

# 2024 Title IX Regulations: Exploring Key Provisions

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# Overview of Title IX

*“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.”*

## Historical Timeline

- **1972:** Title IX of the Education Amendments of 1972 signed into law
- **1977:** First Title IX lawsuit argued that sexual harassment was discrimination.
- **2001:** Department of Education issued: “Preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn.”
- **2011:** Obama administration issues “Dear Colleague” letter expanding Title IX to specifically cover sexual assault, dating or domestic violence, and stalking.
- **2020:** Trump administration repealed most of the previous administration’s guidance and created new regulations for Title IX, including a narrower definition of sexual harassment under Title IX
- **2024:** Biden administration expands scope of sex discrimination under Title IX to include discrimination on the basis of sexual orientation and gender identity



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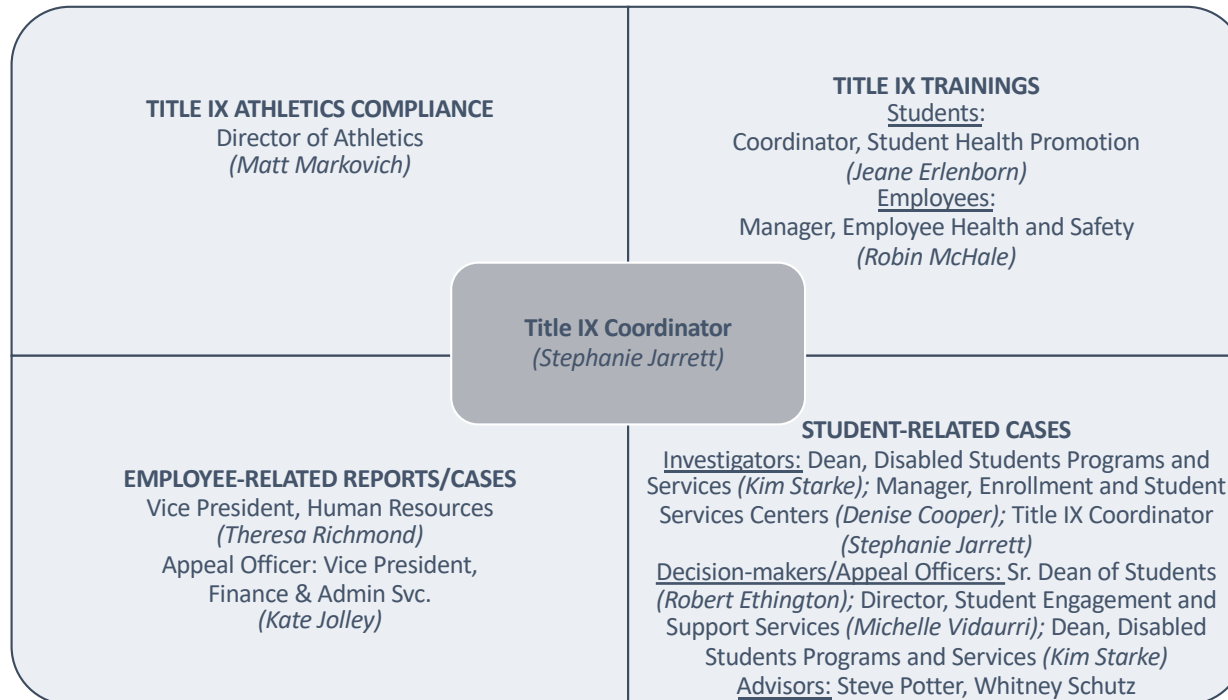
# Title 5 vs. Title IX (Hostile Environment)

Title 5	2020 Title IX Rule *	2024 Title IX Rule *
<p><b>Definition of Sexual Harassment:</b> Sexual harassment occurs when unwelcome conduct, based on a person's gender or specific attributes, is <u>sufficiently severe or pervasive</u> so as to alter the conditions of an individual's learning or work environment; unreasonably interfere with an individual's academic or work performance; or create an intimidating, hostile, or abusive learning or work environment.</p> <p><b>Jurisdiction:</b> Districts must take reasonable steps to respond to each incident of sexual harassment involving individuals subject to the institution's policies that occur in connection with any educational activity or other program of the institution, as well as incidents that occurred outside of those educational programs or activities, whether they occurred on or off campus, if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education.</p> <p><b>Grievance Procedures:</b> Allows for informal resolution, formal complaint process with investigation, no live hearing, with appeal process.</p> <p><b>Dismissal of Complaints:</b> Does not have stringent requirements for mandatory dismissals like the 2020 Title IX rules. Instead, it provides schools with discretion to address a wide range of behaviors and complaints, ensuring that even less severe <u>or</u> pervasive conduct can still be addressed if it affects the educational environment.</p>	<p><b>Definition of Sexual Harassment:</b> Unwelcome conduct determined by a reasonable person to be <u>so severe, pervasive, and objectively offensive</u> that it effectively denies a person equal access to the district's education program or activity (<i>Narrower Definition</i>)</p> <p><b>Jurisdiction:</b> Districts are required to address sexual harassment that occurs within their own programs/activities (In the United States), which includes locations, events, or circumstances where the school has substantial control. (Does not apply to incidents that occur off-campus unless the school has control over the context and the respondent.)</p> <p><b>Grievance Procedures:</b> Districts are required to provide parties with access to all evidence and hold live hearings with cross-examination conducted by the parties' advisors (which is to be provided by districts if the student does not have their own).</p> <p><b>Dismissal of Complaints:</b> Mandatory dismissal of complaints that do not meet the Title IX sexual harassment definition or jurisdiction requirements.</p> <p><i>*Applies to incidents that occurred before August 1, 2024.</i></p>	<p><b>Definition of Sexual Harassment:</b> Unwelcome sex-based conduct that, based on a totality of the circumstances, is <u>subjectively and objectively offensive and is so severe, or pervasive</u> that it limited or denies a person's ability to participate in or benefit from the district's education program or activity (<i>Broadened Definition</i>)</p> <p><b>Jurisdiction:</b> Expanded to require schools to address off-campus and online incidents that impact a person's ability to participate in or benefit from the school's educational program. Districts are required to address sex-based discrimination in all programs and activities, not just those that are District-sponsored.</p> <p><b>Grievance Procedures:</b> Districts may use live hearings but are not required to; instead, districts can opt for a "single investigator" model, where one person can investigate and determine responsibility. Cross-examination is not mandated; districts may use other methods to ensure fairness.</p> <p><b>Dismissal of Complaints:</b> Emphasis on addressing all forms of sex-based harassment, including cases that previously might have been dismissed under the 2020 rules.</p> <p><i>*Applies to incidents that occurred on or after August 1, 2024.</i></p>



