



Disclaimer

This course content is relevant following the January 9, 2025 ruling.

Users are encouraged to seek advice from qualified professionals regarding any specific legal issues or concerns.



// INSTRUCTIONS

This course takes approximately **20 minutes** to complete. At the end of the course, you will be required to take a post-test.

For instructions on navigating this course, please click **HELP** located at the top right-hand corner of your screen. Be sure your speakers are turned on if you wish to hear the narration.



// Welcome to Title IX Final Rule for Faculty & Staff

After completing this course, you'll be able to:



Identify changes to Title IX that affect faculty and staff

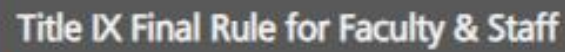


Title IX Final Rule for Faculty & Staff

Congress passed Title IX in 1972 as a continuation of the 1964 Civil Rights Act. This law makes sex-based discrimination illegal in all federally funded educational institutions.

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."







Title IX Final Rule for Faculty & Staff

We'll cover the Department of Education's exact definition of sexual misconduct soon. For now, it's any behavior that is sexual in nature, unwanted, and which interferes with a person's right to learn or work on campus.

SELECT EACH TAB TO LEARN MORE

Complainant

Respondent

**Formal
Complaint**



Important Terms



Title IX Final Rule for Faculty & Staff

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Complainant

The person accusing someone of sexual misconduct. This can be a witness, victim of sexual misconduct, or the parents of the victim.

Respondent

The person accused of sexual misconduct.

Formal Complaint

The document filed by a complainant or signed by the Title IX Coordinator alleging sexual misconduct. It's an official request that a school investigate an allegation of sexual misconduct.

Important Terms



The person accused of sexual misconduct is called the _____?

- ☐ Complainant
- ☒ Respondent
- ☐ Title IX Coordinator
- ☐ Witness of sexual misconduct



Sex-based discrimination and harassment are prohibited at all post-secondary schools. The Title IX Coordinator investigates any formal complaint that falls under one or more of these conditions:

1

Quid pro quo is when someone on campus receives a provision of an aid, benefit, or service based on their participation in unwelcome sexual conduct.

2

A **hostile environment** is unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive. It denies a person equal access to an education program or activity.

3

Sexual Harassment is:

- Domestic violence
- Dating violence
- Stalking



Title IX Final Rule for Faculty & Staff

Title IX covers sexual harassment that happens within a school's educational **program** or **activity**.

Program or activity includes any person that the school has some influence or control over. If the complainant is a student they must be enrolled in or attempting to enroll in a school program or activity.

People the school may influence are:

- Students
- Faculty
- Staff



Programs and activities the school may influence include:

- Dorm rooms
- Football games
- Student unions
- Classrooms
- School-sponsored conferences
- Graduations

Schools may not investigate harassment or discrimination that happens overseas or at 3rd party conferences.

Programs and Activities



Now that you've read the Department of Education's definition, which of the following would be a sexual harassment violation under Title IX?



A professor describes a sexual encounter to a graduate student at a 3rd party conference.

- ☐ Yes, because sexual harassment is prohibited
- ☐ No, because this is not pervasive
- ☐ No, because this is not school related



Title IX Final Rule for Faculty & Staff

Now that you've read the Department of Education's definition, which of the following would be a sexual harassment violation under Title IX?



A faculty member is sexually assaulted in the school library.

- ☐ Yes, because sexual assault is prohibited
- ☐ No, because this is not pervasive
- ☐ No, because this is not school related



Now that you've read the Department of Education's definition, which of the following would be a sexual harassment violation under Title IX?



Married graduate students get into a fist fight while living in campus housing.

- ☐ Yes, because domestic violence is prohibited
- ☐ No, because this is not pervasive
- ☐ No, because this is not school related



Now that you've read the Department of Education's definition, which of the following would be a sexual harassment violation under Title IX?



A student is uncomfortable listening to a classmate relate sexual experiences and considers skipping class to avoid it.

