





# Title IX's New Regulations

## Implications for Campus Safety

34 CFR Part 106

Nondiscrimination on the Basis of Sex in Education Programs  
or Activities Receiving Federal Financial Assistance

AGENCY: Office for Civil Rights, Department of Education.

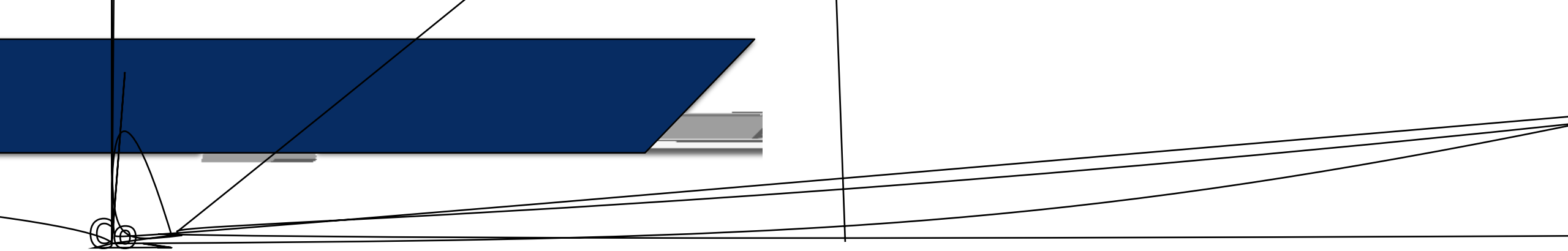
ACTION: Final rule.

