

Subject: Important Updates to University Policy in Response to New Federal Title IX Regulations Requirements

Date: Thursday, August 13, 2020 at 3:41:15 PM Eastern Daylight Time

From: Rev. Scott R. Pilarz S.J. <scott.pilarz@scranton.edu>

To: universitycommunity@scranton.edu <universitycommunity@scranton.edu>

Dear Members of the University Community,

In May 2020, the U.S. Department of Education released much anticipated regulations related to Title IX of the Education Amendments of 1972 with a legal mandate that they be implemented by August 14, 2020. Title IX protects individuals from discrimination based on sex in education programs or activities that receive Federal financial assistance. The University of Scranton complies with Title IX through the Sexual Harassment and Sexual Misconduct Policy.

For the University to be compliant with the regulations and their implementation deadline, I am approving the updated Sexual Harassment and Sexual Misconduct Policy <https://www.scranton.edu/equity-diversity/docs/sh-sm-policy.pdf> effective August 14, 2020. Although approved, the Policy will still proceed through the University Governance Council and other governance bodies this fall so that all can have an opportunity to review and suggest additional improvements or changes. It is important to note, however, that the new guidelines limit flexibility in areas that the University was once able to customize, especially the investigation, hearing and other processes.

Prior to the regulations, colleges and universities complied with Title IX by interpreting case law decisions and administrative guidance known as “dear colleague letters”. To comply with the new Title IX regulations, the University was required to overhaul the current policy. In most cases, the changes are prescribed in the regulations. These include, but are not limited to, implementing live hearings and cross examination. In other cases, where the regulations allow for discretion, we continue to ensure that our compliance efforts are informed by our Catholic and Jesuit mission.

The Office of Equity and Diversity, along with the Title IX Workgroup, met at least weekly over the past couple of months to review the regulations and update the policy in accordance with the regulations. Chaired by Elizabeth Garcia, J.D., Executive Director for the Office of Equity and Diversity and Special Assistant to the President, the Title IX Workgroup includes faculty, staff, and students. For more information on the members of the workgroup, and to review the minutes of the groups, visit <https://www.scranton.edu/equity-diversity/title-ix-workgroup.shtml>.

The Office of Equity and Diversity has already announced training on the new policy for all faculty, staff and students beginning early in the fall semester. The Office scheduled training for any staff or faculty member interested in serving in one of the three roles (advisors, decision makers, informal process facilitators) created by the new regulations on August 19, 2020, from 1:00 p.m. to 5:00 p.m. An e-mail was sent by Christine Black, J.D., Assistant Director for the Office of Equity and Diversity on Friday, August 7, 2020, with more information on this opportunity.

The University remains committed to providing an environment for its students, faculty and staff that is free from sexual harassment and misconduct. We do so not just to comply with law and regulation but because doing so is so critical to our Catholic and Jesuit mission and identity.

Thank you for your support and cooperation as we address this important issue.

Sincerely,

Scott R. Pilarz, S.J.
President