- ☐ Yes, because the harassment interferes with equal education access
- ☐ No, because this is not pervasive
- ☐ No, because this is not school related



In the past, Title IX required schools to train students, faculty, and staff to recognize and prevent on-campus sexual discrimination and harassment.

The Final Rule no longer requires schools to prevent sexual misconduct. But your school may continue past prevention efforts.



The grievance process is the official procedure a school uses to address a complaint of sexual discrimination or harassment. Your school must make the grievance process public, meaning open to anyone, and the same for everyone.

For example, your school's website should explain:

- Students' rights
- How to file a complaint
- The importance of preserving evidence
- Available counseling
- Supportive measures
- The investigative process
- The hearing
- The appeal process
- Disciplinary sanctions



Title IX Final Rule for Faculty & Staff



A school is legally responsible for preventing sexual misconduct on campus and investigating complaints when they have actual knowledge. A school has actual knowledge of sexual misconduct when a:

- Student, faculty, or staff report sexual harassment directly to the Title IX Coordinator
- A student tells faculty or staff, who the school explicitly designates as an official with authority who can take corrective actions, about sexual misconduct
- An incident of sexual misconduct is widely publicized or posted in a way that the school has knowledge of it

Actual Knowledge



Your Title IX coordinator is used to wearing many hats. But the recent changes to Title IX limit the coordinator's responsibilities to describing:

1

Available supportive measures, whether or not the student, faculty, or staff files a formal complaint

