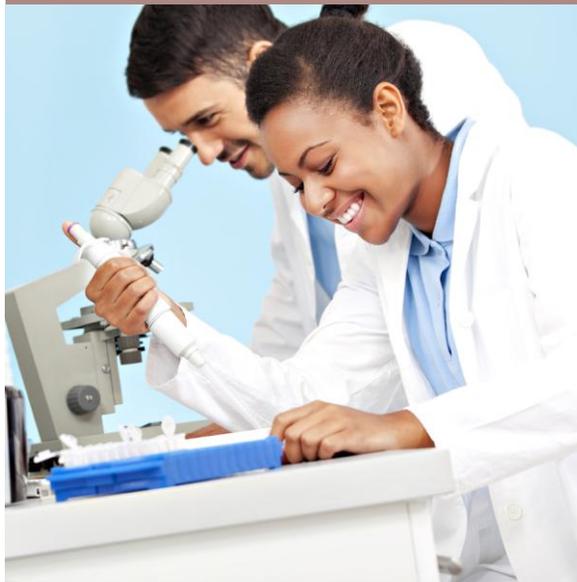


# National Science Foundation



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

**Office of Diversity and Inclusion**



## Title IX Roles and Responsibilities

Title IX of the Education Amendments of 1972, as amended (hereinafter “Title IX”) prohibits discrimination on the basis of gender in any educational program or activity receiving federal financial assistance. The National Science Foundation (NSF) has implementing regulations to ensure that educational programs that receive NSF funds are free of gender discrimination and harassment. (45 C.F.R. § 618)

NSF’s regulation under Title VI of the Civil Rights Act of 1964 incorporates NSF’s Title IX compliance responsibilities, which require the agency to conduct periodic review of recipient practices to determine if they are in compliance. The Office of Diversity and Inclusion (ODI) at NSF is charged with conducting compliance reviews under Title IX, and the Department of Justice, pursuant to Executive Order 12250, has overall enforcement authority to ensure agency compliance.

NSF recently developed strategies to promote career-life opportunities along with the full professional pathway from student through full professor to increase the number of women in the Science, Technology, Engineering, and Mathematics (STEM) workforce, where the number of women remains low. Included in that strategy is NSF’s commitment to and focus on implementing Title IX compliance among recipients of NSF funds.

### Process for Conducting Compliance Reviews

NSF has adopted a philosophy that involves serving as a resource to grantees while maintaining a balance of identifying and reporting on “career-life” best practices and ensuring full Title IX compliance.

NSF’s process will involve educating its stakeholders on the roles and responsibilities under Title IX as well as NSF’s specific compliance process, which includes a strong communication strategy to all stakeholders, inclusive of NSF’s internal staff and grantees.

In regard to compliance reviews, NSF will use a collaborative approach that is modeled specifically for its programs and adopted from an effective and proven model for conducting annual desk and site reviews as part of its risk assessment process. Similar to this model, NSF’s compliance process will involve making neutral selections for review, which may include the amount of financial assistance, the location and size of the institution, the demographic composition of the science and math programs granted, the potential impact of a review, and the recentness of a compliance review; engaging and collaborating with recipients; assisting in ensuring basic compliance; and focusing on best practices.

### Implementation of NSF’s Compliance Process

NSF’s compliance model will involve three objectives: (1) focusing on “career-life” balance (CLB) best practices”; (2) serving as a resource; and (3) conducting on-site reviews.

NSF’s compliance review program will be implemented in three phases: (1) developing strategies to focus on CLB best practices, (2) conducting desk reviews to gather compliance information, (3) conducting on-site reviews.

### Title IX of the Education Amendments of 1972

*“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 discrimination 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. Also, the Supreme Court, in *Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992), has concluded that sexual harassment violates Title IX.

### Office of Diversity and Inclusion

## Frequently Asked Questions and Answers about NSF's Title IX Compliance Program

### ***What are compliance reviews?***

Compliance reviews are conducted to ensure that institutions receiving federal funds are in compliance with federal civil rights laws. There is no "one size fits all" approach to compliance reviews. They can be conducted on either a limited or large and complex bases. A limited review may involve requesting written information and records from a grant recipient (grantee) while a larger or complex review may involve an agency's representatives visiting the grantee's site and interviewing students, employees, and administrators.

### ***Is NSF required to conduct compliance reviews?***

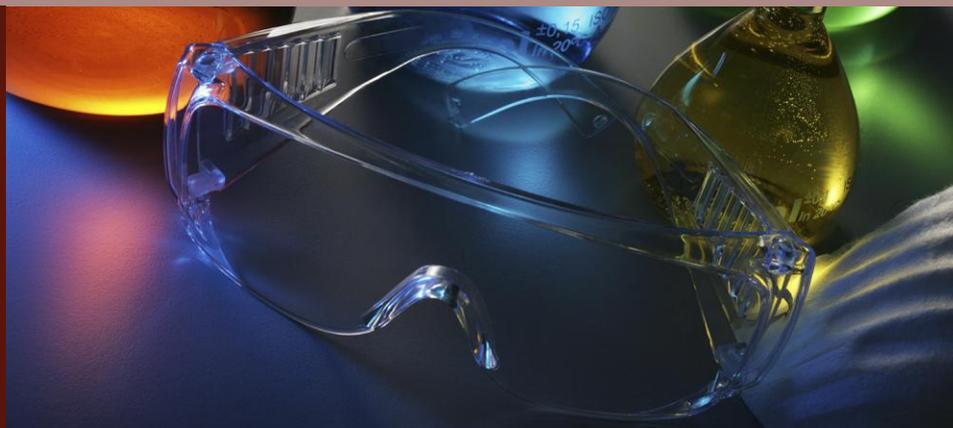
Yes. NSF grantees are required to provide assurance that their programs will be conducted and facilities operated in compliance with federal civil rights laws such as Title IX of the Education Amendments of 1972, which prohibits gender discrimination in federal programs or activities receiving federal funds.

