



TITLE IX

POLICIES AND PROCEDURES HANDBOOK

CAGUAS – BAYAMON – VEGA BAJA – PONCE – MAYAGUEZ – SAN JUAN -
ORLANDO

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TABLE OF CONTENTS

Introduction	2
Legal Scope	3
Title IX Important Definitions	4-7
Procedure in handling allegations of non-compliance with Title IX law	8
I. Evolution of Discriminatory Complaint report	8
II. Case Number Assignment	9
III. Evaluation and Recognition of the Discriminatory Complaint Report	9
IV. Procedure to present a discriminatory complaint	9-10
V. Mode of proceeding with the investigation	10
VI. Resolution of the complaint without the need of a Committee	11
VII. Determinations to close an alleged discriminatory complaint	11
VIII. Administrative Committee to take preventive measures	12 -13
IX. Notification of the complaint	13
X. Request to suspend hearing	13
XI. Title IX discipline committee	14
XII. Appeals Process to a committee determination	15
XIII. Procedure for appealing a determination	15
IVX. Title IX Forms	16
XV. Agencies that attend sexual aggression victims from the institutional community	16
XVI. References	17

Introduction

Mech Tech College, LLC and Mech Tech Institute, are compromised to maintain a work and study environment in which members of the Institutional community are not discriminated against gender and/or sexual orientation to participate, receive benefits, become excluded from any program or activity or become exposed to any other form of discrimination by any member of the Institutional community.

To comply with Title IX Law dispositions, as well as with the New Regulations to the Title IX Act, that go in effect on August 14, 2020, this Handbook containing policies, new regulations and procedures for submitting and addressing any allegations of violation with compliance with Title IX dispositions has been revised. With the purpose of establishing these Institutional policies and procedures in addition to reporting any Title IX related cases.

The rules and procedures described in this handbook apply to all the institutional community (administrative staff, instructors, students, and third parties), as established by Title IX law, that are within the reach and control of Mech Tech College, LLC and Mech Tech Institute.

All this institutional community has the responsibility of following up and maintaining the policies established by the Institution and in this Title IX Handbook. If necessary, they will be subjected to be part of an investigative process in the event of allegations that violate Title IX dispositions as defined in this handbook under the Title IX institutional policy.

Legal Scope

This Handbook is based in compliance with the 1972 Department of **Education's Title IX** Act, its amendments, and implementation of the Regulations contained in 34 C.F.R. 106.31(a) And the new Education Amendments of 1972 that come into effect on August 14, 2020; (Recipient's Responses to Sexual Harassment (34 C.F.R 106.44), Grievance process for Formal Complaints of Sexual Harassment (34.C.F.R, 106.45), Title IX Coordinator, Non-Discrimination notice and Grievance Procedures (34 C.F.R. 106.8), As well as other provisions: Retaliation (Section 106.71); exemption section (34 C.F.R. 106.12 (b) and Related Laws.

Title IX Law provides that:

"..not one person will, based on his/her gender, be excluded of participating in, be denied of the benefits of, or be object of academic and extracurricular discrimination, of investigation, occupational training or any educational program and activity guided by an addressee who receives Federal financial aid."

This handbook was created in virtue of the authority of the President of Mech Tech College, LLC / Mech Tech Institute of Orlando, Florida. In conformity and compliance with Title IX dispositions and has the purpose of establishing the Institutional rules and procedures to notify and attend any violation that may arise regarding Title IX.

To guarantee the compliance of the law under Title IX dispositions, Mech Tech College, LLC and Mech Tech Institute, have designated a Title IX Coordinator who will be the main contact to attend and direct any complaint regarding sexual and gender harassment within the Institution (MTC/MTI).

The Title IX Coordinator plays an integral role in the fulfillment of the institutional commitment to be able to provide a positive learning and work environment that guarantees the protection of all the institutional community.

Any person who understands that has been subjected to unwanted conduct that violates their dignity, this includes behaviors such as sexual harassment, sexual assault, discrimination based on sex, gender or sexual orientation and stalking may contact the Title IX Coordinator at titleixcoordinator@mechtech.edu, and file a formal complaint in order to proceed with an investigation and the corresponding actions are taken by the academic institution.

