

	TITLE IX	CLERY ACT
GENERAL REQUIREMENTS	<ul style="list-style-type: none"> • Applies to all elementary, secondary, and post-secondary institutions receiving federal funds. • Access to educational opportunities or institutional programming may not be limited as a result of sexual harassment, including a hostile environment created by sexual assault, abuse, or other gender-based violence. • Conduct prompt, equitable, and effective investigations and adjudications of sexual harassment complaints based on a preponderance of the evidence. • Appoint a Title IX coordinator to oversee the school's Title-IX-related activities. 	<ul style="list-style-type: none"> • Applies to post-secondary institutions participating in the federal student financial aid programs, including vocational schools such as cosmetology schools. • Publish an Annual Security Report, including on-campus crime stats and a clear statement of institutional policies for the investigation and adjudication of sexual assault, domestic violence, dating violence, and stalking complaints. • Issue timely warnings to students and employees about on-campus crimes. • Notify victims of crime of their legal and institutional rights. • Train student conduct officials on sexual assault, domestic violence, dating violence, and stalking. • Provide ongoing bystander intervention and risk reduction programming.
TYPES OF CONDUCT COVERED	<ul style="list-style-type: none"> • Sexual harassment: Unwelcome verbal, nonverbal, or physical conduct of a sexual nature, including sexual violence, that is sufficiently severe and pervasive to limit a student's ability to participate in or benefit from the education program, or to create a hostile or abusive educational environment. • Sex discrimination, including on the basis of gender identity or expression. • Retaliation for reporting sexual harassment or Title IX violations. • Committed by school employees, students, or third parties. • Committed on or off campus, as long as the effects limit the victim's participation in or benefits from the educational or extracurricular programming ("a hostile environment"). 	<ul style="list-style-type: none"> • Applies to post-secondary institutions participating in the federal student financial aid programs, including vocational schools such as cosmetology schools. • Publish an Annual Security Report, including on-campus crime stats and a clear statement of institutional policies for the investigation and adjudication of sexual assault, domestic violence, dating violence, and stalking complaints. • Issue timely warnings to students and employees about on-campus crimes. • Notify victims of crime of their legal and institutional rights. • Train student conduct officials on sexual assault, domestic violence, dating violence, and stalking. • Provide ongoing bystander intervention and risk reduction programming.
INVESTIGATIONS	<ul style="list-style-type: none"> • After receiving notice of sexual harassment, a school must determine whether (1) the conduct occurred and (2) if the conduct occurred, what actions the school will take to eliminate the hostile environment and prevent its recurrence. • Investigations must be prompt and independent from any criminal investigation. • Investigations cannot defer to any law enforcement determination. • If harassment or retaliation continues, a series of additional escalating measures to eliminate the hostile environment is required. 	<ul style="list-style-type: none"> • Investigating officials must be trained annually on the issues related to sexual assault, domestic violence, dating violence, and stalking. • Schools must clearly describe each type of disciplinary proceeding used for sexual assault, domestic violence, dating violence, and stalking. The description must include the steps, anticipated timelines, decision-making process, and standard of proof for each type of proceeding, and how the school determines which type of proceeding to use. • Schools must list all possible sanctions it may impose. • Schools must describe the range of protective measures available to complainants.
VICTIM RIGHTS (investigations)	<ul style="list-style-type: none"> • Equitable procedures: Schools must give complainants whatever rights they give respondents (e.g., equal opportunities to present and review evidence). • The right to report criminal conduct to law enforcement. • The right to interim protective measures and accommodations (e.g., housing, coursework, employment, transportation, dining, financial aid), designed to minimize the burden on the complainant, regardless of whether a student has reported to police. • The right to have a judicial protective order enforced on campus. 	<ul style="list-style-type: none"> • Officials free of bias or conflict of interest. • Equal opportunities to present, and timely access to review, information to be used in making determinations. • Timely notices of meetings at which the complainant, the respondent, or both may be present. • Completion of the investigation in a reasonably prompt timeframe. • Written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other victim services on campus and in the community, regardless of whether a student has reported to police. • Written notifications of reporting procedures, the option to report or not report to law enforcement, the importance of preserving evidence, and the complainant's rights and the school's responsibilities concerning civil protective orders.

