2020 Title IX Implementation
Frequently Asked Questions

- **What is an equitable advisor?**
    - An institution must provide both the complaining and responding party with the opportunity to choose an advisor of the party's choice. The advisor of the party's choice *may* be an attorney, but does not have to be under the rule. Once selected, party's advisor is permitted to attend all interviews, meetings, hearings, and other proceedings. Additionally, an institution should provide a party's advisor with a copy of the relevant evidence and the investigation report provided to the parties during the investigation, unless a party expressly instructs the institution not to provide materials directly to their advisor.
    - An advisor of the party's choice is not the same person – and does not play the same role – as an advisor of the school's choice provided to parties who do not already have an advisor.
        - In the event that a party does not have an advisor at a hearing, but that party does wish to ask cross examination questions of the opposing party and/or witnesses, then the school must provide an advisor to that party. The only role that a school must allow this provided advisor to play is to conduct cross-examination during a hearing. The advisor provided by a school may be an attorney. However, the 2020 Regulations do not require that the advisor provided be an attorney. The regulations are silent as to professional or other requirements of provided advisors. As such, schools may choose any individual – including school employees or nonemployees – to act as advisor. The advisor must be provided free of charge to the party.
        - A concern of equitability arises with the school's duty to appoint an advisor. Central to this concern is the regulation that the individual is not required to be an attorney. This concern is particularly present in certain scenarios, such as: (1) when the opposing party does have an advisor of their own and that individual is an attorney, professionally trained in cross-examination and adversarial processes generally. In this event, the party without an attorney advisor may be at a disadvantage; and (2) when either or both the advisor of the party's choice or the advisor provided by the school is not an attorney, but is required to practice cross examination in an adversarial hearing. An example may be a party's parent or victim advocate. These individuals may be concerned with engaging in the unauthorized practice of law in the cross-examination session and throughout the process.
        - To address concerns, a school may choose to provide an attorney as an advisor in every instance. Or, at a minimum, where the opposing party is represented by an attorney.
        - Further, while the only required role of an advisor provided by a school is to conduct cross examination during a live hearing, a school does have the discretion to proscribe additional permissible and impermissible acts an advisor may or may not take during a TIX process. Therefore, schools may provide an advisor to a party without an advisor earlier in the TIX process, such as upon the filing of a formal complaint, rather than only during the hearing. This way, both parties would have access to more equal assistance.

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- While a school must permit only an advisor to ask cross examination questions, the school retains discretion to otherwise limit the role that an advisor may play during the hearing. For instance, a school may include provisions that prevent a party's advisor from speaking or otherwise directly participating in the hearing.

- **Who should institutions use as advisors?**
  - Parties have the right to obtain their own advisor of their choice. This person may, but is not required to be, an attorney.
  - If a party does not have an advisor of choice, schools must provide an advisor of the school's choice. This person may, but is not required to be an, attorney.
  - The 2020 Regulations do not provide limitations on the selection of an advisor provided by a school. Because the Regulations do strictly prohibit conflicts of interest or bias, schools may require that an advisor of the school's choice may not have a bias against the party to whom they are provided, or against individuals in the role of that party (Complainant or Respondent), generally.
  - Because of the lack of specific guidelines in the selection of an advisor, it follows that the advisor does not necessarily need to be a member of the school's staff or personnel – whether the position is on or off campus. Provided, again, that they are not biased against the party they are to advise.
  - Because of the concerns detailed in the section above, schools may choose to provide an attorney as an advisor of the school's choice in all cases. This attorney does not need to be employed by the school. However, the cost of the attorney's services must not be charged to/paid by the parties.
    - Given the extensive changes and weight of the new Regulations, the attorney provided to parties should have trauma-informed experience in matters involving Title IX, sexual harassment, and civil rights.

