

SEXUAL MISCONDUCT ADVISORY COMMITTEE

SIXTH REPORT AND RECOMMENDATIONS

**as submitted to the Education Committees of the Senate and House of
Representatives of the Colorado General Assembly**

January 15, 2025

TABLE OF CONTENTS

EXECUTIVE SUMMARY 3

BACKGROUND 4

History of the Sexual Misconduct Advisory Committee 4

Leadership of the Advisory Committee in the IHE Title IX Community 5

Advisory Committee Work in Advance of the Sixth Report..... 6

CURRENT REGULATORY FRAMEWORK..... 7

2024 Title IX Regulations and 2025 *State of Tennessee* Case 7

Title IX and State Protections Against Harassment and Discrimination at IHEs..... 9

RECOMMENDATIONS 12

CONCLUSION 15

**APPENDIX: COMPLETE LIST OF RECOMMENDATIONS SUBMITTED BY THE
SEXUAL MISCONDUCT ADVISORY COMMITTEE 16**

EXECUTIVE SUMMARY

The Sexual Misconduct Advisory Committee (Advisory Committee) was created by Senate Bill 19-007 (C.R.S. §§ 23-5-146 *et seq.*) to respond to ongoing changes to federal Title IX rules and regulations by providing recommendations that promote and sustain safe and non-discriminatory environments for Colorado Institutes of Higher Education (IHE) and ensure fair and equitable adjudication processes for sexual misconduct cases. Through the facilitation of the Colorado Department of Higher Education (CDHE), the Advisory Committee – comprised of Title IX coordinators, advocates, and attorneys – has met regularly since January 2020 to discuss developing and ongoing issues related to campus sexual misconduct. As a result of those discussions, the Advisory Committee has submitted five reports containing twenty-eight recommendations in total to the Education Committees of the Senate and House of Representatives of the Colorado General Assembly and IHEs across the state.

This sixth report responds to the newly enacted federal Title IX regulations effective August 1, 2024, the vacating of those regulations by a federal district court in January 2025, and related implementation issues. As IHEs, the state, and the nation anticipate a newly elected federal administration, the Advisory Committee continues to monitor and provide guidance in the evolving landscape of civil rights law, and Title IX specifically. With this in mind, the Advisory Committee provides the following recommendations to the Education Committees and IHEs and provides fuller context and discussion for each recommendation in the following report:

Recommendation Twenty-Nine: Require completion of annual training, commensurate to resources for an institution, for all campus communities to prevent and respond to sexual misconduct.

Recommendation Thirty: Establish regular Title IX Coordinators meetings.

Recommendation Thirty-One: Anticipate and address how Artificial Intelligence (AI) can be used to cause harm or interfere with Title IX proceedings.

Recommendation Thirty-Two: Support more prevention efforts.

Lastly, the Advisory Committee wishes to express its continued appreciation to CDHE Executive Director Dr. Angie Paccione, former Senior Director of Student Success and P-12 Alignment and Colorado GEAR UP Project Director Carl Einhaus, and recently named Senior Director of Student Success and P-12 Alignment Dr. Liliana Diaz

Solodukhin for their considerable support of the work of the Advisory Committee and commitment to the safety and support of all students and campus communities in Colorado.

BACKGROUND

History of the Sexual Misconduct Advisory Committee

The passage of Senate Bill 19-007 created the Sexual Misconduct Advisory Committee (Advisory Committee) to the Education Committees of the Senate and House of Representatives of the Colorado General Assembly and to Colorado Institutes of Higher Education (IHE) (codified as C.R.S. §§ 23-5-146 *et seq.*)¹. Shortly thereafter, the U.S. Department of Education released Title IX regulations, which became effective on August 14, 2020. Within 90 days of the release, the Advisory Committee developed fifteen recommendations for its [First Report](#) to guide IHEs in navigating the new regulations at that time. The recommendations focused on two primary areas: (1) handling sexual misconduct incidents outside of an IHE's programs, activities or property as defined by the regulations; and (2) conducting live cross-examination. The Report also identified further issues for consideration by the Education Committees, including funding/resources, adjudicative timeframes, confidential victim advocates and advisor role, cross-examination and children, and impacts of implicit bias.

