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Title IX Report

The Accused



Proskauer's Higher Education Group Releases A Report On Lawsuits Brought By Students Accused Of Sexual Misconduct

Title IX of the Education Amendments Act of 1972 requires that all education programs or activities that receive federal funding enact policies and procedures to prevent sex discrimination, including sexual harassment, sexual assault and other acts of sexual misconduct.

Courts have established that Title IX provides an implied cause of action for both injured parties and students accused of Title IX violations. Lawsuits commenced by students against colleges and universities have increased, generating significant (negative) publicity for the school, its administration, faculty and other personnel. This report reviews **130 federal and state court complaints filed by students across the country between January 2011 and December 2016** who claim violation of their rights during a Title IX investigation and/or adjudication. We analyzed these complaints to determine the claims made, the principal allegations made (including allegations of “mistakes” by institutions) and the outcomes reported to extract data that may be beneficial to higher learning institutions.

Of 130 Cases Reviewed:

Alcohol or Drugs



Alcohol or drug use occurred in **56.9%** of cases

Greek Life



Greek Life was cited in **20%** of cases

International Students



In **7.7%** of cases, the accused was an international student

The sanctions imposed upon the accused student that resulted in litigation of the **130 cases**:



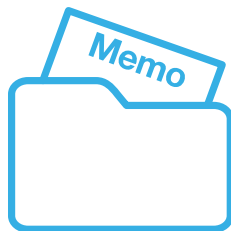
43.9%

of cases were brought by students who had been suspended



41.5%

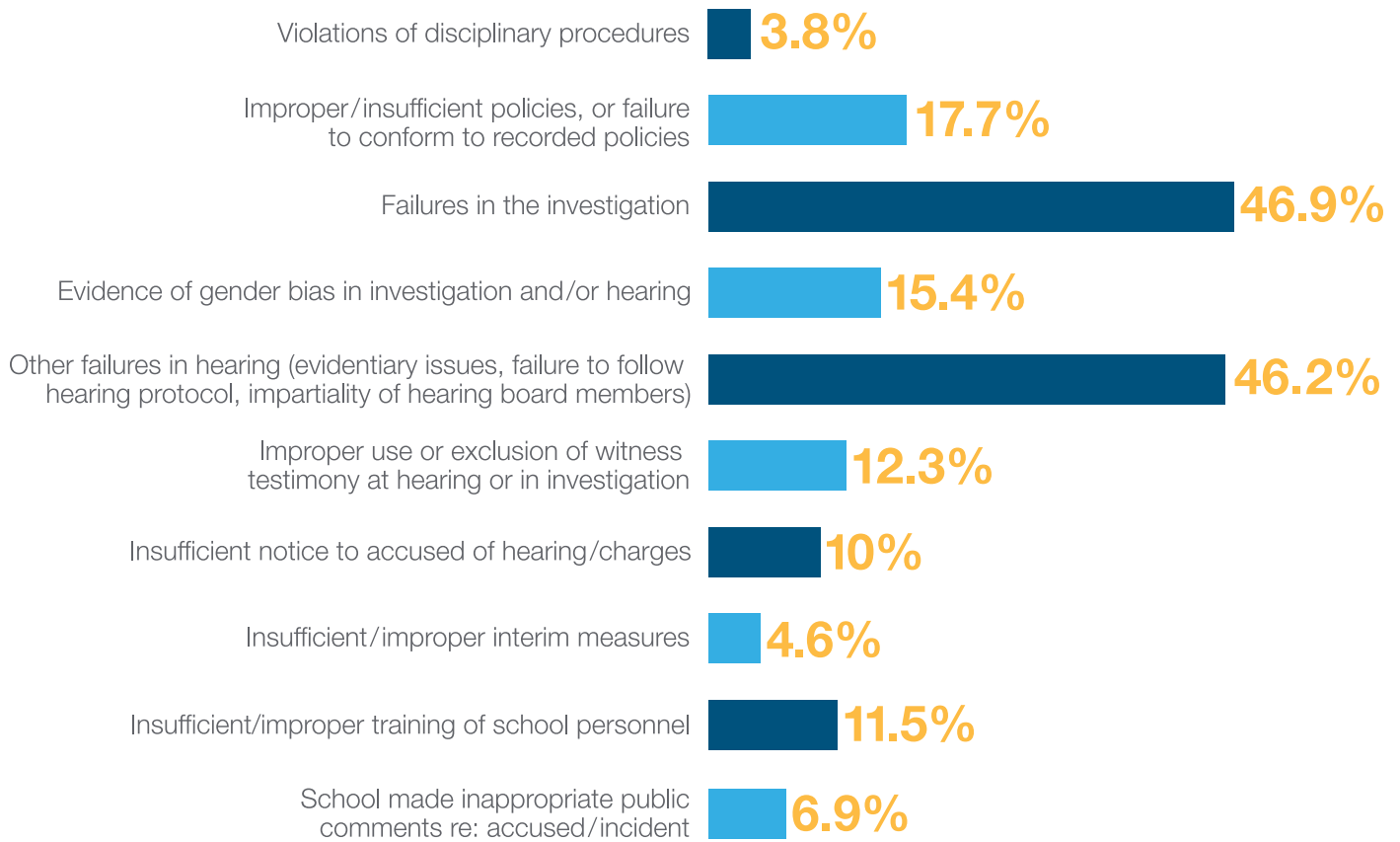
of cases were advanced by expelled students