### ***Which office within NSF is responsible for conducting compliance reviews?***

The Office of Diversity and Inclusion (ODI), formerly the Office of Equal Opportunity Programs (OEOP), is responsible for conducting compliance reviews.

### ***What is ODI's approach towards conducting compliance reviews?***

ODI has adopted a proactive approach towards compliance that focuses on best practices, in which ODI serves as a resource, and offers assistance to grantees in ensuring compliance.



NSF focus on CLB best practices is an approach in which NSF will devise a method to determine what recipients are currently doing and highlight best practices. The benefits of highlighting these best practices are twofold: information obtained will serve as a model for other institutions seeking to implement similar CLB best practices, and the information collected will serve as a baseline in which NSF can measure recipient's progress in this area. Such requests will be a part of NSF's broader strategy focusing on advancing CLB policies and program opportunities that take into account CLB in ensuring an excellent U.S. STEM workforce.

Also, as part of its focus on CLB best practices, NSF envisions establishing partnerships with colleges and universities, through their Title IX Coordinators, and offering technical assistance that promotes best practices such as those which:

- provide education and awareness of Title IX issues and the role of the recipient/institution's Title IX office;
- develop partnerships within decision-making bodies of colleges and universities to promote regular interaction with key officials;
- engage in partnership activities with university administrative leadership; and
- partner with campus and local officials regarding safety issues related to women.

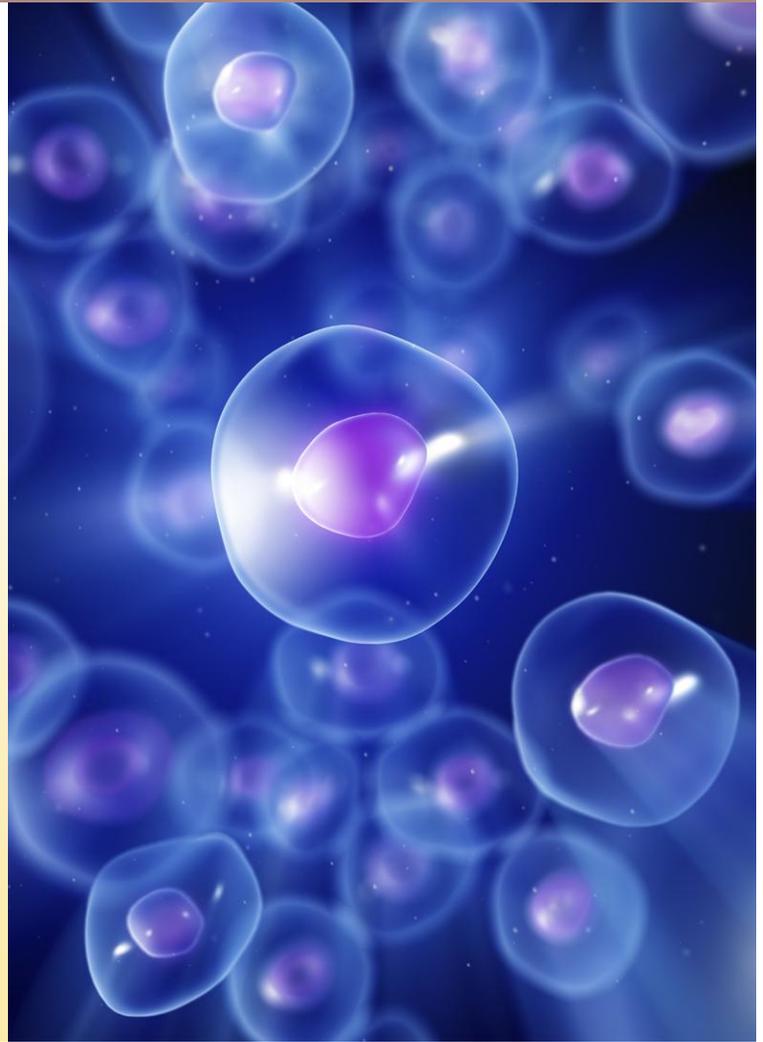
NSF's compliance model will also involve conducting desk reviews to gather preliminary compliance information in which participants will be selected based on neutral criteria referenced earlier. NSF will request information that allows it to evaluate whether a recipient's policies, procedures, and practices are consistent with Title IX requirements, NSF's Title IX regulations, and other relevant guidelines. Areas of inquiry may include the following:

- functions and responsibilities of the Title IX Coordinator;
- Title IX policies and dissemination;
- Title IX grievance procedures and the effectiveness of their implementation in addressing discrimination and/or harassment matters;
- Title IX self-evaluation efforts as related to recruitment and outreach practices, admission, enrollment, and retention; and

- recipient policies and student experiences related to the education program's administration such as recruitment, admission, financial assistance, academic advising/career counseling, research participation and classroom experiences, parental/marital status (family friendly policies), and physical safety.

Additionally, NSF's compliance model will involve conducting on-site reviews, in which NSF will request information and supporting documentation regarding areas of inquiry, which will involve statistical data related to the specific program under review in areas such as applications, enrollment, financial assistance relating to teaching and research assistantships, qualifying exams, and participation rates. This process will also involve interviews of key contributors, inclusive of the Title IX Coordinator, the head of the reviewing program, faculty, and students.

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.



## Nondiscrimination on the Basis of Sex in Federally Funded Programs (Title IX)

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