



NCCADV

North Carolina Coalition
Against Domestic Violence

The Department of Education announced the anticipated Title IX Regulations on May 6th, 2020. Title IX protects students on college campuses from discrimination based on sex in education programs or activities that receive Federal financial assistance. As defined by the new regulations, Title IX will now address sexual harassment on college campuses, which includes dating violence, domestic violence, sexual violence and stalking. As NCCADV remains committed to supporting survivors on college campuses, we recognize the new rules set forth by the Education Department will deeply impact survivors on college campuses and we remain committed to supporting institutions across our state.

The new rules set forth include five areas of major change:

1: Within the new rules set forth, institutions may be able to dismiss instances of sexual harassment based on logistical errors and subjective judgement. The new standards set in place allow institutions to define the acceptable level of “suffering” to meet the criteria for a formal grievance. Additionally, this has the potential unintended consequence of a student repeatedly enduring abuse until the evidence rises to the acceptable level as acknowledged by the institution.

2: The new proposed standard of reports and investigations of instances of sexual harassment requires the assumption the reporting person/victim is not telling the truth. The Department of Education has described the new regulations as creating an environment that allows for an “equal process for both complainant and respondent; however, this assumption will contribute to a victim-blaming environment and the potential for mistreatment of survivors.

3: Live hearings are now a mandatory requirement of the grievance process as well as live cross-examinations. As a result of this requirement, survivors will not have the option to have a hearing where they are not able to see the person who has caused harm to them, as all hearings (even virtual ones) must take place in a way where both parties can see and hear each other at all times. This new, mandatory requirement jeopardizes the wellbeing of survivors. Additionally, the negative, long-lasting impact of a live cross-examination from the advisor of the person that has done harm does not reflect trauma-informed, survivor-centered practices that NCCADV recommends during the Title IX grievance hearings.

4: Institutions will now have the ability to dismiss formal complaints and decline investigations for victims as long as the response is not “clearly unreasonable”. This leaves a victim’s complaint entirely at the mercy of the subjective judgment of those who hold power at institutions. Those persons have full discretion to make decisions about whether a complaint will be investigated, which students will receive supportive measures, or if a matter of discrimination based on sex will be addressed.

5: An institution will now be able to claim religious exemption from Title IX without any notification to the Department of Education. This will allow colleges who claim religious exemption to discriminate based on sex, against a student who may be pregnant, attempting to access birth control or abortion information, LGBTQ+ students and more. This will have detrimental impact on marginalized students who attend colleges that claim exemption as their protections against discrimination have been removed.

NCCADV recognizes the release of the new Title IX guidance during COVID-19 has created an additional barrier for students, faculty and staff across our state. NCCADV remains committed to centering the needs of our survivors, supporting advocates, preventionists, and investigators on college campuses and parents of college. We will continue to create guidance, facilitate trainings and support our campuses through this complex time in North Carolina history. If you have any questions about the impact of the proposed rules, please contact Taylour Neal at tjohnson@nccadv.org