

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.

Actual knowledge and applicability: Schools are only responsible for investigating formal documented complaints.

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.

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

Standard for response: Schools will be held to a "deliberately indifferent" standard.

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.

Presumption of innocence: written notifications, schools must specify respondents are presumed innocent until the conclusion of the grievance process.

Burden of gathering evidence: School, not the parties are responsible for gathering evidence for all Title IX cases

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.

Roles & Responsibilities: The decision maker cannot be the same person as the Title IX Coordinator or the investigator (s)

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

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.