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# SRJC Title IX Team



Website: [Titleix.santarosa.edu](http://Titleix.santarosa.edu)



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# Key Changes in 2024 Title IX Regulations

## **1. Broader Definition of Sexual Harassment**

Definition now aligns with Title 5.

## **2. Off-Campus and Online Incidents**

Title IX now covers incidents that occur off-campus or in online learning environments, as long as they impact the educational experience.

## **3. Enhanced Protections**

Under Title IX, sex-based harassment includes sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

## **4. Pregnancy and Related Conditions**

All employees are required to provide students with the Title IX Coordinator's information and support resources as soon as they learn of a student's pregnancy.

## **5. Responsibility to Report**

Expanded requirements for employees, including faculty, to report incidents of sexual misconduct.

## **6. Training and Compliance Requirements**

New training for employees, including how to respond to complaints, reporting obligations, and best practices for supporting students.



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# Applicable District Board Policies and Administrative Procedures

## **Applicable to Incidents that Occurred Prior to August 1, 2024**

BP 3433: Prohibition of Sexual Harassment under Title IX

AP 3433: Prohibition of Sexual Harassment under Title IX

AP 3434: Responding to Harassment Based on Sex under Title IX

2.7: Unlawful Discrimination and Sexual Harassment

2.7P: Unlawful Discrimination and Sexual Harassment Complaint Procedures

## **Applicable to Incidents that Occurred on or After August 1, 2024**

*(Pending College Council Review and Approvals)*

BP 3433A: Prohibition of Sex Discrimination under Title IX

AP 3433A: Prohibition of Sex Discrimination under Title IX

AP 3434A: Responding to Sex Discrimination under Title IX



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# Reporting Process

**Incident Occurs → Report Filed\* → Initial Assessment by Title IX Coordinator or Vice President of Human Resources**

**•If Conduct Falls Under Title IX:**

- Supportive Measures → Formal Complaint Filed → Notice of Allegations
- **Informal Resolution Option:**
  - **If Agreed** → Informal Resolution Process (End if Resolved)
  - **If Declined/Failed** → Formal Grievance Process Initiated → Investigation → Live Hearing → Decision Issued
    - **If Decision Appealed** → Appeal Process → Final Decision
    - **If No Appeal** → Final Resolution
- Remedies and Sanctions Implemented → End

**•If Conduct Does Not Fall Under Title IX:**

- Redirect to Other Policies → End

*\*Reports may be filed in-person, email or online ([titleix.santarosa.edu](https://titleix.santarosa.edu))*



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# Supportive Measures

The Title IX Coordinator will offer and coordinate supportive measures as appropriate for the Complainant and Respondent to restore or preserve their access to the District's education program or activity or provide support during the District's Title IX grievance procedures or during the informal resolution process.

For complaints of sex-based harassment, these supportive measures may include but are not limited to:

- counseling;
- extensions of deadlines and other course-related adjustments;
- campus escort services;
- increased security and monitoring of certain areas of the campus;
- restrictions on contact applied to one or more Parties;
- leaves of absence;
- changes in class, work, District provided housing, or extracurricular or any other activity, regardless of whether there is a comparable alternative; and
- training and education programs related to sex-based harassment.



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# Syllabus Language Example

## **Title IX of the Education Amendments of 1972**

Santa Rosa Junior College faculty are committed to helping create a safe and open learning environment for all students. If you (or someone you know) have experienced any form of sex discrimination or sex-based harassment, including sexual assault, dating or domestic violence, or stalking, know that help and support are available. The District strongly encourages all members of the community to take action, seek support and report incidents of sexual misconduct to the Title IX Coordinator. Please be aware that under Title IX of the Education Amendments of 1972, I am disclosing information about such misconduct to the Title IX Coordinator to ensure resources and support are provided.

If you wish to speak to a confidential employee who does not have this reporting responsibility, you can contact Student Psychological Services (Santa Rosa Campus 707-524-1595/ Petaluma Campus 707-778-3919). For more information about reporting options and resources at Santa Rosa Junior College and the community, please visit: <https://titleix.santarosa.edu/>.



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# Trainings

- Title IX online training administered to students each semester
- In-person trainings are provided upon request to student groups (e.g. student-athletes, RAs) departments, classes
- Employees can access Title IX training on their own via Keenan's SafeCollege platform. Any required trainings will first be negotiating with the collective bargaining units.
  - Sexual Harassment Prevention Training – One hour training administered by HR to faculty every two years



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# Questions and Discussion ([TitleIX.santarosa.edu](http://TitleIX.santarosa.edu))