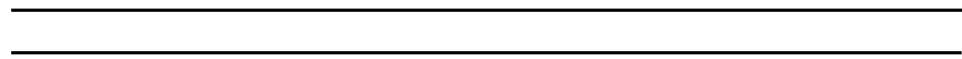


# 2017 INTERIM GUIDANCE

One person denied due process is too many."



#2017 Dear Colleague letter

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## ‡2017 Questions and Answers – Key Components

‡Focus on fairness: Schools must ensure “adequate impartial investigation of complaints”

‡Interim Measures: “In fairly assessing the need for interim measures, a school may not rely on fixed rules or operating assumptions that favor one party over another, nor may a school make such measures available only to one party.”

‡Preponderance of the evidence or clear and convincing evidence:

“the standard of evidence for Title IX disputes is preponderance of the evidence.”

- ‡ 2017 Questions and Answers – Key Components (Cont.)
  - ‡ Burden on the school to gather sufficient evidence to make a determination
  - ‡ Substantive notice – including details about the alleged incident sufficient to prepare a response
  - ‡ Allows for informal resolution of complaints
  - ‡ Meaningful access to information

‡ The response from Universities has been tepid

" Rosen:  
Ginsburg:

# TITLE IX LITIGATION OVERVIEW: RECENT TRENDS AND CASES



## Legal Claims Brought by the Accused\*\*