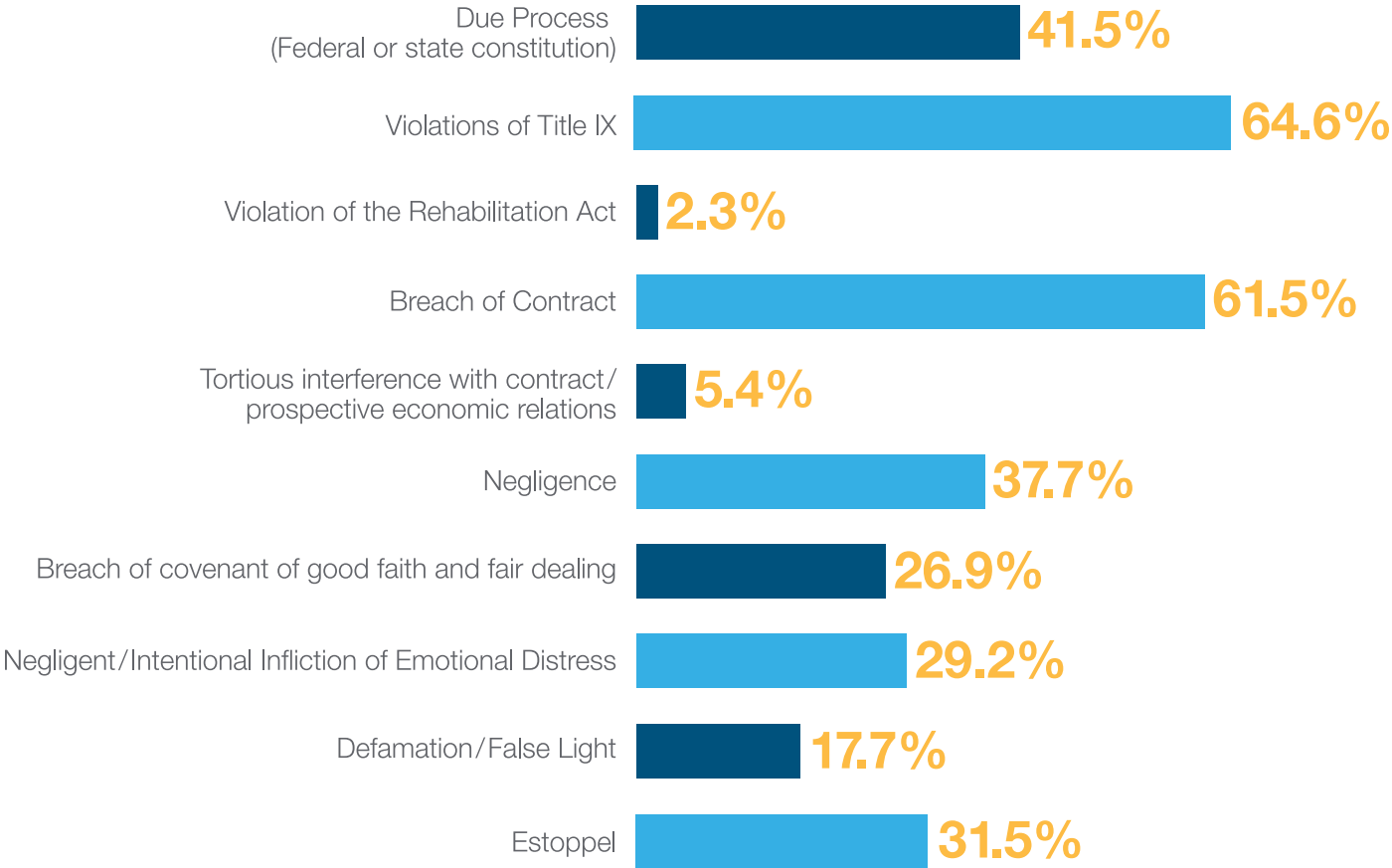
14.6%

of cases were filed by students who received some other form of sanction

“Mistakes” Cited in the 130 Cases – A look at where schools allegedly made mistakes



Legal Claims Advanced by the Accused

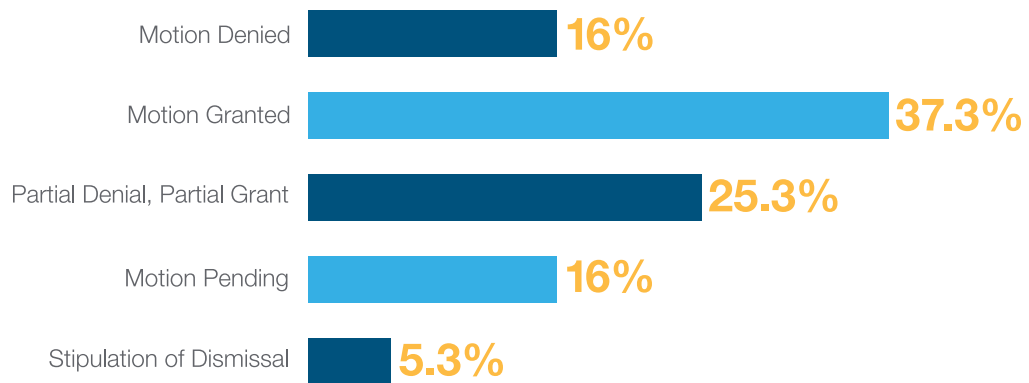


Was a Motion to Dismiss Brought By the School?

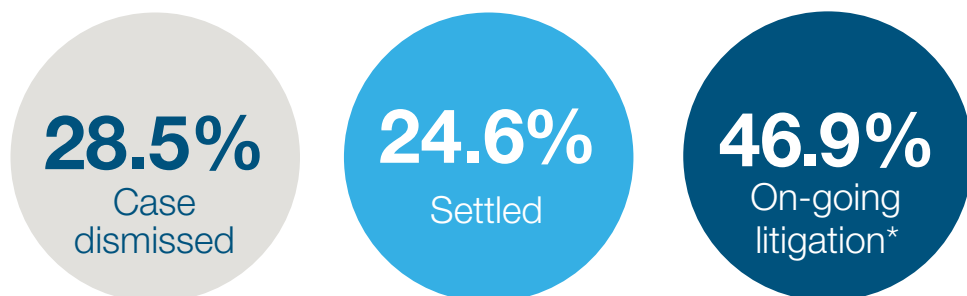
57.7%



Where a Motion to Dismiss was Brought, What Happened?



Outcome



* As of June 10, 2017.

Final Thoughts

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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