

Title IX Final Rule & Higher Education

Association for Student Conduct Administration

Scope

Scope
Education Program/Activity
Exclusions

Scope of Title IX

- Equally applicable to students and employees
- Harassment had to have occurred within the United States
- To fall under Title IX, reported incident had to have occurred within an institution's "program or activity"
 - Alleged conduct not meeting these criteria may still be addressed, but not under the Title IX protocols

Education Program or Activity

“...locations, events, or circumstances over which the recipient exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution”

Examples meeting these criteria include:

- All university-owned properties
- Off-campus events held by any university-recognized group
- Properties owned by university-recognized organizations

Exclusions from Scope of Title IX

- Instances of alleged conduct that are not governed by Title IX, may be adjudicated within another college process and/or allegations which do not meet the criteria for "actual knowledge" or "formal complaint":
 - Behavior that is not consistent with the provided definitions of sexual harassment, sexual assault, dating violence, domestic violence, and stalking (ex: sexual exploitation)

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



Contact ASCA:
asca@theasca.org
979.589.4604