- **How should institutions train advisors?**
  - Per the Title IX Summary released with the regulations:
    - "Training of Title IX personnel must include training on the definition of sexual harassment in the Final Rule, the scope of the school's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias."
    - "A school must ensure that decision-makers receive training on any technology to be used at a live hearing."
    - "A school's decision-makers and investigators must receive training on issues of relevance, including how to apply the rape shield protections provided only for complainants."
  - It is up to each party to choose who their advisor is, except in those instances where the party chooses no one, then the school must provide them with an advisor to, at minimum, conduct cross examination. An advisor does not need to be an attorney, but can be. If the party chooses an advisor, the school must provide that advisor with certain information during the process, including evidence and the investigative report, as well as the opportunity to be present.

- An advisor does not have specifically listed training requirements per the regulations. However, given the minimum requirement of cross examination, and the role of an advisor in the process, an advisor must possess certain knowledge/experience to be able to complete their duty as an advisor. An advisor must be trained or know how to cross-examine someone in order to be an effective advisor. In order to properly advise someone in the process, an advisor must know the school's process, as well as Title IX requirements, including rights of the parties.

- **What are the liabilities for advisors and the schools they are associated with?**
  - Only the school itself is subject to liability for a violation of Title IX, should a complaint and/or investigation lead to a determination by the Office of Civil Rights that a school's response to Sexual harassment and/or the school's grievance procedures were deliberately indifferent, and therefore, violated Title IX. A school's response to sexual harassment is deliberately indifferent where the school had "actual knowledge" of the sexual harassment and its response was "clearly unreasonable in light of the known circumstances."
  - However, whether or not others involved in a Title IX matter may be held liable for various transgressions remains a heavy debate at this time.
  - Legal scholars and education professionals have considered the consequences for advocates, and other non-attorney advisors, such as liability for engaging in the Unauthorized Practice of Law:
    - Various state laws/policies define and provide for processes and consequences regarding the Unauthorized Practice of law. Generally (as in Ohio), the Unauthorized practice of law is the "rendering of legal services for another by any person not admitted to practice." Engaging in the unauthorized practice of law may result in injunctions and civil penalties.
    - The new Regulations require cross examination to be conducted by a party's advisor (or, by an advisor provided by the school) during a live hearing, but do not likewise require that one or both advisors be an attorney. Further, Proceedings under the new Regulations are more akin to legal and court processes than ever before. Proceedings center around issues of Relevance, Admissibility, and Constitutional Rights, and require the practice of skilled cross examination. Further, Title IX matters may result in, or become relevant in, future litigation or criminal proceedings. Thus, these Proceedings and the issues therein are best conducted by an Attorney. When an advocate or other non-attorney acts as an advisor, there is concern that they may be liable for engaging in the Unauthorized Practice of Law. This concern becomes particularly strong where only one party is represented by an attorney.
    - Additionally, a licensed attorney may not assist in the unauthorized practice of law by another person. Therefore, there is concern regarding the responsibility – and potential liability of – other attorneys involved in a Title IX matter – including opposing counsel and general counsel.

- **Will someone other than the Title IX coordinator have to decide whether a complaint falls under Title IX or should be forwarded to student conduct/HR for review? Or can the Title IX coordinator continue to make these decisions?**
  - Per the regulations:

- An institution of higher education has notice after a report is made to the "Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient."
- "A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States must respond promptly in a manner that is not deliberately indifferent."
- "Formal complaint means 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 recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient.

  - A formal complaint must be filed with the Title IX Coordinator. The regulations do not specify that the Coordinator has to be the one to decide if this falls under or Title IX or not.

- **What should be done about sexual harassment issues? (E.g. someone draws body parts on white board or wall) Can that be addressed under student conduct?**
  - If a behavior does not fall under Title IX, other policies or procedures can be utilized for unwanted behavior or actions. Plagiarism, assault, underage-alcohol use, destruction of property, etc. are not Title IX but can be addressed in other code of conducts or HR policies.

