

RESOLUTION TO APPROVE REVISION TO POLICY 1025 ON DISCRIMINATION AND HARASSMENT AND TO DISCONTINUE POLICY 1026 ON TITLE IX SEXUAL HARASSMENT AND RESPONSIBLE EMPLOYEE REPORTING

WHEREAS, Virginia Tech is committed to a learning and working environment that is free of discrimination; and

WHEREAS, the university is subject to federal regulations that include Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act, the Equal Pay Act, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Federal Executive Order 11246, Genetic Information Nondiscrimination Act of 2008 (GINA), Virginia Executive Order(s), and all other federal and state rules and regulations that are applicable; and

WHEREAS, Virginia Tech regularly reviews and revises its policies to be consistent with federal and state requirements; and

WHEREAS, since 1991, policy 1025 has served as the university's policy on harassment, discrimination, and sexual assault; and

WHEREAS, in April 2024, the U.S. Department of Education, Office of Civil Rights released its Final Rule under Title IX of the Education Amendments of 1972—to be effective August 1, 2024, and this 2024 regulation eliminates the university's need for policy 1026 "Policy on Title IX Sexual Harassment and Responsible Employee Reporting" that had been promulgated in 2020 in response to specific Title IX regulations at that time; and

WHEREAS, the proposed attached revision of policy 1025 incorporates all required elements of the Final Rule of Title IX, and the inclusion of Title IX sexual harassment and responsible employee reporting into the proposed revision of policy 1025 allows the university to communicate anti-discrimination policy and procedures in one document; and

WHEREAS, there is pending litigation in five jurisdictions requesting that the Final Rule of Title IX be vacated in part or in their entirety and seeking a nationwide preliminary injunction to bar the rules from going into effect pending the outcome of the cases;

NOW, THEREFORE BE IT RESOLVED that the Board of Visitors approves the attached proposed revision to policy 1025, which includes all required elements of the Final Rule of Title IX issued by the U.S. Department of Education, Office of Civil Rights, to be effective August 1, 2024; and

BE IT FURTHER RESOLVED that Policy 1026 on Title IX Sexual Harassment and Responsible Employee Reporting be discontinued, effective August 1, 2024; and

BE IT FURTHER RESOLVED that the appropriate university documents, including but not limited to the Student Code of Conduct and the Faculty Handbook, be revised as necessary to reflect the discontinuation of policy 1026 and the adoption of policy 1025 as revised; and

LASTLY, BE IT RESOLVED that should any of the lawsuits that have been filed requesting that the Final Rule of Title IX be vacated in whole or in part be successful or a preliminary injunction be granted prior to August 1, 2024, this Board of Visitors resolution will be null and void.

RECOMMENDATION:

That the resolution to revise Policy 1025 as proposed in the attached document and to discontinue policy 1026 be approved effective August 1, 2024, with the provision that this resolution will be null and void if any of the lawsuits that have been filed requesting that the Final Rule of Title IX be vacated in whole or in part is successful or a preliminary injunction is granted prior to August 1, 2024.

June 11, 2024



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Policy on ~~Harassment, Discrimination, and Sexual Assault~~ Discrimination and Harassment

No. 1025

Policy Effective Date:
3/4/1991

Last Revision Date:
~~8/31/2021~~ 8/1/2024

Policy Owner:
President Sands

Policy Author: *(Contact Person)*
Kelly Oaks
Kim O'Rourke

Affected Parties:
Undergraduate
Graduate
Faculty
Staff
Others

1.0 Purpose
2.0 Policy
3.0 Scope
4.0 Procedures
5.0 Definitions
6.0 References
7.0 Approval and Revisions

1.0 Purpose

The university is subject to Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act, the Equal Pay Act, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Federal Executive Order 11246, Genetic Information Nondiscrimination Act of 2008 (GINA), Virginia Executive Order(s), and all other federal and state rules and regulations that are applicable.

2.0 Policy

2.1 University Statement on Non-Discrimination

Virginia Tech does not discriminate against employees, students, or applicants on the basis of age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or military status, or otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants, or on any other basis protected by law.

