

FAQ: Officials with Authority under the 2020 Title IX Regulations

You are receiving this document because your position has been designated by Central Arizona College (CAC) 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 CAC explicitly vested with the responsibility to implement corrective measures for sexual harassment on behalf of CAC. 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 CAC 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 CAC 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?

OWAs are required to report to the Title IX Coordinator any:

- a) witnessed sexual harassment,
- b) incidents reported to him/her of 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.

6. Is an OWA the same as a Mandatory Reporter?

No. While many of the positions listed as OWAs are also identified as Mandatory Reporters under CAC policy, knowledge of sexual harassment or allegations of sexual harassment, dating/domestic violence and stalking on the part of a Mandatory Reporter does not convey actual knowledge to the institution and would, therefore, not trigger CACs obligation to initiate an action under the regulations.

Mandatory Reporters are obligated under College policy to report to the Title IX Coordinator information of which they become aware related to sexual harassment under Title IX. Failure on the part of a Mandatory Reporter to report such information could lead to discipline based on the policy obligation, but does not trigger liability under the Title IX regulations.

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 be ground for discipline, up to and including termination from your employment.

Officials with Authority

Title IX Coordinator
College President
College Vice Presidents
College Deans
Executive Directors
Law enforcement
Athletic Director

Mandatory Reporters

All CAC Employees are mandatory reporters with the exception of the Director of the Ombudsman program who is our only Confidential Resource