**Title IX Definition of Sexual Harassment:**

Covers 3 categories of conduct -

* Quid Pro Quo - An employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct
* Sexual assault, dating violence, domestic violence, and stalking as defined by the Clery Act
* Any other “unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it denies a person access to the recipient’s education program or activity.”

**Education Program definition:**

* Includes locations or events over which the institution has authority or substantial control over the accused individual and the context in which the harassment occurs. This includes venues on and off-campus that the institution owns, controls or has officially recognized as an organization or student affiliated organization.

**Notice and Actual Knowledge of Sex based harassment under Title IX:**

* Occurs only when an official that can reasonably take notice has been informed, ie: Title IX Coordinator and other officials the institution recognizes as someone that can reasonably take action.
* Educational Institutions are required to provide notice about grievance procedures, including any available informal resolution process and complaint allegations to both parties.
* Such notice is required to contain: adequate information about the alleged misconduct, including identities, date, location and alleged conduct that constituted a violation

**Title IX Coordinator and Trainings:**

* At least one employee must be designated as the Title IX Coordinator (TIXC)
* Institutions must publicize Title IX Coordinator’s contact information prominently on its website, and notify campus community of the TIXC contact information, and notify students and employees of its nondiscrimination policy.
* Institutions must also publish all relevant trainings on its college website, completed by Title IX personnel, including, TIXC, deputies, investigators, hearing and appeals officers.

**Grievance Process:**

* Educational Institutions are required to publish their grievance procedures.
* When an institution receives a report of sexual harassment under Title IX, the TIXC must provide information to the complainant on supportive measures.
* Supportive measures are defined as: “non-disciplinary, non-punitive individualized services” that are available to both parties and that are designed to support continuedaccess to an education program or activity “without unreasonably burdening the other party.”
* Institutions must conduct an investigation *only if* a formal complaint of harassment is filed by the complainant or signed by the Title IX Coordinator.
* Educational institutions are required to dismiss formal complaints alleging conduct that does not meet the new, narrower definition of sexual harassment that has not occurred with an institution’s education program or activity or that did not occur against a person in the United States.
* If a complaint of harassment is filed during a study abroad program, the complaint can only be handled through the College student conduct process or other College grievance processes separate from the mandated Title IX grievance process since the alleged complaint happened outside of the jurisdiction of the Title IX grievance process.
* Anyone can report a potential violation to the TIXC including submitting anonymous reports.
* Educational Institutions must comply with the required grievance process when conducting an investigation for complaints that fall under Title IX. For all other sexual misconduct complaints, the College can utilize the process established in the Sexual Harassment and Discrimination Policy or other college processes.
* If, after conducting a risk analysis and determining that an accused student poses an immediate threat to the health or safety of a student or campus community, institutions are allowed to remove such a student, provided the student receives notice and an opportunity to respond.
* Educational Institutions are permitted to place accused employees on administrative leave.
* The regulations require grievance procedures to be prompt & equitable, include an objective evaluation of all relevant evidence, conflicts of interest or bias on the part of all Title IX personnel reviewing/handling the complaint.
* The grievance process must rely on training materials that do not promote bias.
* Educational institutions must presume the respondent is not responsible.
* Allow delays in investigations for good cause.
* Specify the standard of evidence used; Antioch College utilizes the Preponderance of Evidence Standard, also referred to as more likely than not or 50.1%.
* Provide possible sanctions and remedies as well, provide the procedure for the appeals process.
* Preclude the use of questions that would violate a legally recognized privilege unless waived, such as medical information.
* The new regulations prohibit all forms of retaliation for anyone going through the Title IX process.

**Investigations:**

* Schools may dismiss formal complaints if the complainant withdraws the formal complaint, the accused student or employee is no longer affiliated with the institution, or circumstances preclude the institution from gathering sufficient evidence to reach a determination.
* During investigations, schools must assume the burden of gathering evidence, allow both parties an equal opportunity to present witnesses, provide both parties to be accompanied to proceedings by advisors of their choice, although an advisor’s participation could be limited by the institution.
* Provide written notice and sufficient preparation time for all meetings throughout the grievance process, provide equal access and opportunity for both parties to evidence and an opportunity to respond.
* Schools must disclose all requested evidence even if it isn’t used in reaching a final outcome, as well produce an investigative report to be provided to both parties to review and respond.

**Hearings:**

* Institutions are required to provide for a live hearing and to allow advisors for both parties to ask relevant questions and cross-examine other parties and witnesses.
* Cross-examination does not happen by individual parties, but by their advisors of choice.
* If a student does not have an advisor, the school must provide one for them.
* Relevant questions only are permitted during the hearing as deemed appropriate by the Chair of the hearing.
* Institutions are not allowed to rely on statements made by a party or witness who does not submit to cross-examination, or failure to appear.
* Institutions must create an audio recording or transcript of the live hearing and make it available to the parties.
* The decision-maker who cannot be the Title IX Coordinator or Investigator, must issue a written determination regarding responsibility.
* Institutions must maintain complete records about all investigations, appeals, informal resolutions, training materials, and supportive measures for 7 years.

**Appeals and Informal Resolution:**

* Schools must offer appeals procedures to both parties on the basis of procedural irregularities, new evidence, or any bias or conflict of interest on the part of the TIXC, investigator, or decision maker(s)
* Institutions can offer informal resolutions for complaints, but before engaging in any informal resolution process, both parties must voluntarily agree to informal resolutions in the form of written consent. Informal resolutions cannot be used to resolve allegations where an employee sexually harassed a student.