

## Sample Language for Title IX Coordinator’s Role in Sexual Misconduct Policy

All educational institutions receiving Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX coordinators. A school’s Title IX coordinator or coordinators are expected to play a critical role in helping a school ensure that every person affected by its operations—including faculty, staff, and students—are aware of their legal rights under Title IX, and that the school and all of its employees, through its policies, procedures, and practices, complies with its legal obligations under Title IX. A school should ensure that the Title IX coordinator is given the visibility, training, authority, and support necessary to fulfill these responsibilities. The coordinator should not have other job responsibilities that may create a conflict of interest. Designating a full-time Title IX coordinator will minimize the risk of a conflict of interest.

The Task Force to Protect Students from Sexual Assault provides the following sample language on the role of a Title IX coordinator in an institution’s sexual misconduct policy. This language should serve as a guide that highlights issues for schools to consider when assigning the Title IX coordinator functions and responsibilities related to their response to incidents of sexual misconduct. This language is not meant to be simply cut and pasted into a policy. Among other things, a school must determine how the Title IX coordinator’s role regarding sexual misconduct fits into the school’s sexual misconduct policy, procedures, and practices, as well as how that role interacts with the Title IX coordinator’s other functions outside the area of sexual misconduct. The Task Force suggests engaging in the comprehensive drafting process recommended in the [Checklist for Campus Sexual Misconduct Policies](#).

This sample language is neither exhaustive nor exclusive, and the sections of each school’s policy must reflect its own character and circumstances. Policies will vary in detail, specificity, and components, reflecting differences in state or local legal requirements and each school’s students, size, administrative structure, and what it has learned from past experiences. Furthermore, the sample language does not constitute legal advice or create new legal obligations. Institutions that use this language in their sexual misconduct policies, in part or in whole, may still be found to be in violation of federal law(s).

## Role of the Title IX Coordinator

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at [34 C.F.R. Part 106](#), the College's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this College, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX coordinator oversees the College's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider school community.

A student should contact the Title IX Coordinator or Deputy Title IX Coordinator(s) in order to:

- seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct,
- file a complaint or make a report of sex discrimination, including sexual misconduct,
- notify the College of an incident or policy or procedure that may raise potential Title IX concerns,
- get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct, and
- ask questions about the College's policies and procedures related to sex discrimination, including sexual misconduct.

The College's Title IX compliance team includes [List all relevant parties, *e.g.*, the Title IX Coordinator, the Deputy Title IX Coordinator(s), and the Chief of Campus Safety]:

- [Name] is College's Title IX Coordinator and can be reached in person at [name and location of office], by telephone at [XXX-XXX-XXXX], or by email at [TitleIXCoordinator@college.edu]. [Include any additional information that would help students understand that the principal Title IX coordinator is responsible for overseeing the College's response to all Title IX complaints.]
- [Name] is College's Deputy Title IX Coordinator and can be reached in person at [name and location of office], by telephone at [XXX-XXX-XXXX], or by email at [DeputyTitleIXCoordinator@college.edu]. [Include any additional information that would help students identify which Title IX coordinator to contact (*e.g.*, if a coordinator handles complaints from a specific region or has a particular specialization).]
- [Name] is College's Chief of Campus Safety and can be reached in person at [name and location of office], by telephone at [XXX-XXX-XXXX], or by email at

[CampusSafety@college.edu]. [Include any additional information that would help students understand when to contact Campus Safety.]

In the event that the incident, policy, or procedure about which the student seeks to file a report or complaint creates the appearance of a conflict of interest with one of the members of the Title IX compliance team, students may contact any other member of the team or notify [Name of College official with appropriate authority to meet all the responsibilities discussed below].

Inquiries or complaints that involve potential violations of Title IX may also be referred to the U.S. Department of Education's Office for Civil Rights, which can be reached at [contact information for regional office: <https://wdcrobcolp01.ed.gov/cfapps/OCR/contactus.cfm>] or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): <http://www.justice.gov/crt/complaint/#three>.

## **Functions and Responsibilities of the Title IX Coordinator**

The Title IX Coordinator's functions and responsibilities include the following:

### **(1) Training for Students, Faculty, and Staff**

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, including:

- regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate College officials, and the extent to which counselors and advocates may keep a report confidential, and
- regular training for students outlining their rights under Title IX; with regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX coordinator, and Title IX's protections against retaliation.

### **(2) Investigations**

The College is responsible for conducting adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,
- appointing an investigative team upon such determination,
- making certain that individual reports and complaints are handled properly and in a prompt and timely manner,
- informing all parties regarding the grievance process,
- confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable,
- maintaining information and documentation related to the investigation in a secure manner, and
- monitoring compliance with timeframes specified in the grievance procedures.

The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the College's responsibility to provide a safe and nondiscriminatory environment for all students. [Link to College's Confidentiality policy.]<sup>1</sup>

### **(3) Remedies, Including Interim Measures**

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator promptly takes steps to ensure the complainant's equal access to the College's programs and activities and protect the complainant as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigation, and making the complainant aware of all available resources, including [list resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance] [Link to College's Interim Measures policy].

Upon a finding of prohibited sexual misconduct, the Title IX Coordinator determines whether campus-wide remedies should be adopted in response, including review and revision of the College's sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations.

If the [College Judicial Board] finds that an individual engaged in prohibited sexual misconduct, the Title IX Coordinator reviews proposed sanctions before they are imposed to ensure that they, along with the College's interim and long-term measures taken in response to the sexual misconduct, are reasonably calculated to stop the sexual misconduct and prevent its recurrence.

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<sup>1</sup> See also the Task Force's Sample Reporting and Confidentiality policy, available at <https://www.notalone.gov/assets/reporting-confidentiality-policy.pdf>.

#### **(4) Monitoring and Advising**

In order to address sexual misconduct on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

- coordinates an annual climate survey, in consultation with research personnel with expertise in survey design and data collection and analysis,<sup>2</sup>
- analyzes data collected by the annual climate survey to assess the rates and nature of sexual misconduct, any location hot-spots or risk factors, knowledge of the College's sexual misconduct policies, procedures and resources, and the consequences of violating such policies, and the effectiveness of the College's efforts to ensure that the College is free from sexual misconduct,
- reviews regularly all reports and complaints raising potential Title IX issues throughout the College to ensure that the College responded consistent with its Title IX obligations, even if the report or complaint was initially filed or raised with another individual,
- reviews regularly all reports and complaints raising potential Title IX issues throughout the college to identify and address any patterns,
- reviews regularly the College's policies and procedures to ensure that they comply with the requirements of Title IX,
- organizes and maintains files related to grievances, reports, complaints, and other records of potential sex discrimination, including sexual misconduct, in a secure manner,
- assesses regularly the College's compliance with, and the effectiveness of, policies and procedures related to sex discrimination, including sexual misconduct, and recommends modifications where appropriate,
- coordinates regularly with the College's Clery Act Compliance Officer with respect to overlapping obligations related to sexual misconduct against students, including prevention, education, and training,
- consults regularly with the College President and campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues, and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination, including sexual misconduct, and
- ensures that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local victim advocacy organizations and service providers, including rape crisis centers.

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<sup>2</sup> See also the Task Force's *Climate Surveys: Useful Tools to Help Colleges and Universities in Their Efforts to Reduce and Prevent Sexual Assault*, available at <https://www.notalone.gov/assets/ovw-climate-survey.pdf>.