- **What about off-campus cases that don't seem to fall under new Title IX but someone wants to pursue under the student conduct code? Could that be seen as retaliation?**
  - Per "Summary of Major Provisions of the Department of Education's Title IX Final Rule":
    - "A school may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction in any manner the school chooses, including providing supportive measures or pursuing discipline."
  - While the Title IX regulations define Title IX incidents per specific locations, there is nothing in the regulations that prohibits schools from prohibiting sexual harassment off institution grounds.

- **How should schools determine jurisdiction for off-campus housing?**
  - Per the regulations:
    - "For the purposes of this section, §§ 106.30, and 106.45, "education program or activity" includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution."
  - The institution must have substantial control over a location in order to engage Title IX. If the institution has "substantial control", then they must act within the confines of Title IX. If there is no substantial control, then the school could still take action under a different part of their student conduct or HR policy.

- **What should informal resolution processes look like? How long is reasonable to maintain interim remedies that are the resolution for when students don't want to go through a formal process?**
    - Institutions have significant leeway in what results from an informal resolution process. Recovery from sexual harassment is an ongoing, sometimes lifelong process. We cannot expect that one-size or one-answer fits all solution – the process and outcomes must be tailored to individual situations. Some important considerations:
        - Graduation dates
        - Any plans to attend graduate school at the same or another institution after graduation
        - Do the parties have classes in common?
        - What events or groups are or will the parties participate in?
        - Are they in the same major, sports team, academic team, etc.?
        - Are there school-wide, department-wide, or other large events that they want and/or need to attend?
- **How should campuses address sexual violence occurring in off-campus housing that students pay for but aren't considered school properties? (Reservations made by school.) Where does this fit in Clery geography?**
    - Clery geography has not changed, based upon Title IX. Please access the Clery Handbook for further guidance on Clery geography.
    - Title IX and Clery geography may overlap, but Title IX does not adopt Clery geography for any of its definitions.
- **What about the changes dealing with athletics and the NCAA, specifically on reporting?**
    - From the discussion section of the final regulations: "The Department is not under an obligation to conform these final regulations with NCAA compliance guidelines and declines to do so. Any recipient may give coaches and trainers authority to institute corrective measures on behalf of the recipient such that notice to coaches and trainers conveys actual knowledge to the recipient as defined in § 106.30."
    - Therefore, it is up the school to mitigate and determine how best to meet all obligations, whether Clery, Title IX, or NCAA.
- **How can campuses comply with the requirement to post training materials on websites? Must campuses post the names of all decision-makers and how they've been trained? Should campuses post a video of the actual training as delivered in real time, or is it sufficient to post the training content?**
    - An institution's training materials must be made publicly available (either on the website or available by request if there is no website), but the final rule makes no mention of institutions needing to list everyone trained in these materials. Similarly, the final rule does not indicate that a recording of the training(s) need be supplied. Instead, it merely requires the materials of the training: PowerPoints, handouts, videos, etc.

- **Would VAWA and trauma-informed training be construed as gender-biased, for the purposes of the new regulations? These are still required under law, but how to reconcile that with new regs?**
    - The new Regulations do not require the same trauma-informed training as required under VAWA. Nonetheless, this training should be provided to all individuals and professionals who may encounter a sexual violence or Title IX matter. To avoid allegations of providing gender-biased training, providers should be careful to link specific roles (example: a Complainant or victim of sexual assault) more often with one gender than another, or to link specific scenarios with sexual violence (example: sexual assault of intoxicated College student occurring at a Fraternity house/event).

- **Current campus resources are focused on pandemic adjustments. Will OCR be flexible if policies are mostly in place by the August 14 deadline?**
    - We cannot speak for the Department. Although the Department has made the following statement in the regulations: "The Department recognizes that the length and scope of the current national emergency relating to COVID-19 is somewhat uncertain. But based on the information currently available to it, the Department believes that the effective date of August 14, 2020, adequately accommodates the needs of recipients, while fulfilling the Department's obligations to enforce Title IX's non-discrimination mandate in the important context of sexual harassment."