Pursuant to its statutory charge, the Advisory submitted its [Second Report](#) on January 15, 2021 recommending that (1) IHEs should continue to address all forms of sexual

¹ SB 19-007 required the Colorado Department of Higher Education to create an Advisory Committee to respond to the new federal rules at that time and make recommendations to the General Assembly and Institutions. See C.R.S. § 23-5-147. SB 19-007 required the Advisory Committee to consist of three IHE representatives; two IHE Title IX Coordinators; three persons who are representatives of organizations that advocate on behalf of or provide services to victims of sexual misconduct; an attorney who has experience representing victims of sexual misconduct at IHEs; an attorney who has experience representing persons accused of sexual misconduct at IHEs; and a person with experience providing trauma-informed care. See C.R.S. § 23-5-147(4)(a). SB 19-007 also requires IHEs to:

- Adopt sexual misconduct policies with required components not otherwise in conflict with applicable Title IX law (C.R.S. § 23-5-146(2)(a)(3));
- Provide information to students on how to receive support regarding sexual misconduct (C.R.S. § 23-5-146(4));
- Promote awareness and prevention of sexual misconduct and applicable policy and distribute policy (C.R.S. § 23-5-146(5));
- Offer training (C.R.S. § 23-5-146(6)); and
- Provide to CDHE each year a copy of its sexual misconduct policy; a statement on how the Institution is informing students, promoting awareness and prevention and training; and any updates/changes to the information (C.R.S. §§ 23-5-146 (7) and (8)).

misconduct – whether identified as Title IX or not; (2) the Education Committees should identify means to include participation of K-12 stakeholders in a state advisory role to address and respond to sexual misconduct; and (3) the Colorado Department of Higher Education (CDHE) 2021 Sexual Misconduct Summit should address the IHE response to the new rules, implicit bias, and education/prevention.

The Advisory Committee's [Third Report](#), submitted January 15, 2022, focused primarily on the Title IX hearing process and implications of recent court decisions. The Advisory Committee made three additional recommendations: (1) remove the exclusionary rule for witnesses and parties in all sexual misconduct cases; (2) review IHE policies, procedures, and practices to ensure the reliability of party and witness statements to ensure a fair and equitable resolution by the IHE decision-maker; and (3) convene IHEs and relevant stakeholders to discuss the potential and viability of a “state center” to provide technical guidance and facilitation for adjudication of sexual misconduct cases.

On January 13, 2023, the Advisory Committee's [Fourth Report](#) was submitted to the Colorado General Assembly Education Committees, which followed proposed new Title IX regulations. Given the uncertainty of changing federal regulations, the Advisory Committee focused its recommendations on five areas: (1) response to faculty and staff sexual misconduct cases; (2) training and expertise of advisors and hearing decision makers; (3) awareness of and access to retroactive remedial measures or accommodations; (4) support for sexual misconduct response and prevention at under-resourced IHEs; and (5) training and education at the secondary level.

The following year, the Advisory Committee submitted its [Fifth Report](#) on January 12, 2024. With new federal regulations still in development, the Advisory Committee issued recommendations that: (1) clarified that the recent Supreme Court decision on stalking (*Counterman v. Colorado*) does not impact enforcement of Title IX in stalking cases; and (2) urged IHEs to prepare for the new Title IX regulations to be released before the next academic year.

Leadership of the Advisory Committee in the IHE Title IX Community

In addition to its annual report of recommendations to the Colorado General Assembly Education Committees, the Advisory Committee engages IHE Title IX coordinators and offices across the state. The Advisory Committee initially convened Colorado IHE Title IX Coordinators remotely on June 23, 2022, to begin discussions on the 2022 Proposed Title IX Regulations (released the same day) and a potential “state center” pursuant to the Advisory Committee's recommendation twenty-one.

