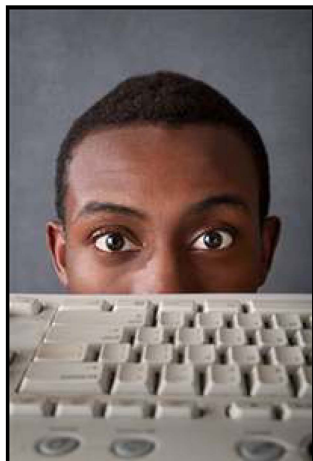


## Title IX Overview



### What Is Title IX?

Title IX of the Education Amendments of 1972 (Title IX) (34 C.F.R. Part 106) prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at postsecondary institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of an institution's educational programs and activities.

The essence of Title IX is that an institution may not exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of sex unless expressly authorized to do so under Title IX or the U.S. Department of Education's implementing regulations (for instance, single-sex all-female institutions are permitted to exclude male students without violating Title IX). Title IX was best known for its impact on collegiate athletics and is now recognized for the impact it has had on campus safety.

In May 2020, after a lengthy review by the Office for Civil Rights (OCR), the regulations which had been proposed in November of 2018 were finalized, with the effective date of August 14, 2020. Institutions are required to train employees who will be administering Title IX requirements and to post training materials on their public facing website. The revised regulations are intended to ensure due process following a formal complaint for both accusers and those accused of sexual misconduct. This includes the requirement for colleges to provide live hearings and to allow students' advisors to cross-examine involved parties and witnesses. The rules also require institutions to presume innocence of the accused prior to the investigative and decision-making process. Some considered the prior guidance to cause unjust removal of students who may have been falsely accused. The regulations continue to be controversial as supporters of victims' rights and rights of the accused are involved. The revised rule also added more documentation requirements and guidance on procedural items as well as definitions on certain terms.

As part of their obligations under Title IX, institutions must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX, and must notify all students and employees of that employee's contact information. This employee is generally referred to as the **"Title IX Coordinator."** This course will review the role and responsibilities of a Title IX Coordinator in detail.

**Is the Title IX law requiring equity in athletic programs and prohibiting gender-based discrimination in hiring and employment practices by educational institutions the same Title IX that we are discussing relevant to sexual misconduct?**

*Yes, Title IX of the Education Amendments of 1972 covers all areas of a school's operation or campus life that could negatively impact a potential or current student's ability to gain the full benefit of an education because of an act or acts of discrimination by the institution, based on gender or gender identity; and also an employee or potential employee's ability to be treated fairly by the institution in hiring, employment, and promotion.*

## **To Whom Does Title IX Apply?**

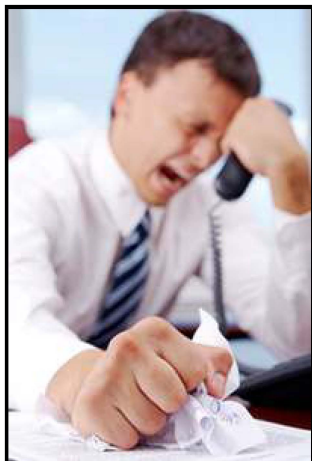
Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students (as well as other persons) at institutions are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of an institution's educational programs and activities. In each case, students and employees are protected from sexual discrimination and the school must have policies and procedures in place to investigate and remedy the conduct where necessary.

## **What Geographic Area Is Covered by Title IX?**

Title IX covers acts that occur in the school's education program or activity, against a person in the United States. Education program or activity includes:

- Locations, events, or circumstances over which the school exercised substantial control
- Any building owned or controlled by a student organization officially recognized by a postsecondary institution.

## Sex-Based Harassment



### What Is Sexual Harassment?

Title IX requires institutions to seek to prevent and promptly and equitably remedy sexual harassment. In order to best perform academically and to have equal access to all aspects of an institution's educational programs and activities, students must not be subjected to unlawful harassment, either in the classroom or while participating in other education programs or activities. Title IX prohibits sex-based harassment by peers, employees, or third parties that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's education programs and activities (i.e., creates a hostile environment).

When an institution knows or reasonably should know of possible sex-based harassment, it must take *immediate* and *appropriate* steps to investigate or otherwise determine what occurred. This is generally referred to as a "Title IX investigation." If an investigation reveals that the harassment created a hostile environment, the institution must take prompt and effective steps reasonably calculated to *end the harassment, eliminate the hostile environment, prevent the harassment from recurring*, and, as appropriate, *remedy its effects*. This course will review the requirements related to Title IX investigations in detail.

