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| **Purpose:** This document compares the university’s Title IX related policies and procedures to the key requirements and official guidance related to Title IX regulations. The information used to determine Title IX requirements/guidance was obtained from reviewing many sources of information including, Title IX of the Education Amendments of 1972, the Clery Act, Campus Sexual Violence Elimination (SaVE) Act, Violence Against Women Act (VAWA), Dear Colleague Letter(s), Not Alone, the First Report of the White House Task Force to Protect Students from Sexual Assault, Resources available on the Department of Education Website (including the Office of Civil Rights) and the National Association of College and University Attorneys website (including the University of Montana Resolution Agreement). Although some of the information that was reviewed detailed the specific regulations and requirements of these laws in relation to Title IX and related student sexual harassment and assault incidents, much of the information was guidance (and leading practices) advising how to interpret and implement procedures that comply with these regulations. In evaluating the adequacy of the university’s Title IX policies and procedures, internal audit determined whether these policies and procedures (P&Ps) included both the required elements and key aspects of Title IX guidance/leading practices. | | | | | |
| **Requirement/Guidance1** | **University Title IX Related Policy #1** | **University Title IX Related Policy #2** | **University Annual Security & Fire Safety Report** | **University Statement of Non-Discrimination (Title IX, Title VI and Section 504/Title II ADA)** | **Other Title IX university resources including training materials, websites, brochures, posters, etc.** |
| **Notice of Nondiscrimination**   * No discrimination on basis of sex * Refer Questions to Title IX coordinator w/contact info |  |  |  |  |  |
| **Scope of the Policy**   * Identify persons, conduct locations (including off-campus) programs activities, and relationships covered by the school’s sexual misconduct policy * Clearly state policy applies to all students and employees, regardless of sexual orientation or gender identity, and explain the policy applies to third parties. * Explain school’s confidentiality policy (*see Confidentiality Protocols section below*) |  |  |  |  |  |
| **Options for Assistance Following an Incident of Sexual Misconduct:**   * Identify and provide contact information for the trained on and off campus advocates and counselors who can provide an immediate confidential response in a crisis situation * Provide emergency numbers for on and off campus safety, law enforcement and other first responders (Title IX coordinator) * Describe the sexual assault response team process * Identify health care options both on and off campus including treatment for injuries, preserving evidence, rape kit, locations for advocates to accompany a victim to the hospital * Identify resources for ongoing assistance on and off campus such as counseling, advocacy and support and academic accommodations and interim measures. |  |  |  |  |  |
| **Title IX Definitions**:   * Sexual Harassment * Hostile environment caused by sexual harassment * Sexual Assault (non-consensual sexual contact) * Domestic Violence * Sexual Exploitation * Stalking * Retaliation * Intimidation * Consent * Incapacitation |  |  |  |  |  |
| **Reporting Policies and Protocols - Confidentiality Protocols**   * Identify the difference between, privileged, confidential, and responsible party communications * Ability to report anonymously * Describes what information will be kept confidential and what information may be disclosed, who it will be disclosed to and why * Explain when the school may not be able to honor a student’s request that his or her name not be disclosed to the alleged perpetrator or that no investigatory or disciplinary action be taken. Identify the employee responsible for evaluating such requests for confidentiality or no action. |  |  |  |  |  |
| **Reporting Policies and Protocols - Prohibition of Retaliation** |  |  |  |  |  |
| **Reporting Policies and Protocols - Good Samaritan Protocols** |  |  |  |  |  |
| **Investigation Procedures and Protocols**   * Identify Title IX coordinator and role and responsibilities * Identify who conducts investigation and what it may entail * Specify reasonable timeframe for conducting investigation resolving the complaint as well as process for extending timeframe * Explain the processes for preserving evidence * Provide respondent and complainant equitable rights during investigation * Set forth parameters and clarify what information may and may not be shared during a parallel investigation with law enforcement * Explain where necessary, school will take appropriate steps to protect complainant pending final outcome of an investigation, including academic accommodations and other interim measures. |  |  |  |  |  |
| **Grievance/Adjudication Procedures**   * Outline rights and roles of both parties in the adjudication process including notice of hearing to both parties, opportunity for both parties to present witnesses and other evidence which is and is not (i.e., evidence about complainant’s prior sexual conduct with other people, evidence of a prior consensual dating relationship does not imply consent) allowable * Explain preponderance-of-the-evidence standard * Identify adjudicators and who may attend and/or participate in the adjudication process * Explain the possible results of the adjudication process (i.e. sanctions, remedies/ accommodations for the victim) * Outline how the parties will be informed of the results of the adjudication (i.e., simultaneous written notice to both parties) * Describe the appellate procedures including grounds for appeal, standards of review, the person/entity that will decide appeals, and the applicable reasonably prompt time frames. |  |  |  |  |  |
| **Prevention and Education**   * Outline the school’s approach to prevention, including type and frequency of prevention programming and education/outreach activities. |  |  |  |  |  |
| **Training**   * Outline how faculty and staff are trained and on what issues. * At a minimum, the Title IX coordinator(s), law enforcement, “responsible employees,” victim advocates and anyone else who is involved in responding to, investigating, or adjudicating sexual miscount must receive adequate training. |  |  |  |  |  |