Following the release of the 2024 regulations and subsequent court cases, the Advisory Committee brought together IHE Title IX coordinators and offices on December 6, 2024. The virtual convening offered space to share challenges, opportunities, and emerging best practices of implementing the new regulations. Participants reported that the meeting was beneficial in that it helped alleviate feelings of isolation in the role and provided lessons learned.

Advisory Committee Work in Advance of the Sixth Report

The Advisory Committee² met nine times between May 2024 and January 2025 to continue discussions of federal and state statutes and IHE approaches to address and prevent sexual misconduct. The updates to federal Title IX regulations remained a significant topic of discussion. The Advisory Committee also received a presentation on relevant legal rulings on Title IX.

² The current members as of the date of this Sixth Report are as follows:

- Lara Marks Baker, Shareholder, RechtKornfeld PC;
- Angela Gramse, General Counsel, Colorado Community College System;
- Ana Guevara, Director of Title IX, Adams State University;
- Jessica Ladd-Webert, Senior Director of Trauma Response and Office of Victim Assistance, University of Colorado Boulder;
- Elle Heeg Miller, Nurse Practitioner, Heath Center at Auraria;
- Emily Tofte Nestaval, Executive Director, Rocky Mountain Victim Law Center;
- Elizabeth Newman, Public Policy Director, Colorado Coalition Against Sexual Assault (**Co-Chair**);
- Matt Ricke, University Ombuds, Colorado State University;
- Cari Simon, Attorney/Managing Legal Counsel, The Fierberg National Law Group;
- Valerie Simons, Vice President of Compliance and Equity and System Title IX Coordinator, University of Colorado (**Co-Chair**); and
- Rachael Williams, Director of Advocacy Services, Center for Advocacy, Prevention, & Empowerment (CAPE), University of Denver.

CURRENT REGULATORY FRAMEWORK

2024 Title IX Regulations and 2025 State of Tennessee Case

In 2024, the US Department of Education released another set of changes to the federal regulations surrounding Title IX. The newly promulgated regulations followed a notice and comment period, with an effective date of August 1, 2024. Notably, the 2024 regulations amended key provisions of the 2020 regulations and codified language expanding Title IX's protections by:

- Adding that discrimination based on sex includes discrimination based on stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity (§§ 106.2, 106.10);
- Clarifying that recipients are prohibited from treating students, employees, or applicants differently based on sex in connection with parental, family, or marital status, to include mandating that recipients provide students experiencing pregnancy and pregnancy-related conditions reasonable modifications and lactation space, and employees experiencing pregnancy and pregnancy related conditions reasonable break time for lactation and lactation space (§§ 106.21(c), 106.40, 106.57); and
- Amending the grievance procedures for sex discrimination complaints (§§ 106.45 and 106.46), including but not limited to:
 - Allow action to be taken in response to complaints received orally or in writing,
 - Apply grievance procedures to misconduct both on and off campus, and
 - Permit IHEs to use an investigator or hearing model for decision-making.

Despite the differences between the 2020 and 2024 Title IX regulations, there were important commonalities, such as:

- Treating the complainant and respondent equitably,
- Requiring training for all Title IX Coordinator, Investigators, Decision Makers, and Appeals Officers,
- Maintaining that Title IX Coordinators, Investigators, Decision Makers, and Appeals Officers must be free of conflicts of interest or bias,
- Requiring supportive measures and remedies when appropriate to restore or preserve a party's educational access, including for example, counseling, academic extensions, retroactive withdrawals, extensions of deadlines, adjustments to transcripts, no contact directives, changes in class, work or housing

- Requiring that supportive measures must be non-punitive and not unreasonably burdensome on the respondent,
- Requiring written notice of the investigation be provided to both parties,
- Requiring the presumption that the respondent is not responsible until the end of an investigation,
- Providing equal opportunity for both parties to review and reasonably respond to evidence,
- Prohibiting from evidence complainant's sexual predisposition or prior sexual behavior unless offered to show someone other than the respondent committed the conduct or to prove consent,
- Permitting voluntary formal resolutions/adaptable resolutions, and
- Maintaining investigation records for at least 7 years.

