

UNDERSTANDING NEW TITLE IX CHANGES 2020



BELOW IS A GUIDE TO UNDERSTANDING WHAT HAS CHANGED FOR SEXUAL MISCONDUCT PROCESSES IN OREGON IN 2020. YOUR SCHOOL MAY HAVE ADDITIONAL CHANGES.

	PREVIOUS TITLE IX GUIDANCE	UNDER NEW TITLE IX PROCESS	UNDER OREGON LAW
Can an anonymous report be made to my school?	✓	✓	NA
Can violence that happens off-campus be reported to my school?	✓	X* Only violence that takes place in the context of an educational program or activity	✓
Does every school employee have to report violence to the Title IX Coordinator?	✓	Schools can now choose Which staff/faculty are "Officials with Authority"	School employees must report abuse of people 17 and under to law enforcement / DHS
Do I have to submit a report to the Title IX coordinator?	Students could choose to submit to Title IX Coordinator, submit an anonymous report, or tell a responsible employee first	✓	NA
Will I have to participate in a hearing if my report goes to investigation?	Schools could decide to use a hearing process or not	✓	NA
Can I choose mediation or an informal process instead of a formal investigation/hearing?	X	✓	NA
How long does a school have to complete the investigation process?	60 days	No timeline, must be "prompt"	NA
Can my health, medical or other official records be used as evidence in a Title IX process?	X	X	X
Can my past sexual history be used as evidence in a Title IX process?	X	X* some exceptions apply	NA
Can my school or any person retaliate against me for being involved in a Title IX process?	X	X	X

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Can a school restrict my ability to talk about my Title IX case?	✓	✗	NA
Does my school have to offer additional support (“supportive measures”) to someone who has been reported to have experienced violence?	✓	✓	✓
Can a victim-services advocate serve as my advisor in the Title IX process?	✓	✓ *National Advocate ethics discourage and may prohibit advocates from serving as advisors if they must also be the professional to conduct cross-examination in a Title IX live hearing process	Oregon law provides legal privilege (like doctors and lawyers) to advocates. Advocates employed by schools are still mandatory reporters of child abuse.
Does my school have to include a live hearing as part of their decision-making process?	✗	✓	NA
Does my school have to include cross-examination in the hearing process?	✗	✓	NA
Does my school have to offer an appeals process after the hearing/when a decision is made?	✓	✓	NA
Does my school have to offer an appeals process when a report is dismissed?	✗	✓	NA
Does my school have to notify me (and potential applicants) of my rights and options?	✓	✓	✓