

Designation of Civil Rights Coordinators

A Guide for Educators and Administrators

SECTION 504

§104.7 Designation of responsible employee and adoption of grievance procedures

- (a) Designation of responsible employee: a recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.
- (b) Adoption of grievance procedures: a recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.

§104.8 Notice

- (a) A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of Section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated pursuant to §104.7 (a).

TITLE IX

§106.8 Designation of responsible employee and adoption of grievance procedures.

- (a) Designation of responsible employee: each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part. The recipient shall notify all its students and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this paragraph.
- (b) Complaint procedure of recipient: a recipient shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited by this part. (Sections 901, 902, Education Amendments of 1972, 88 Stat. 373, 374; 20 U.S.C. 1981, 1982)

§106.9 Dissemination of policy

- (a) Notification of policy: each recipient shall implement specific and continuing steps to notify applicants for admission and employment, students and parents of elementary and secondary school students, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective-bargaining or professional agreements with the recipient, that it does not discriminate on the basis of sex in the educational programs or activities which it operates, . . . and that inquiries concerning the application of Title IX and this part to such recipient may be referred to the employee designated pursuant to §106.8, or to the Assistant Secretary.

Pennsylvania Department of Education 1992

Designation of Civil Rights Coordinators: A Guide for Educators and Administrators

Q: *What are civil rights coordinators?*

A: Both Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 require an education institution to designate at least one employee to coordinate the institution's compliance with each law. These persons are sometimes known as a compliance officer, civil rights coordinator, affirmative action officer, Title IX coordinator, Section 504 coordinator, or an equal opportunity coordinator. One of their most important responsibilities is to respond to students, parents or employees who are alleging the institution's noncompliance with Section 504 or with Title IX.

Q: *Can a parent, student or employee bypass the education institution's civil rights coordinators and file a grievance directly with an outside agency having legal enforcement powers?*

A: Yes. Any parent, student or employee may choose to bypass the education institution's civil rights coordinators and to file a grievance with a state or federal government agency having enforcement powers. This action, however, is usually less desired by an education institution as it could result in expensive legal fees, time-consuming meetings or hearing, and unwanted media attention. For those reasons, designating civil rights coordinators to assist grievants and to be sure that their allegations are resolved or disputed in a prompt and fair manner is advantageous to the education institution.

Q: *How many civil rights coordinators should we have?*

A: Some education institutions prefer to appoint one employee to be coordinator for both Title IX and Section 504. Other education institutions, however, prefer to have two coordinators—one for Title IX and the other for Section 504. And there are also education institutions which prefer to have a Title IX/Section 504 coordinator for students, and another Title IX/Section 504 coordinator for employees. Regardless of the number of employees designated as civil rights coordinators, the scope of civil rights duties is three-fold: monitoring grievances and the treatment of male and female students (Title IX), monitoring grievances and the treatment of handicapped students (Section 504), and monitoring grievances and the treatment of employees and job applicants (Title IX, Section 504, and other civil rights laws).

The number of coordinators should depend on the number of students and employees served, the number of present problems of discriminatory practices and policies, the organizational structure of the institution, and other situational factors. Also, the executive director or school superintendent may designate new or additional civil rights coordinators at any time. When there is more than one coordinator, however, it is important to have clear delineation of authority, responsibilities and inter-staff relationships.

Q: *Should the school superintendent or executive director designate himself or herself as a civil rights coordinator?*

A: Chief school administrators or executive directors who designate themselves as the all-inclusive civil rights coordinator may unknowingly dissuade inquiries or complaints. It is unlikely that employees, parents and students will feel free to contact and executive director, president or school superintendent for a copy of the civil rights grievance procedure and forms. For this

reason, it is best to designate employees who report to and have regular access to the chief school administrator, superintendent or executive director. Civil rights coordinators should also possess administrative skills, knowledge of personnel management, knowledge of student curriculum and policies, and an ability to work with students, employees and community groups.

Q: *Should civil rights coordinators receive stipends for their civil rights job duties?*

A: Higher education institutions often hire a professional affirmative action officer or equal opportunity coordinator to carry out civil rights responsibilities full-time. Smaller education institutions, however, usually designate assistant administrators or supervisors to assume unpaid, civil rights responsibilities in addition to their paid, primary job responsibilities. The laws do not mention or require institutions to provide stipends to civil rights coordinators.

Q: *What are civil rights coordinators' responsibilities?*

A: An education institution's first Title IX coordinator should have been designated by July 21, 1975. Its first Section 504 coordinator should have been designated by June 3, 1977. Their initial responsibilities were (1) to establish and adopt a grievance procedure, (2) to implement ways to continually publicize the institution's policy of nondiscrimination including the civil rights coordinators' name, office address, and telephone number, (3) to coordinate an internal self-evaluation of education and employment practices and policies to identify and correct any noncompliance with Title IX and with Section 504, and (4) to mail a special assurance form to the United State Office for Civil Rights.