TITLE IX IMPORTANT DEFINITIONS
According to the Education and Federal Justice Department:

1. **Discrimination** – It is an unfavorable or inferior treatment, of undeserved disdain towards a person, who can be discriminated, meaning, separated or mistreated, either physically as well as mentally, due its race, gender, sexual orientation, nationality or origin, religion, condition, situation or social position, political ideas, financial situation, etc.
2. **Retaliation** – It is a form of revenge or punishment response to some kind of aggression that seeks to obtain some kind of satisfaction for damage taken. Section 106.71 hereto adds intimidation, threats, coercion, or discrimination, including charges against an individual for violations of the code of conduct that do not involve sexual discrimination or sexual harassment, but arise from the same facts or circumstances of a report or complaint of sexual discrimination or sexual harassment with the intent to interfere with the right or privilege secured by Title IX.
3. **Sexual Harassment (Harassment) Under Title IX-** Unwanted conduct of a sexual nature can include one or more of the following; Quid Pro Cuo, unwanted sexual advances, solicitation of unwanted sexual favors by the person who receives it, insinuations and any other expression, whether physical or verbal, that is directed to any person in the institutional community (Administration, Professors, Students, Applicants or Contractors). The Title IX Act establishes the following prohibitions on sexual harassment:
 - a. **Hostile Environment** – Defined as any unwanted conduct, no matter how severe, offensive or pervasive, on the part of any person in the institutional community, which impedes equal access to education by creating an environment not suitable for learning.
 - b. **Sexual Assault** – Defined as any type of physical or verbal assault, hostile acts, lewd acts, incest, unwanted and/or authorized physical contact, rape or attempted rape, which to be considered Title IX violations must occur in the context of a program of study, activity of the institution or in its surroundings. For the Institution to have interference and to deal with the complaint, it must have interference over the facts and the person against whom the complaint is filed.
 - c. **"Quid Pro Quo"** – Defined as one favor in exchange for another. Understand if any employee, contractor or student offers an administrative, academic or other benefit in exchange for receiving a sexual favor.

4. **Sexual violence** – Sexual physical act perpetuated against a person's will or where a person is unable to provide consent due to: student's age, use of drugs and alcohol, intellectual disability or other that impedes students from the capability of providing consent.
5. **Rape** - "Penetration, no matter if mild, of the vagina, anus or any other part of the body or object, or oral. Penetration by another person's sexual organ without the victim's consent.
6. **Sexual abuse** – Any sexual activity between two or more people without consent. The sexual abuse can be produced between adults, from an adult to a minor; infant sexual abuse or even between minors. It is not only penetration or physical aggression.
7. **Stalking** – (By reason of sex or gender) It is a pattern of behavior directed at a specific person that has the effect of causing that person fear for his safety of himself or family or others causing emotional distress. As defined in Violence Against Woman Act (VAWA, 2013), which amends the Jeanne Clery Act.
8. **Dating Violence** – Occurs between people who know each other: boyfriends and girlfriends or same-sex partners, whether or not they live together. The violence may be physical, but it can also include threats, enforced social isolation and/or humiliation, intimidation, harassment, emotional mistreatment, financial control, forced sex, or making threats with regard to family, friends, and/or children.
9. **Discrimination based on sex or gender** – discrimination for lack of conformity with gender stereotypes. This may include the type of unequal treatment of individuals for not conforming to the traditional opinions, roles and norms assigned to the male or female gender. It is a discrimination for real or perceived sexual diversity, gender identity. (gay, bisexual, asexual, transsexual, transgenic person among others.).
10. **Domestic Violence** – It is defined as a pattern of behavior when using physical force, psychological violence, intimidation, persecution by the spouse, former spouse, person with whom he lives, with whom he consents or consented to consensual relations or has fathered a child among others for the purpose of causing physical or mental harm or to his property, family members or causing emotional harm.
11. **Mediation Process** – As part of a complaint resolution process under Title IX that can conduct the mediation process where both parties agree to dialogue in the presence of the mediator and accept responsibilities and apologies.
12. **Live Hearing** – It is the process at the request of any of the parties involved or the Institution to request that the complaint be addressed in person or virtually, in real time. This process requires it to be recorded or transcribed, and it must be available to both parties if they wish to review it. The parties shall have the right to bring an adviser for the examination of the other party. The person who coordinates the hearing is

responsible for making the decision of the case and will make a report with the necessary recommendations and submit it to the

