"Dear Colleague" Letter Provides Guidance on Avoiding Sex-Discrimination in Career and Technical Education Programs

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On June 15, 2016, the U.S. Department of Education's Office for Civil Rights (OCR) and its Office of Career, Technical and Adult Education (OCTAE) released a joint Dear Colleague Letter regarding sex-based discrimination in Career and Technical Education (CTE) Programs. This letter clarifies existing legal obligations placed on CTE programs by Title IX and its accompanying Vocational Educational Program Guidelines. Together, these documents prohibit sex-based discrimination by federally-funded schools providing technical training to students entering fields such as nursing, cosmetology, and information technology.

Under Title IX and the Guidelines, CTE programs must prevent outright sex-based discrimination, as well as recruitment, admissions and programming practices that result in the disproportionate enrollment and retention of one gender. As the Letter explains, CTE programs must strive to represent both genders in their promotional materials and recruitment teams, accommodate students whose gender foreclosed their access to prerequisite courses, train teachers and students to identify and avoid sexual harassment, and actively investigate sex-based harassment to identify and remedy situations creating a "hostile environment." Each CTE program must employ a Title IX Coordinator who will lead the compliance initiative, monitor potential violations, and implement robust grievance procedures. OCTAE plans to release further technical guidance on this topic, which CTE programs should actively seek out.

Client Tip: *CTE programs should review their admissions and recruitment processes for discriminatory impact, provide training to staff and students on Title IX Compliance, allow open access to all students, including pregnant students, to required coursework, and keep up to date on forthcoming OCTAE technical guidance.*

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