

Forum Title IX
Title IX Provision Comparison Chart

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	2011 Dear Colleague Letter Standard	**2017 Interim Guidance**	**Final Title IX Rule**
Informal Resolution	Allowed as option in some case types. Complainant can withdraw anytime. School official or contractor must administer proceedings. Not permitted in cases of sexual assault.	Permitted when both students voluntarily agree and a school official or contractor is involved.	Permitted in any case of sexual harassment when the Respondent is a student. Both parties must voluntarily participate and may withdraw anytime before agreement reached. Parties still provided notice of allegations, rights, and options. Not permitted when Respondent is school employee.
Prompt Resolution	60 calendar days	No established timeframe	Reasonably prompt

Cross-Examination	Discouraged	If right to Cross examine is extended to Complainant, then it must also be extended to Respondent	Both parties have opportunity to cross examine other party. However, no one can be forced to participate in hearing or cross examination. Cross examination must not occur directly between parties. Questions must be submitted to the other party through an Advisor. School is required to provide party with Advisor of School's Choice with limited role to conduct cross examination to prevent direct communication. Advisor of choice does not need to be a lawyer or specially trained. If a party does not appear in a hearing or does not answer cross examination questions, then that party's statements/witness statements are excluded. Decisionmaker can only evaluate evidence that does not include these statements.
Right to Appeal	Strongly Encouraged, Not Mandated	School may provide opportunity to appeal to either the Respondent only or to both parties.	Institutions must offer both parties an opportunity to appeal a decision to withdraw a complaint and/or a decision regarding responsibility. Appeal timelines must be reasonably prompt. The party not initiating the appeal should have a reasonable opportunity to review and respond. An institution must accept appeals based upon any of 3 grounds for appeal: procedural irregularity that affected the outcome of the matter, new evidence that was not reasonably available at the time of finding or dismissal, or Conflict of interest by the TIX Coordinator or a decisionmaker that affected the outcome of the matter.

Accommodations /Interim measures Supportive measures/Remedies	Not explicitly provided for Respondent. If interim measure requires one party to change their schedule, patterns, component of life then Burden must be on perpetrator rather than Complainant.	School may not make measures available to only one party. School may not rely on fixed rules or assumptions that favor one party over another.	Supportive Measures: free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment. These measures can be provided to both parties any time following a report of sexual harassment. These cannot be punitive or disciplinary on any other student. Remedies: measures that may be provided to the Complainant in addition to or in place of disciplinary sanctions after a finding of Responsibility. School must provide parties with a written statement and rationale for remedies regarding how they will restore or preserve equal access to education. These can be punitive (an example is a one-way no contact order).
Standard of Proof	Preponderance of Evidence	Clear and Convincing OR Preponderance of the Evidence. School must use the same standard in sexual harassment cases as in all other code of conduct cases.	School must state whether it will use the Preponderance of Evidence or Clear and Convincing Standard of Proof. Same standard must be used in all sexual harassment cases, regardless of Respondent's status as a student or employee.

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