EFFECTIVE DATE: August 14, 2020

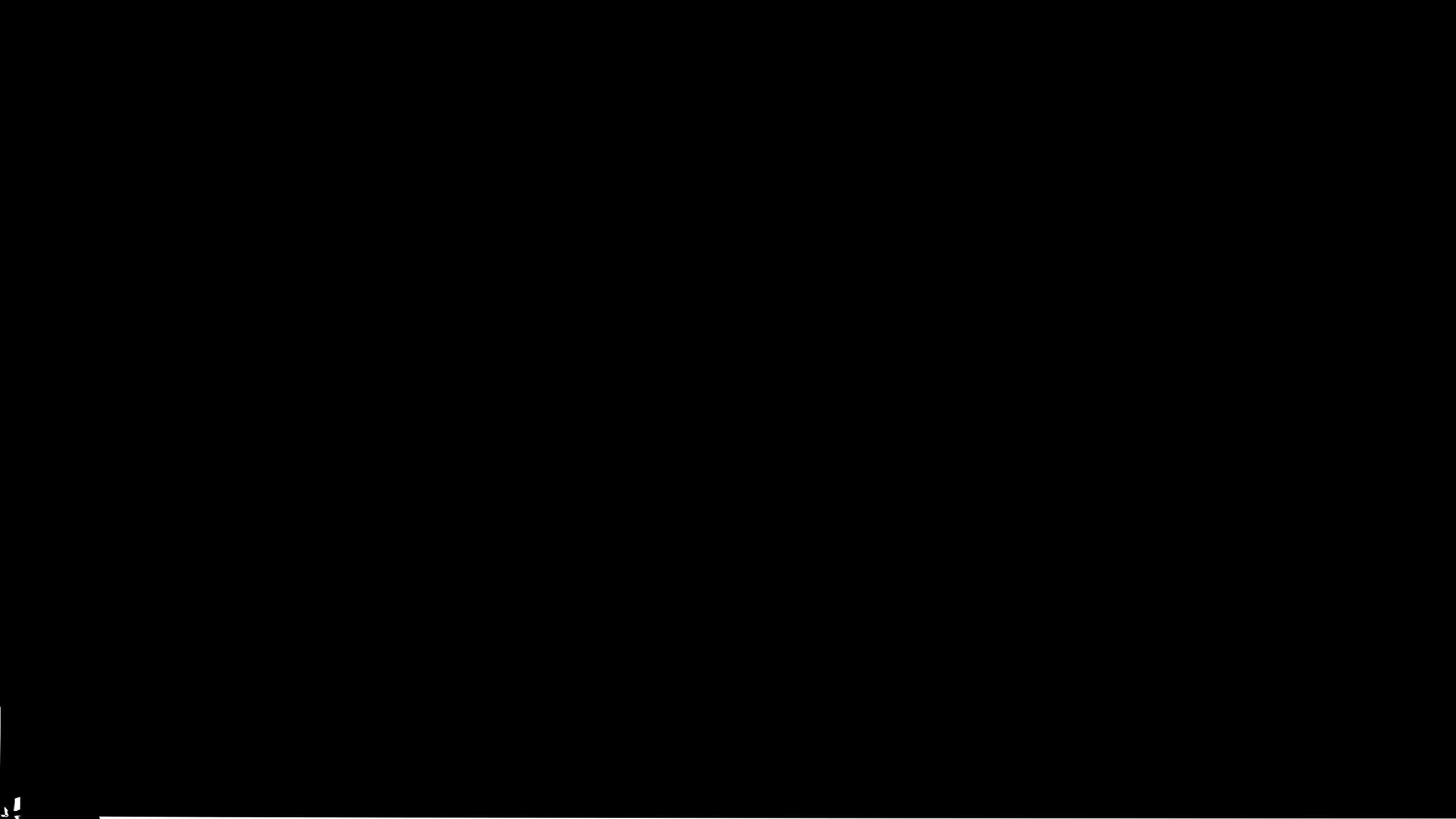


Prior to August 14, 2020, the last time the OCR of DOE passed Title IX regulations was 1997. (Ronald Reagan Administration)

Guidance is recommendations for policy and practice. They are not mandatory and do not







Incident

Notice to  
TIX C  
  
Strategy  
Development

Initial  
Assessment

Jurisdiction?  
Policy violation?  
  
Non-formal,  
administrative,  
resolution?

Formal  
Investigation

Notice  
Identification of  
witnesses  
Interview scheduling  
Evidence collection  
Evidence & Inv. Report  
Shared

Live  
Hearing

Appeal

# Supportive Measures



Initial  
Assessment

Formal  
Investigation

Live  
Hearing

Appeal







The hearing will occur following an investigation by University sanctioned investigator(s).  
The hearing panel will consist of

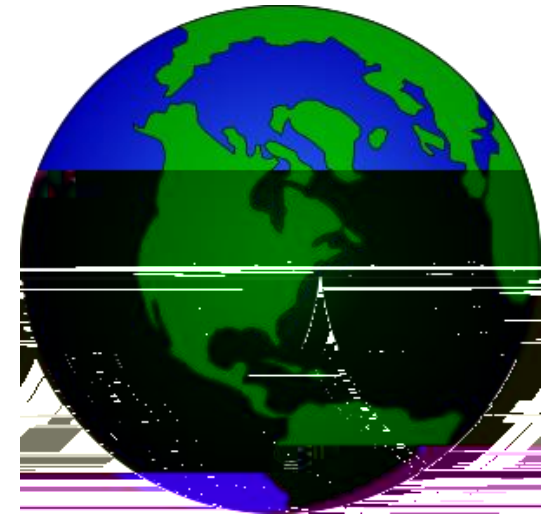
Under the former administration Title IX jurisdiction extended to anywhere in the world.