13. **Consent** – It is the free and voluntary manifestation of a person to carry out an action or act.
14. **Institution** – We use this term to describe Mech-Tech College and its campuses and Mech Tech Institute.
15. **Student** – Consists of all persons that are enrolled in a program offered by the Institution.
16. **Administrative Staff** – includes all employees and supervisors, excluding teachers, offering support in the administrative and operational functions of the institution.
17. **Supervisor** - is assigned to observe and directs staff to guide and watch them in the exercise of their functions, assigning means and resources, and a plan of action, coordinating teams, to obtain greater profitability of the institution.
18. **Employee** – is the person who serves in a role given to outstanding tasks, in the different departments of the institution with intellectual qualities and so it receives a salary in return.
19. **Faculty** – It is composed of full-time and part-time instructors who provide professional services under a contract. The faculty meetings are presided by the Vice President for Education, the Academic Affairs Dean, Academic Director, Lead Coordinator or Occupational Directors.
20. **Title IX Coordinator** – It is the designated person by the institution and registered in the United States Department of Education to guarantee that all persons affected by the institutional teaching services learn Title IX rights and that the institution and its officers comply with Title IX legal obligations.
21. **Title IX Investigator** – Person designated to investigate any supposed allegation that may arise from Title IX and at the same time informs the findings to the Title IX Coordinator.
22. **Counselor(@)** – Licensed professional who is capable of providing services to students to help them in their development.
23. **Gender identity** – Way of identifying a person or who he/she recognizes him/herself.

- 24. Sexual Orientation** – An individual’s capability of feeling emotional, affective or sexual attraction to a person of a different gender than him/hers, of the same gender or more than one gender.
- 25. Title IX Complaint** – Defined as an allegation that is presented to the Title IX Coordinator or other institutional officer by an individual who has been a victim or has witnessed sexual harassment.
- 26. Incident** – Situation or act that interposes the normal course of a situation or an event.
- 27. Complainant** – Individual that submits a written complaint of an alleged Title IX situation.
- 28. Respondent** – Individual who allegedly caused or performed any type of act under the classification of Title IX.
- 29. Repetitive Misbehavior** – When an individual incurs in two or more acts including, but without being limited to, acts in which the harasser directly or indirectly interferes with the person either professional or occupational due to constant vigilance or threat.
- 30. Institutional Policy** – Rules established by Mech-Tech College, LLC and Mech-Tech Institute, to guide the conduct and procedures to follow in different institutional aspects.
- 31. Policy violation** – The non-compliance of the policies or rules established by Mech-Tech College, LLC and Mech-Tech Institute.
- 32. Findings** – It is the conclusion of the facts; process that occurs after the investigation group meets and revises the findings of both parts and of the witnesses and arrives to a determination regarding if it did or it did not occur.
- 33. Formal Complaint** – Written and signed statement (physical or digital) on situation / incident occurring in violation of policies. For these purposes the institution has provided the use of a document known as: form: MTC-TITLE IX-001 Campuses in Puerto Rico and MTI – TITLE IX – 001 for the Orlando Campus. (Section 34 C.F.R.106.44)
- 34. Award of evidence** – Process by which the evidence of the facts is allocated and determinations are made regarding if there was or was not a violation of the policies.
- 35. Institutional Community** – The combination of people who influence and are affected by the same educational environment (students, family members, employees, administrative, faculty, contractors or any others).

PROCEDURE FOR HANDLING ALLEGATIONS OF A NON-COMPLIANCE WITH TITLE IX LAW

These procedures are based on the U.S. Department of Education's Office for Civil Rights Case Processing Manual.

Upon becoming aware of an alleged complaint or situation that corresponds to Title IX, the Coordinator will respond promptly and appropriately. The institution is obliged to:

- **Offer support to the alleged victim.**
- **The Coordinator will communicate confidentially with the alleged victim to provide guidance and support whether or not the victim has proceeded with a formal complaint.**
- **It is important to understand that in order to proceed with the investigation of an alleged complaint of sexual harassment, it is required to file a formal complaint and signed by the complainant or filed by the Title IX Coordinator.**
- **If it emerges that a Title IX allegation does not comply under these statutes, such formal complaint will be dismissed for purposes of Title IX and it refers to another type of regulation to be evaluated by the Office of Student Affairs if it applies under another disciplinary conduct regulation.**

I. Evaluation of Discriminatory Complaint Report (form: MTC-TITLE IX-001 Campuses in Puerto Rico and MTI – TITLE IX – 001 for the Orlando campus).