2.2 Applicability of Non-Discrimination Statement

The prohibition against discrimination and harassment applies to all levels and areas of university operations and programs, to undergraduate and graduate students, administrators, faculty, staff, volunteers, vendors and contractors. Such behavior is inconsistent with the university's commitment to excellence and to a community in which mutual respect is a core value as articulated in the Virginia Tech Principles of Community.

~~2.3 Reference to Policy on Title IX Sexual Harassment~~

~~Effective August 14, 2020, sexual misconduct that falls under Title IX Sexual Harassment, as defined by federal law, shall be governed by the university's Policy on Title IX Sexual Harassment and Responsible Employee Reporting (Policy No. 1026). If both this policy and Policy No. 1026 apply, the procedures as outlined in Policy No. 1026 shall be utilized. For clarification on what sexual misconduct falls under Title IX Sexual Harassment, please see Policy No. 1026.~~

3.0 Scope

The university's jurisdiction includes incidents that occur within the context of a university program or activity and on-campus incidents and off-campus incidents that cause continuing effects on campus, ~~and includes e~~ Complaints may be filed by, including but not limited to, students or employees, or others on their behalf, alleging discrimination or ~~discriminatory~~ harassment.



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~~(including sexual harassment and sexual violence) carried out by faculty, staff, other students, or third parties.~~

Virginia Tech is also committed to the free and vigorous discussion of ideas and issues. This policy does not allow curtailment or censorship of constitutionally protected expression, nor does it attempt to address behaviors that do not constitute discrimination or harassment. Offensive behavior that does not violate this policy should be addressed by the appropriate supervisor or administrator.

3.1 Contact Information

Questions and complaints about discrimination and harassment under this policy should be filed with:

<u>Discrimination and Harassment involving faculty, staff or students:</u>	<u>Sex Discrimination, Including Sex-based Harassment:</u>
<u>The Associate Vice President for Equity and Accessibility Office for Equity and Accessibility Virginia Tech 220 Gilbert Street, Suite 5200 Blacksburg VA 24060 Phone: (540) 231-2010 equityandaccess@vt.edu</u>	<u>Director of Title IX Compliance and Title IX Coordinator Office for Equity and Accessibility Virginia Tech 220 Gilbert Street Blacksburg, VA 24060 Phone: (540) 231-1824 equityandaccess@vt.edu</u>

~~Questions and complaints of discrimination or discriminatory harassment involving faculty, staff, or students should be filed with:~~

~~The Associate Vice President for Equity and Accessibility
Office for Equity and Accessibility
Virginia Tech
220 Gilbert Street, Suite 5200
Blacksburg VA 24060
Phone: (540) 231-2010
equityandaccess@vt.edu~~

4.0 Procedures

The Office for Equity and Accessibility maintains prescribed procedures referenced below provide for prompt and equitable response to reports of discrimination, harassment, and retaliation under this policy. ~~prohibited conduct.~~ Those procedures ~~also~~ provide for thorough and impartial investigations that afford all parties notice and an opportunity to present witnesses and evidence and to view the information that will be used in determining whether a policy violation has occurred and may provide for an informal or alternative resolution to reports and complaints made under this policy. The university applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the evidence" means that it is more likely than not that a policy violation occurred.



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The appropriate university avenue for resolving a complaint covered under this policy is determined by the status of the person accused.

All **undergraduate, graduate, and professional students** at the university are subject to the university's student code of conduct as outlined in the Student Code of Conduct, accessible at <https://codeofconduct.vt.edu>.

Faculty members at the university are subject to the rules included in the Faculty Handbook, accessible at https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html. Staff members are subject to the rules included in university policies <https://www.hr.vt.edu/onboarding/policies-handbooks.html> (~~<https://www.hr.vt.edu/resources/current-employees/policies-handbooks.html>~~) and the Virginia Department of Human Resource Management Policies (<http://www.dhrm.virginia.gov/hrpolicy/policy.html#probper>), with minor exceptions for University Staff.