- **Have there been any sample/model policies circulating could be useful as templates? Particularly an "all-in-one" policy that governs both employees and students?**
    - Given the speed at which the regulations need to be enacted by schools, we are not yet privy to model policies or templates.

- **Any suggested definition for consent in accordance to the new regulations?**
    - There is no current definition of consent that is required to be in enacted by schools. This provides campuses with wide latitude in selecting a definition. OAESV recommends an affirmative definition of consent, such as:

Consent

- Consent is clear, knowing, and voluntary permission.
- Consent can be given by words or actions, as long as those **words or actions create clear permission** regarding willingness to engage in the sexual activity.
- Individuals who engage in sexual activity of any type with another person **must first obtain clear consent** from that person. It can only be given by someone who is of legal age and has the capacity to consent.
- **Silence or lack of resistance**, in and of itself, does not demonstrate consent.
- Consent is active, not passive. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
- The following are essential elements of Consent:
    - Informed and reciprocal: All parties must demonstrate a **clear and mutual understanding** of the **nature and scope** of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
    - Freely and actively given: consent cannot be obtained through **the use of force, coercion, threats, intimidation, pressuring, or by taking advantage of the incapacitation** of another individual. **Coercion, force, or threat of either invalidates consent.**
    - **Consent to one form of sexual activity does not constitute consent to engage in all** forms of sexual activity. Each participant in a sexual encounter is expected **to obtain**

and give consent to each act of sexual activity in order for the activity to be considered consensual. A current or previous **dating relationship is not sufficient** to constitute consent.

- Consent is not indefinite. Consent may be given initially, but it **may be withdrawn** by any party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must **evaluate consent in an ongoing manner** and communicate clearly throughout all stages of sexual activity. Once consent is withdrawn or can no longer be given, the **sexual activity must cease immediately** and all **parties must obtain mutually expressed or clearly stated consent before continuing** further sexual activity.
- Consent consists of an **outward demonstration** indicating that an individual has freely chosen to engage in sexual activity.
- While consent can be given by words or actions, non-verbal consent is more ambiguous than explicitly stating one's wants and limitations. **Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance**, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity should not be assumed to be consenting to sexual activity.
- When consent is requested verbally, **absence of any explicit verbal response, or presence of a clear non-verbal response, constitutes lack of consen**t. **A verbal "no" constitutes lack of consent**, even if it sounds insincere or indecisive. Under this policy, "**no" always means "no." "Yes" only means "yes" when it is clear, voluntary, and knowingly given by an individual who has the capacity** to give consent.
- If at any time during the sexual activity**, any confusion or ambiguity arises** as to the willingness of the other individual(s) to proceed, **all parties should stop and clarify, verbally, the other's willingness** to continue before proceeding with such activity.

- **Will these new regulations impact community-based rape crisis centers?**
  - Rape Crisis Centers will need to be aware of these regulations and changes to school policies, wither higher education or K-12 institutions in order to effectively support survivors and secondary survivors throughout the various systems. Advocates are support people, and cannot give advice to survivors. Advisors and advocates need to work together as a team in order to create a support system and navigate through the various school, criminal, civil, and other systems.
  - Advocates are trained in trauma-response and sexual violence, and many can provide expertise fluently on these subjects. They are thus invaluable and should be up-to-date on Title IX standards.
- **Can the members of a Title IX Committee on campus serve as advisors?**
  - The new Regulations do not provide for any restrictions on a school's selection of advisors. However, in the event that the Committee member's position or other affiliations may reflect a bias against the individual they would advise, or against individuals in that role generally (example: all Complainants), then the individual's participation in a Title IX matter may not be appropriate.
- **Are there any expectations when it comes to mediation and Title IX cases in Ohio?**
  - There is very little specific language regarding what type of process a school should – or should not – utilize as an Informal Resolution process. However, it is clear that schools must offer some type of Informal Resolution option to both parties as an alternative to the formal process.