Following multiple injunctions regarding the 2024 Title IX regulations prior to and after their effective date in August 2024, a federal district court in the case of *State of Tennessee v. Cardona* (2:24-cv-00072) vacated the 2024 Title IX regulations in their entirety on January 9, 2025, thereby setting them aside nationwide. As the regulatory landscape with respect to Title IX may continue to be in flux, the Advisory Committee provides some key reminders to IHEs and specifically their Title IX Coordinators:

- Consult with legal counsel regarding the implementation of any policy and/or regulatory changes involving Title IX and related statutes
- Engage with related campus stakeholders, such as deans of students, student conduct offices, victim's advocates, law enforcement, health education offices, and human resources in addition to current students and faculty regarding prevention education efforts and policy changes
- Communicate with other state Title IX Coordinators regarding policy implementation. This is particularly important if institutions have dual enrollment students (e.g., K-12 to postsecondary, or two-year to four-year) or multi-institutional campuses who may be subject to divergent Title IX-related policies
- Implement communication strategies to keep campuses informed of the shifting landscape of Title IX and the institution's commitments to preventing and remedying sexual misconduct
- Attend to the self-care needs of yourself and related office staff as Title IX continues to be a rapidly evolving, contentious, and difficult legislative and regulatory space to occupy, which can create stress on those tasked with monitoring and enforcing these changes at the institutional level.

Title IX and State Protections Against Harassment and Discrimination at IHEs

While the 2024 Title IX regulations were vacated on January 9, 2025, IHEs in Colorado are still required to comply with the provisions of the 2020 Title IX regulations as of the date of this Report, as well as the Colorado Anti-Discrimination Act (CADA) (see C.R.S. §§ 24-34-301 *et seq.*), as amended by the [Protecting Opportunities and Workers' Rights Act \(POWR Act\) in 2023](#) (Colorado Senate Bill 23-172), and [Colorado Senate Bill 19-007](#) (see C.R.S. §§ 23-5-146). The following chart summarizes relevant key provisions of these rights and protections related to sexual misconduct. The chart is for informational purposes only and is not intended as a legal interpretation of the applicable laws. As noted above, IHEs should always consult with their own legal counsel as to the applicability of these laws to their institution.

Additionally, it is important to note that these requirements constitute a floor, or the minimum processes and protections required from IHEs. The Advisory Committee recommends that in cases where an IHE has discretion, the IHE pursue policies and processes that broadly encompass the range of sexual misconduct behaviors and situations.

	2020 Title IX Regs	POWR Act	SB 19-007
Who is covered?	Complainants participating in or attempting to participate in a school program or activity at the time of filing the complaint. Respondents currently enrolled or employed.	Any employee or applicant working in Colorado.	Enrolled students at Colorado IHEs.
What constitutes harassment?	Quid pro quo harassment by a school's employee; Hostile environment harassment is unwelcome, sex-based conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to a school program or activity.	Quid pro quo harassment of a school's employee; Hostile environment harassment is unwelcome sexual conduct that is subjectively offensive to the harassed individual and objectively offensive to a reasonable individual of the same protected class, which interferes with the harassed individual's work performance or environment.	IHEs must have a policy to address sexual misconduct, which must be consistent with federal and state law and policy.
Where is covered?	Schools must address sexual harassment that occurs on campus. It must address off-campus conduct within the U.S. if it occurs in a school program or digital platform; official student group's building; or under the school's "substantial control."		

