## Summary: Title IX Final Regulations

### Title IX Sexual Harassment

1. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking.

### Training

Title IX personnel must receive training to address section § 106.45 in the regulation and the training must be posted on the institution’s website.

### Accessible reporting to the Title IX Coordinator

Schools must notify all members of the community of the name and contact information of the Title IX Coordinator.

### Informal resolution

Schools can choose to offer and facilitate informal resolution options in cases that do not involve an employee respondent.

### Supportive measures

Schools are required to offer complainants supportive measures.

### Written Notice

Schools must provide written notice, with sufficient detail for any complaints, investigative interviews, meetings or hearings.

### Location of incidents

Title IX only applies to incidents that occur within the school’s education program or activities, and does not apply outside the United States.

### Presumption of innocence

Written notifications, schools must specify respondents are presumed innocent until the conclusion of the grievance process.

### Standard of evidence

Schools must apply either the preponderance of evidence standard or the clear and convincing evidence standard.

### Burden of gathering evidence

Schools will be held to a “deliberately indifferent” standard.

### Grievance process

Schools must treat both parties equally, indicate reasonably prompt time frames and list the range of sanctions and supportive measures available.

### Live hearing

Grievance procedures must provide for a live hearing, with cross examination performed by the parties advisors.

### Right to an advisor

Each party must have the same opportunity to select an advisor, who can be an attorney, but does not have to be an attorney.

### Review of evidence

Each party must be given 10 days to review all evidence to parties and advisors directly related to the allegations.

### Review of report

Each party must be given a minimum of 10 days to review and respond to an investigation report prior to the hearing.

### Right to an appeal

Each party must have an equal opportunity to appeal a determination of responsibility and a dismissal of a formal complaint.

### Record retention

School must retain all case, hearing, and appeal documentation for a minimum of seven years.

### Standard for response

School, not the parties are responsible for gathering evidence for all Title IX cases.

### Retaliation

Schools must expressly prohibit any retaliation against any individual for exercising Title IX rights.

### Roles & Responsibilities

The decision maker cannot be the same person as the Title IX Coordinator or the investigator(s).

### Informal resolution

Schools can choose to offer and facilitate informal resolution options in cases that do not involve an employee respondent.

### Accessible reporting to the Title IX Coordinator

Adapted from Baker Tilly. (2020). Analyzing the updated Title IX regulations. [White paper].