Because of the final rule's lack of specificity, schools have wide discretion in forming informal resolution processes. Some schools may model this process after a mediation or dispute resolution process, while other may focus a process on negotiation practices.

The focus of, and steps involved, in an informal resolution or mediation process will not violate the Regulations unless those involved (example: facilitator of informal resolution process) have a conflict of interest or bias, or have not received the training mandated by the Regulations.

A school may choose any trained and unbiased individual to facilitate informal resolution proceedings. However, it is recommended that schools use a facilitator with the most relevant experience. For example, if a school uses a "mediation" process, then a facilitator should be an attorney or professional experienced in dispute resolution and mediation.

- **Can you expand on imputation of knowledge and the difference between imputed and actual knowledge?**
    - Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a school's Title IX Coordinator or any official of the school who has authority to institute corrective measures on behalf of the school, or to any employee of an elementary and secondary school. - "Notice" includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in the Final Rule. https://www2.ed.gov/about/offices/list/ocr/docs/titleix-comparison.pdf
    - In postsecondary institutions, the school has no duty to respond to an incident of potential sexual harassment until the Title IX Coordinator actually becomes aware that sexual harassment may have taken place. In practice, the Title IX Coordinator will have knowledge of the incident upon receiving a report – by a victim or any other person – of the sexual harassment/violence, or by actually witnessing the conduct themselves.
    - The knowledge of any other faculty member or campus representative is not imputed onto the TIX Coordinator. However, an institution can provide within its own polices – that certain employees/positions do have a duty to report sexual harassment to the Title IX Coordinator. The failure to do so would result in a violation of that policy (example: employment, code of conduct).
- **If we have the OVW grant, how we can use the peer educators (trainings, outreach)?**
    - The Title IX regulations do not remove obligations or expectations to train students or employees under the Clery Act or the Ohio Department of Higher Education's Changing Campus Culture initiative.
- **Should complainants and respondents all consider getting attorneys?**
    - Although not required, OAESV considers it best practice for attorneys to be involved in Title IX processes. Given the implications of cross-examination in connected criminal and civil cases, attorneys are among the few professionals trained in all the ramifications, rights, and protections implicated in these processes.
- **Should we be training our advisors to cross examine?**
    - Advisors are expected to question the party opposing the person they are supporting (i.e. if the advisor is supporting the complainant, they are expected to question the respondent). Although the term cross-examination is used, the rules are unclear if this is formal legal cross-examination or simply reiterating questions provided by a party. If an advisor is truly there to advise the party, they should

have the knowledge and expertise to advise in all aspects of the proceeding, from the initial meeting, through the hearing (including cross-examination), to appeals.

- **Can you tell us more about what the change to "so severe…" for sexual harassment will really mean for policy?**
    - The new definition of sexual harassment will, in practice, restrict the responsibility – or number of instances in which – a school must respond to conduct that could be sexual harassment.
    - A school will only violate Title IX when it fails to address "unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity." This means that conduct that happens only once, or that may not be offensive to other students/victims, will not likely need be addressed by a school through Title IX.
    - However, certain types of behavior are still presumed to be instances of sexual harassment and must be addressed by a school, in any event. The school does not have to analyze the severity, pervasiveness, or offensiveness of conduct that is: quid pro quo (employee sexual harassment of another employee or student), or that is sexual assault, dating violence, domestic violence, or stalking.
        - The Clery Act definitions of these offenses apply here.
- **How do these changes affect our Title IX Coordinators ability to investigate? What will the differences be for students and staff?**
    - The Title IX Coordinator cannot be the decision-maker and cannot decide an appeal. There is nothing on the face of the rules to indicate that the Title IX Coordinator couldn't be an investigator, provided there is no bias or conflict of interest. It is important to note that the regulations often refer to Title IX Coordinators and investigators separately, but don't indicate if they have to be separate individuals. Even if a Title IX Coordinator signs/initiates a formal complaint, they are not party to the case, so can still be involved in the case.
- **How will this change mandatory reporting? Can advocacy be considered confidential? What now qualifies as a formal complaint?**
    - For institutions of higher education, a formal complaint can arise one of two ways: (1) initiated in writing by a complainant or (2) by a Title IX Coordinator. Under Title IX, only a complainant or the Title IX Coordinator can start the formal process. That being said, a school has "actual knowledge" if the "Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient." Therefore, unless the advocacy program has the ability to institute corrective measures, it is unlikely that they will be deemed as to having a reporting obligation. In order to provide further protections, the school can deem certain entities or people confidential.
    - It remains important to remember possible other reporting obligations, such as Clery or felony reporting law.
- **Supportive and interim measures seem to have changed -- can you explain more about how? Do our advocates need to be available to the responding party?**
    - Per the regulations:

