

New Title IX Regulations

A Short Guide to Compliance



Please Note: All updates made to your policies and procedures should be reviewed by your legal counsel prior to implementation.

What Do I Need to Do Right Now?

- ▶ Update your Code of Conduct to include penalties for making false or misleading statements during an investigation or hearing.
- ▶ Determine the burden of proof standard you want to or are currently using in other actions and appeals. This will apply to Title IX, i.e. Preponderance of Evidence or Clear and Convincing. Have your legal counsel advise you on consequences of either choice. This is a very important decision requiring careful consideration, as the repercussions may last for years.
- ▶ Change the following terms:
 - ▶ You - Recipient
 - ▶ Reporting party (victim) - Complainant
 - ▶ Responding party (Perpetrator) - Respondent
 - ▶ Resolution - Grievance Procedure
- ▶ Add the following terms:
 - ▶ Sexual Assault
 - ▶ Domestic Violence/ Dating Violence
 - ▶ Stalking

Required Policy Updates

The following items must be updated in your policies, be posted on your website, and be included in handbooks and other documentation provided to parents and students, applicants, unions, and professional organizations.

- ▶ Non-discrimination statement
- ▶ Designate a Title IX coordinator and include their name, phone number(s), mail (physical and electronic)
 - ▶ Duties of coordinator
- ▶ Definition of Sexual Harassment under Title IX *as distinguished from the Title VII policy*
- ▶ Who can make a complaint
- ▶ Supportive measures that will be available to both parties - complainant and respondent.
- ▶ A step-by-step review of the process
 - ▶ Informal complaint
 - ▶ How to File a Formal Complaint - who, what, when, and where -and specifying that it must go to the Title IX Coordinator

- ▶ Initial determination of coverage, for example, the following are not covered if:
 - ▶ The involved is not a student or participant,
 - ▶ Conduct occurred outside the U.S.,
 - ▶ Conduct occurred on a property that is not part of a school program
- ▶ Investigation Process
 - ▶ Opportunity for both parties to respond and have input into evidence and allegations
- ▶ Hearing Officer
 - ▶ Here is where your decision on using either preponderance or clear and convincing evidence should go
 - ▶ Possible disciplinary actions
- ▶ Appeal process
- ▶ A no retaliation statement, specifying that it does not cover
 - ▶ The Second amendment, or a
 - ▶ Code of Conduct violation