~~Procedures for addressing staff and faculty violations of this policy are available from Human Resources.~~

4.1 Responsibilities of Administrators and Supervisors for Maintaining the Working and Learning Environment

University administrators, supervisors, and those performing instructional or academic advising duties have a responsibility to create and maintain a work and learning environment free of discrimination and ~~harassment~~.

If an administrator, supervisor or individual with instructional responsibility becomes aware of an incident that might reasonably be construed as constituting discrimination or ~~harassment~~, he or she must promptly contact the Office for Equity and Accessibility and coordinate with that office to take immediate steps to address the matter.



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~~Administrators, supervisors and those with instructional responsibility should contact the Office for Equity and Accessibility whenever they learn—either directly or indirectly—about discrimination/ harassment. This obligation exists even if the complainant requests that no action be taken.~~

Administrators, supervisors and those with instructional responsibility (for their respective teaching obligation) have the legal responsibility to protect a complainant from continued discrimination, harassment or retaliation, including implementing interim measures necessary to protect the complainant. They must also protect persons accused of discrimination/ harassment from potential damage by false allegations. Administrators and supervisors will be held accountable for dealing with and taking necessary steps to prevent discrimination and harassment. It is not the responsibility of the complainant to correct the situation.

~~Employees-Supervisors~~ are responsible for informing employees and students under their supervision of this policy and the name and contact information of the person responsible for addressing discrimination complaints covered under this policy.

4.2 Responsible Employee Reporting Requirements and Training

A “Responsible Employee” is any university administrators, supervisors, employees with instructional responsibilities (for their respective teaching obligation), academic advisors, and other university employees who have significant responsibility for student and campus activities or implementing the university’s policies related to employee and student discipline.

Responsible Employees must contact the Office for Equity and Accessibility whenever they learn- either directly or indirectly- about any form of discrimination or harassment defined under this policy. This obligation exists even if the complainant requests that no action be taken.

Responsible Employees who learn about behavior that might reasonably be construed as constituting discrimination on the basis of sex or sexual harassment, including quid pro quo sexual harassment, sexual violence, domestic violence, dating violence, sexual exploitation, and stalking, must promptly report the alleged behavior to the Title IX Coordinator.

All reporting obligations under this section for Responsible Employees and all other employees, except confidential employees, can be met by emailing equityandaccess@vt.edu.

<u>Responsible Employee Reporting</u>	
<u>Any form of discrimination or harassment defined under Policy 1025</u>	<u>The Office for Equity and Accessibility</u> (540) 231-2010 equityandaccess@vt.edu
<u>Discrimination on the basis of sex, sexual harassment, quid pro quo harassment, sexual violence, domestic violence, dating violence, sexual exploitation, and stalking</u>	<u>The Title IX Coordinator</u> (540) 231-1824 equityandaccess@vt.edu



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discipline up to and including termination.

4.2.1 Confidential Resources

Virginia Tech has designated several offices on campus as confidential resources. When performing their responsibilities providing services, these offices are not required to report to the Office for Equity and Accessibility or Title IX Coordinator when they learn about discrimination or harassment. Confidential resources include the staff at the University Ombuds Office and Graduate School Office of the Ombudsperson, Schiffert Health Center, Cook Counseling Center, and the Virginia Tech Women's Center. Disclosures made to Athletic Doctors while acting within the scope of his or her license or certification are also confidential.

Upon receiving a direct report about discrimination or harassment, a Confidential Resource must provide information about how to contact the Office for Equity and Accessibility or the Title IX Coordinator to the reporting individual.

4.2.2 Responsibilities of All Other Employees

All other employees, upon receiving a direct report about discrimination or harassment must provide information about how to contact the Office for Equity and Accessibility or the Title IX Coordinator to the reporting individual.

4.2.3 Training Requirement

All Virginia Tech employees must complete training related to this policy and their responsibilities pursuant to it upon hiring, change of position, and annually thereafter.

4.24.3 Supplemental/Alternative Avenues for Formal Complaints

In addition to, or in lieu of, the procedures set forth above, individuals may pursue those remedies that are available to them, as appropriate, through the following agencies:

Any individual who experiences discrimination based on disability, age, sex, or race, color, or national origin in the context of a university program or activity ~~Students and applicants for admission~~ may file formal complaints with the Office for Civil Rights of the U.S. Department of Education.