Title IX prohibits several types of sex-based harassment.

**Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

- A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

**Sexual violence** is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give

consent). The meaning of consent in sexual relations is discussed in detail in this course. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

**Gender-based harassment** is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. Title IX protects all students from sex-based harassment, regardless of the sex of the alleged perpetrator or complainant, including when they are members of the same sex. Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

All of these types of sex-based harassment are forms of sex discrimination prohibited by Title IX.

#### **Are transgender students protected by Title IX?**

*Yes, the U.S. Department of Education's April 2014 Q&A on Title IX and Sexual Violence (see Additional Resources section in Module 4) made clear that Title IX protects all students against sex discrimination, including sexual violence. That guidance states that any student can experience sexual violence: male and female students; straight, gay, lesbian, bisexual, and transgender students; part-time and full-time students; students with and without disabilities; and students of different races and national origins.*

Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. Indeed, a single or isolated incident of sexual violence may create a hostile environment.

Sexual harassment can include but is not limited to the following types of behavior:

- Making inappropriate and unwanted sexual or sexually charged remarks or gestures
- Telling lewd or sexually oriented stories, jokes, or anecdotes
- Sharing sexually inappropriate images or videos
- Making offensive comments about a person's gender or gender identity, including comments about their appearance, clothes, or body
- Physical acts such as any unwanted touching or close physical proximity

- Unwanted, suggestive, or predatory letters, notes, or e-mails
- Staring in a sexually suggestive or offensive manner, or whistling

When on notice of sexual harassment, Title IX requires a school to appropriately respond to all complaints by investigating and resolving all allegations of sexual or gender-based harassment. This course discusses in detail when institutions are deemed to be on notice of sexual harassment so as to trigger the requirement of a Title IX investigation.



*The notice should be widely distributed to all applicants for admission and employment, students, and employees. The notice should be prominently posted on the school's website, at various locations around campus, and in electronic and printed publications for general distribution. In addition, the notice must be included in any bulletins, announcements, publications, catalogs, application forms and recruitment materials (from April 2015 Title IX Resources Guide – OCR). A sample Notice of Non-Discrimination is included in Template A [[http://media.maxknowledge.com/404/Template A\\_Sample Title IX Notice of Nondiscrimination.pdf](http://media.maxknowledge.com/404/Template_A_Sample_Title_IX_Notice_of_Nondiscrimination.pdf)] and in the Additional Resources section.*

## **When Are a School's Response Obligations Triggered Under Title IX?**

A school's obligation to respond to a potential act of sex discrimination under Title IX by initiating a Title IX investigation is triggered once the school has "actual knowledge" of the alleged conduct. A school is considered to be on notice of sexual harassment when a "Responsible Employee" of the school has actual or constructive notice of the conduct. The notice to the school can come from anyone or anywhere, including from the victim, a witness, a friend of the victim, the victim's parents, a discussion on social media or a news report, or from a third party with knowledge of the event. Once the school has the information that the event may have occurred, it is on notice and must respond with an investigation. Such notice may be reported at any time (including during non-business hours) by using the contact information listed for the Title IX Coordinator(s).

## **Who Are "Responsible Employees" Under Title IX?**

A Responsible Employee includes the Title IX Coordinator and any other employee to whom the school has given the authority to take action to address acts of sexual discrimination (including harassment or violence), who has been given the duty by the school of reporting an incident of sexual discrimination to the Title IX Coordinator, or whom the student could reasonably believe has that duty, such a Residential Advisor, Campus Director, faculty member, or trip chaperone.

An institution must make clear to its employees and students which staff members have been designated by the school as "Responsible Employees" so that these employees are clear that they must report incidents to the Title IX Coordinator, and so the students know which individuals have an obligation to report incidents to the Title IX Coordinator. This information is important for students to know because Responsible Employees are required to report information to the Title IX Coordinator and, thus, are not individuals who can hold information in complete confidence if requested to do so by a student.

The Association of Title IX Administrators recommends that schools consider making all employees "Responsible Employees" for purposes of reporting Title IX violations, except those who

may be professional counselors, doctors, or clergy who have a professional obligation to maintain confidentiality. Confidentiality is discussed in greater detail later in this course.

