

Office of the Sexual Misconduct Response Coordinator

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# Response to Title IX Regulations

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# 2020 Title IX Regulations

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→ **Issued May 6, 2020**

→ **Effective and Enforceable August 14, 2020**

- Amend the Code of Federal Regulations and have force and effect of law
- Previous DCLs were simply guidance
- Some provisions already mandated by case law in some jurisdictions
- Emphasis on need for well-trained team, no bias, and no conflicts

→ **The Regulations**

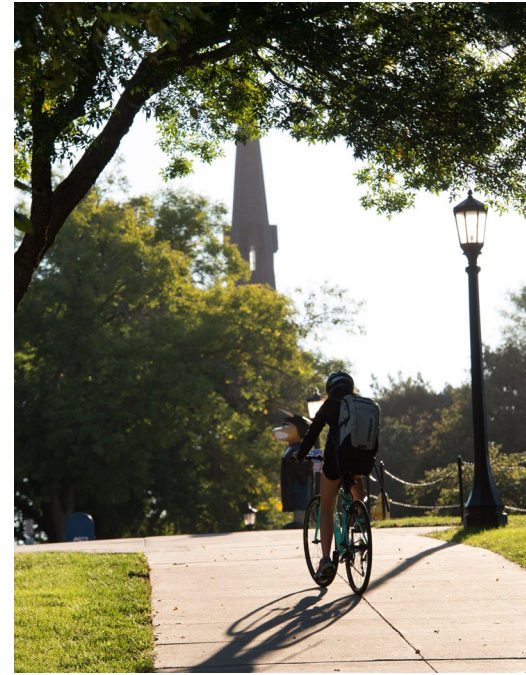
- Significant changes, legalistic, prescriptive, and very due process heavy
- Enforceable by OCR
- Preempts state law

# Key Changes: Just A Few...

- Supportive Measures
- Mandatory Dismissals
- Jurisdiction Changes
- Emergency Removals
- Access to Informal Resolution
- Advisor Role
- Questioning Process
- Questioning Requirements
- Definitions (Clery, OCR, VAWA)
- Evidence Reviews
- Posting of Training Materials
- Mandated Reporting
- Officials with Authority (OWA)
- Decision Makers
- Training Requirements
- Standards for Notices
- Added Timeframes
- Emphasis on Bias/Conflict
- Emphasis on Centralized Decision Making by TIXC

# Impact of Title IX Regulations

- Developed and implemented one sexual harassment and sexual misconduct policy with two procedures
- Replaced employment sexual harassment policy and student sexual misconduct policy (1P2P model)



# What is staying the same?

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- Same commitment to respond, resolve, remedy and provide support to all parties involved in the resolution process.
- Title IX still includes sexual assault, domestic violence, dating violence, and stalking.
- Same offices will coordinate and investigate Title IX sexual harassment.
- Despite narrower definition of Title IX sexual harassment, policies continue to address a broader scope of misconduct.
- Preponderance of the evidence standard.

# What is different?

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- Universities are required to use a formal grievance process for certain types of allegations. That formal process includes an investigation, a live hearing, questioning of the parties through their advisors, a determination by an objective decision-maker, and an appeal.
- During the live hearing – the parties don't have to be in the same room, but they have to see and hear each other.
- Complainants must be current participants or seeking to participate in programs or activities.
- If a party does not have a hearing advisor, the university must provide one for the purpose of asking a party's questions.
- Statements provided by parties or witnesses who don't attend the hearing and submit to live, advisor-led cross examination, must be excluded and cannot be relied upon in making a determination.
- Federal regulations require a presumption that the Respondent is not responsible until a decision has been rendered by a neutral decision maker.
- The regulations have now created options for informal/adaptable resolution that were discouraged by the Dear Colleague Letter.

**What Happens Next?**



# What happens next?

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- Seeking campus feedback
- Reviewing other policies and procedures
- Monitoring impact on resources
- Monitoring for variables that may impact enforcement of regulations
  - Lawsuits, election, etc.
- Updating web and paper materials
- Ongoing training
- Building *Adaptable Resolution* resources
  - Mediation, restorative practices, etc.

# What can you do if you have questions?

- Consult with the OSMRC
  - [osmrc@uiowa.edu](mailto:osmrc@uiowa.edu)
- Invite a speaker to a departmental meeting
- Review the *Interim Policy on Sexual Harassment and Sexual Misconduct*
- Send us questions or comments about the Interim Policy
  - [https://uiowa.qualtrics.com/jfe/form/SV\\_6PvQPQ02JtRyLhX](https://uiowa.qualtrics.com/jfe/form/SV_6PvQPQ02JtRyLhX)



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# Questions and Discussion