



# Can a University Outsource its Title IX Responsibilities?

## Blog Post

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A poster in a higher education forum on Reddit recently posed the question, “People who work in Title IX positions: do you like your jobs?” While a few respondents offered modestly positive feedback, the overwhelming majority were negative, describing the work as a “tough gig,” “extremely difficult,” “not rewarding at all,” and even stating that “there is NO happiness connected to any position with Title IX.”

Those responses reflect what many institutions already know: Title IX compliance is complex, resource-intensive, and often fraught with institutional risk. Which raises an important question for colleges and universities—can a higher education institution outsource its Title IX obligations?

The 2020 Title IX regulations require each applicable institution to “designate and authorize at least one employee to coordinate” its Title IX efforts. That individual is referred to as the Title IX Coordinator. In the preamble to the 2020 regulations, the U.S. Department of Education clarified that while nothing in the regulations restricts the tasks a Title IX Coordinator may delegate, the institution itself remains responsible for ensuring that its Title IX obligations are met, including those responsibilities specifically imposed on the Title IX Coordinator. Institutions are also required to post the Title IX Coordinator’s contact information on their website and communicate that information to students, employees, parents, and unions.

While a school must designate an employee as the Title IX coordinator, the institution can outsource many of the Title IX tasks to other employees or non-employees. Institutions often prefer that the Title IX Coordinator handle the initial assessment, but many choose to outsource investigations, hearings, and advisor roles. Doing so can significantly reduce the workload of the institution’s Title IX staff while also addressing concerns about fairness and neutrality that frequently arise in these highly sensitive matters.

Outsourcing investigations or hearings removes potential conflicts of interest, minimizes concerns about bias, and increases confidence that the process is independent and impartial. At smaller institutions, where personal

and professional relationships among students and staff are more likely, outsourcing can also reduce personal discomfort and preserve professional boundaries.

Advisor roles present a separate set of considerations. Under prior Title IX regulations, advisors typically provided their assigned party with guidance and advice on the process. Although advocacy was part of the role, it was largely focused on ensuring the party understood what was happening throughout. The 2020 regulations significantly expanded the advisor's responsibilities, tasking advisors with cross-examining the other party, a job typically performed by attorneys.

If a party wishes to hire their own attorney, they can do so at their own expense upon notice to the Title IX Coordinator, and attorney advisors in Title IX hearings have become increasingly common. When one party is represented by counsel, non-attorney advisors face a distinct disadvantage. As a result, many institutions now outsource advisor roles to lawyers. In addition to leveling the playing field, this approach may reduce institutional exposure to claims by unsuccessful parties alleging inadequate support.

Institutions also frequently outsource Title IX training for coordinators, investigators, decision-makers, and advisors. Outside training can be particularly beneficial given the frequency with which Title IX regulations and guidance change from one administration to the next. Experienced external trainers can help institutions remain current and compliant while reducing the burden on internal staff.

The bottom line is that while institutions may not outsource ultimate responsibility for Title IX compliance, outsourcing specific Title IX functions is lawful and, in many cases, strategically advantageous. When implemented thoughtfully, outsourcing can promote fairness, reduce institutional risk, and provide much-needed support to overextended Title IX personnel, assuming the institution has the resources to do so.

Institutions exploring whether to outsource Title IX investigations, hearings, advisor roles, or training should assess not only what is permissible under the regulations, but what best supports their campus culture and compliance goals. Working with experienced external Title IX professionals can help institutions implement outsourcing strategies that enhance neutrality, reduce risk, and ensure regulatory alignment.

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