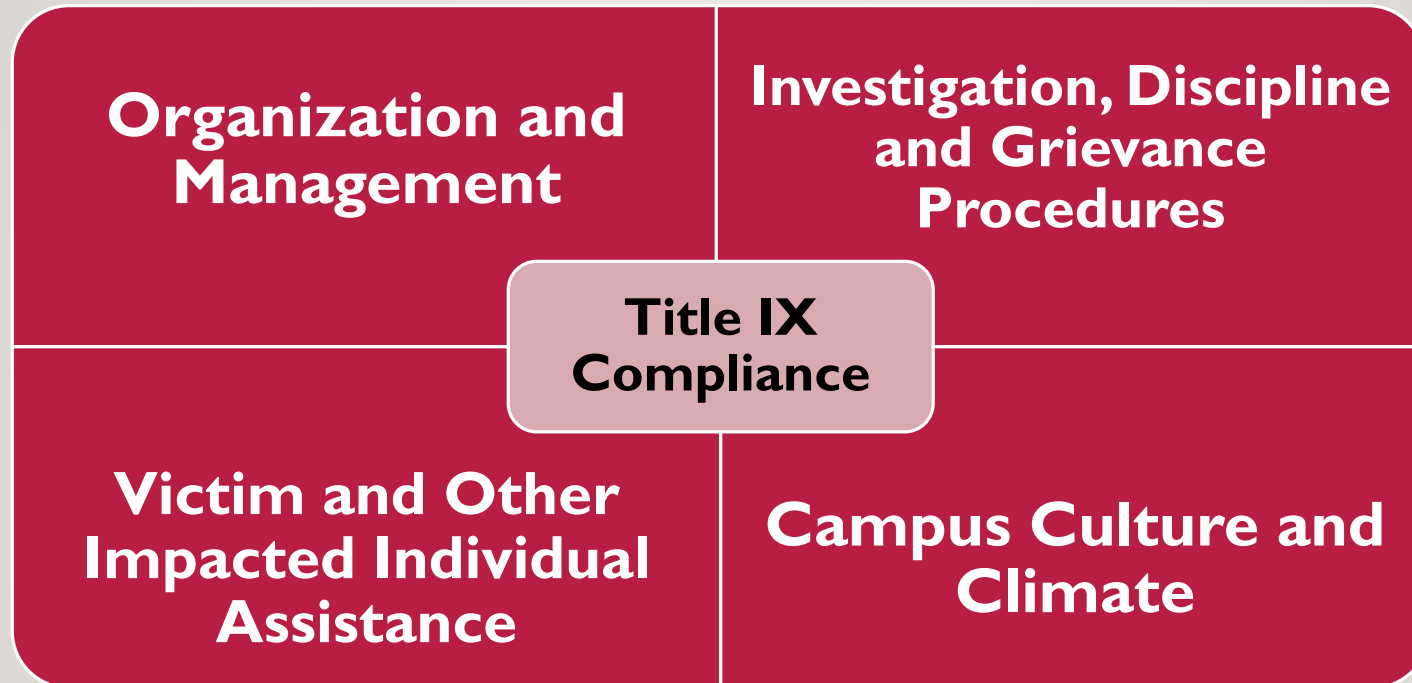


THE FOUR CORNERS OF TITLE IX COMPLIANCE IN LIGHT OF POTENTIAL CHANGES IN INTERPRETATION AND ENFORCEMENT

PETER F. LAKE, PROFESSOR OF LAW, CHARLES A. DANA CHAIR, DIRECTOR OF THE
CENTER FOR EXCELLENCE IN HIGHER EDUCATION LAW AND POLICY, STETSON
UNIVERSITY COLLEGE OF LAW

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LAKE'S FOUR CORNERS OF TITLE IX REGULATORY COMPLIANCE



BYU focuses on addressing sexual assault issues

APRIL 24, 2017 *by* ELIZABETH NELSON

<https://news.byu.edu/sites/default/files/AdvisoryCouncilReport.pdf>

Report of the Advisory Council on Campus Response to Sexual Assault

BRIGHAM YOUNG UNIVERSITY

7 OCTOBER 2016

TITLE IX COMPLIANCE AT A CROSSROADS

- The potential impacts of the general election—from regulation to advocacy?
- How might DCL's evolve?
- Will Congress add new statutory requirements?
- Republican Party Platform*:
 - “Republicans propose a different solution. Reported assaults ‘must be promptly investigated by civil authorities and prosecuted in a courtroom, not a faculty lounge,’ they contend. The Obama administration’s ‘distortion of Title IX to micromanage the way colleges and universities deal with allegations of abuse,’ they say, ‘contravenes our country’s legal traditions and must be halted.’”

**Sarah Lipka, What the Future Holds for the Federal Crackdown on Campus Sexual Assault, Chron. Of Higher Educ. (July 31, 2016).*

POTENTIAL IMPLICATIONS FOR TITLE IX?

- Walking back on “overreach” of the Obama administration?
 - Transgender bathrooms issue a prognosticator?
- Focus on Respondent Rights?
- Focus on Process?
 - The right to cross-examine?
 - The use of “preponderance of the evidence”?
- More inclusion of campus and local law enforcement?
- Shift in “Regulatory Truth”
 - Johnson & Taylor, *The Campus Rape Frenzy: The Attack on Due Process at America’s Universities* (Encounter Books, 2017)

POTENTIAL IMPLICATIONS FOR TITLE IX CONT'D

- Mission Rectification
- “Voluntary Compliance” and Consumer Pressure
- “Field Position Football”
- Courts?
- State Mandates (GA Bill 51)
- No Longer a “Blue Dot” Debate

POTENTIAL IMPLICATIONS FOR TITLE IX CONT'D

- Accreditation
- Enrollment Management → Performance Funding
- Development? Branding?
- P-20