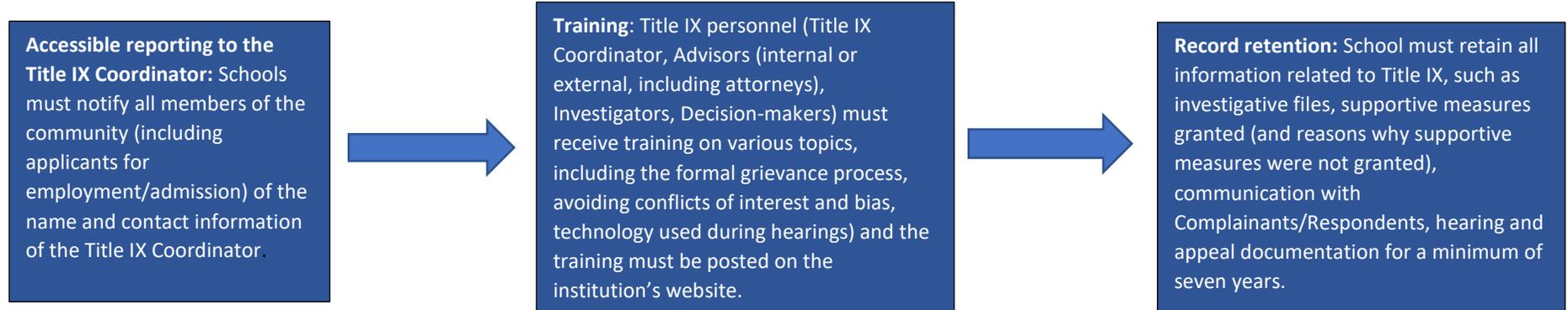
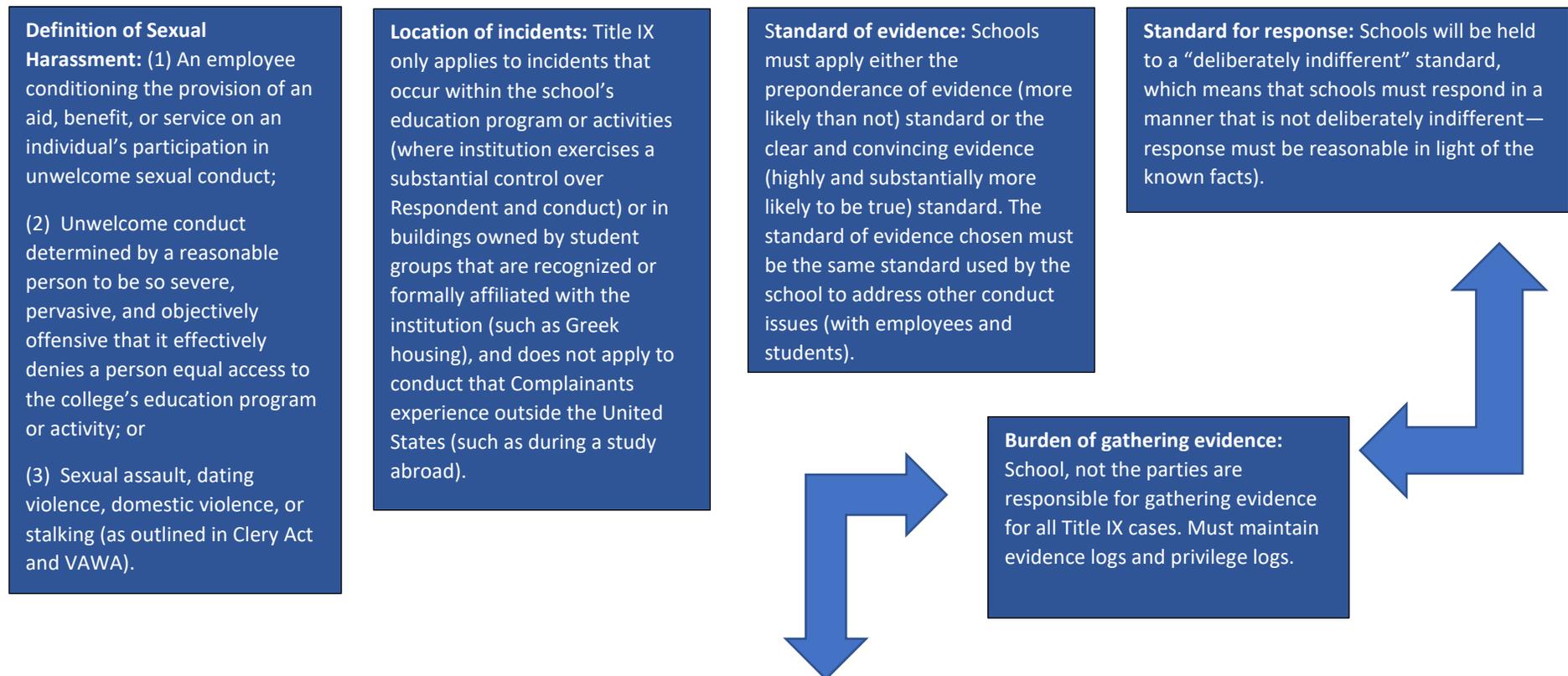


