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# Top 10 Things for K-12 Schools to Know About the New Title IX Rules

- 1. The new rules have the force of law.**
- 2. The new rules go into effect August 14, 2020.**
- 3. There is a new definition of sexual harassment you must use in your policies.** Part of the new definition of sexual harassment includes sexual assault as defined by the Clery Act (which includes rape, fondling, statutory rape and incest), and dating violence, domestic violence and stalking as defined by the Violence Against Women's Act.
- 4. Jurisdiction is narrowly construed.** Title IX only applies when sexual harassment occurs in a school's education program or activity, and in the United States.
- 5. More people will need to know who your Title IX Coordinator is and how to contact them.** A school must notify applicants for admission and employment, students, parents or legal guardians, employees, and all unions, of the name or title, office address, email address, and telephone number of the employee(s) designated as the Title IX Coordinator(s). This information must also be prominently displayed on the school's website and included in their publications.
- 6. All employees are mandatory reporters.** All K-12 school employees must report allegations of sexual harassment to the Title IX Coordinator, effectively preventing all employees from being a confidential resource.
- 7. You must respond to allegations of sexual harassment in certain ways.** Whenever a school receives notice of allegations of sexual harassment, the Title IX Coordinator must, at minimum, contact the alleged victim ("Complainant") to offer and discuss the availability of supportive measures and explain the process for filing a formal complaint.
- 8. If a formal complaint is filed that meets Title IX sexual harassment criteria, you must investigate.** Complainants, their parents, and Title IX Coordinators can file formal complaints to initiate investigations.
- 9. You will need to change your grievance procedures and designate more trained people to carry them out.** In addition to designating at least one Title IX Coordinator, schools must also designate personnel to conduct Title IX investigations.<sup>1</sup> During investigations, schools cannot place a student on interim suspension unless an individualized safety and risk assessment determines there is an imminent risk to the physical health or safety of any person arising from the sexual harassment allegation. Investigators cannot make findings of responsibility. Instead, a separate person(s) must serve as the decision maker(s). This cannot be the Title IX Coordinator. A different person(s) must serve as an appellate officer(s) as schools must offer an appeal process. Conflicts of interest must be accounted for, so designating alternates will be needed. All involved in the grievance process must be specifically trained.
- 10. Substantial documentation is required.** The following documentation is required as part of the investigation and grievance process: written notice of the allegations and investigation; written notice of any investigative interviews, meetings or hearings a party is expected to be present at; an investigation report; an outcome notice; and appeal decision, when applicable.

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<sup>1</sup> The Title IX Coordinator may also serve as the investigator.

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