	2020 Title IX Regs	POWR Act	SB 19-007
What constitutes notice for responding?	IHEs must respond if a Title IX coordinator or office with authority to institute corrective measures has actual knowledge of alleged sexual harassment.	Supervisor and/or human resources officer.	
What is the process for resolving complaints?	Complaints must be resolved in a prompt manner. Following an investigation, IHEs must allow the parties' advisors to conduct cross-examination at a live hearing. IHEs must use the same standard of proof for students and employees.		IHEs shall use the "preponderance of the evidence" standard when a student is the respondent, notwithstanding any other evidentiary standard in any other policy of the institution.
What are the training requirements for students and employees?			IHEs must offer training to promote awareness and prevention of sexual misconduct and the sexual misconduct policy annually to all incoming students and newly employed faculty and staff; to all students, faculty, and staff if the sexual misconduct policy is substantially updated.

RECOMMENDATIONS

Recommendation Twenty-Nine: Require completion of annual training, commensurate with IHE resources, for all campus communities to prevent and respond to sexual misconduct

The Advisory Committee recommends that all Colorado IHEs provide annual, mandatory training to students, faculty, and staff on topics related to sexual harassment and violence. Currently, Colorado IHEs are required to offer annual sexual misconduct awareness and prevention training to new students, faculty, and staff (per C.R.S. §§ 23-5-146) and report annually on the prevention programming, including sexual violence prevention training, offered to incoming students and new employees on an annual basis under the Clery Act (34 CFR 668.46(a)). While these legal requirements establish a minimum baseline for training, the Advisory Committee recommends that IHEs move beyond compliance by providing annual, progressive training to all students commensurate with their size and resources.

Topics covered in student trainings should include:

- Information about identifying sexual harassment and violence, including sexual assault, stalking, and dating and domestic violence;
- Information about IHE policy prohibiting sexual harassment and violence, including about consent, as defined in policy;
- Information about ways to report experiences of sexual harassment and violence to IHE officials, law enforcement, and confidential resources; and
- Strategies for preventing sexual violence.

In addition to the topics above, regular training for employees should include:

- The IHE's obligations under Title IX, and
- Responsible employee reporting requirements.

The Advisory Committee recommends that IHEs develop and implement processes, again commensurate to resources and staff, to track and ensure student and employee compliance with training requirements. In doing so, developing broad support from institutional leadership is a critical step to allocate appropriate resources to the administration of training and identifying a structure for ensuring compliance. While each institution has its own unique concerns, the Advisory Committee identified best practices for ensuring compliance, including:

- Using student account holds to require training completion prior to course registration, and
- Establishing training completion as a pre-requisite for employees' eligibility for merit increases and/or promotion.

Recommendation Thirty: Establish regular Title IX Coordinators meeting

The Advisory Committee recommends that the CDHE with support from the Advisory Committee establish a regularly occurring biennial meeting for Title IX Coordinators. Such optional meetings would provide the opportunity for Title IX Coordinators to discuss challenges and share best practices. Especially for smaller and less resourced institutions, meetings as proposed expand Title IX Coordinators' networks and access to information and support. It is the Committee's recommendation that attendance and participation in such meetings be limited to Title IX Coordinators to promote candid discussions.

Recommendation Thirty-One: Anticipate and address how Artificial Intelligence (AI) can be used to cause harm or interfere with Title IX proceedings

We are currently co-existing with artificial intelligence that is easily accessed by the general population. IHEs need to be prepared to identify the use and potential abuse of artificial intelligence in Title IX settings. Some examples include but are not limited to:

- **Deepfake technology:** This uses AI to manufacture intimate videos/images of identifiable individuals without consent. The creation/sharing/threat of sharing these images can be used as leverage, blackmail, retaliation, harassment, or reputational harm.
- **Stalking/Surveillance:** AI can provide new avenues for individuals to surveil others. Facial recognition software, tracking devices, and the exploitation of smart home devices are all possible misuse of AI.
- **Chatbots/Grooming:** AI can mimic human interaction and can be used to manipulate individuals into dangerous situations expanding the reach of predatory messaging on social media and dating apps.
- **Doxxing:** AI can analyze vast amounts of data to find sensitive personal information thereby allowing individuals new ways to intimidate and harass others.
- **Manipulation of Evidence:** AI can be used to manufacture fake evidence (texts, audio, and videos), which can cast doubt on the authenticity of genuine evidence submitted by the other party. AI can also be used to create a fake alibi.

