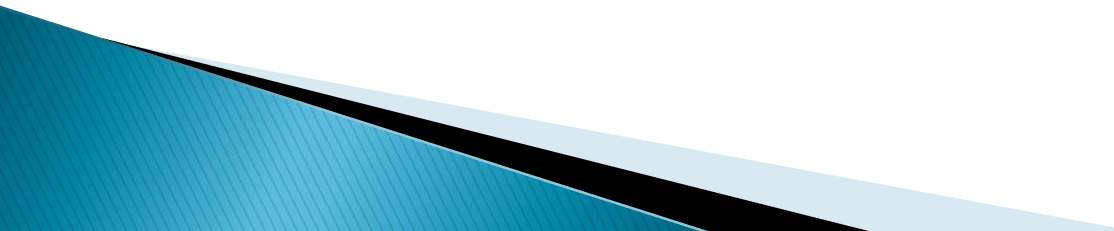



# Review of Title IX

U. S. Department of Education  
Negotiated Rulemaking  
Violence Against Women Act  
January 13, 2014

# Contents of the Presentation

- ▶ Goal of the Negotiated Rulemaking
  - ▶ Clery Act versus Title IX
  - ▶ What is Title IX?
  - ▶ Title IX and Sexual Violence
- 

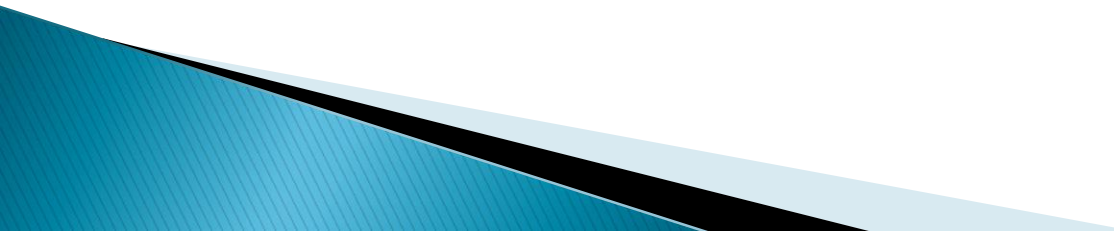
# Goal of the Rulemaking

- ▶ The goal of this rulemaking is to develop regulations implementing the new requirements of the Clery Act that were added by the Violence Against Women Reauthorization Act of 2013 (VAWA).
  - ▶ The Title IX regulations will not be changed through this process.
  - ▶ VAWA amends only the Clery Act, which is a separate statute. The requirements of Title IX, including those set forth in the April 4, 2011 Dear Colleague letter on sexual violence, remain unchanged, and schools must comply with them as before.
- 

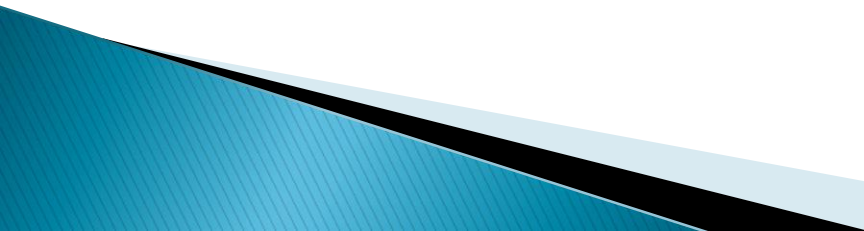
# Clery Act versus Title IX

- ▶ Schools' obligations under the Clery Act are centered around collecting and reporting information with respect to campus crime statistics and campus security policies.
- ▶ Schools' obligations under Title IX are centered around ensuring that students are not discriminated against on the basis of sex in the school's education programs and activities.
  - Sexual harassment, including sexual violence is a form of sex discrimination.

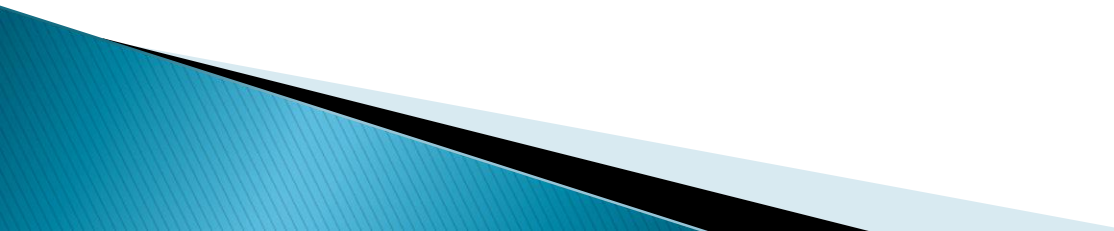
# What is Title IX?

- ▶ Title IX prohibits sex-based discrimination in educational programs and activities receiving federal financial assistance.
  - ▶ Title IX applies to all public and private educational institutions receiving federal financial assistance.
- 


# Title IX and Sexual Violence

- ▶ Once a school knows or reasonably should know of possible student-on-student sexual violence, it must:
    - take immediate and appropriate action to investigate or otherwise determine what occurred.
  - ▶ If an investigation reveals that sexual violence that created a hostile environment occurred, a school must take prompt and effective steps reasonably calculated to end the sexual violence, eliminate any hostile environment, and prevent its recurrence.
- 

# Title IX and Sexual Violence

- ▶ The process a school uses for resolving complaints of sexual violence must provide for a prompt and equitable resolution.
  - ▶ The specific steps may vary, but in all cases a school's Title IX investigation must be adequate, reliable, and impartial.
  - ▶ A school's Title IX investigation is different from a law-enforcement investigation.
- 

# Title IX and Sexual Violence

- ▶ Must use the preponderance-of-the-evidence standard of proof.
  - ▶ Parties must have an equal opportunity to present relevant witnesses and other evidence.
  - ▶ If a school permits one party to have a lawyer, it must do so equally for both parties.
  - ▶ If a school provides an appeal process, it must do so for both parties.
  - ▶ Both parties must be notified, in writing, about the outcome of the complaint and any appeal.
- 



# Title IX and Sexual Violence

- ▶ If sexual violence that creates a hostile environment did occur, the school must take reasonable, timely, and age-appropriate corrective action tailored to the specific situation.
  - End the sexual violence;
  - Eliminate the hostile environment; and
  - Prevent recurrence
- ▶ In addition to taking action against the perpetrator, effective corrective action may require remedies for the complainant and broader student population.