2020 Title IX Regulations: At a Glance

An institution's response to sexual harassment/allegations of sexual harassment is separate from the investigation/hearing process. The institutional response now includes the following:



The 2020 Title IX regulations also include a change to the definition of sexual harassment and regulatory jurisdiction. They also provide institutions the choice between two standards of evidence. Moreover, the regulations set the standard for the institution's response.



2020 Title IX Regulations: At a Glance

The College is required to act, when they receive “Actual Knowledge” of sexual harassment or allegations of sexual harassment.

Actual knowledge: A College receives actual knowledge when allegations are brought to the Title IX Coordinator or an Official with Authority. (Mandatory Reporters NOT required under new regulations). Actual knowledge triggers a responsibility to respond to allegations of sexual harassment in a way that is not deliberately indifferent (which means acting reasonably in light of the known circumstances).

Knowledge on the part of a Mandatory Reporter DOES NOT convey Actual Knowledge to an institution.

Actual Knowledge can come in the form of Informal or Formal Complaints.

Informal Complaint: Anyone can file an informal complaint (via email, anonymously, in person, by mail and during non-business hours) to the Title IX Coordinator or to an Official with Authority.

Response to an Informal Complaint: The Title IX Coordinator must reach out to informal reporters to provide supportive measures to the Complainant and/or Respondent, inform both parties of the right to an Advisor, and ask the Complainant if they want to file a formal complaint. All of this must be documented and maintained.

Informal Resolution Process. The informal resolution process may only be offered after a formal complaint is filed. Engagement in Informal Resolution process must be voluntary, Advisors may participate, and either party can withdraw and engage the formal grievance process.

Formal Complaint: Only a Complainant (or the Title IX Coordinator) can file a formal complaint (via email, in person, online or by mail). A formal complaint initiates the formal grievance process.

Complainant decides to file a formal complaint: Complainants CANNOT remain anonymous.

Even if a Complainant does not wish to file a formal complaint, the Title IX Coordinator may sign a formal complaint if they believe there is a threat to campus safety.

Preliminary Inquiry: Once a formal complaint is filed, the college must:

1. Notify Parties of the right to an Advisor.
2. Assign investigators to the matter
3. Review the allegation to determine if the College should proceed with the grievance process or dismiss the formal complaint (or parts thereof).

Mandatory Grounds for Dismissal: 1) conduct alleged does not fall within definition of sexual harassment; 2) conduct alleged did not occur in a college’s education program or activity; 3) alleged conduct did not occur within the United States. ****Allegations should be referred to appropriate conduct administrator. ****

Discretionary Grounds for Dismissal: 1) Complainant withdraws the formal complaint; 2) Respondent is no longer enrolled in or employed by the college; 3) Specific circumstances prevent the college from gathering evidence sufficient to reach a determination as to the formal complaint

Appeals of Dismissals: Both parties must be allowed to appeal the dismissal.

Grounds for Appeal: 1) procedural irregularities, 2) discovery of new evidence, and 3) any bias or a conflict of interest detected amongst any Title IX personnel

2020 Title IX Regulations: At a Glance