A newly designated civil rights coordinator, therefore, should review his/her previous incumbent's files to be sure these initial responsibilities were completed. If not, these responsibilities are long overdue and must be done to achieve compliance with Title IX and Section 504. Or, if these initial responsibilities were done in an unsatisfactory manner, these responsibilities should be re-done. For example, a second and more thorough internal self-evaluation of practices and policies may be necessary, and a new and more appropriate grievance procedure may be needed.

If the above mentioned initial responsibilities were already satisfactorily completed, the civil rights coordinator's primary responsibility today is to assist grievants with the institution's civil rights grievance procedure, initiate voluntary affirmative action activities whenever needs arise, and be sure there is continual notification to students, parents, employees and others of the education institution's policy of nondiscrimination. The job responsibilities suggested on the next pages are for each of the three areas previously mentioned—female and male students (Title IX), handicapped students (Section 504) and employees (Title IX and Section 504).

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Questions concerning this paper, or requests for free resources listed on page 9 can be directed to:

Civil Rights Coordinator
Bureau of Career & Technical Education
Pennsylvania Department of Education
333 Market Street, 11th Floor
Harrisburg PA 17126-0333
(717) 772-4851

Coordinator for Male and Female Students

List of Suggested Job Responsibilities for a Title IX Coordinator

- Have readily available a copy of Title IX and understand the requirements and the intent of the law.
- Be sure your institution's policy of nondiscrimination is prominently included in each student handbook, bulletin, catalog, booklet, announcement, brochure, student application form or other publication distributed to students, potential students, parents, and any other persons benefiting from the institution's activities and programs. Your name, office address and telephone number must also be included in this announcement.
- Be sure male and female students participating in school-work experience programs are guaranteed equal treatment by their employers.
- Have copies of the grievance procedure and any related forms available to students or parents alleging sexual harassment or discrimination. Assist them in filing their grievance and oversee the step-by-step procedure to be sure that time frames are met. Assist administrative personnel who need a better understanding of the grievance based on Title IX. Keep records of all grievances filed.
- Coordinate with other staff and document an internal self-evaluation of practices and policies with respect to treatment of male and female students, **IF** this responsibility was never completed. If the evaluation was completed by a previous Title IX coordinator, check if the evaluation's suggestions for eliminating segregation and discrimination were carried out.
- Be aware of new needs which may dictate changes or revisions in existing policies or practices. For example, now that sexual harassment has been included in a violation of Title IX, you should include a prohibition of sexual harassment in the institution's list of disciplinary infractions. You may also want to consider conducting a school-wide in-service or assembly on the elusive nature of sexual harassment. For another example, continued sex-segregated classes in vocational, technical or industrial arts courses should prompt you to plan special ongoing activities for lessening students' sex-role stereotypes.
- Assist faculty, counselors and administrators in complying with Title IX and when a need arises, plan remedial actions. For example, if females are under-represented in advanced mathematics, science or computer programming courses, ask the faculty to plan for several "math and science anxiety" workshops, student tutorial services, or other ways to increase females' enrollments in these advanced courses.
- Submit annual reports on civil rights and compliance activities to the chief school administrator.
- Make your presence known in the community by disseminating civil rights information or by speaking at parent-teacher group meetings, social or professional organization meetings, and other community functions.

Coordinator for Handicapped Students

List of Suggested Job Responsibilities for a Section 504 Coordinator

- Have readily available a copy of Section 504 and understand the requirements and the intent of the law. Section 504 coordinators for students attending elementary and secondary education institutions should also be familiar with The Education For All Handicapped Children Act (Public Law 94-142, as amended by Public Law 98-199).
- Be sure your institution's policy of nondiscrimination is prominently included in each student handbook, bulletin, catalog, booklet, announcement, brochure, student application form, or other publication distributed to students, potential students, parents and any other persons benefiting from the institution's activities and programs. Your name, office address and telephone number must be included in this announcement.
- Be sure handicapped students participating in school-work experience programs are guaranteed equal treatment by their employers.
- Have copies of the grievance procedure and any related forms available to students or parents alleging discrimination. It is important to differentiate between allegations based on discrimination and allegations based on violations of due process as specified by The Education For All Handicapped Children Act. Assist parents or students in filing their grievance and oversee the step-by-step procedure to be sure that time frames are met. Assist administrative personnel who need a better understanding of the grievance based on Section 504. Keep records of all grievances filed.
- Coordinate with other staff and document an internal self-evaluation of practices, policies and physical facilities with respect to treatment and accessibility of handicapped students, **IF** this responsibility was never completed. If the evaluation was completed by a previous Section 504 coordinator, check if the evaluation's suggestions for eliminating unlawful segregation, discrimination, and inaccessibility were carried out.
- Be aware of new needs which may dictate changes or revisions in existing policies or practices. For example, if deaf students are not benefiting from assemblies where speakers address the student body, a sign language interpreter can be provided at all assemblies.
- Assist faculty, counselors and administrators in complying with Section 504, and when a need arises, plan remedial actions. For example, if teachers or professors indicate they need to be briefed on the handicapping conditions of their new students and on the kinds of accommodations these students will need, initiate ways to respond to their needs.
- Submit annual reports on civil rights and compliance activities to the chief school administrator.
- Make your presence known in the community by disseminating civil rights information or by speaking at parent-teacher group meetings, social or professional organization meetings and other community functions.