~~Faculty members~~Employees or applicants for employment may file a charge with the federal Equal Employment Opportunity Commission and/or the Virginia Council on Human Rights within 300 days of the incident.

The following options are available to **staff members or applicants for employment**:

- a) Non-probationary staff may file a grievance within 30 calendar days of the offense as outlined in the Grievance Procedure for State Employees, or
- b) Salaried and wage staff may file a complaint using the Discrimination Complaint Procedure administered by the Office of Equal Employment Services in the state's Department of Human Resource Management.
- c) Salaried and wage staff may file a complaint with the federal Equal Employment Opportunity Commission ~~or the Virginia Council on Human Rights~~ within 300 days of the alleged discrimination/harassment.

Additional information regarding this policy may be obtained from the ~~Department~~Division of Human Resources.

Additional assistance and support may be obtained from the Women's Center, the Office of the Provost (faculty), the ~~Division~~Department of Human Resources (staff and AP faculty), the Graduate School (graduate students), the Dean of Students Office, Cook Counseling Center, or Student Conduct (students).

We encourage victims of sexual violence, including rape, sexual assault, stalking, and dating and domestic violence, to exercise their right to file a complaint with the Virginia Tech Police Department if the crime occurs



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on Virginia Tech's property, regardless of the status of the victim. For crimes occurring away from Virginia Tech's property, victims may contact the local law enforcement in the appropriate jurisdiction.

5.0 Definitions

Consent means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. The existence of consent is based on the totality of circumstances, including the context in which the alleged consent occurred. Silence does not necessarily constitute consent and coercion, force, or threat of either party invalidates consent.



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- Consent cannot be given where a person is incapacitated ~~due to drugs or alcohol~~; or where a person has a disability; or is not of legal age to consent as defined by law.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent can be withdrawn at any time.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

Incapacitation means the physical or mental inability to make informed, rational judgments. Incapacitation includes but is not limited to being asleep, being unconscious, and the inability to make decisions due to the voluntary or involuntary use of alcohol or drugs.

Discrimination and/or Harassment means conduct that conditions any element of a person's employment, enrollment as a student, receipt of student financial aid, or participation in university activities on that person's age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, genetic information, national origin, political affiliation, race, religion, sexual orientation, or military status, unless otherwise permitted or required by applicable law. Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law. ~~Discrimination on the basis of sex in education programs and activities receiving federal financial funding as set forth in Title IX of the Education Amendments of 1972, as amended, is included in this definition of prohibited discrimination;~~

Harassment means ~~C~~conduct of any type (oral, written, graphic, electronic or physical) that is based upon a person's age, color, disability, sex (including pregnancy), gender, gender identity, gender expression, national origin, political affiliation, race, religion, sexual orientation, or military status and that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a university program or activity ~~unreasonably interferes with the person's work or academic performance or participation in university activities,~~ or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating; ~~and/or. This policy includes sexual violence, domestic violence, dating violence, sexual exploitation, and stalking as forms of sexual harassment.~~

Quid Pro Quo Harassment means conduct by a university employee, agent, or other person authorized by the university to provide aid, benefit, or service in any university program or activity explicitly or impliedly conditioning an individual's employment, education, or the provision of such an aid, benefit, or service upon a person's participation in unwelcome sexual conduct;

~~Conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual.~~

Retaliation means any adverse action taken by a student, employee, or other person authorized by the university to provide aid, benefit, or service in any education program or activity against a person for making a good faith report of conduct prohibited under this policy or participating or refusing to participate in any proceeding under this policy. Retaliation includes threatening, intimidating, harassing, coercing, discriminating against, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. The



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definition of retaliation does not preclude an individual from engaging in good faith actions, lawfully pursued, in response to a report of conduct prohibited under this policy.