A. Determine what constitutes a complaint

A complaint is a written declaration guided by the use of institutional form MTC-TITLE IX-001 o MTI-TITLE IX-001, which is used to allege a violation of the rights of one or more persons of the institutional community and where required action is requested. This form must provide the contact information. The complaints can be presented online as well as by mail, fax, or in person. Once received, the Title IX Coordinator will determine if the complaint falls under Title IX Law.

The following are not considered complaints:

- Oral allegations that are not reduced to written complaint
- Anonymous correspondence
- Complaints presented to other person or entity

The institutional form MTC-TITLE IX-001 or MTI-TITLE IX-001 must include a written explanation of what occurred; identification of the person or group affected by the alleged discrimination and identification of the person or institution that allegedly caused the situation; it must be dully signed.

II. Case Number Assignment

The case number is assigned with the first CAPS letter from the plaintiff, the first CAPS letter of the defendant followed by a hyphen, a number assigned by the Title IX Coordinator followed by another hyphen, T-IX, hyphen, month – year – Campus (**AB-001-T-IX-4-2016-Campus**).

A Discriminatory Complaint Report that is received by email or fax during a weekend or during vacations will be considered as received in the next work day.

In the case of multiple complaints, the same case number will be applied followed by a hyphen and number of the previous report of multiple complaints (**AB-001-T-IX-4-2016-Campus- # 1**)

III. Evaluation and Recognition of the Discriminatory Complaint Report

As soon as the Discriminatory Complaint Report from the Title IX Coordinator is received, it will be evaluated and determined if it has the authority for investigation and a Title IX Investigator will be assigned.

The Discriminatory Complaint Report form must be dully completed and signed by the complainant or the person who reports to solve the complaint will require consent before proceeding. The complainant or the person who reports the complaint will be informed that the complaint will be closed if the consent is not signed by one of the parts.

If the complainant is an 18-year old minor or a legally incompetent adult, the Discriminatory Complaint Report must be signed by the father, mother or legal guardian of the person.

The Discriminatory Complaint Report form cannot be signed by a legal guardian or parent for people who are less than 18 years old and are emancipated under local law and it will be considered as having obtained legal age. The person must provide emancipation or legal incompetence evidence.

IV. Procedure to present a discriminatory complaint:

Any member of the institutional community that understands that he/she has been the object of an alleged violation to the Title IX dispositions, is in his/her whole right to present it in writing by using form **MTC-TITLE IX-001 or MTI-TITLE IX-001** (Discriminatory Complaint Report), that must be completed in blue ink, in all its parts, and be dully signed. This document must include the details of what occurred and provided to the Title IX Coordinator. This process will start a determinative and investigative process.

The Discriminatory Complaint Report (form MTC-TITLE IX-001 or MTI-TITLE IX-001,) **must be presented within a term no greater than 90 (ninety) calendar days from the date in which the events occurred.** At the time that the form is received, the Title IX Coordinator will proceed to open a record and assign the case number.

The Title IX Coordinator will designate an Investigator to carry out the preliminary investigation of the complaint.

1. In case that the complaint is presented from employee to employee or from student to employee or faculty member, the designated investigator will be the Human Resources officer or the person designated by this office.
2. Complaints presented from a student to another, the designated investigator will be the Dean of Students, counselor, or other person designated by the Title IX Coordinator.

V. How to proceed with an Investigation and Adjudication:

The confidentiality of the process will be maintained at all times and the parties will be informed that they must maintain the confidentiality of the process. The investigator will conduct the investigation, and the investigation **must begin within 15 working days from the date of receipt of the discriminatory complaint (form MTC-TITLE IX-001 or MTI-TITLE IX-001).**

The investigator will have the responsibility of presenting a report of the investigation to the Title IX Coordinator **(form MTC-TITLE IX-002 or MTI-TITLE IX-002).** The investigation will be performed during a period no greater than 30 work days (period that can be extended) for 15 additional calendar days. In the event that there are days of academic and /or administrative recess or for closure for reasons outside the institution, holidays or other situation, will not count for the purposes of the 30-day period.

