

NEW TITLE IX PROCESS

ON MAY 6, 2020, THE DEPARTMENT OF EDUCATION ISSUED A NEW TITLE IX LAW THAT EFFECTIVELY PROHIBITS THE SINGLE INVESTIGATOR/SINGLE RESOLUTION OFFICER MODEL. THE NEW LAW GOES INTO EFFECT ON AUGUST 14, 2020. THE FOLLOWING REFLECTS A SIMPLIFIED ILLUSTRATION OF THE NEW REQUIREMENTS.



Actual Knowledge:

WesternU must fulfill its Title IX obligations upon receipt of a report of sexual harassment related to its' educational programs and activity (including admissions and employment) against an eligible person in the USA. The report is only actionable when received by the Title IX Coordinator or a WesternU official with authority to institute corrective action. Title IX Coordinator must issue supportive measures upon receipt of a report.



Formal Complaint:

An individual can either file a formal complaint or the Title IX Coordinator can file a formal complaint. Upon receipt, Title IX Coordinator must launch investigation and issue Notice of Allegations to both parties. Dismissal of Formal Complaint: Title IX Coordinator must dismiss if alleged conduct, even if true, would not constitute sexual harassment; did not occur in its educational program or activity did not occur against a person in the USA.



Investigation:

Conducted by a designated Investigator (who can not be the Title IX Coordinator or Decision-Maker). Must issue an Investigative report that contains only factual findings. Both parties are entitled to respond to the summary of evidence and receive a copy of the final investigative report



Title IX Hearing:

Live hearing must be held before a Decision-Maker(s) (Panel) to review the investigative report, evidence, and allow both parties and opportunity to review and challenge the evidence. Parties must allow all cross-questioning of the other party and witnesses to occur through their Advisors. Panel must issue a written decision reflecting the determination of responsibility and determine appropriate sanctions, if applicable.



Appeal:

Both parties have an opportunity to file an appeal on the Determination of Responsibility and Dismissal of a Formal Complaint. The minimum basis of an appeal includes: procedural irregularity, new evidence and conflict of interest or bias on the part of the Title IX Coordinator, Investigator, or Decision-Maker (Panel) .