

CAMPUS COMMUNICATION ABOUT TITLE IX POLICY AND REGULATIONS

January 31, 2025

Recently, a federal court in Kentucky ruled that the Title IX regulations adopted by the United States Department of Education in the summer of 2024 were invalid and can no longer be enforced. Several days later, the United States Department of Education issued information stating that, because the 2024 regulations were vacated, the Title IX regulations that had been adopted in 2020 would be enforced.

Because of this change in the applicable law, the College will no longer follow the Title IX Policy that it adopted to align with the 2024 regulations. Instead, the College implemented a new Title IX Policy that is aligned with the 2020 regulations.

While the change in law and policy has some important effects, important core commitments remain unchanged, including:

- The College's commitment to an educational and work environment where discrimination on the basis of sex, sexual orientation, or gender identity is prohibited.
- The College's commitment to respond promptly when it becomes aware of sex discrimination, sexual harassment, and sexual violence, including by providing supportive measures to the individuals who have been affected.
- The College's commitment to provide a fair and thorough process to investigate and resolve complaints alleging violations of its Title IX policy.
- The College's commitment to address all forms of discrimination through applicable policies.

Below, we explain some of the most important differences that arise from the change in the governing law. We will notify the campus when the updated Title IX Policy is available for review.

The 2020 regulations have a narrower definition of "Title IX Sexual Harassment." The College can apply its Title IX Policy only to conduct that falls within that definition. Conduct that occurs outside of the United States or at locations where the College does not exercise control, and conduct that is not severe, pervasive, and objectively offensive falls outside of the legal definition of Title IX Sexual Harassment. Any such conduct will be addressed under the general codes of conduct, rather than the Title IX Policy.

All employees excluding confidential employees are required to report conduct that may constitute a violation to the Title IX Coordinator. Therefore, any person who has experienced conduct that may constitute sexual discrimination or harassment is urged to make a report to the Title IX Coordinator. When any report is received by the Title IX Coordinator, the College will provide information about supports that are available on campus and in the community.

The College will have a Grievance Process, which will be described in the Title IX Policy, to address potential Title IX violations through an investigation and resolution. Under the 2020 regulations, the College cannot initiate that process without receipt of a written and signed formal complaint that describes the alleged violation and requests that the College initiate an investigation. When a complaint is filed, each party is entitled to have an advisor of their choice support them in all the steps of the Grievance Process.

The 2020 regulations require that the College hold a live hearing to determine if a Title IX policy violation occurred. The live hearing includes the right for a party to have their advisor cross-examine the other party, as long as the cross-examination questions are relevant to the alleged Title IX violation. Also, in most cases, a complaint may be resolved informally, with support from a trained facilitator, if both parties agree to an informal resolution.

We recognize that there may be many questions arising from this change in law and policy. The Title IX Coordinator and Deputy Coordinator are available to respond to questions from any member of the campus community.