

## Summary of New Title IX Rules & Top 6 Takeaways of Xavier's Response

### Summary

On May 6, 2020, the U.S. Secretary of Education issued new rules on how schools must implement Title IX, the federal civil rights law that addresses discrimination based on sex in education institutions receiving federal funding. The rules require implementation by August 14, 2020 and include these key changes:

1. Narrow the definition (by content, jurisdiction, and regarding when a school is considered on notice and must respond) of what conduct is covered by Title IX.
2. Permit schools to choose the currently-required "preponderance of the evidence" standard of evidence or switch to the higher "clear and convincing" standard to determine responsibility for a Title IX Sexual Harassment policy violation.
3. Permit schools to use informal resolution methods, such as mediation and restorative justice, to resolve reports of Title IX Sexual Harassment (including sexual assault, dating violence, domestic violence, and stalking) against students.
4. Does not require a specific timeline within which schools should seek to resolve a Title IX Sexual Harassment report.
5. Permit schools to narrow the circumstances in which they are considered on notice of, and therefore required to respond to, a report of Title IX Sexual Harassment.
6. Require a live hearing to resolve Title IX Sexual Harassment reports. Use of technology for the reporting and responding parties to be in separate locations during the hearing is permitted.
7. In a live hearing to resolve a report of Title IX Sexual Harassment, both parties' advisor of choice, which may be, but need not be an attorney, has the right to directly ask questions of the other party and witnesses. Parties are prohibited from asking questions directly of each other.

### Top 6 Takeaways of Xavier's Response

1. Xavier will continue to address the full range of conduct it has historically addressed. We will do so under a set of Interpersonal Violence policies/procedures that will address behavior that falls outside of the new Title IX Sexual Harassment policies. This will allow Xavier to continue to address matters such as reports of sexual violence, intimate partner violence, and/or stalking between two students on study abroad or at an off-campus location that, in accord with the new rules, no longer fall under the Title IX definition.
2. Xavier will continue our commitment to approaching our Title IX and sex discrimination prevention and response work in a mission-centered, equitable manner that prioritizes the dignity and care of all parties involved. Nothing in the new rules and/or in any changes we are required to make alters that commitment.
3. Xavier will continue to provide comprehensive supportive measures addressing safety, academics, housing, employment, mental health, and other needs of individuals impacted by sex discrimination.
4. Xavier will continue to utilize the preponderance of evidence standard of evidence in all Title IX and interpersonal violence matters.
5. Xavier will not permit informal resolution processes in Title IX Sexual Harassment and interpersonal violence reports against students.
6. Xavier has always and will continue to facilitate its sex discrimination complaint resolution process promptly and comprehensively. We have not and will not permit delay to the process without good reason.