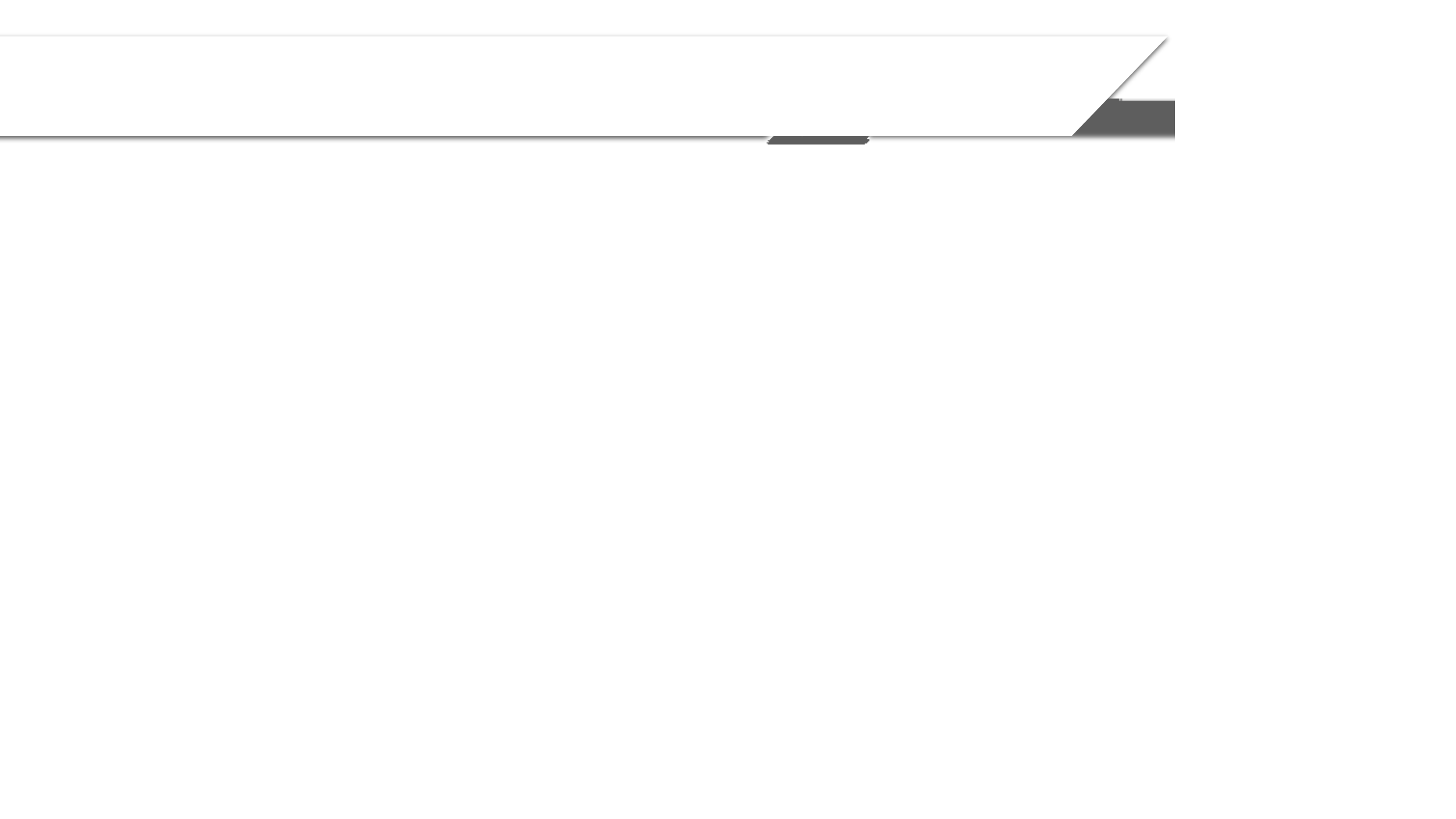
Coordinators with investigators led the grievance process.

Most recently, the courts have reversed sanctions on respondents because the recipient was not accorded his/her constitutional rights.

<sup>3</sup>/<sub>4</sub> e.g. Duke Lacrosse, UVA Frat t Rolling Stone, Doe v U. Michigan,

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## Title IX Offenses

1.

# Sexual Misconduct Policies

Reporting an Incident

Sexual Misconduct Policies



What constitutes sexual harassment behavior?

Pregnant and Parenting Students







Incident

Initial  
Assessment

Formal  
Investigation

Live  
Hearing

Appeal



Only following a formal complaint  
Must be voluntary & written (signed)  
Either party may withdraw at any time  
Conducted by trained facilitator  
Agreement + signed contract



Made in





Incident

Initial  
Assessment


Formal  
Investigation

Live  
Hearing

Appeal







[T]hese final regulations prescribe that the only recipient official who is authorized to initiate a grievance process against a respondent is the Title IX Coordinator.(p. 71)

The Department believes that the final regulations benefit respondents by ensuring that recipients do not impose disciplinary sanctions against a respondent without following a grievance process that complies with § 106.45, 560 and that the prescribed grievance process gives strong due process protections to both parties(p. 371)







The Emergency Removal Committee (hereafter ERC) has the authority to remove any University community member who poses an immediate threat to the physical health or physical safety of a complainant, respondent, or any other person participating in the investigation or adjudication of the Title IX process.

The ERC will be composed of 3 members as follows:

- Student has alleged a threat: Title IX Coordinator (or designee), Member of the Counseling staff appointed by the T9C (with designee back-up), Dean of Students (or designee)
- Employee has alleged a threat: Title IX Coordinator (or designee), Member of the Counseling staff appointed by the T9C (with designee back-up), Human Resource Administrator appointed by the T9C (or designee).



In making the decision to remove a respondent on a temporary basis, the ERC will use the following criteria.

- This meeting would include interviewing any individual who has relevant information regarding the immediate threat of the respondent.
- Before making a decision, the ERC must meet with the respondent and allow the respondent to address the allegations of the immediate threat.
- Consider only the physical safety of ~~the~~ respondent.

