

FAQ: Officials with Authority under the 2020 Title IX Regulations

You are receiving this document because your position has been designated by Umpqua Community College (UCC) as an Official with Authority under the 2020 Title IX regulations. This FAQ will help you understand what this designation means and how you can meet your obligations under Title IX.

1. What is an Official with Authority (OWA)?

An OWA means an employee of UCC explicitly vested with the responsibility to implement corrective measures for sexual harassment on behalf of UCC. Notice to any OWA conveys actual knowledge to the institution and triggers an obligation to act in a manner that is not deliberately indifferent, which means that UCC must respond to sexual harassment allegations in a manner that is not “clearly unreasonable in light of the known circumstances.”

2. What does actual knowledge mean?

Actual knowledge under the 2020 Title IX regulations means that UCC has a legally binding obligation to initiate action to address sexual harassment, as defined in policy. This is a change from the previous “known or should have known” standard. Actual knowledge also means that failure to initiate action upon notice to an OWA or the Title IX Coordinator creates liability for failure to address the allegations or incidents of which it was made aware.

3. What constitutes actual knowledge?

Actual knowledge (or notice) results whenever the Title IX Coordinator or any Official with Authority:

- a) witnesses sexual harassment;
- b) hears about sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to be the victim) or a third party (e.g., the complainant’s parent, friend, or peer);
- c) receives a written or verbal complaint about sexual harassment or sexual harassment allegations; or by any other means.

4. What is the obligation imposed upon an OWA?

OWA's are required to report to the Title IX Coordinator any:

- a) witnessed sexual harassment,
- b) incidents reported to you regarding sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to have been on the receiving end of sexual harassment, sexual assault, dating/domestic violence or stalking) or a third party (e.g., the complainant’s parent, friend, or peer); or
- c) written or verbal complaint about sexual harassment or sexual harassment allegations.

It is best to make the report to the Title IX Coordinator in writing in a format that is time stamped and dated, such as email.

5. What Constitutes “Sexual Harassment” under the Regulations?

The final Title IX regulations define sexual harassment broadly to include any of the three recognized types of “misconduct on the basis of sex,” all of which jeopardize the equal access to education that Title IX is designed to protect, when it occurs against a person in the United States and in the institution’s education program or activity (including off-campus events and activities where the recipient exercises substantial control over both the respondent and the context in which the harassment occurs). The three types of misconduct on the basis of sex,” are:

- a) “[a]n employee conditioning educational aid or an educational benefit or service on an individual’s participation in unwelcome sexual conduct” (i.e., quid pro quo harassment)
- b) unwelcome conduct of a sexual nature or on the basis of sex that a reasonable person would determine is “so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s educational program or activity”
- c) sexual assault, the definition of which the regulations have broadened beyond a single instance of sexual assault to include “dating violence,” “domestic violence,” and “stalking on the basis of sex,” as defined in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 and the Violence Against Women Reauthorization Act of 2013.

As an OWA, you are required to report (as outlined in question #4 above) to the Title IX Coordinator within twenty-four (24) hours of receiving actual knowledge of instances or allegations of sexual harassment (as outlined in #5 above). Failure to do so may create liability for failure to address the allegations or incidents of which it was made aware.

UCC Officials with Authority per AP# 3434:

Provost
Assistant Vice President for Enrollment and Student Services
Assistant Vice President for Academic Services
Dean of Community Education and Partnerships
Director of Human Resources
Compliance Officer
Chief of Security
Athletic Director
Assistant Athletic Director