



**National Science Foundation**

**Office of Diversity and Inclusion**

**Title IX**

**Best Practices**

**Compliance**

**Review Plan**

**Improving the Number of Women in Science and Engineering**

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## Background

Title IX of the Education Amendments of 1972 (hereinafter Title IX) is a Federal civil rights law prohibiting discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance. The law promotes equality of opportunity, regardless of gender, and represents a national commitment to enhance educational and employment opportunities. Under Title IX, Federal agencies awarding grants to educational institutions or program activities are obligated to take steps to ensure that such institutions do not discriminate based on gender.

The National Science Foundation (NSF) has promulgated regulations to ensure that educational programs receiving NSF funds are free of gender discrimination and harassment. (45 C.F.R. Part 618). NSF's regulation under Title IV of the Civil Rights Act of 1964 incorporated by reference NSF's Title IX compliance responsibilities, which require the agency to conduct periodic reviews of the practices of recipients to determine whether they are in compliance. At NSF, the Office of Diversity and Inclusion (ODI) is charged with conducting compliance reviews under Title IX, and the Department of Justice (DOJ), pursuant to Executive Order 12250, has overall enforcement authority to ensure agencies are in compliance.

In July 2004, the Government Accountability Office (GAO) issued a report, "Gender Issues: Women's Participation in Sciences has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX." The report recommended that NSF take actions to ensure compliance reviews of NSF grantees are conducted as required by Title IX regulations.

Recently, NSF developed strategies to promote family-friendly opportunities through its Career Life Balance (CLB) initiative which focused on opportunities to increase the number of women in the Science, Technology, Engineering, and Mathematics (STEM) workforce, where the number of women remains low. NSF's commitment to and focus on implementing Title IX compliance reviews among recipients of NSF funds are included in these strategies.

Basic compliance with the procedural requirements of NSF's Title IX regulations requires the following:

- *Designation of a responsible employee (Title IX Coordinator)* – Recipients of Federal financial assistance must designate at least one employee to coordinate Title IX compliance efforts and responsibilities, including complaint investigation into allegations of discrimination prohibited by Title IX. The recipient must notify all its students and employees of the name, office address, and telephone number of the employee or employees appointed to fulfill the Title IX coordination responsibilities.
- *Adoption of Complaint Procedures* – Recipients of Federal financial assistance must adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX.

- *Dissemination of Policy* – Recipients must take specific and continuing steps to notify beneficiaries (e.g., notifying students and applicants for admission) that they do not discriminate on the basis of sex in the educational programs or activities that they operate, and that they are required by Title IX not to discriminate in such a manner.
- *Self-Evaluation* – Recipients must evaluate, in terms of the requirements of Title IX, current policies and practices and their effects concerning admission of students, treatment of students, and employment of both academic and nonacademic personnel working in connection with the recipient’s education program or activity. Recipients must modify any of these policies and practices that do not or may not meet the requirements of Title IX.
- *Other Requirements and Guidance* – Meeting these requirements establishes basic procedural compliance with Title IX. The regulations also require recipients to address aspects of program administration, such as admissions, recruitment, academic advising, policies pertaining to parental and marital status, and methods of administration or utilization of criteria that may have the effect of discriminating based on gender. In addition, recipients may not otherwise limit program participation based on gender.

Additional information regarding NSF’s Title IX activities and the effective functioning of Title IX compliance efforts, such as coordination, policies, procedures, and self-evaluations, is located on ODI’s website at <http://www.nsf.gov/od/odi/> under Title IX Roles and Responsibilities.

## Regulations and Guidance

The following regulations and guidance apply to implementation of the Title IX Compliance Plan:

- Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 45 C.F.R. § 618 et. seq.;
- *Business Systems Review Guide*, National Science Foundation Office of Budget, Finance and Award Management;
- Department of Justice (DOJ), Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, 28 C.F.R. Subpart F, §§ 42.401 – 42.415;
- DOJ, Questions and Answer regarding Title IX Procedural Requirements; and
- Department of Education (DOEd) OCR, Title IX Grievance Procedures: An Introductory Manual (2dEd, 1987).

# Methodology

NSF's goal is to identify and report on best practices and to provide meaningful technical assistance to all grantees that help strengthen their current Title IX compliance efforts.

Through participation in the Title IX Interagency Working Group, which provides interaction and discussion with other science-related agencies, such as the Department of Energy (DOE) and the National Aeronautics and Space Administration (NASA), ODI will ascertain whether or not a Title IX compliance review has been done on a grantee within the past eight years. If so, ODI will not conduct a compliance review of that grantee's Title IX program unless there is a strong pattern of complaints received or a request for compliance activity is made.

ODI will implement and use a collaborative and proactive approach to its Title IX compliance activities. ODI's discretion of grantee selection is not unfettered. All compliance review grantee selections are based on neutral criteria or evidence of a violation. Components of the neutral selection criteria may include: funding thresholds, type and size of program, and geographical locations.<sup>1</sup>

ODI's methodology for reviews includes the following:

## 1. Pre-Review Activities

All applicable notices to selected grantees will derive from ODI. The notice will describe the review process and agency authority, establish timelines, and identify a point of contact. In addition to preliminary communication regarding the review, NSF will provide the selected grantee a Title IX Compliance Review Information Request that covers the following topics:

- Title IX Coordination;
- Policies and Procedures (General and Non-Discrimination/Harassment/Grievances);
- Data regarding Admissions, Recruitment, Outreach, and Retention
- Program Administration;
- Organization and Staffing; and
- Other requests as necessary.

