

What to Know About Key Recent Changes to Federal Title IX Law & Howard University's Policy

It's important for you to know that Howard University's *Policy Prohibiting Sex and Gender-Based Discrimination, Sexual Misconduct and Retaliation* complies with the Title IX law and also provides broader protections against sex and gender-based discrimination. This Policy went into effect on August 14, 2020.

Recent changes to Title IX law issued by the US Department of Education narrow the definition of sexual harassment, mandate live hearings for the adjudication of sexual harassment, and place limitations on the University's Title IX jurisdiction. However, the Department has indicated that schools may continue to address a wider range of prohibited conduct, as they so choose. Therefore, Howard's Title IX Office continues to respond to *all* reports and complaints received that fall within the Policy and provide appropriate supportive measures to all parties. For example:

- Under the new federal Title IX regulations, schools are only required to address quid pro quo sexual harassment (someone offering or denying a student benefits or participation in any University program, based on that student's acceptance or rejection of their sexual advances) *when that harassment is committed by an employee.*
 - **Howard's Policy addresses *all* quid pro quo sexual harassment, including when committed by students. For example: A leader of a student organization conditioning a student's membership in that organization on whether or not that student agrees to go out on a date with them.**
- Under the new federal Title IX regulations, schools are only required to address misconduct *occurring in the United States, on property controlled by the University.*
 - **Howard's Policy addresses sexual misconduct and discrimination involving members of the University community *in all of its education programs and activities, regardless of where the misconduct occurs.* This includes off-campus housing, off-campus University programs and events, study abroad programs, and the remote/online learning environment.**
- Under the new federal Title IX regulations, harassment can only be found to create a hostile environment when the conduct is *severe, pervasive, and objectively offensive.*
 - **Howard's Policy addresses a broader range of harassing behaviors that can be *severe or pervasive* (i.e., one-time conduct that is severe may not also have to be pervasive to be a violation of the Policy).**

Adjudication Procedures

Under the new federal Title IX regulations, *investigations into violations that fit the new definition of sexual harassment must be followed by a live hearing*, at which both the complainant and respondent must be present and accompanied by an advisor who will ask questions of the other party and witnesses. Complaints regarding *all other types of sexual harassment and unequal treatment based on sex or gender covered by the Policy are not required to be adjudicated through a live hearing process* following the investigation.

View the Howard University [Policy Prohibiting Sex and Gender-Based Discrimination, Sexual Misconduct and Retaliation](#) (Title IX Policy) and visit the [Title IX Office website](#) for more information.