## **How Are Title IX Violations Enforced Against Institutions?**

The U.S. Department of Education's Office for Civil Rights ("OCR") vigorously enforces Title IX to ensure that institutions comply with the law. The U.S. Department of Justice shares Title IX enforcement authority. OCR evaluates, investigates, and resolves complaints alleging sex discrimination when it learns of those incidents from students, through media reports, or from other sources. OCR enters into resolution agreements with institutions that require the institution to make changes to certain policies and procedures and to take other actions to improve the campus climate. In addition, Title IX contains a private right of action authorizing individuals who have been harmed by an institution's failure to provide Title IX protections to file a Title IX lawsuit for damages in federal court against the institution.

In addition to its enforcement activities, OCR provides technical assistance and information and guidance to schools to assist them in voluntarily complying with the law. OCR's Title IX Resource Guide

[<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>] is a useful tool for schools and their Title IX Coordinators to understand schools' obligations under Title IX.

## **What Training Is Required by Title IX?**

Title IX requires that Title IX Coordinators, Responsible Employees who are required to report sexual harassment to Title IX Coordinators, and any other employee who assists a Title IX Coordinator in a Title IX investigation or disciplinary proceeding to obtain training on Title IX's requirements. The Association of Title IX Administrators recommends that schools consider training all of their employees as "Responsible Employees" required to report allegations of sexual discrimination of all types to the school's designated Title IX Coordinator, except those who may be professional counselors, doctors, or clergy who have a professional obligation to maintain confidentiality.



## Violence Against Women Act (VAWA)



### What Is VAWA?

The Violence Against Women Reauthorization Act (VAWA) was signed into law by President Obama in 2013 and imposes new obligations on institutions under Section 304 of that Act. That section of the Act is named the Campus Sexual Violence Act ("SaVE Act"). This amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), which is the law that requires postsecondary institutions to collect and report to the U.S. Department of Education and the public the number of certain crimes that occur on campus property.

Under VAWA, institutions are required to:

1. report any instance of **dating violence, domestic violence, sexual assault, and stalking**, in addition to other crime categories already required to be reported under the Clery Act;
2. adopt enhanced disciplinary procedures that include requirements for notifying victims of their rights; and
3. adopt enhanced institutional policies to prevent and address campus sexual violence, such as training all incoming and current students and employees about being aware of and preventing crimes of sexual violence.

These federal VAWA regulations went into effect on July 1, 2015.

### What Is the Clery Act?

The Clery Act is the law that requires institutions to report annual statistics on crime occurring each calendar year on or near campus, and to disseminate that information in an Annual Security Report by October 1 of each year.

### Who was Jeanne Clery and why is the Clery Act named after her?

*Jeanne Clery was a 19-year-old student at Lehigh University when she was raped and murdered in her dorm room by another student whom she did not know. After her death, her parents, Connie and Howard Clery, channeled their grief into a*

## **What Changes to the Clery Act Were Made by VAWA?**

- VAWA added additional crimes for Clery Act reporting purposes (“VAWA crimes”): **Dating Violence, Domestic Violence, Stalking, and Sexual Assault**. Institutions were required to report VAWA crimes in their Clery Act Annual Security Report beginning with calendar year 2014 and distributed to students and employees by October 1, 2015.
- VAWA requires Clery Act Annual Security Reports to include specific “Statements of Policy” regarding programs to prevent sexual misconduct and procedures institutions will follow when VAWA crimes occur.
- VAWA added **gender identity** (the gender with which you identify yourself even if it differs from your birth gender) and **national origin** (birth nationality) as new categories of potential bias for hate crime reporting under the Clery Act. In other words, when a reportable crime occurs on campus, a school must determine if there is evidence that the victim was intentionally selected because of the perpetrator’s bias based on the following: gender identity or national origin (newly added), or race, gender, sexual orientation, religion, and disability (previously existing categories of potential hate crime bias).

## **How Do Title IX, Clery Act, and VAWA Relate to Each Other?**

VAWA amended the Clery Act to add additional crimes of sexual violence to a school’s Clery Act reporting obligations: sexual assault, dating violence, domestic violence, and stalking (so-called “VAWA crimes”). VAWA overlaps with Title IX because VAWA crimes are always a form of sex discrimination prohibited by Title IX if the conduct is sufficiently serious to deny or limit a student’s ability to participate in or benefit from the school’s education programs and activities, and the institution does not respond to adequately remedy the situation and prevent its re-occurrence. However, other conduct that is a Title IX offense, such as verbal sexual harassment, is not a VAWA crime or Clery Act crime. In other words, an incident like verbal harassment may trigger an institution’s obligation to investigate and take remedial action under Title IX, but not trigger the more stringent sexual violence victim protection requirements contained in VAWA.

