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I am with the Department of Energy's Office of Civil Rights and Diversity.

This morning I would like to speak about the Department of Energy's Title IX Enforcement and Compliance process.

My office is responsible for the enforcement of a number of civil rights statutes, including Title IX.

I also want to provide you with information about the requirements and obligations that universities and research institutions have under Title IX and DOE regulations.

You may already be aware that Title IX of the Education Amendments was enacted by Congress in 1972 and the law requires that all entities that receive any form of Federal financial assistance ensure that all of their education programs and activities be free of discrimination on the basis of sex .

Programs and activities that are affect are essentially all of the operations of the university or institution.

For example, Title IX applies to Recruitment, Admissions, Housing, Health Insurance Benefits, Employment, Financial Aid, and Course Offerings.

The Federal assistance may take the form of student loans, scholarships, grants or donation or use of federal property.

If any portion of a University receives Federal financial assistance then the entire University must comply with Title IX. This will include the University's educational programs, but also its student and faculty housing, bookstores, shuttle buses, and restaurants.

Title IX applies to Employment discrimination on the basis of sex in any education program. This applies to all aspects of employment, including Recruitment and Hiring, Promotions and Tenure, Compensation, Leave and Benefits, and Training.

The law is intended to eliminate both intentional discrimination as well as policies and practices that have the effect of discriminating against one sex or the other.

Some prohibited actions include:

denial of benefits or services, or access to facilities and equipment on the basis of sex; or, disparities in services.

Our grants support hundreds of principal investigators, post-doctoral students and graduate students.

To begin, I want to discuss the recipient's obligations under DOE's regulations. I will follow with a discussion of DOE's enforcement obligations.

### **Assurances**

Under DOE regulations, all recipients are required to submit written Assurances of Compliance as a condition of receiving funding.

The assurance says that the recipient agrees to comply with the applicable civil rights laws, including Title IX and DOE's implementing regulations. The Assurance obligates the recipient for the life of the award.

The assurance is critical to the enforcement of Title IX because it makes the institution aware of its obligations under Title IX and it allows the government to enforce compliance through judicial means if necessary.

### **Title IX Coordinator**

Next, the recipient must designate at least one employee as the Title IX Coordinator to coordinate its efforts to comply with Title IX and to carry out the institutions responsibilities under Title IX, including the investigation of complaints.

All students and employees must be notified of the name, address and telephone number of the Coordinator.

Another requirement for recipients is to develop and publish Grievance procedures to resolve Title IX complaints.

### **DATA Collection**

Recipients must collect and provide certain data to the Department upon request. Examples included demographic data, location of facilities, and all records, books and accounts, personnel records relevant to the recipients compliance with the civil rights statutes.

In addition, recipients are to advise the Department of any lawsuits filed against that allege discrimination, any other reviews pending and any other non compliance issues.

### **Dissemination of Policy**

Finally, recipients must disseminate their non discrimination policy to applicants, students and employees, and they must do so in all of their recruitment publications.

Dissemination should include the display of nondiscrimination posters throughout the institution in prominent locations.

### **DOE's Responsibilities**

The Office of Civil Rights and Diversity is responsible for ensuring that our grantees educational programs and activities remain free of discrimination at every stage for the life of the grant.

In order to do this, the Office of Civil rights provides oversight and technical assistance to our field EEO offices, and we conduct Pre-award compliance reviews of proposed awards, desk audits and post award compliance reviews.

At every stage in the process, the goal of the Department is to work collaboratively with the institution to eliminate or resolve any problems that may be uncovered.

At the pre-award stage, there is a this opportunity to resolve any problems with compliance. Because the goal is to stop discrimination, not to withhold funding.

DOE is required to make a written determination as to compliance at the pre-award stage. That determination is made on the basis of the written assurance and any data submission by the university.

In the past years DOE reviewed approximately 400 grants for pre-award compliance.

### **Post-award Compliance Reviews**

Agencies are required to conduct post-award compliance reviews.

These reviews are to be conducted periodically as part of a regular program of monitoring and evaluating whether, and to what extent, recipients are meeting their civil rights obligations.

Essentially, a Compliance Review is a planned agency initiated investigation that assesses the civil rights and equal opportunity policies, procedures and practices of an institution to determine compliance with civil rights statutes and regulations.

### **Selection**

Department will be make selections based upon a set of neutral criteria. Such as, the level of funding that DOE provides, or because of the lead DOE has in funding physics research and development, physics related programs are of interest. Additional , we will consider any gender disparities in enrollments or with faculty.

We do also consider evidence of a pattern of discrimination and whether the institution has been subject to a compliance review in the past.

The primary focus of a post-award review will be on identifying any deficiencies, such as barriers to participation, or disparate treatment in program participation, access to research funding, and opportunities for advancement on the basis of sex, race, national origin, or age or disability.

We will also investigate any allegations of discrimination that may arise during the course of the review. But we will provide technical assistance as needed to facilitate a voluntary resolution of any non compliance issues.

The review will likely take place over a period of months and will include at least one on-site visit. During the visit, reviewers will examine the facilities, interview students, faculty &

administrators.

Following the Review, we will issue a letter of finding. In the case of no violation, the review will be closed.

Should there be a finding of violation, the recipient should respond with a proposed corrective action, and DOE will monitor until compliance is achieved.

Title IX clearly states that the agency should not refuse to grant or continue assistance until there is an express finding on the record on non compliance after a hearing on the issue and that it has been determined that voluntary compliance cannot be achieved.

Should that be the case, the matter will be referred to the Department of Justice for action and the appropriate congressional committees will be notified.

**Goal**

Our goal is to work collaboratively with the university in gathering information, discussing issues with staff and faculty in the development of plans to improve policies and the environment if problems are identified and strive to develop a resolution agreement. This approach we think will be more effective

We have available a Department of Energy Nondiscrimination poster, as well as some Title IX brochures.

Please may contact me if you have questions or need additional information, or you may contact my Director, Poli Marmolejos