~~**Sexual Harassment** means conduct any type (oral, written, graphic, electronic or physical) that is based upon a person's sex (including pregnancy), and unreasonably interferes with the person's work or academic performance or limits participation in university activities, or creates a working or learning environment that a reasonable person would find hostile, threatening or intimidating.~~

~~Sexual Harassment includes conduct of a sexual nature, including conduct consisting of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment or education, or submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting an individual. This policy includes sexual violence, gender-based harassment, domestic violence, dating violence and stalking as forms of sexual harassment.~~

Sexual Exploitation means an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any



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other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Sexual Violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or is unable to give consent due to an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

- **Rape** means penetration, no matter how slight, of the vagina or anus of a person with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or temporary or mental incapacity.
- **Incest** means sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
- **Statutory Rape** means sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Assault** means actual or attempted sexual contact with another person without that person's consent.
- **Sexual Coercion** means using physical or verbal aggression or pressure to force or attempt to force a person to touch another person's intimate parts without that person's consent.

Dating violence means violence committed by a person: (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic Violence means felony or misdemeanor crimes ~~of violence~~ committed by: (a) a current or former spouse or intimate partner of the victim; (b) a person with whom the victim shares a child in common; (c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of Virginia; or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Virginia.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's individual safety or the safety of others; or (b) suffer substantial emotional distress.

6.0 References

Presidential Policy Memorandum No. 112, University Non-Discrimination Statement
<https://policies.vt.edu/assets/112-non-discrimination-statement.pdf>

~~University Policy 1026, Policy on Title IX Sexual Harassment and Responsible Employee Reporting~~
<http://www.policies.vt.edu/1026.pdf>

University Policy 4075, Policy for University Accommodation of Persons with Disabilities
<http://www.policies.vt.edu/4075.pdf>



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Virginia Department of Human Resources Management, Policy 1.60 Standards of Conduct
http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2

Virginia Department of Human Resource Management, Policy 2.05, Equal Employment Opportunity
http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol2_05eeo.pdf?sfvrsn=2

Virginia Department of Human Resource Management, Policy 2.35 Civility in the Workplace
<https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/policy-2-35-civility-in-the-workplace-policy.pdf>

Virginia Department of Human Resource Management - Employment Dispute Resolution - Grievance Procedure Manual
<http://www.dhrm.virginia.gov/employmentdisputeresolution>, <http://www.dhrm.virginia.gov/docs/default-source/edrdocuments/GPM-2017.pdf?sfvrsn=8>

Virginia Tech, Expectations for Graduate Education
https://graduateschool.vt.edu/content/dam/graduateschool_vt_edu/expectations-pdfs/expectations-for-graduate-education-may-2017.pdf

Virginia Tech, Faculty Handbook
https://www.provost.vt.edu/faculty_affairs/faculty_handbook.html

Virginia Tech, Student Code of Conduct
<https://codeofconduct.vt.edu/>

[Virginia Tech, Principles of Community](#)

7.0 Approval and Revisions

- Revision 1
 Revised by Commission on Faculty Affairs, December 17, 1990, the Faculty Senate, January 8, 1991, and the EO/AA Committee on January 8, 1991, with further revisions, February 12, 1991.
 Approved March 4, 1991 by University Council.
- Revision 2
 Revised by the EO/AA Committee, March 29, 1994; approved by Commission on Faculty Affairs, May 13, 1994.
 Approved October 3, 1994 by University Council.
- Revision 3
 Revised by the Commission on Equal Opportunity and Diversity, March 28, 2005. Approved by University Council, May 2, 2005.
 Approved by the Board of Visitors, August 29, 2005.



