Proskauer

Title IX Report: The Accused

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Students accused of sexual misconduct are increasingly filing lawsuits against colleges and universities, generating significant (negative) publicity for the school, its administration, faculty and other personnel. Title IX Report: The Accused is a quantitative analysis of 130 student complaints to determine the legal claims that form the basis for the complaints, the principal allegations raised, including allegations of "mistakes" made by institutions, and the reported outcomes. The purpose of the report is to extract data that is beneficial to higher learning institutions in crafting and carrying out Title IX policies and procedures.

Institutions need to understand their roles and responsibilities related to Title IX processes and procedures. From reputational damage and financial loss to the actual harm experienced by students, the cost of non-compliance or even perceived non-compliance is significant. To assist colleges and universities in developing best practices for proactive Title IX compliance, we pose the following questions for reflection:

- Has your institution engaged in an internal audit to assess compliance with Title IX requirements, with particular sensitivity to the “mistakes” cited in the cases reviewed as part of this report?
- Does your institution have a process in place to address and monitor administrative, case law and regulatory updates related to Title IX?
- Do your institution’s training programs satisfy federal, state and local regulatory requirements related to Title IX?
- Do your institution’s policies and practices related to Title IX investigations minimize the likelihood of future litigation by being balanced, transparent and sensitive to both parties’ educational rights?

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