However, it is important to note that nothing in the U.S. Department of Education’s regulations or guidance would prevent a school from using the same victim protections required for VAWA crimes for all incidences of sexual misconduct, even if the incident does not rise to the level of a VAWA crime.

## VAWA Policies and Procedures: Part I



### What Policies and Procedures Regarding VAWA Crimes Is an Institution Required to Have?

VAWA requires that an institution include in its Clery Act Annual Security Report "a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking ... and of procedures that the institution will follow when one of these crimes is reported." Two guidance documents were withdrawn in September 2017 including a Dear Colleague Letter dated April 4, 2011 and a Q&A document dated April 29, 2014. At the same time, the OCR issued a new Q&A on Campus Sexual Misconduct document. The OCR will continue to rely on the 2001 Revised Sexual Harassment Guidance and the 2006 Dear Colleague Letter on Sexual Harassment.

Based upon the 2017 interim guidance, colleges and universities should examine their existing Title IX policies and procedures to ensure that they do not afford rights or opportunities to complainants that are not available to respondents. They should also review confidentiality obligations that are imposed on parties to Title IX proceedings to ensure that all parties have adequate opportunity to obtain and present evidence.

Colleges and universities now have more flexibility in key aspects of their Title IX procedures such as the applicable standard of proof, the timing of complaint resolution, and the potential for increased use of informal resolution methods in cases of sexual assault.

VAWA requires that an institution include in its Clery Act Annual Security Report "a statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking ... and of procedures that the institution will follow when one of these crimes is reported."

The statement of policy *must* include:

- A description of the institution's education programs to promote the awareness of domestic violence, dating violence, sexual assault, and stalking. These programs must include:
  - *Primary prevention* and awareness programs for all incoming students and new employees; and

- *Ongoing prevention* and awareness campaigns for students and faculty.
- A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
- The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” under the law of the state in which the school is located;
- The definition of “consent,” in reference to sexual activity, under the law of the state in which the school is located; and
- A description of safe and positive options for bystander intervention; and information on risk reduction.
- Sanctions or protective measures that the institution may impose following a final determination of an institutional disciplinary proceeding regarding domestic violence, dating violence, sexual assault, or stalking.
- Procedures victims should follow if domestic violence, dating violence, sexual assault, or stalking has occurred including information in writing about:
  - The importance of preserving evidence as may be necessary to the proof of the crime or to obtaining a protection order
  - How and to whom the alleged offense should be reported
  - Options regarding law enforcement and campus authorities, including notification of a victim’s option to:
    1. Notify proper law enforcement authorities, including on-campus and local police;
    2. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses;
    3. Decline to notify authorities;
  - Request an order of protection, such as a no contact or restraining order.
- An explanation of the procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that such proceedings shall provide a prompt and equitable resolution of complaints of sex discrimination, including sexual misconduct.
- Such proceedings shall (a) provide a prompt, fair and impartial investigation and resolution; (b) utilize a “preponderance of the evidence” standard to determine if the alleged conduct occurred; and (c) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

- The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
- Both the accuser and accused shall be simultaneously informed in writing of:
  - The outcome of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
  - The institution's procedures for the accused and victim to appeal the results of the institutional disciplinary proceeding;
  - Any change to the results that occurs prior to the time that such results become final; and
  - When such results become final

OCR has identified a number of elements in evaluating whether a school's grievance procedures are prompt and equitable, including whether the school (i) provides notice of the school's grievance procedures, including how to file a complaint, to students, parents of elementary and secondary school students, and employees; (ii) applies the grievance procedures to complaints filed by students or on their behalf alleging sexual misconduct carried out by employees, other students, or third parties; (iii) ensures an adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; (iv) designates and follows a reasonably prompt time frame for major stages of the complaint process; (v) notifies the parties of the outcome of the complaint; and (vi) provides assurance that the school will take steps to prevent recurrence of sexual misconduct and to remedy its discriminatory effects, as appropriate.

Template samples addressing statements of policy are available below and on the Additional Resources page:

- Template B [Template B\_Sample Statement of Policy\_Education Programs.pdf]: A sample of a statement addressing an institution's education programs.
- Template C [Template C\_Sample Statement of Policy\_Sanctions and Protective Measures.pdf]: A sample of a statement describing the sanctions or protective measures an institution may impose after a VAWA crime final determination.
- Template D [Template D\_Sample Statement of Policy\_Sexual Violence and Victim Procedures.pdf]: A sample of a statement regarding procedures the institution follows when a VAWA crime has occurred.
- Template E [Template E\_Sample Statement of Policy\_Procedures for Disciplinary Action\_VAWA crimes.pdf]: A sample of a statement regarding the disciplinary procedures used when there is an allegation of a VAWA crime.