- "Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed."
- "Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party . . ."
- "The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures."
- "The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures."

  - The Title IX Coordinator must coordinate these measures, but may not necessarily need to implement them themselves. Supportive measures can be provided with or without the filing of a formal complaint, thereby meaning that a complainant can access a variety of resources without having to proceed with a process. Supportive measures must also be made available to a respondent, if there is a respondent.
  - It is unclear at this time whether campus-based sexual violence programs specifically would be required to provide advocacy to respondents, but OAESV believes it is extremely unlikely that the law would be interpreted to require this under administrative or judicial findings.

- **Is bias in training of hearing boards a concern?**
  - Yes.
  - Per the regulations: "Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, [can] not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent."
  - These same individuals must also be trained regarding conflicts of interest and bias. If an official in the process had a conflict of interest or bias EITHER for or against complainants or respondents generally OR the specific complainant or respondent that is grounds for appeal.
- **Besides cross examination and witnesses, what other pieces have changed for hearings?**
  - Grievance process is outlined in § 106.45
  - Highlights of the process are new or altered:
    - Supportive measures (in lieu of 'interim measures')
    - Addition of the formal complaint
      - Reasons for a dismissal of a formal complaint
    - Allowance of an informal resolution process in lieu of a hearing
    - Reasonably prompt time frames (instead of specific dates laid out by the Department)
      - There are a couple of time frames directly related to the hearing

- Standard of evidence is either Preponderance of the Evidence or Clear and Convincing Evidence
- Notice of allegations with sufficient details
- Cross examination'
- Live hearings (in person or virtual)
- No allowing information without cross examination (including written statements)
- Written determination
- Remedies (after a finding) must be designed to restore or preserve equal access to the recipient's education program or activity
- Need for appeals (for both parties)

- **Based on the regulation changes, what should we be advising institutions to do to support survivors?**
  - Institutions should be educating their communities on how to report, what it means to report, and what is against Title IX and their policies. Institutions have the capacity to support survivors (whether student, faculty, or staff) in innumerable ways. Supportive measures may be pursued without a formal complaint and can drastically increase the well-being and safety of a survivor by modifying living, learning, and working environments. These measures should be advertised and accessible.
  - Confidential resources are also crucial for survivors. Advocates, counselors, and medical professionals are all important pieces to ensure a survivor can access the resources they need. Maintaining and advertising confidential resources can help survivors flourish in and out of school.
  - Creating spaces that allow for survivors to easily access information and people will not only assist a school's process but the individual's wellbeing.
- **What's your sense of the percentage of higher ed institutions (both across the country and in Ohio) that allow their advocacy staff to be confidential reporters, as opposed to mandatory reporters for sexual assault? Does this tend to vary between private vs. public institutions?**
  - This is incredibly variable, depending upon how schools have previously defined "responsible employee."
- **How will the new regulations impact single-sex programs?**
  - These regulations do not do away with single-sex programs but instead focus on equitable treatment.

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Ohio Alliance to End Sexual Violence