What Investigators Need to Know About the 2020 Title IX Regulations

Background

- NPR: Released November 2018
- Released May 6, 2020
- Implementation date of August 14, 2020
- Replaced prior guidance
- Applies to students and employees
- Established jurisdiction requirements

§106.30 Definitions – Complainant & Respondent

- Complainant: An individual who is alleged or perceived to have experienced or suffered an educational or employment program or activity that violated Title IX of the Education Amendments of 1972.
- Respondent: An individual, male or female, who is alleged or perceived to have engaged in conduct that could constitute a sexual harassment.
§106.30 Definitions — Formal Complaint

- a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the  party where the alleged harassment occurred or where the formal complaint is filed.

- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party.