Title IX talking Points

New Compliance Documents:

* Title IX Supplemental procedures to the Student Code of Conduct
* Title IX Supplemental procedures for cases involving employees
* Updates to Complaint and Discrimination policies and procedures

Significant Changes:

* Jurisdiction: due to narrowing of jurisdiction, change will likely lead to fewer Title IX cases.
  + Formerly: any reported case impacting a person’s ability to pursue education regardless of where the incident happened, or who was involved in the incident.
  + New/current:
    - Must be a formal complaint filed by the complainant to the Title IX Coordinator or an affidavit signed by the Title IX Coordinator; **and**
    - Complainant must be participating in College educational program or activity at time of complaint; **and**
    - Incident must have occurred in the United States; **and**
    - Incident occurred during the institution’s educational program or activity; **and**
    - Allegations, if proven, must meet the definition of Title IX sexual harassment.
* Narrowly defined to include only (see definition in Title IX supplemental procedures):
  + Quid pro quo harassment
  + Hostile environment harassment (must be pervasive, persistent, **and** objectively offensive)
  + Sexual assault
  + Domestic Violence
  + Stalking
* New college requirements that require significant annual training:
  + Parties entitled to an advisor during the investigation and must be represented by an advisor during the hearing. College must appoint an advisor if the parties do not have one. May be an attorney. Significant training requirement.
  + Hearings must happen and follow new DOE requirements and Washington Administrative Procedures Act.
    - must determine if evidence is relevant
    - must understand how to hear objections
    - must understand the nuances with running a hearing, much like a court case
* Investigators understanding of the process:
  + New definition
  + New role
  + Significant additional work
* Conduct process for cases not raising to Title IX threshold

Expenses to the each college:

* Hearing Officer training or contract with outside party to conduct hearings
* Advisor training or contract with outside party to serve as advisors, potentially laywers
* Investigator training or contract with outside party to serve as investigators
* Training for all other Title IX positions (employee and student decision makers)