## VAWA Policies and Procedures – Part II



This section continues to describe the types of policies and procedures regarding VAWA crimes that an institution is required to have in place. Specifically, as discussed previously, VAWA requires that an institution include in its Clery Act Annual Security Report “a statement of policy regarding the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking ... and of procedures that the institution will follow when one of these crimes is reported.” The statement of policy must include:

- Information about how the institution will protect the confidentiality of the victim(s), including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law and will maintain as confidential any accommodations or protective measures provided to the victim to the extent that making such information confidential does not impair the ability of the school to provide those accommodations or protective measures.
- A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on campus and in the community.
- A statement that the institution will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- An explanation that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student’s or employee’s rights and options.

## VAWA Enforcement and Training



The U.S. Department of Education's Financial Student Aid (FSA) office monitors VAWA compliance through its regular Title IV Program Review process, and also through focused Clery Act compliance reviews. Targeted Clery Act compliance reviews may be initiated by FSA for a variety of reasons including information obtained from students, the media, or the Department's Office for Civil Rights where a Title IX investigation raises Clery Act issues, such as failure to catalog and report crimes.

When FSA discovers that a school has failed to report a VAWA crime, has failed to prepare or distribute a complete Annual Security Report, or has failed to include a required VAWA statement of policy in its Annual Security Report, the U.S. Department of Education may impose fines up to \$35,000 per violation and may take additional steps to sanction the institution or refer the school to the Department's Office for Civil Rights for a separate Title IX investigation if FSA believes significant Title IX violations have occurred in addition to Clery Act/VAWA violations.

### What Training Does VAWA Require for All New and Current Students and Employees?

VAWA requires all *new and current employees and students* to receive (1) primary and (2) ongoing **sexual violence awareness and prevention programming** at least once annually. Primary programming is that which is provided to new students and employees or to current students and employees for the first time, while ongoing programming is for students and employees who have already received primary programming and are increasing their understanding of sexual violence and its prevention.

All prevention programming, whether primary or ongoing, must include training on all of the institution's policies and procedures for reporting and responding to VAWA crimes, and all of the required components of an institution's disciplinary proceedings (covered further in this course). This course also includes training components for new and current employees and students, required for primary and ongoing prevention and awareness programming.

Required components of primary and ongoing prevention and awareness programs go beyond institutional policies and procedures, to mandate community-wide initiatives designed to change student conduct and campus culture. "Awareness



programming,” for example, means “community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.” Awareness programming includes, for example, *Take Back the Night* type events that raise awareness of sexual violence and strategies for prevention. Additional information regarding awareness campaigns [<http://media.maxknowledge.com/404/SexualViolence.html>] is included in the Additional Resources section.

VAWA defines *primary prevention programming* to require, in addition to training on the institution’s policies and procedures, “initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.”

VAWA defines “*ongoing prevention and awareness campaigns*” to require, in addition to training on the institution’s policies and procedures, “initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences.”

Additional information regarding additional training resources [<http://media.maxknowledge.com/404/AdditionalTraining.html>] with primary and ongoing prevention and awareness campaigns and strategies is included in the Additional Resources section.

## **What Other Training Does VAWA Require?**

In addition to primary and ongoing prevention and awareness training for new and current students and employees, VAWA requires school employees and others involved in school disciplinary proceedings, including Title IX Coordinators, campus police, Responsible Employees, victim advocates, and others involved in adjudicating sexual misconduct allegations to be trained. Specifically, those individuals must receive training that covers:

- The definition of VAWA crimes under federal law and the law of the state where the institution is located;
- The institution’s VAWA policies and procedures; and
- How to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.



**Does a Title IX Coordinator at a smaller school (for instance, less than 30 full- or part-time employees) need to serve in that role full time?**

*No, although the U.S. Department of Education's most recent guidance discourages having a Title IX Coordinator who serves in other roles, for small institutions with limited resources, having a Title IX Coordinator with other school responsibilities is a practical necessity and not explicitly prohibited so long as that person does not have a conflict of interest in fulfilling the Title IX Coordinator function effectively. For example, the U.S. Department of Education has advised against in-house general counsel or a Dean of Student Affairs also serving as the Title IX Coordinator role due to potentially conflicting obligations in those roles.*