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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### 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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STEPS 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

LEARNING OUTCOME

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
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