just federally assisted education programs. However, the non-discrimination provisions of these program statutes also are more limited in scope than Title IX, because they apply only to programs funded under the specific statutes, not government-wide to the whole universe of federally assisted programs.

What do the terms "Federal financial assistance" and "federally assisted education programs" mean?

The most familiar forms of "Federal financial assistance" are grants or cooperative agreements involving the award of Federal funds to "recipients" to undertake activities

and to provide goods, services, and benefits to "beneficiaries."

Recipients of Federal financial assistance include state and local governments, private entities, and individuals. Recipients can receive assistance directly from a Federal agency, or through an intermediary. For example, when the Department of Health and Human Services awards a block grant to a state, which in turn awards "subgrant" to a town for a community health care services and prevention project. Beneficiaries are the individuals and/or the entities that directly or indirectly receive an advantage from the operation of a federally assisted program.

Examples of "federally assisted education programs" include, but are not limited to: grants by the Department of Education to state and local education departments and school districts to operate facilities and offer programs of study; National Science Foundation (NSF) awards to universities, individual researchers, and professional associations and private businesses, to conduct seminars for science teachers to improve curricula and the quality of instruction; and Department of Labor grants to private/government partnerships to provide job training for unemployed young adults.

However, Federal financial assistance also assumes non-monetary forms. Examples include, but are not limited to: property or services obtained at below market value or no cost, such as Federal surplus property from the General Services Administration and the Department of Defense, for use in a low-income area community center, no-cost training by the Department of Justice for state and local law enforcement officers at the FBI Academy; and technical assistance provided by the Department of Housing and Urban Development to state housing agencies and

local public housing authorities to improve their operations.

Because Title IX prohibits discrimination on the basis of sex only in federally assisted education programs, does Title IX apply only to educational institutions?

No. Title IX clearly is associated with educational institutions, where its impact has been significant in opening up academic, occupational, and athletic opportunities for women. Fifty state education agencies, approximately 16,000 local school districts, 3,200 colleges and universities, and 10,000 proprietary institutions receive Federal financial assistance from the Department of Education (as well as from NSF and other agencies). Therefore, all of their programs are covered by Title IX.

However, many entities that are not educational institutions, such as libraries and museums, also carry out federally assisted education and training programs. Other examples include state and local government agencies whose primary purpose is not education-related, community organizations, professional and nonprofit associations, and private businesses. These recipients also are covered by Title IX.

What kinds of sex discrimination does Title IX prohibit?

Title IX states that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or subjected to discrimination under any education program or activity receiving Federal financial assistance..." Title IX prohibits a recipient from discriminating on the basis of sex in admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing, and employment. The Supreme Court also has concluded that sexual harassment violates Title IX. *Franklin v. Winnett County*. Pub. Sch. 503 U.S. 60 (1992).