

Title IX Final Rule & Higher Education

Association for Student Conduct Administration

Roles

Complainant/Respondent
Title IX Coordinator
Investigator
Decision Maker

Complainant & Respondent

- Definitions largely unchanged
- Complainant: “an individual who is alleged to be the victim of conduct that could constitute sexual harassment”
(34 CFR §106.30(a))
- Respondent: “an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment” (34 CFR §106.30(a))

Title IX Coordinator

- Institutions required to do the following regarding this title
 - Must have at least one designee with this exact title
 - Must notify students/employees of name/contact for this person
 - Must publish name/contact on website and in handbooks
 - Must notify students/employees of nondiscrimination policy
- Role of Title IX Coordinator
 - Handle institutional compliance with Title IX regulations
 - Receive and submit formal complaints
 - Does not serve as a decision-maker or investigator

Investigator

- Collect evidence
- Interview parties and witnesses
- Evaluate relevant information
- Author summary report
- Does NOT make decision of responsibility
- Cannot be Title IX Coordinator

Decision Maker

- Facilitates hearings
- Determined relevancy of cross-examination questions
- Write hearing decision
- Notify parties of hearing decision
- Can have multiple individual decision-makers at an institution, but only one assigned per case
- Panel can be utilized as long as it does not include the Title IX Coordinator, Investigator, or appellate

**Minimum Personnel Required for
Formal Process Resolution of Sexual Harassment Complaints
under Title IX of the Education Amendments of 1972 as defined by 34 CFR §106**



1 Title IX Coordinator

Responsible for compliance with Title IX, and receiving & submitting formal complaints



1 Investigator

Responsible for collecting evidence, interviewing parties and witnesses, evaluating information, & writing summary report



1 Decision Maker

Responsible for running hearing, determining relevance of cross-examination questions, & writing and sending hearing decision



1 Appellate Authority

Responsible for reviewing appeals & writing and sending appeal decision



***1 Institution Provided Advisor**

If the complainant does not have an advisor of their own

Responsible for being in alignment with and advising complainant & questioning respondent during cross examination



***1 Institution Provided Advisor**

If the respondent does not have an advisor of their own

Responsible for being in alignment with and advising respondent, & questioning complainant during cross examination

***?# Institution Provided Advisors**

If other involved parties do not have an advisor of their own

Some cases may involve multiple complainants or respondents. An example may be a situation where sexual harassment is part of an organization hazing event.



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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