



Art Academy
of Cincinnati

July 6, 2020

Dear AAC Community Member,

I'm writing to provide you with information on the Art Academy of Cincinnati's response to the new Title IX regulations released by U.S. Secretary of Education Betsy DeVos on May 6, 2020. The Art Academy of Cincinnati (AAC) is now and will continue to be committed to policies of equal opportunity and non-discrimination on the basis of sexual orientation, race, color, national origin, religion, sex, age, or disability, as protected by federal laws, in all educational programs and activities, admission of students, and conditions of employment. The AAC maintains an atmosphere that is welcoming to all students and that is conducive to their academic and personal success; our commitment remains to uphold this atmosphere with our current practices and policies, and our response to the new regulations will continue to be supportive, unbiased and equitable as part of our larger institutional mission and support for our community.

Our team is working diligently to digest, understand and implement the 2,000+ pages of new rules under the regulations as released by the Department of Education in time for the fast-approaching deadline for compliance of August 14, 2020. I assure you that, when finalized, all required provisions and policy changes will be shared and be accessible to our entire community. We appreciate your patience and support throughout these unprecedented circumstances. Below I've included some key points of note from the new regulations.

In determining responsibility for a Title IX violation, the new regulations give schools permission to choose between the "preponderance of evidence" standard or shift to a higher standard known as "clear and convincing" standard. The AAC will continue to adhere to the "preponderance of evidence" standard in all Title IX and interpersonal violence grievances. This standard is in alignment with our use of the "preponderance of evidence" standard used in our non-Title IX matters of conduct and sustains a consistent and equitable system for our school community.

The new regulations narrow what constitutes a Title IX grievance, regarding jurisdiction, content, how and when a school is notified of a certain grievance, and how the school responds. The AAC will continue to adhere to procedures that address all instances of violations of conduct; however, with these new regulations the AAC will also address certain conduct violations via a set of non-Title IX sex discrimination and interpersonal violence policies. This will ensure the AAC can respond to and address reports of harassment and discrimination

based on sexual orientation and/ or gender identity in off-campus locations or study abroad, that no longer fall under Title IX. The AAC will continue to address issues of sex discrimination whether or not the conduct falls under the new regulations of Title IX Sexual Harassment.

The new regulations allow schools to use mediation and other informal resolution methods to resolve grievances related to Title IX Sexual Harassment (which covers sexual assault, dating and domestic violence, and stalking). This is not a current practice at the AAC in cases of potential Title IX violations. The AAC will work to adopt an informal resolution process that is as equitable as our current policies.

The new regulations allow schools to narrow the way in which they are considered notified of and required to respond to a Title IX report. The regulations define a school being notified of a report if and when an individual reports to the Title IX Coordinator or any authoritative figure who can instate corrective measures and /or remedies. The AAC will continue to require all employees (Faculty and Staff) who are not considered confidential by the Title IX Coordinator (ex: Mental Health Counselor) to report any potential Title IX violation that may impact the school community (students and employees) to the Title IX Coordinator. The AAC remains committed to providing appropriate remedies and support services to individuals impacted by sexual discrimination while also sustaining a culture focused on awareness, access to resources, and preventative education against sexual discrimination.

The new regulations do not require a specific resolution timeline for a Title IX report. The AAC will continue to work through a Title IX resolution as quickly as possible while remaining as thorough as possible. We remain committed to avoiding delays in the resolution process as much as possible without just cause, examples being gathering relevant evidence or records as part of an investigation, allowing parties time to acquire an attorney or case-appointed advisor, or University closure. The AAC will adhere to a timeline that is fair to both parties, their schedules and that of their case-appointed advisors.

The AAC's commitment to prompt, compassionate and equitable response to Title IX concerns and reports will continue amidst these regulation changes. We understand the additional challenges to access and advocacy posed by these changes and will continue to place the wellbeing and success of our community as top priority. To meet the larger mission of the AAC, we continue to provide proactive prevention, effective communication and prompt response to issues of sexual discrimination.

I encourage all members of our community to reach out to me directly by phone or email with questions and concerns about these policies.

Most sincerely,

Kelsey Nihiser
Title IX Coordinator