



Title IX FAQ's

Q. When was the Dear Colleague letter issued?

A. The letter was issued on April 4, 2011, at a news conference at the University of New Hampshire. At the conference, Vice President Biden and U.S. Secretary of Education Arne Duncan emphasized the importance of preventing student-on-student sexual harassment and violence.

Q. What does the letter cover?

A. The letter covers the following major areas:

- Designation and responsibilities of a campus Title IX coordinator
- Revisions to and dissemination of an institution's nondiscrimination notice
- Revisions to and dissemination of grievance and investigation procedures
- Standards for disciplinary hearings
- Interaction with law enforcement in cases of sexual assault
- Training of employees, students, campus law enforcement officers, and members of disciplinary panels

Q. To whom does the Dear Colleague letter apply?

A. Title IX applies to all educational institutions that receive federal funds, regardless of the part of the institution that receives funds or the amount received. For example, a college that provides federal student loans or an independent school that receives federal grants to support its library would both be subject to Title IX.

Q. Why does the letter create such a difficult compliance challenge?

A. The mandates in the letter can seem overwhelming because they cover so many areas. Educational institutions had no advance notice of, nor opportunity to comment on, the new requirements before they were published. The requirements take effect immediately with no phase-in period. Institutions will not receive additional federal funding to help them comply.

Q. What can happen if an institution does not comply?

A. In theory, the U.S. Department of Education can initiate proceedings to cut off federal funding, although this has never been done. OCR is more likely to conduct a Title IX compliance review that can be extremely time consuming and result in negative publicity. In addition, failure to comply can hamper an institution's defense if a victim of sexual assault sues alleging that his or her case was not handled properly. In those cases, attorneys for the victim are likely to argue that the institution was negligent because it did not follow the best practices OCR recommended.

Q. Has OCR been more active recently in initiating compliance reviews?

A. Yes. OCR recently completed compliance reviews of Eastern Michigan University and Notre Dame College in Ohio. Compliance reviews at the University of Virginia, Yale University, Duke University, Princeton University, and Harvard Law School were also completed in 2011. The reviews typically conclude with an agreement by the institution to remedy the deficiencies OCR found.

Q. What area presents the most difficult compliance challenges?

A. The training requirements are expansive and will be the most difficult to implement. OCR is requiring that institutions train all students (voluntary) and employees (mandatory). They must also provide specialized training to resident advisors, campus security officers, and individuals who participate in the disciplinary process for sexual assaults.

Q. When should my institution start compliance efforts?

A. Compliance efforts should begin immediately. The first step is to identify and designate a Title IX coordinator. Advertising and promoting this person, and any deputy coordinators, throughout the institution and in the Annual Security Report (ASR) is mandatory.

Q. How does one report a violation of Title IX?

A. There must be a formal reporting process in place while providing available resources to do so. Although, a student may not feel comfortable reporting, there should be an identified, on-campus confidential option for reporting (clergy, therapists or licensed counselors).

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Sources:

United Educators
Arthur J. Gallagher & Co.
Department of Education; Office of Civil Rights (OCR)