

Fact Sheet: Final Title IX Regulation

1. Recognition of Sexual Harassment as Sex Discrimination

- Sexual harassment under Title IX includes – **dating violence, domestic violence, and stalking.**

2. Protections for Survivors

- Survivors are in the **position of control** to decide what happens after an incident of sexual harassment, including sexual assault, occurs.
- Schools must respect a **survivor's decision** to file, or not to file, a formal complaint and must offer supportive measures either way.
- **Schools must respond promptly in every instance** by **offering to provide supportive measures** like dorm reassignments or class schedule adjustments
- **Schools are forbidden from pressuring a survivor** into filing or not filing a formal complaint or participating in a grievance process.
- To protect younger students, **K-12 schools must respond promptly when *any* school employee** has notice of sexual harassment, including sexual assault.
- The regulation extends to all aspects of a school's education program or activity and applies to **any building owned or controlled by a student organization** recognized by a college or university.
- If a survivor chooses to participate in a grievance process, the regulation protects survivors from inappropriately being asked about prior sexual history (also known as "**rape shield**" **protections**), and the survivor must not be required to divulge any medical, psychological, or similarly privileged records.
- **A survivor never has to come face-to-face** with the accused during a hearing, and an accused is never allowed to personally ask questions of a survivor.
- **Survivors are protected against retaliation** when they choose to report sexual misconduct or not, file a formal complaint or not, participate in a grievance process or not.
- **Survivors are protected against bullying or harassment** throughout the grievance process.

3. Campus Processes and Procedures

- The regulation provides students with a right to written notice of allegations, the right to an advocate, and the right to submit, examine, and challenge evidence.

- All **students have the right to a live hearing** where advisors conduct cross-examination.
- All **students have the right to an impartial finding based on evidence** using a standard of evidence — either the preponderance of evidence standard or the clear and convincing standard — that applies to all members of the school community, including faculty.
- Schools must offer **both parties an equal opportunity to appeal** the finding.
- The regulation gives schools flexibility to **conduct Title IX investigations and hearings remotely**.