## 2. Compliance Reviews

Upon receipt of the initial information, ODI will review the information and begin preparing for the review. ODI may conduct either a desk or an-site review of the selected grantee, in which ODI officials will serve as the Content Specialists for such reviews in collaboration with other applicable stakeholders.

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<sup>1</sup> The method of selection is similar to that implemented by the Large Facilities Office while conducting its Business Service Reviews.

### Desk Reviews:

The purpose of the desk review is to assess Title IX compliance at the selectee grantee. ODI staff knowledgeable and experienced in the area will serve as the Content Specialists and will conduct the review and analysis using a Title IX Compliance Review Assessment Matrix. The Content Specialist will prepare a summary document that assesses and highlights any issues or concerns. At the end of the review, the Content Specialists will debrief and provide a written report. At this point, a draft report is disseminated to applicable stakeholders for review and comment prior to issuing final report.

### On-Site Reviews:

The primary purpose of the site review is to allow the Review Team to follow up on outstanding questions identified during the desk review process and to observe firsthand how the selected grantee implements its Title IX activities. The site review provides the Review Team with an opportunity to meet with the grantee, discuss applicable Title IX issues, and clarify issues identified during the desk review process.

Prior to the site review, the Review Team will finalize plans, address logistical issues, and discuss the main areas and concerns that will be addressed onsite. The final logistical arrangements, staff availability and agenda items are confirmed with the selected grantee.

A compliance Review Team will consist of ODI staff and potentially a staff member from the applicable NSF program directorate. Review Team members will conduct one-on-one interviews with staff, students, and other pertinent parties, in a collaborative manner.

## Objectives and Scope

NSF's objectives and scope include:

(1) Evaluate grantee's Title IX program as it relates to improving the number of women in Science and Engineering, which will include:

- Assessing the Title IX Coordinator's function and responsibilities;
- Confirming the existence of Title IX policy and procedures and the quality of its dissemination;
- Evaluating Title IX grievance procedures and the effectiveness of their implementation; and
- Reviewing Title IX self-evaluation efforts, specifically regarding the programs under review.

- (2) Examine best practices for promoting gender equity and to what extent they are actually helping to create greater gender diversity, including both students and faculty.

## Title IX Compliance Review Assessment Matrix

The Compliance Review Plan (CRP) is based on two main areas of inquiry:

1. Procedural Compliance Requirements (e.g., Title IX Coordinator, Grievance Procedures); and
2. Program Administration (e.g., admissions, recruitment/outreach and retention; faculty and advising; career counseling; research participation; safe environment; and sexual harassment policies and implementation).

Section 1 of the Title IX Compliance Review Assessment Matrix summarizes a matrix of procedural compliance requirements. Maximum points will be allocated where the Title IX Coordinator demonstrates comprehensive knowledge of the regulations, and policy; efficient and effective administration and implementation of grievance procedures, consistent with Department of Justice and Department of Education's Office of Civil Rights standards; proactive efforts to reach all beneficiaries regarding Title IX requirements, based on a program of comprehensive and continuous dissemination (e.g., use of multi-media, frequently issued) and education and awareness efforts; and conducting Title IX self-evaluation addressing admission and treatment of students, with findings and recommendations made and implemented). The evaluation is based on an overall assessment of how well the organization is meeting the requirements set forth in the regulations. The levels of assessment are based on a point system of excellent = 3, No Concern = 2, Concern = 1, and Non-Compliance = 0.

Section 2 of the Title IX Compliance Review Assessment Matrix summarizes a matrix of Program Administration requirements. Maximum points will be allocated for admission criteria that are neutral, objectively identifiable, and fairly applied to both and male and female applicants; retention statistics; aggressive outreach programs, including methods for tracking success; identifiable promising practices for increasing women's participation in STEM fields; where all aspects of program administration (e.g., faculty advising, career counseling, classroom/research opportunities, scholarships, family friendly and campus safety policies) are shown to be applied fairly between male and female students; identifiable proactive efforts are being made to ensure gender equity, non-discrimination, and non-harassment; and this is demonstrated both qualitatively and quantitatively). The evaluation is based on an overall assessment of how well the organization is meeting the requirements set forth in the regulations.

The levels of assessment are based on a point system of excellent = 3, No Concern = 2, Concern = 1, and Non-Compliance = 0.

Based on collaboration and information obtained during the compliance process, NSF will provide a letter of compliance and a detailed report of review. Moreover, NSF will highlight CLB best practices observed during the review, as well as serve as a resource in ensuring full Title IX compliance.

# Annex A

NSF's Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 45 C.F.R. Part 618

## **Annex B**

Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs, 28 C.F.R. Subpart F, §§ 42.401 – 42.415

*Link will be located on the NSF, ODI Intranet and Internet*

## **Annex C**

Department of Justice, Questions and Answers Regarding Title IX Procedural Requirements

*Link will be located on the NSF, ODI Intranet and Internet*

## **Annex D**

Department of Education, Office of Civil Rights, Title IX Grievance Procedures: An Introductory Manual (2d Ed., 1987)

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