

# Title IX Final Rule & Higher Education

Association for Student Conduct Administration

# Miscellaneous Clarifications

# Records

The following types of records must be maintained by the institution for a minimum of seven (7) years:

- ▶ Supportive measures
- ▶ Investigative reports
- ▶ Hearing outcome
- ▶ Media files, recordings, or transcripts
- ▶ Sanctions
- ▶ Remedies
- ▶ Appeals
- ▶ Informal resolutions

# Religious Exemption

Religious organizations seeking an exemption from these regulations must provide a written statement to the Assistant Secretary identifying “the provisions... which conflict with a specific tenet of the religious organization” (34 CFR § 106.12(b))

# Consolidation

Institution is permitted to consolidate multiple formal complaints into one process if any of these criteria are met:

- ▶ One complainant, multiple respondents
- ▶ One respondent, multiple complainants
- ▶ Both parties making reports

# Concurrent Charges

Regulations “[prohibit] charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations” (34 CFR § 106.71(a)).

# Discrepancies

In the event that state or local laws conflict with the Title IX regulations, § 106.6(h) clarifies that institutions must still comply with the following sections of the regulations:

- Definitions
- Response to sexual harassment
- Grievance process for formal complaints

Similarities that are not direct conflicts will require that institutions comply with both sets of expectations.



# 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.

ASCA Core Values: Advocacy; Community; Equity & Inclusion; Education; Integrity; Leadership



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