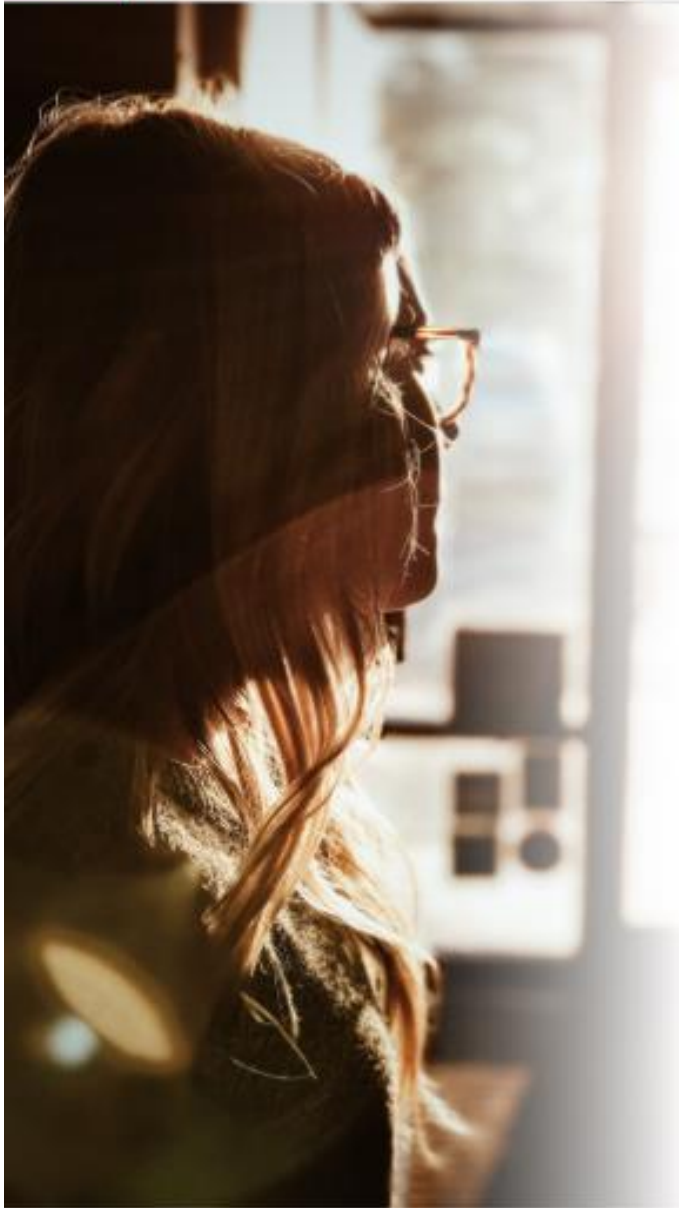
2

Each individual's right to file a complaint

3

How to file a complaint

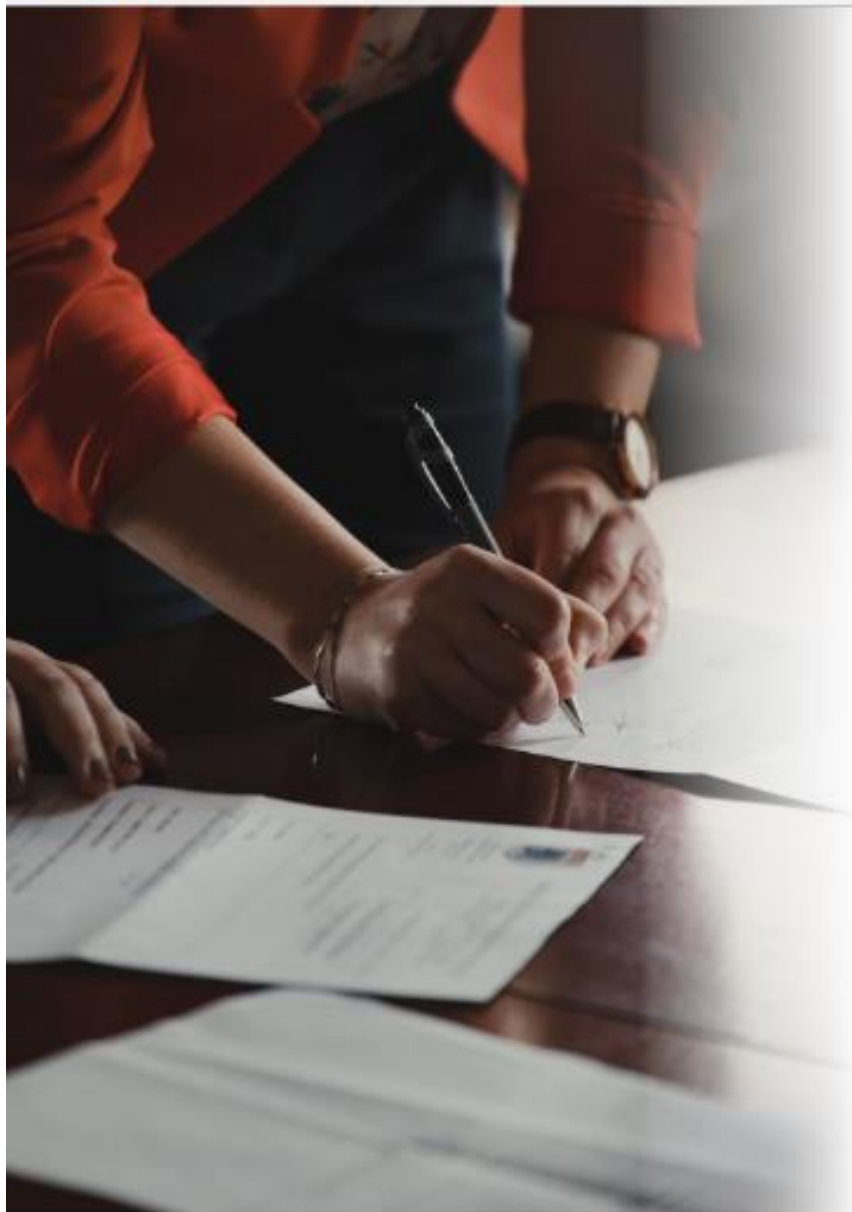




Supportive measures are free services a school provides to a victim of sexual misconduct. They restore or preserve the victim's right to an education. Supportive measures may provide safety or deter sexual harassment from happening again, such as:

- Counseling
- Extensions of time or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Restrictions on contact between the parties
- Changes in work or housing locations
- Mutual contact restrictions
- Increased security and monitoring of certain areas

Students do not have to issue a formal complaint to receive supportive services. But the Title IX Coordinator is the only person who may issue supportive measures.



