TITLE IX COORDINATORS AS COMPLIANCE OFFICERS

CHAT

What was one area of new regulations that you were able to implement with ease?

What’s one area that is/was much harder to implement?
### HIGHLIGHTS OF 2020 TITLE IX REGULATIONS - FINAL RULE

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<th>Notice Requirements</th>
<th>Impact on Mandated Reporters/Responsible Employees</th>
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<td>Covered Prohibited Conduct: Definitions, Scope, and Jurisdiction</td>
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<td>Move from Single Investigator to Live Hearing Model</td>
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### Activity #1: Select a category and share a best practice you have implemented, or one you are prepared to implement, that fits that category.

| Category 1: Structure and Staffing |
| Category 2: Reporting and Response |
| Category 3: Investigations |
| Category 4: Hearings and Appeals |
| Category 5: Prevention and Awareness |
Applying the Seven Elements of Compliance to Implementation of the New Title IX Regulations

7 (Really 8) Elements of Compliance

- Standards of Conduct/Policies and Procedure
- Compliance Officer/Committee Oversight
- Education and Training
- Monitoring and Auditing
- Reporting and Investigating
- Enforcement, Discipline, and Incentives
- Response and Prevention
- Risk Assessment
Title IX Compliance Plan

1) Standards, Policies, and Procedures
   – Must have published grievance procedures and specific notification and posting requirements

2) Governance and Administration
   – Must designate a Title IX Coordinator
   – Supporting staff (Investigators, hearing administrators, etc.)

3) Education and Training
   – New training requirements for administrators

4) Monitoring and Auditing

5) Reporting and Investigation
   – New guidelines about what constitutes a report
   – Specific requirements for investigations and process

6) Enforcement, Discipline, and Incentives
   – New requirements for live hearings
   – Restrictions in interim measures and actions taken before final decision

7) Response and Prevention
   – VAWA Education and Prevention Requirements Still Apply

8) Risk Assessments
   – August 14th Compliance Deadline Forces Prioritized Response

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STEMS TO COMPLIANCE

- **Step 1**: Understanding Scope
- **Step 2**: Lay the Foundation
- **Step 3**: Assess and Prioritize
- **Step 4**: Document, Document, Document
- **Step 5**: Spread the Knowledge and the Resources
- **Step 6**: Enforce, Respond, and Reinforce
- **Step 7**: Test and Monitor for Effectiveness
- **Step 8**: See the Change
Defining the „What”

Defining the Scope and Requirements of Your Title IX Compliance Program

RESOURCE

Free Resources to Define Scope and Requirements

- DOE Summary of Major Provisions
- ATIXA Regulation Resource Center
- SUNY Student Conduct Institute Joint Guidance
- CUPA HR Sexual Harassment Resources

GUIDING QUESTIONS:
What does our current Title IX Compliance Program look like?
What, if anything, is contrary to the new regulations?
What can we maintain?
What must we change?
Defining and Sharing the “Why”
Customizing Your Program to Get Buy-In and Top Down Support

GUIDING QUESTIONS

• How do the new Title IX Regulations fit or challenge your:
  – Ethical Code of Conduct
  – Student Code of Conduct
  – Employee and Faculty Conduct Policies
  – Mission and Values
  – Strategic Plan
  – Campus Culture
• Who do the new Title IX Regulations:
  – Protect?
  – Harm?
  – Challenge?
  – Support?
  – Impact?
Identifying the “Who”
Structure, Staffing, and Responsibilities

GUIDING QUESTIONS

• What positions are required for compliance?
  – Title IX Coordinator/Deputy Coordinators
  – Investigators
  – Hearing Staff/Panel Members
  – Appeals Staff
  – Advisors
  – Confidential Offices

• What departments are impacted by compliance?
  – General Counsel
  – Human Resources
  – Student Affairs
  – Athletics
  – Student Conduct

• What overlooked departments or staff could assist with compliance?
  – Athletics?
  – Faculty?
  – Counseling/Health?
  – Campus Safety/Law Enforcement?
Defining the “How”
Tracking, Training, Communication

REQUIRED STEPS TOWARDS COMPLIANCE

- GOVERNANCE, STAFFING, AND OVERSIGHT
- RISK ASSESSMENT
- POLICY AND PROCEDURE
- TRAINING
- COMMUNICATION
- SUPPORT
- ENFORCEMENT
LEARNING OUTCOME

RESOURCE

Office for Civil Rights
https://www2.ed.gov/about/offices/list/ocr/newsroom.html

- Title IX Regulations Addressing Sexual Harassment (unofficial copy)
- Title IX Regulations Addressing Sexual Harassment (Federal Register)
- Title IX: Fact Sheet: Final Title IX Regulations
- Title IX: U.S. Department of Education Title IX Final Rule Overview
- Title IX: Summary of Major Provisions of the Department of Education’s Title IX Final Rule
- OCR Blog

QUESTIONS