- Assess the credibility and relevance of the information received.
- Assess the nature and severity of the potential harm.
- Assess the duration of the risk.
- Assess how likely it is that the potential harm will occur.
- Assess the imminence of the potential harm.
- Determine that there is no other reasonable or restrictive remedies available other than emergency removal.



Supporting Survivors of Trauma: How to Avoid Re-traumatization (Online MSW)







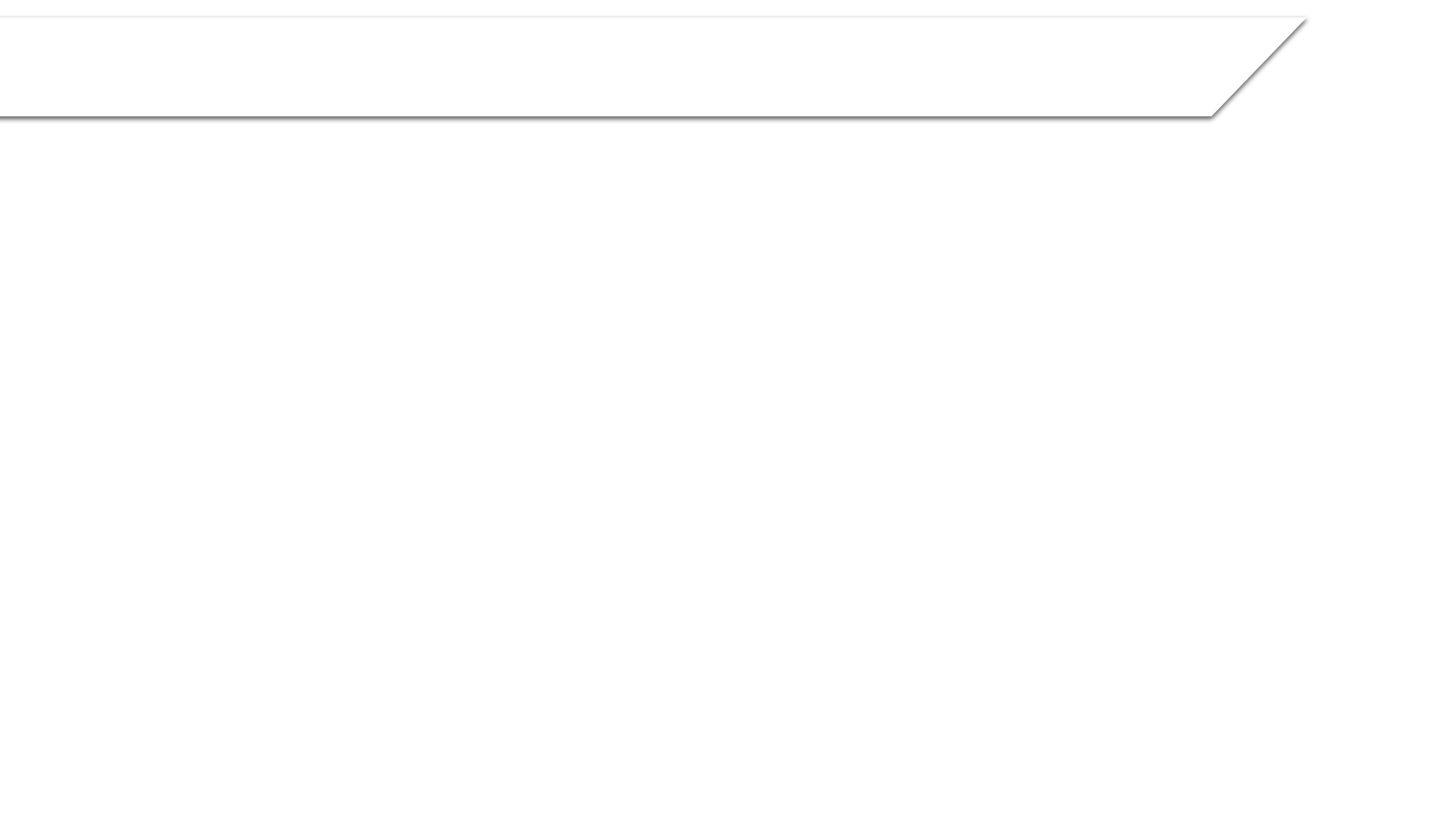
9 Parents

9 Siblings

9 Other Relatives

9





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