

Title IX



Congress passed Title IX of the Education Amendments in 1972 to prohibit sex discrimination in education. Compliance with Title IX includes ensuring non-discrimination and providing students the opportunity to report their experiences and seek punitive measures against those who have perpetrated sex-based harassment (sexual violence) against them.

Title IX is a federal act under the jurisdiction of the United States Department of Education, led by the Secretary of Education, who is appointed and managed by the President of the United States. The Secretary and subsequent Title IX regulations usually change with presidential administrations. (This version of this guide is dated January 15, 2021).

Title IX at Brandeis University Brandeis University's Office of Equal Opportunity (OEO) oversees Title IX compliance. Some things in the Title IX regulations are recommended – not required, giving OEO has some leeway in designing the campus policy.

Important Title IX Terminology

- Recipient - an educational institution (school or university), i.e., Brandeis University
- Complainant - a person who has allegedly experienced sex-based harassment and is filing a formal complaint
- Respondent - a person who has allegedly perpetrated sex-based harassment and is receiving a complaint against them
- Title IX Coordinator - the person centrally responsible for ensuring recipient compliance with Title IX. Brandeis University's Title IX Coordinator is Sonia Jurado.
- Office of Equal Opportunity (OEO) - the office responsible for Title IX compliance at Brandeis University

PARC & Title IX

While PARC is independent from the Office of Equal Opportunity and Title IX processes, advocates can support you in navigating Title IX in whatever way feels right for you, including not engaging with Title IX at all. This can include guiding you through understanding your options and serving as support during a Title IX process.

You can utilize PARC's confidential advocacy services if you have any questions or want support. You can access the Chat Box or schedule a meeting with an advocate on the PARC website.



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Brandeis University's Office of Equal Opportunity's Process

- 1. Notice Given to Title IX Coordinator:** Any person with knowledge of sexual harassment can tell or “give notice” to their Title IX Coordinator. Some employees, called responsible employees, are required to give notice. This notice does NOT equate to a formal grievance process or require anything from the person who has experienced violence; it simply requires that the Title IX Coordinator reach out to the person impacted by violence to provide information about reporting options and supportive measures. The person impacted does not have to respond and the process can end there. Similarly, meeting with a Title IX Coordinator to learn more does not require you to subsequently report or take any more steps if you do not want to. Notice does not prompt an investigation -- only filing and signing a formal complaint does.
- 2. Filing a Formal Complaint:** If they choose, a complainant can begin a formal grievance process (a process to seek punitive measures against a respondent) by filing and signing a formal complaint. This can be done in-person, through mail, or electronic mail. A Title IX Coordinator and the complainant are the only two parties who can initiate a formal grievance process. A Title IX Coordinator is the only entity that can initiate a formal grievance process without the permission of the complainant. These administrative complaints are rarely filed. When filed, the Title IX Coordinator must show it was not done with “deliberate indifference” to the complainant.
- 3. Notice to Respondent:** Next, the respondent receives written Notice of Formal Complaint. The respondent then has the opportunity to meet with OEO to discuss the process. The respondent can either provide a statement in response to the complaint (leading to a subsequent process or investigation) or accept the responsibility and proceed to the University sanction. More information about university sanction is outlined in Step 6.
- 4. Informal Resolution Process or Investigative Procedure Begins:** If the respondent does not accept responsibility, either an informal resolution process or an investigative procedure begins.
 - Informal Resolution Process: occurs optionally when the complainant and respondent voluntarily agree to engage in an informal resolution.
 - Investigative Procedure: an investigator will conduct a prompt, thorough, and impartial investigation into the allegations raised in the formal complaint. The investigation concludes with an investigative report. Both parties can review and comment on report before it is finalized.



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Brandeis University's Office of Equal Opportunity's Process, continued

5. After Investigation: Process Determination & Panel: Following an investigative report, OEO decides whether the report will be evaluated through a formal grievance process or a formal resolution process. This depends on the allegations:

- **Formal Grievance Process:** used exclusively when the conduct falls under Secretary DeVos's new definition of sex-based harassment (severe and pervasive) and if the conduct occurred in the U.S, occurred in a University program or activity, *and* if the complainant is participating in the University program.
 - Requires a live hearing. At Brandeis, live video conference is used; the decision-making panel and the parties can ask questions of other parties and witnesses only through their support person or advisor. For evidence to be admissible it must be cross-examined.
- **Formal Resolution Process:** adopted by OEO to accommodate conduct that falls outside of DeVos's new Title IX regulations. This is exclusively used when the conduct does not fall into the new Title IX definition of sexual harassment and violence and if the conduct did NOT occur in the U.S, did NOT occur in a University, *or* if the complainant is NOT participating in the University program.
 - Does NOT include a live hearing. A decision-making panel of three trained people (staff, faculty, and/or someone from outside of the University) review the Investigative Report and supportive materials and make their decision. The Title IX Coordinator cannot serve as a decision-maker in either process. Brandeis University uses the preponderance of evidence standard (more likely than not) as they make the decision.

6. Determination: The decision-making panel decides whether the respondent violated policy. The possible outcomes are the same irrespective of whether a formal grievance process or formal resolution were used. Both parties receive the decision in writing. An appeal option is available to both parties if they believe the process was conducted with bias or a procedural irregularity. If the respondent is found responsible, a sanction is decided by the Dean of Students Office, employee's supervisor (if applicable), or the Vice President of Human Resources.

For more information on Title IX at Brandeis University, go to www.brandeis.edu/oeo.



Prevention, Advocacy & Resource Center
24/7 Hotline: 781-736-3370
brandeis.edu/parc