Regardless of the use of technology, AI-enabled harassment can still be covered under Title IX regulations and IHE policies so long as it meets the definition of harassment or other forms of sexual misconduct. Further, the Advisory Committee recommends that IHEs consider potential policy and procedure changes designed to address AI and the potential impacts it may have.

Recommendation Thirty-Two: Support more prevention education

In the Advisory Committee's previous reports, it was noted that the VAWA Reauthorization included investments in comprehensive prevention education on college campuses and that has not changed. As stated in its fourth report in January 2023; prevention and response to incidents of sexual misconduct is an IHE retention issue and without comprehensive, evidence informed, inclusive prevention education, students will continue to experience sexual assault, stalking and intimate partner abuse. Further, the Advisory Committee recommends prevention/education requirements with content focused on strengthening protections and prevention work around historically marginalized communities including students/employees of color and LGBTQ students and employees (staff and faculty). This would include comprehensive sexual health education.

Also, in its 2023 report, the Advisory Committee followed up on the recommendation to create equitably funded state grants to support sexual misconduct response and prevention efforts at under-resourced IHEs. Given the continuous and likely ongoing changes to Title IX, the cost of Title IX compliance for IHEs continues to exponentially increase despite declining enrollment for many campuses, as well as inflation. The disparity between the resources available for parties between IHEs in Colorado has continued. The Advisory Committee continues to urge the General Assembly to allocate state funds to support equity in sexual misconduct response and prevention efforts at under-resourced IHEs.

IHEs are still required to offer sexual misconduct training throughout the academic year. Sexual misconduct prevention and sexual consent education is one of the most important functions of the Title IX mission aimed to prevent harm; however, under-resourced IHEs continue to be less able to provide these types of educational opportunities when their budgets continue to be dedicated to hiring, training, and supporting advisors and hearing officers to resolve complaints. While this is a request from two years ago, the Advisory Committee finds that under-resourced IHEs still necessitate greater financial resources than currently available to prevent and respond to sexual misconduct such that it reiterates its encouragement that the State of Colorado provide equitably funded state

grant opportunities for under-resourced IHEs to assist in the expanding costs of providing (1) prevention education; (2) training for practitioners; and (3) the costs of hiring advisors, hearing officers, and conflict support professionals. Having a state grant opportunity to subsidize an IHE's existing Title IX budget would allow small, rural and other under-resourced IHEs to expand regular programming and prevention efforts in critical areas.

CONCLUSION

For the reasons stated above, the Advisory Committee submits these additional recommendations identified in this report to the Education Committees of the Senate and House of Representatives pursuant to C.R.S. § 23-5-147(6)(a) and to be distributed to IHEs across the state as guidance and a resource to support their efforts to address and prevent sexual misconduct.

APPENDIX: COMPLETE LIST OF RECOMMENDATIONS SUBMITTED BY THE SEXUAL MISCONDUCT ADVISORY COMMITTEE

First Report Recommendations

Recommendation One: Adjudicate and provide supportive measures regarding incidents of sexual misconduct outside of the designated Title IX jurisdiction.

Recommendation Two: Complete disciplinary proceedings regardless of whether the respondent de-enrolls, quits, graduates, retires or otherwise leaves the institution.

Recommendation Three: Adjudicate and provide supportive measures even where complainant may not be participating or attempting to participate in programs or activities based on status of the respondent and an analysis of the safety and impact of the conduct on the educational or employment environment.

Recommendation Four: Define institution's relationship with all students to ensure clarity regarding Title IX jurisdiction.

Recommendation Five: Ensure that policies (either in one policy or multiple policies) cover non-Title IX sexual misconduct that falls outside the definition of Title IX sexual harassment.

Recommendation Six: Consider multiple options for informal resolution to maximize and promote agency for complainants and respondents but ensure expertise, experience and subject matter knowledge before offering any type of informal resolution, particularly for sexual violence, intimate partner violence (dating and domestic violence) and stalking.