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HEARINGS & ADJUDICATIONS	<ul style="list-style-type: none"> • Determinations must be based on the preponderance of the evidence. • No mediation to adjudicate sexual assault complaints. • No direct cross-examination by the respondent and complainant. • After determining sexual harassment occurred, schools must take any and all remedial action necessary to eliminate the hostile environment, possibly including sanctions or counseling for the perpetrator, remedies for the complainant or others, and changes to the school's overall services or policies. 	<ul style="list-style-type: none"> • Hearing officials must be trained annually on the issues related to sexual assault, domestic violence, dating violence, and stalking.
VICTIM RIGHTS (hearings & adjudications)	<ul style="list-style-type: none"> • Equitable procedures: Schools must give complainants whatever rights they give respondents (e.g., equal access to appeals, simultaneous notifications). • Complainants should not be required to be present in the same room as the respondent. • No consideration of a complainant's sexual history with anyone other than the respondent. 	<ul style="list-style-type: none"> • Complainants and respondents must have equal opportunities to have others present, including an advisor of their choice. A student may not be prohibited from having a lawyer as her or his advisor. • Simultaneous notification of the complainant and respondent of final determinations.
CONFIDENTIALITY	<ul style="list-style-type: none"> • Sexual harassment disclosed to most employees must be reported to the Title IX Coordinator for investigation (counselors, clergy, and employees who are expressly designated as confidential and are not considered "responsible employees" are not required to report). • Title IX Coordinators must honor complainants' request for confidentiality or anonymity, to the extent possible while responding effectively to the complaint and maintaining a safe campus. • If necessary to eliminate a hostile environment or danger to others on campus, a school must take remedial action against the wishes of a complainant. • Disclosures during events like Take Back the Night do not trigger Title IX reporting obligations. • All confidentiality rights under FERPA apply. 	<ul style="list-style-type: none"> • All publicly available recordkeeping, including crime report data and timely warnings, must be completed without the inclusion of victims' names or other identifying information. • Accommodations or protective measures for complainants must be kept confidential, to the extent maintaining confidentiality would not impair the school's ability to provide them. • All confidentiality rights under FERPA apply.
STAFF TRAINING	<ul style="list-style-type: none"> • Those involved in implementing a school's grievance procedures must have training and experience handling sexual violence complaints and on the school's grievance procedures. • In addition, OCR recommends training include information on trauma-informed communication and interviewing techniques, conducting impartial investigations, the importance of perpetrator accountability, the role of drugs and alcohol in sexual violence, and cultural awareness. 	<ul style="list-style-type: none"> • New employees must receive training on the school's policies concerning sexual assault, domestic violence, dating violence, and stalking; applicable criminal definitions of those offenses; options for bystander intervention; information on risk reduction; and information on the school's policies and procedures following a sex offense. • Investigating officials must be trained annually on the issues related to sexual assault, domestic violence, dating violence, and stalking. • Hearing officials must be trained annually on the issues related to sexual assault, domestic violence, dating violence, and stalking.
PREVENTION & EDUCATION	<ul style="list-style-type: none"> • Students and employees must be informed of the school's sexual harassment policies and how to utilize its grievance procedures; what constitutes sexual violence for Title IX purposes, including same-sex sexual violence; and reporting options. • OCR recommends ongoing educational and primary prevention programming for students. • OCR recommends all sexual violence policies and procedures be clearly stated in writing in a single, conspicuous place. 	<ul style="list-style-type: none"> • Programming for incoming students, including applicable criminal definitions of sexual assault, domestic violence, dating violence, stalking, and consent; options for bystander intervention; information on risk reduction; and information on the school's policies and procedures following a sex offense. • Ongoing campaigns for students covering the same information as above.
ENFORCING YOUR RIGHTS	<ul style="list-style-type: none"> • Complaint investigations and compliance reviews by the Department of Education Office for Civil Rights. • Federal civil rights lawsuits against schools by the Department of Justice Civil Rights Division. • Private lawsuits against schools by complainants. 	<ul style="list-style-type: none"> • Complaint investigations and civil penalties by the Department of Education Clery Act Compliance Division.