Title IX Final Rule & Higher Education

Association for Student Conduct Administration





Roles

Complainant/Respondent Title IX Coordinator Investigator Decision Maker

ASSOCIATION OF STUDENT CONDUCT ADMINISTRATION

Complainant & Respondent

- Definitions largely unchanged
- Complainant: "an individual who is alleged to be the victim of conduct that could constitute sexual harassment" (34 CFR §106.30(a))
- Respondent: "an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment" (34 CFR §106.30(a))

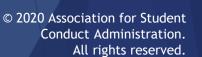
Title IX Coordinator

- Institutions required to the the following regarding this title
 - Must have at least one designee with this exact title
 - Must notify students/employees of name/contact for this person
 - Must publish name/contact on website and in handbooks
 - Must notify students/employees of nondiscrimination policy
- Role of Title IX Coordinator
 - Handle institutional compliance with Title IX regulations
 - Receive and submit formal complaints
 - Does not serve as a decision-maker or investigator



Investigator

- Collect evidence
- Interview parties and witnesses
- Evaluate relevant information
- Author summary report
- Does NOT make decision of responsibility
- Cannot be Title IX Coordinator



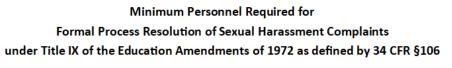


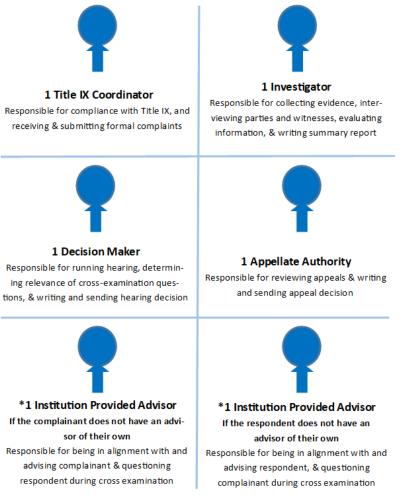
Decision Maker

- Facilitates hearings
- Determined relevancy of cross-examination questions
- Write hearing decision
- Notify parties of hearing decision
- Can have multiple individual decision-makers at an institution, but only one assigned per case
- Panel can be utilized as long as it does not include the Title IX Coordinator, Investigator, or appellate









 *?# Institution Provided Advisors
If other involved parties do not have an advisor of their own
Some cases may involve multiple complainants or respondents. An example may be a situation where sexual harassment is part of an organization hazing event.





Additional Resources

ASCA Webinar- Overview of Title IX Regulations

ASCA White Paper- Title IX of the Amendments of 1972: 2020 Regulation

Dept. of Education Regulations, Federal Register- 34 CFR Part 106, ID 1870-AA14

About ASCA

The Association for Student Conduct Administration is the only non-profit, professional membership organization devoted to the advancement of the higher education student conduct profession

Membership in ASCA shall generally be open to any person who has a legitimate interest in the mission, vision, core values and activities of the Association and who agrees to abide by the provisions contained in the Associations Bylaws and Statement of Ethical Principles and Standards of Conduct.

<u>ASCA Core Values:</u> Advocacy; Community; Equity & Inclusion; Education; Integrity; Leadership





Contact ASCA: asca@theasca.org 979.589.4604

> © 2020 Association for Student Conduct Administration