Recommendation Seven: Provide on and off-campus resources and supportive measures for non-Title IX cases for students and employees.

Recommendation Eight: Provide complainants with the contact information for confidential victim advocates pursuant to C.R.S. § 23-5-146(4).

Recommendation Nine: For violations of Title IX and other forms of sexual misconduct (non-Title IX sexual misconduct) refer students and/or employees to the same sanctioning authorities.

Recommendation Ten: Train students and employees pursuant to C.R.S. §§ 23-5-146(5) and (6) for both Title IX and non-Title IX cases.

Recommendation Eleven: Train any individual designated as responsible for investigating or adjudicating complaints under the institution's Title IX and non-Title IX sexual misconduct policy (or policies) pursuant C.R.S. §§ 23-5-146(5) and (6).

Recommendation Twelve: Provide documents explaining rights to entire grievance process and supportive measures for all parties.

Recommendation Thirteen: Provide a case management document.

Recommendation Fourteen: Ensure accessible and reliable technological support and space requirements.

Recommendation Fifteen: Implement procedural/decorum rules and prohibit abusive, misleading, confusing and harassing questioning to ensure a fair process for all participants.

Second Report Recommendations

Recommendation Sixteen: IHEs continue to address all forms of sexual misconduct - whether identified as Title IX or not (See First Report, Recommendations Nos. 1,3, 5, 7, 9,10, and 12) and provide support services/accommodations to victims of sexual assault, again whether in Title IX or not (First Report, Recommendation No. 7).

Recommendation Seventeen: Education Committees identify means to include participation of K-12 stakeholders in state advisory role to address and respond to sexual misconduct.

Recommendation Eighteen: CDHE cover the following issues for the 2021 Summit: IHE responses to new rules (including but not limited to barriers to participation, role of advisors, resource guides and regional center), implicit bias and education/prevention. The Advisory Committee also recommends inviting participation of K-12 stakeholders to the 2021 Summit.

Third Report Recommendations

Recommendation Nineteen: Following the Cardona decision, remove the exclusionary rule for witnesses and parties in Title IX and non-Title IX sexual misconduct hearings.

Recommendation Twenty: Review IHE policies, procedures, and practices to ensure the reliability of party and witness statements gathered during an investigation of Title IX and non-Title IX sexual misconduct cases to promote fair and equitable resolution by IHE decision-maker.

Recommendation Twenty-One: Convene IHEs and relevant stakeholders in summer 2022 to discuss the potential need and viability of a “state center” to provide technical guidance and facilitation if needed for the adjudication of Title IX and non-Title IX cases.

Fourth Report Recommendations

Recommendation Twenty-Two: Improve consistency in policies and procedures, within an IHE for faculty and staff respondents.

Recommendation Twenty-Three: Improve consistency with advisors and hearing decision makers related to staffing/training/experience.

Recommendation Twenty-Four: Improve awareness and provide better guidance using accessible language for retroactive remedial measures or accommodations.

Recommendation Twenty-Five: Create equitably funded state grants to support sexual misconduct response and prevention efforts at under-resourced IHEs.

Recommendation Twenty-Six: Urge training/education at the secondary level.

Fifth Report Recommendations

*Recommendation Twenty-Seven: Ensure that the *Counterman v. Colorado* decision does not impact enforcement of Title IX stalking cases.*

Recommendation Twenty-Eight: Prepare for the release of new Title IX Regulations, which may be effective for the 2024-2025 School Year.

Sixth Report Recommendations

Recommendation Twenty-Nine: Require completion of annual training, commensurate to resources for an institution, for all campus communities to prevent and respond to sexual misconduct.

Recommendation Thirty: Establish regular Title IX Coordinators meetings.

Recommendation Thirty-One: Anticipate and address how Artificial Intelligence (AI) can be used to cause harm or interfere with Title IX proceedings.

Recommendation Thirty-Two: Support more prevention efforts.