

IOWA STATE UNIVERSITY

OFFICE OF EQUAL OPPORTUNITY
NEWSLETTER

An illustration of a person with dark skin, wearing a yellow long-sleeved shirt and a pink beanie, holding a white sign with both hands. The sign has the words 'SPECIAL EDITION' written in large, bold, black capital letters. The background is a dark red color with a diagonal split.

**SPECIAL
EDITION**

TITLE IX CHANGES:
WHAT YOU NEED TO KNOW
2020-2021 SCHOOL YEAR



Title IX Regulation Changes 2020



On May 6 of this summer, the U.S. Department of Education finalized Title IX rule changes that required educational institutions to modify their policies and procedures in order to be in compliance with the new law. In order to be in compliance with the new federal regulations, ISU has a new Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking policy, and a revised Non-Discrimination and Anti-Harassment policy. Both policies went into effect on August 14, 2020, as required by the new regulations.

Iowa State University is committed to creating a welcoming and respectful educational, work, living, and campus environment that is free from all forms of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. All members of the university community are proscribed from engaging in such prohibited conduct. The university will respond promptly and effectively to reports of prohibited conduct and will take appropriate action to stop, eliminate, remedy, and prevent prohibited conduct. The university provides comprehensive support, education, and reporting mechanisms to all members of the university community to address these critical issues.



What is staying the same?

- ISU has the same commitment to respond, resolve, remedy, and provide support to all parties involved in the university's processes
- Title IX includes sexual assault, domestic violence, dating violence, and stalking
- The Office of Equal Opportunity (OEO) still coordinates the university's comprehensive response to incidents of Title IX sexual harassment
- The university will continue to use the preponderance of the evidence standard of proof in all matters
- Responsible employees are still responsible for reporting to OEO all information they know concerning sexual harassment, sexual assault, domestic violence, dating violence, and stalking





Title IX Regulation Changes 2020



What is different?

- The federal regulations include a narrower definition of Title IX sexual harassment and require the adoption of certain specific definitions of prohibited conduct.
- Complainants (i.e. persons seeking to file a complaint under the policy) must be current participants or seeking to participate in ISU programs or activities.
- Conduct must have occurred within an ISU program or activity and must have occurred within the United States.
- Conduct that is no longer considered Title IX may be addressed under another university policy or code of conduct
- In addition to reporting Title IX prohibited conduct, Responsible Employees are now responsible for reporting to OEO information they know about discrimination and/or harassment on the basis of protected class

Changes in the university's response to allegations of Title IX prohibited conduct?

- There can be no informal resolution of Title IX complaints without a written Formal Complaint first
- There can be no informal resolution when an employee is alleged to have engaged in prohibited Title IX conduct against a student
- All parties and their advisors have the right to inspect evidence
- Federal regulations require a presumption that the respondent is not responsible until a decision has been rendered by a neutral decision maker

What will be different in the adjudication of Title IX cases?

- Students, faculty, P&S staff, and merit staff have their own adjudication processes
- For Title IX cases, federal law requires there be a live hearing – the complainant and respondent don't have to be in the same room, but they have to see and hear each other
- The live hearing is overseen by a hearing officer who makes real-time relevancy determinations
- Each party must have an advisor, and the advisors – not the parties themselves – must be allowed to cross-examine witnesses and the other party
- If a party does not have their own advisor, the university will provide them with one. for the purpose of reading that party's cross-examination questions.
- Parties and witnesses must attend any hearing and submit to live, advisor-led cross-examination, otherwise all statements submitted by absent party must be excluded and cannot be relied upon

Title IX Changes: Doing Your Part

It is important that everyone review the new Title IX policy and procedures, which includes important guidance, definitions and examples, and available services and resources.

The Title IX policy can be found at:
www.policy.iastate.edu/policy/students/sexualmisconduct

You can find the procedures at:
www.policy.iastate.edu/sites/default/files/resources

The updated Non-Discrimination and Anti-Harassment policy can be found at:
www.policy.iastate.edu/policy/discrimination

OEO knows this is a lot to take in. The federal regulation totals more than 2,000 pages, the changes required are significant, and the timeline for compliance was extremely short. Please know that Iowa State University is taking steps beyond what is required by the new regulations to ensure the safety of our community and to do so in a fair and equitable manner.

We welcome your questions about the Title IX policy. Please use the following link to share any questions or concerns you have about the policy:

https://iastate.qualtrics.com/jfe/form/SV_1A0ufuxUd7B3atL