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- Revision 4
Revised by the Commission on Equal Opportunity and Diversity, March 29, 2010.
Approved by University Council, April 19, 2010.
Approved by the Board of Visitors, June 7, 2010.
- Revision 5
Section 4 – “faculty member” replaced with “individual with instructional responsibility.”
Approved March 16, 2011 by Charles W. Steger, University President.
- Revision 6
April 24, 2013: Technical updates to:
 - reflect regulations, particularly those that add genetic information to the list of protected statuses;
 - clarify oversight responsibilities for sexual harassment complaints involving any student who is not acting in the capacity of an employee, volunteer, or contractor;
 - clarify that non-probationary employees have 30 “calendar” days to file a grievance; and
 - update references and hyperlinks.
 Approved June 3, 2013, by Charles W. Steger, University President, and the Board of Visitors.
- Revision 7
Revised to include the addition of terms “gender identity” and “gender expression” in sections 1. Purpose, first paragraph, and 2.1 Prohibited Acts, first and second paragraphs.
Approved September 15, 2014 by University President, Timothy D. Sands, and the Board of Visitors.
- Revision 8
Revised to include definitions approved by the Board of Visitors on June 1, 2015, and add contact information for the Title IX Coordinator, and language encouraging victims to file a complaint with the appropriate law enforcement agency.
Approved June 1, 2015 by University President, Timothy D. Sands, and the Board of Visitors.
- Revision 9
Revised section 2.1 to include the sentence, “Virginia Tech does not otherwise discriminate against employees or applicants who inquire about, discuss, or disclose their compensation or the compensation of other employees or applicants nor on any other basis protected by law.” This is added to comply with Federal Executive Order 13665, issued by President Obama. Approved November 9, 2015 by University President, Timothy D. Sands, and the Board of Visitors.
- Revision 10
Significant reorganization of information and to update Procedures section to reflect status of the individual(s) involved in the complaint/potential complaint. Policy name was also changed.
Approved June 30, 2016 by University President, Timothy D. Sands.
- Revision 11
 - Revised section 2.1 to add “sex” to the non-discrimination statement, in accordance with Governor Northam’s Executive Order Number One.
 - Revised section 3.1 to have all questions and complaints filed with The Assistant Vice President for Equity and Accessibility, who can further redirect the filing, if appropriate.
 Approved February 12, 2018 by University President, Timothy D. Sands.



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- **Revision 12**
Revised section 4.2 to include the University Ombuds Office (new office) and Graduate School Office of the Ombudsperson as confidential resources.
Approved October 8, 2019 by University President, Timothy D. Sands.
- **Revision 13**
Revisions throughout document to reflect new Title IX regulations promulgated by the United States Department of Education, effective August 14, 2020, which also resulted in the creation of a new University Policy on Title IX Sexual Harassment and Responsible Employee Reporting (No. 1026). Revision effective August 14, 2020.
Approved August 13, 2020, by the Executive Committee of the Board of Visitors.
- **Revision 14**
Revisions throughout document to reflect expansion of “veteran” status to “military” status as defined in Code of Virginia §2.2-2901.1.
Approved August 31, 2021, by the Virginia Tech Board of Visitors.
- **Revision 15**
Revisions throughout document to reflect new Title IX regulations promulgated by the United States Department of Education, effective August 1, 2024, which provided definitions of harassment, a definition of retaliation, and responsible employee obligations, and also resulted in the rescission University Policy on Title IX Sexual Harassment and Responsible Employee Reporting (No. 1026). Revision effective August 1, 2024.

TITLE IX RULE AND POLICY CHANGE

Overview of 2024 Regulations

KATIE POLIDORO
TITLE IX COORDINATOR

June 2024



KEY CHANGES IN 34 CFR 106

- Expanded definition of sex discrimination
- Expanded requirements related to pregnancy and pregnancy related conditions
- New definitions of sex-based harassment and retaliation



ADDITIONAL CHANGES IN 34 CFR 106

- Change in grievance procedure requirements.
- Single process requirement for all sexual misconduct matters.
- More flexibility for the university in offering informal or alternative resolutions for reports and complaints.



RECOMMENDATIONS

- Rescind standalone University Policy 1026 on Title IX Sexual Harassment
- University Policy 1025 on Harassment and Discrimination as Virginia Tech's comprehensive discrimination policy.
 - Policy 1025 definitions and requirements are consistent with Title IX and other federal and state civil rights laws.
- Due to pending litigation, policy changes should be contingent on regulations going into effect on August 1, 2024



ADDITIONAL WORK

- Reference changes in Faculty Handbook and Student Code of Conduct
- Develop Reporting and Grievance Procedures
- Develop reasonable modification process related to pregnancy
- Revise SAFE at VT and other sites
- Communication to students, faculty, and staff