Once a school receives a complaint, the grievance process continues with an investigation, evaluation of evidence, and a hearing.

The school, not the respondent or complainant, is responsible for gathering evidence and proving their case. Schools must send the complainant and respondent written notice of any investigative interviews, meetings, or hearings.



By law, once the Title IX Coordinator receives a formal complaint schools must:

- Presume the accused/respondent is innocent until proven guilty
- Treat parties equitably
- Evaluate evidence objectively
- Provide training to everyone involved in the grievance process
- Respond to complaints within a reasonably prompt time frame
- Describe the school's range of possible sanctions and remedies to both parties
- Disclose school's standard of evidence and adhere to the same standard for all cases
- Offer an appeal process for all parties involved
- Describe supportive measures
- Describe legal privileges



The Title IX Final Ruling prevents the use of a single investigator model. This model allowed the Title IX coordinator to investigate and issue disciplinary sanctions against respondents.

The new regulations require three separate officials to work through separate pieces of the grievance process:

1

A Title IX coordinator, who receives reports of sexual misconduct

2

An investigator, to gather facts and interview parties and witnesses

3

A decision-maker, to determine sanctions and remedies for both parties

Refrain from issuing any disciplinary sanctions until the investigation and hearing process are complete.



Who must participate in the Title IX grievance process?

- ☐ The Title IX Coordinator
- ☐ An administrator
- ☐ An investigator
- ☐ A decision-maker



Check Your Understanding

SUBMIT



The school is responsible for training all parties involved in the grievance process to evaluate evidence objectively.



Title IX Final Rule for Faculty & Staff

After the school objectively investigates a complaint of sexual harassment, they must make the hearing open to the public or hold the hearing online.

SELECT EACH TAB TO LEARN MORE

Legal Privileges

**Advisors and
Evidence**

The Hearing

No "Gag Orders"

Legal Privileges



Both parties must be notified of their legal privileges. The school may not use any protected legal information in a hearing unless the accused or complainant waives their right.



Hearing Process



Title IX Final Rule for Faculty & Staff

After the school objectively investigates a complaint of sexual harassment, they must make the hearing open to the public or hold the hearing online.

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Legal Privileges

**Advisors and
Evidence**

The Hearing

No "Gag Orders"

Advisors and Evidence



Both parties must have the same opportunity to select an advisor or an attorney for the hearing.

Schools must share any evidence related to the allegation of sexual misconduct with both parties and their advisors. The school must provide evidence at least 10 days in advance of the hearing for the parties to inspect, review, and respond.



Hearing Process



Title IX Final Rule for Faculty & Staff

After the school objectively investigates a complaint of sexual harassment, they must make the hearing open to the public or hold the hearing online.

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Legal Privileges

**Advisors and
Evidence**

The Hearing

No "Gag Orders"

The Hearing



Schools must provide equal opportunity for the parties to present facts and expert witnesses during the hearing.



Hearing Process



Title IX Final Rule for Faculty & Staff

After the school objectively investigates a complaint of sexual harassment, they must make the hearing open to the public or hold the hearing online.

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Legal Privileges

**Advisors and
Evidence**

The Hearing

No "Gag Orders"

No "Gag Orders"



Schools may not issue "gag orders" or restrict parties from discussing the allegations or evidence.



Hearing Process



The Title IX Final Rule allows a school to offer and facilitate informal resolution, such as mediation or restorative justice. However, cases where an employee sexually harassed a student are excluded from the informal resolution option.

After filing a formal complaint, both parties must give voluntary, informed, written consent to participate in the informal resolution. Only trained and qualified professionals may facilitate an informal resolution.

The school may not require informal resolution or make it a condition of enrollment, employment, or enjoyment of a right. Any party can withdraw from the informal resolution at any time prior to agreeing to the final outcome.



Once the hearing process has closed and the school has selected disciplinary sanctions, they must notify both the complainant and respondent in writing.

