



New Title IX Rules:
Community Conversation
and Q & A

May 21, 2020, 2:00pm

Keep in mind

- Throughout the session, please feel free to use the raise hand feature or the chat feature to ask questions or make comments. You can also privately message me, Jules, or Pracheta and we can pose the question or comment to everyone else without revealing identity.
- What is said here stays here - this session is not being recorded.
- Keep in touch - what is working and what is not working?





New Title IX Rules: Overview



- Title IX prohibits sex discrimination at educational institutions. The new rules only apply to sexual harassment, a form of sex discrimination, at schools. Rules that apply to other forms of sex discrimination remain the same.
- The new rules clarify the definition of sexual harassment for all schools to apply in their policies, and clarifies and directs what schools may and must do if a student or employee is accused of sexual harassment as defined by the Department of Education (DE).



New Title IX Definition of Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient 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 recipient's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Biggest Changes For the College

- Adjustments to the College policies and processes on sexual harassment as newly defined by the DE, and reconciling with any policies that conflict.
- Biggest procedural change is that the new rules **require** a live hearing and cross-examination of parties and witnesses.
- Expansion of informal resolution options for sexual harassment cases.
- Training on new policy and procedures for investigators, decision-makers, advisors, and those who will conduct informal resolutions.



What Will NOT change at the College

- Survivor support
- Retaining survivor's agency in choice of resolution
- Interim/supportive measures
- Confidential resources
- Anonymous reporting option
- Process that is trauma-informed and does not victim-blame
- Robust prevention education programs to prevent sexual and gender violence, dating violence, and stalking
- NOTE: Conduct that does not meet the DE's definition of sexual harassment can be covered by other conduct policies.





Where to get trustworthy and reliable information

- Directly from the regulations (can be found by searching “Department of Education Title IX regulations unofficial copy” - p. 2008-2033)
- Joint Guidance on Federal Title IX Regulations from SUNY Student Conduct Institute
- Muhlenberg College’s Equity & Title IX site
- News articles and information from advocacy organizations are fine, but should be taken with a grain of salt

What would you like to know?

