

Colleges Should Make Title IX/Clery Act Training Compliance Their New Year's Resolution

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Title IX and the Clery Act impose requirements on how institutions of higher education train individuals charged with processing allegations of sexual misconduct. This means that colleges covered by these laws must ensure that everyone involved in the institution's sexual misconduct grievance process-the Title IX Coordinator, investigators, hearing board members, hearing officers, and informal resolution facilitators-receives the training required by these laws. Some of this training must be provided on an annual basis. Failure to comply with these requirements can result in the imposition of significant fines.

Title IX Training Requirements

Under the Title IX regulations adopted by the U.S. Department of Education, training must cover:

- The definition of "sexual harassment" according to the Department of Education's Title IX regulations.
- Whether alleged conduct falls within the scope of institution's education programs or activities.
- Investigation and grievance procedures, including hearings, appeals, and informal resolution.
- Impartiality, avoiding prejudgment, conflicts of interest, and bias.

Decision-makers and investigators must also be trained on applying the "rape shield" protections and live hearing technologies. Unlike the Clery Act, there's no specified frequency for Title IX training. Also, the Title IX regulations do not require that anyone serving as an "advisor" for a student or employee receive any specific training. Title IX training materials, however, must avoid sex stereotypes and promote impartial investigations.

Clery Act Training Requirements

For Clery Act compliance, individuals handling grievance proceedings-including investigators and decision-makers (i.e. hearing board members)-related to sexual assault, dating violence, domestic violence, and stalking must undergo annual training on:

- Issues related to dating violence, domestic violence, sexual assault and stalking, which are also topics that constitute "sexual harassment," under the Department of Education's definition of that term.
- Conducting investigations and hearings that protect victims and promote accountability.

Posting Training Materials

The Department of Education's Title IX regulations mandate posting all training materials, including those for Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators on the institution's website. The training materials must also be kept for at least seven years.

Don't Wait for New Regulations

The U.S. Department of Education is slated to undertake another overhaul of its Title IX regulations in 2024. Although the final form of those regulations has not yet been announced, the training requirements discussed in this article are unlikely to be changed by the new regulations. Institutions, therefore, would be best advised to schedule Title IX/Clery Act training for 2024 now.

Barley Snyder Can Help

Institutions in need of assistance in ensuring compliance with training requirements under Title IX or the Clery Act should feel free to contact [David Freedman](#), partner and chair of Barley Snyder's [Higher Education Industry Group](#). Our group can design or evaluate your institution's Title IX/Clery Act training materials to ensure legal compliance.

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