Coordinator for Employees

List of Suggested Job Responsibilities for a Title IX and/or Section 504 Coordinator

- Have readily available a copy of the employment sections of Title IX and Section 504. There are other laws the civil rights coordinator for employment should be aware of. For example, there are Title VI of the Civil Rights Act for 1964 as amended by the Equal Employment Opportunity Act of 1973, the Equal Pay Act of 1963 as amended by the Education Amendments of 1972, Section 503 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967 and the Pennsylvania Human Relations Act—all of which, together, prohibit discrimination on the basis of race, color, national origin, sex, handicap, age and religion.
- Be sure your institution's policy of nondiscrimination is prominently displayed near the employment or personnel office, and is included in faculty handbooks, announcements, employment applications, contracts with unions or professional organizations holding collective bargaining agreements with the institution, and any other employment agreements.
- Be sure contractors or other groups providing or approving benefits or services to employees (medical insurance companies, school board members, etc) are notified of the institution's policy of nondiscrimination.
- Be sure sources used to recruit job applicants (colleges, technical schools, or private employment agencies) are not composed of persons of one sex or one race. If your institution wants to affirmatively hire female and minority employees, recruitment sources may be composed to predominantly females or minorities. Keep records of recruitment sources used for each job vacancy.
- Be sure letters to recruitment sources for job applicants, postings of job vacancies, and other publicity of employment opportunities include the institution's policy of nondiscrimination. If publicity involves costs (newspapers, journals, etc) the policy can be abbreviated (EOE, Female/Minority/Handicapped Applicants Welcomed, etc).
- Investigate job interviewing techniques and review job application forms; eliminate inquiries that may subject applicants to illegal discrimination. Brief job interviewers on how certain inquiries can screen legally protected groups—women, handicapped persons, older persons, ethnic groups and racial groups.
- Coordinate with other staff and document an internal self-evaluation of employment practices and policies to identify noncompliance with Title IX and with Section 504, **IF** this responsibility was never completed. If the employment evaluations were completed by a previous Title IX and/or Section 504 coordinator, check if the evaluations' suggestions were carried out (this also includes extra-curricular employment practices and policies such as coaching, student club advisor or coordinator, etc).
- Have copies of the civil rights grievance procedure and any related forms available to employees. If the grievance procedure is the same procedure adopted as part of a collective bargaining agreement, be sure administrative personnel are aware that civil rights are constitutional rights not subject to waiver. Assist administrative personnel who need a better understanding of the grievance based on civil rights law, and be sure that time frames of the step-by-step procedure are met. Keep records of all grievances filed.

- Make your presence known to all employees by disseminating civil rights information. Section 504 also requires an education institution to notify its employees of the institution's obligation to provide reasonable accommodations to handicapped employees. For example, this notice could be included with one of the regularly scheduled paychecks, or in a staff newsletter or memoranda.
- Submit annual reports on civil rights and compliance activities to the chief school administrator.

Resources

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Pennsylvania Department of Education
Bureau of Career and Technical Education
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“Title IX Primer” is a lay-person’s guide to Title IX.

“Section 504 of the 1973 Rehabilitation Act” is a reprint of the law: Federal Register, U.S. Department of Education

“Notification of Nondiscrimination: A Guide for Administrators and Educators” answers many questions about how, when and where to publicize a policy of nondiscrimination.

“An Introductory Manual to Grievance Procedures” explains how grievances based on Title IX can be resolved. The same procedures could apply to grievances based on Section 504.

“Implementing the Title IX Institutional Self-Evaluation” is a how-to guide on complying with Title IX. It includes information on how to assess education and employment policies and practices.

“Implementing the Section 504 Institutional Self-Evaluation” is available in two versions: one for elementary and secondary education institutions, and the other for higher education institutions. It includes information on how to assess education and employment practices and policies.

“Vocational Education and Handicapped Students” explains how both Section 504 and P.L. 94-142 apply to high school students with an individualized education program (IEP) who will be entering a vocational program.

“Employee Relations Guidelines” can help job interviewers. It also explains what kind of inquiries should be eliminated from job application forms and job interviews.