

FOR IMMEDIATE RELEASE

Contact: Don Meyer  
[Donald.meyer@gowestfourth.com](mailto:Donald.meyer@gowestfourth.com)  
Phone: 202-834-6859

## **IOA Submits Written Comments in Support of Two Title IX Regulation Amendments that Preserve Effectiveness of Organizational Ombuds on College Campuses**

**Seattle, WA (June 24, 2020)** – The International Ombudsman Association (IOA) recently told the U.S. Department of Education that two 2020 amendments to Title IX regulations affecting organizational ombuds at colleges and universities should be retained.

In written testimony to the department’s civil rights division, IOA Executive Director Chuck Howard and President Melanie Jagneaux stated that the 2020 amendments relating to notice and record-keeping represent “appropriate standards” that will preserve the role of ombuds as a confidential resource for people who seek guidance concerning sexual harassment issues.

“It is essential that parties have someone on campus with whom they can discuss matters confidentially without triggering an obligation to report,” said Howard and Jagneaux. “Parties need to know that there is a confidential, reliable resource who can provide guidance on the situation, the process, and options for reporting and/or resolution so they can make informed choices and take appropriate action. The organizational ombuds is essential in fulfilling that role.”

President Biden in March issued an executive order directing the U.S. Secretary of Education to review changes made to Title IX under the Trump administration. During the week of June 7th, the Department held virtual public hearings to gather information from survivors, students, parents, faculty, school staff, administrators and other community members about steps the Department can take to provide safe learning environments while implementing fair processes.

According to IOA, previous guidance was often misinterpreted by institutions out of fear of non-compliance, leading to fears that communication with an ombuds would be considered notice to the university. The Department’s 2020 guidance created the opportunity for colleges and universities to further clarify – in alignment with IOA Standards of Practice – that because ombuds are not be officials with authority to take corrective measures on behalf of their institutions, people can discuss sexual harassment issues with ombuds without triggering a mandatory reporting requirement.

“The organizational ombuds role is designed to eliminate all barriers that might prevent an individual from feeling safe enough to ask questions and talk openly about confidential matters. This valuable service is vitiated when ombuds are compelled to be mandatory reporters,” said Howard and Jagneaux. “The standard embodied in the current regulations both fairly applies the law and...prevents properly structured programs from being considered mandatory reporters.”

On the issue of record keeping, the Department last year declined to impose new obligations on organizational ombuds – another position supported by IOA. The Department stated in commentary to the regulations that because the recordkeeping obligation is based on the type of record that must be kept, unless ombuds create records that must be kept, they do not have certain record-keeping obligations. Once its review of current Title IX regulations is complete, the Department plans a formal rule-making process. At this time, Title IX regulations as amended in 2020 remain in effect.

“Organizational ombuds programs have been serving colleges and universities for over fifty years, and today more than 70 percent of institutions that are members of the Association of American Universities have at least one organizational ombuds on campus,” said Howard. “For these institutions and others, organizational ombuds play an important and unique role by providing confidential assistance to students, faculty, and staff in addressing problems, conflicts and concerns.”

# # #

#### **About IOA**

The International Ombudsman Association (IOA) is a member-led, professional association committed to supporting organizational ombuds worldwide. The association’s 1000-plus members help others safely navigate conflict and change in corporations, educational institutions, non-profit organizations, government entities and non-governmental organizations across the globe. IOA provides professional development, networking, mentoring and other resources, as well as an engaging [annual conference](#). Learn more at [ombudsassociation.org](http://ombudsassociation.org).