Your school's written notification to both parties must include:



- ✓ The outcome of the disciplinary proceeding
- ✓ The school's procedures to appeal the outcome
- ✓ Any sanctions the school decided to impose
- ✓ The school's rationale for the outcome and the sanctions





Finally, a school has to offer both parties the opportunity to appeal:

1

A dismissed grievance, meaning a grievance that was dismissed because it did not meet the definition of sexual harassment or programs and activities

or

2

The outcome of a grievance process, which means a grievance that made it through the hearing process

This means if evidence suggests the respondent did sexually harass or discriminate against the complainant, the respondent can appeal the final decision. The complainant may also appeal the outcome of the grievance process.



Title IX Final Rule for Faculty & Staff

By law, anyone participating in a legal process is protected from retaliation.

Retaliation is punishing someone for participating in a legal process. School administrators may not fire, suspend, or punish anyone participating in the complaint, grievance, investigation, hearing, or appeals process.



Retaliation is Prohibited

// Continue



Let's review.

SELECT EACH TAB TO LEARN MORE



Complaint Process

**Grievance and
Investigation Process**

**Hearing and
Appeals Process**



Faculty and staff are encouraged to file complaints of sexual harassment on campus





**The grievance
process describes
all the steps**

**That go into
investigating a
formal complaint**

**Be sure your
school publishes
these steps**





Title IX Final Rule for Faculty & Staff



**May move
forward with a
case of sexual
misconduct**

**That does not
meet the Final
Rule's definition**

**If it violates the
school's code of
conduct**



Title IX Final Rule for Faculty & Staff



There are three people involved in the grievance process:

**The Title IX
coordinator
receives reports
of sexual
misconduct**

**Investigator
gathers facts and
interview parties
and witnesses**

**Decision-maker
determines
sanctions and
remedies**



Title IX Final Rule for Faculty & Staff



**A school may
only investigate
complaints**

**Signed by the
Title IX
Coordinator or**

**Using the
school's formal
complaint
system**



**Schools may
offer informal
resolution
options to
parties**

**But not
employees
accused of
sexually
harassing**

**Or discriminating
against students**





Title IX Final Rule for Faculty & Staff



**All hearings
must be held
publicly or
online**

**Both parties are
now allowed to
cross-examine
each other**

**The school must
offer both
parties the
chance to appeal**



// You will now be directed to the post-test containing **5 questions**.

A score of **80%** is required for successful completion of this course.

If you would like to review course content before taking the post-test, do so before moving to the test as you will not be able to review content while taking the test.





Sydney, a student worker, wants to resolve a complaint informally after filing it. However, the respondent is a faculty member accused of making sexual comments to Sydney. Sydney asks whether informal resolution is allowed. What should you tell Sydney?

- ☐ "Yes, informal resolution is always allowed if both parties agree."
- ☐ "Yes, but only if a mediator is available."
- ☐ "No, informal resolution is not allowed when an employee is accused of harassing a student."
- ☐ "Only the faculty member can decide whether to use informal resolution."



Sam, a student, tells you his classmate frequently makes sexual jokes during group work. Sam now avoids participating because it makes him too uncomfortable. He wants to know whether this qualifies as sexual harassment. What should you tell Sam?

- ☐ Yes – if the conduct interferes with his ability to learn, it may meet the Title IX definition
- ☐ No – Sexual jokes between students are never considered harassment when both parties are enjoying the exchange
- ☐ Yes — Title IX automatically considers any joke involving sex a form of sexual harassment
- ☐ No — Title IX only considers jokes and physical touching as a form of sexual harassment



A graduate student named Leo reports stalking by a classmate but says he isn't ready to file a formal complaint. He asks whether the school can still help him feel safe on campus. How should you respond?

- ☐ "Supportive measures require a formal complaint."
- ☐ "Only the hearing panel can provide supportive measures."
- ☐ "Supportive measures are only for undergraduate students."
- ☐ "The school can offer supportive measures even without a formal complaint."