This report will be sent with a copy to the legal Division of Mech-Tech College or Mech-Tech Institute for the President's evaluation and recommendations.

In the case of a formal allegation of Sexual Harassment, the institution will provide a live hearing where the recipient must allow direct interrogation by the parties' advisers and "never on a personal side." Title IX rules stipulate that if a party does not have an adviser present at the hearing, the recipient must provide that party with an adviser to the choice of the recipient to conduct cross-examination on behalf of the party and the adviser may or may not be a lawyer.

The parties may request that the interrogation be conducted in separate rooms with technology that allows the decision-maker and the parties to simultaneously view and listen to the party answering the questions.

VI. Resolution of the complaint without the need of a Committee

If during or before the investigation process the plaintiff, freely and voluntarily, decides to withdraw the Title IX discriminatory complaint, he/she must submit it in writing by using **form MTC-TITLE IX – 003 o MTI- TITLE IX – 003** and the process will be terminated and filed.

In the event that in the investigative process it is determined that there is not enough cause or evidence to believe that the defendant incurred in any violation of the Title IX dispositions, the legal division and Title IX Coordinator of Mech-Tech College or Mech-Tech Institute will be notified.

Once the institution's legal division and the Title IX Coordinator make their recommendations, the determination will be notified to the plaintiff. If the plaintiff agrees with the decision, the discriminatory complaint will be closed and filed.

In the event that the complainant does not agree with the decision, he/she must make a signed written appeal **(form MTC-TITLE IX -004 or MTI-TITLE-IX-004)** within a period not more than 5 working days, counted from receipt of the decision/determination.

VII. Determinations to close an alleged discriminatory complaint

An alleged discriminatory complaint can be closed during the evaluation process or during the first phases of the investigation. When enough evidence has been obtained that determines any of the following to close the case:

1. In case that the allegations have been solved under other forums either judicial or state or municipal authorities.
2. When the allegations have been previously seen and closed by local or federal authorities.
3. When enough credible information is obtained to indicate that the allegations have been previously solved.

VIII. Title IX Committee to determine measures or sanctions

In the event that a complaint is referred to adjudicate, it may be recommended to the President or the Chief Executive Officer that measures or sanctions be taken to reduce the risks of violations of the provisions of Title IX.

Among the disciplinary measures or sanctions to be taken, but not limited to are the following:

Students: (these sanctions seek to make the student aware of their actions)

- Verbal or written reprimand with a copy to the file.
- Suspension for a definite time without the right to replace the material lost during the suspension.
- Order of restraining or Cessation and Desist.
- Expulsion without possibility of readmission.
- Prohibition of access to the premises.
- Elimination of privilege of internet use in the institution among others.
- Letter of Apology
- Prohibition of being in specific areas of the institution or at certain times, as well as in activities inside and outside the institution.

Employees: (The Employee Handbook describes disciplinary sanctions)

Independent Contractor, consultants and Suppliers:

- Separation of the person from the institution
- Termination of the contract without the possibility of re-contracting
- Suspension of employment with or without pay for a certain period.
- Prohibition of being in specific areas of the institution or at certain times, as well as in activities inside and outside the institution.

Visitors:

- You will be informed that you have to retire from the institution permanently, as well as the termination of any privileges
- Prohibition of entry to the institution or activities inside or outside the institution

IX. Notification of the complaint

In the event of a written complaint (**form MTC-TITLE IX-001 or MTI-TITLE IX-001**) the designated investigator will notify the defendant **within a period not greater than 15 calendar days**. The notification can be made personally with received receipt, by email, or by regular certified mail with received receipt. The defendant will be informed of the right to be represented by a lawyer or any other representative of his/her choosing. In addition, it will be informed that if no response to the complaint is received within a term of 10 work days from the date that the notification was delivered, a hearing can be appointed and celebrated in rebellion under the established rules and procedures. If the hearing is by rebellion, the defendant can only be limited to witness the processes and examine the documented or physical evidence that is presented against him/her. The defendant will not be allowed to present any evidence due to this being a rebellion hearing.

X. Request to suspend hearing

If any of the parts requests the suspension of the hearing, it **must be in writing and delivered with 7 working days of anticipation to the hearing date**. It is our interest that the complaints presented are attended as soon as possible and efficiently. The request to suspend or postpone a process will not be favored. If the request for suspension is not approved, the petitionary part must attend the programmed hearing, because it will be celebrated as programmed.

