

The 2020 Title IX regulations, issued by the U.S. Department of Education, establish specific procedures for handling allegations of sexual harassment and discrimination in federally funded educational institutions. Here's a summary of the key components of the process:

Key Definitions

- **Sexual Harassment:** Includes quid pro quo harassment, severe and pervasive unwelcome conduct that denies equal access to education, and sexual assault, dating violence, domestic violence, and stalking as defined by federal law.
- **Jurisdiction:** Applies to incidents occurring within the institution's programs or activities and in the U.S.

Grievance Process Overview

1. Filing a Complaint:

- A formal complaint must be submitted by the complainant or signed by the Title IX Coordinator.
- The complaint must allege sexual harassment against a respondent and request the institution to investigate.

2. Notice of Allegations:

- Both parties receive written notice of the allegations, including details about the incident(s), rights, and the grievance process.

3. Supportive Measures:

- Non-disciplinary, individualized services are offered to both parties to ensure safety and access to educational programs.

4. Investigation:

- Institutions must conduct a thorough and impartial investigation.
- Both parties can present evidence, identify witnesses, and review evidence directly related to the allegations.

5. Live Hearing:

- A live hearing is required, with cross-examination conducted by the parties' advisors.

- Decision-makers (not the Title IX Coordinator or investigator) oversee the hearing and determine relevance.

6. Standard of Evidence:

- Institutions may use either the **preponderance of the evidence** or **clear and convincing evidence** standard but must apply it consistently.

7. Determination of Responsibility:

- A written determination is issued, including findings, conclusions, and rationale for the decision.
- Sanctions (if any) and remedies are outlined for implementation.

8. Appeals:

- Both parties have the right to appeal decisions based on procedural irregularities, new evidence, or potential bias.

Key Protections

- **Presumption of Non-Responsibility:** The respondent is presumed not responsible until proven otherwise through the grievance process.
- **No Single Investigator Model:** Separate individuals handle investigation, adjudication, and appeals.
- **Advisor Requirement:** Each party may have an advisor, and if they do not have one, the institution must provide one for cross-examination purposes.

These regulations aim to provide a balanced and fair process for all parties involved while upholding due process rights.