XI. Title IX Discipline Committee

This Discipline Committee will be composed by:

1. Title IX Coordinator
César Toro Cabán, DMD
(787) 763-3120
(787) 433-3340
Email: titleixcoordinator@mechtech.edu
2. Vice President of Human Resources
Mrs. Agüilda Gómez
(787) 744-1060
3. Vice President of Student Affairs or a Representative
Mrs. Lydia Rojas
(787) 744-1060
4. Counselors:
Mrs. Sara Barreto:
Caguas Campus (787) 744 - 1060
Bayamón Campus (787) 797-1166

Mrs. Jessica Acosta:
Ponce Campus (787) 709 - 4440
Mayagüez Campus (787) 834 – 5225

Mrs. Gilmarie Villanueva
Vega Baja Campus (787) 807 - 0575
5. Campus Coordinator or Director (optional)
6. Mech-Tech College, LLC or Mech-Tech Institute lawyer (optional)

XII. Procedure of attend a Title IX committee

The process for a Title IX committee guarantees to all involved the following rights except in cases of rebellion:

- Attend with the company of a lawyer or any representative of his/her preference
- Be present and examine all evidence that is presented
- Present all evidence or document in reference to the complaint
- The Title IX committee process will only be recorded by the Title IX Coordinator or investigator
- During the Title IX committee process, the Coordinator or investigator will guarantee that the procedure is conducted in an orderly fashion and in an environment of respect and will also have the authority to request to any other person that does not maintain an environment of order and respect to abandon the place where the committee is being held.
- During the process that the committee carries out, only the presence of the parts involved and their representatives will be allowed.
- Once the process concludes, the Title IX Coordinator will make a decision within a period not greater than 30 calendar days which starts from the date that the Title IX committee concluded. This report of the Title IX Coordinator contains:
 - Place and date of observance of the committee
 - Name of the parts involved and the representatives that attended
 - Allegations of the complaints exposed
 - Determinations of facts based on the committee conclusion
 - Decision based on the determination of the facts presented and conclusions
 - The sanctions to be imposed, established by the Institution, and available in the handbooks accordingly:

Personnel Handbook

Faculty Handbook

Student Handbook

XIII. Procedure for Appealing a Determination:

The appeals process applies to any of the parts involved and if it does not agree with the committee's determination, he/she must file a written appeal **within a period not greater than 5 working days of having received the committee's decision.**

XIV. Title IX Forms

- MTC-TITLE IX-001 Discriminatory Complaint Report
- MTC-TITLE IX-002 Research Form
- MTC-TITLE IX-003 Resolution of Complaint without Committee
- MTC-TITLE IX-004 Appeal Form
- MTC-TITLE IX-005 Evaluation of Investigation to Adjudicate the Complaint

XV. Agencies that attend sexual aggression victims from the institutional community

IV. Agencies for Assistance to Victims of Sexual Assault

Emergency Service

1. Emergencies: call 911

- **Victim Service Center of Central Florida 24/7 Hotline
(407) 497 – 6701**
- **Sexual Assault Helpline: (407) 500 - HEAL**
- **Orange County Domestic Violence Task Force 24/7 Hotline
(407) 823 – 1200**

Hospitals

City	HOSPITAL	TELEPHONE
Orlando	Orlando Health Emergency Room & Medical Pavilion	(321) 842- 1270
Orlando	Orlando Regional Medical Center	(321) 841 - 5111

XVI. Referencias:

Título IX de las Enmiendas a la Ley del Departamento de Educación Federal de 1972 (Public Law 92-318; 23 de junio de 1972, 86 Stat. 373) I 20 United State Code (USC) Cap.38, Secc. 1681-1688 I 34 Code of Federal Regulations (CFR) Part. 106

US Department Of Education Office Of Civil Wright.

<https://www.ed.gov/category/keyword/title-ix>

<https://www2.ed.gov/print/about/offices/list/ocr/letters/colleague-201104.html>

Questions and Answers on the Title IX Regulations on Sexual Harassment (July 2021)

<https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

El Titulo IX y la Discriminación por Sexo

<https://www2.ed.gov/about/offices/list/ocr/docs/tix-dis-sp.pdf>

Summary of Major Provisions of the Department of Education's Title IX Final Rule

<https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>