2023 BACK TO SCHOOL WEBINAR

August 10, 2023
LEADERSHIP TEAM

Betsy Smith
Director of Title IX Services

Courtney Bullard
CEO

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Director of DEI/EEO Services
Housekeeping

- Chat bar
- Materials
- Disclaimers
- Overview

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AGENDA

Where Are We Now?
Overview of current expectations.

Where Are We Headed?
New Regs-- The BIG expected changes...

Looking to this academic year.
Considerations entering the academic year....
WHERE ARE WE NOW?

2020 Title IX Regulations

- Training Required (and posted)
- Specific Definitions and Formal Process (lengthy)
- NO DISCIPLINE outside of Title IX for Title IX behavior (most common mistake)
- Supportive Measures
- Record keeping/Documentation
WHERE ARE WE HEADED?

- June 2022–NPRM
- October 2023– Expected Regulations?
- 2024-2025– Anticipated Implementation Deadline?

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SEX DISCRIMINATION NPRM HIGHLIGHTS....

- It is not an entire rewrite
- Expands scope
- Separate NPRM related to transgender students in athletics
- Attempts to limit some of the burden on schools
Focus on Barriers to Access

Visibility of the Title IX Coordinator is key!
Monitor barriers in the recipient’s education program or activity to reporting information about conduct that may constitute sex discrimination under Title IX

- Take steps reasonably calculated to address barriers that have been identified.
POTENTIAL BARRIERS AND CAUSES OF UNDERREPORTING

- Inadequacies in a school's response to reports:
  - failure to communicate promptly,
  - failure to investigate as required,
  - failure to address violations of restrictions on contact,
  - or
  - failure to respond effectively to retaliation

- Fear of being disciplined for violating the code of conduct related to personal alcohol or drug use or consensual sexual activity.

- Concerns about the role of the Title IX Coordinator
  - students and employees may not know who the Title IX Coordinator is or what the Title IX Coordinator’s responsibilities are
  - Title IX Coordinator may not have sufficient experience or training to respond effectively to reports of sex discrimination.
NEW MANDATED TRAININGS

Prepare now!

PREPARATION IS THE KEY
ATHLETICS NPRM

Schools cannot categorically ban students from participation that matches their gender identity.
CAN ADOPT OR APPLY SEX-RELATED CRITERIA, BUT CRITERIA MUST:

- Be specific to each sport, level of competition, and grade or education level.
- Be substantially related to the achievement of an important educational objective, and...
- Minimize harm to students whose opportunity to participate on a male or female team consistent with their gender identity would be limited or denied.

§106.41(b)
LOOKING AHEAD TO THE ACADEMIC YEAR
IDENTIFIED AND TRAINED TITLE IX TEAM

Mandated under the regs, trained on your policies and procedures
TITLE IX COORDINATOR AS LEADER

- Resourced
- Flow of communication with the team
- Flow of communication with the parties
- Visibility in school community
  - (evaluate barriers-ongoing)
TRENDS FROM DOE/NEW TERMS

- Gender-Based Violence (GBV)
- Technology Facilitated GBV
- Sex-Based Harassment

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BEYOND TITLE IX
SEXUAL HARASSMENT

Ensure responses to reports of:

- Pregnancy discrimination
- Gender-equity in athletics
- Retaliation
- Discrimination based on SOGI

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OCR INTERESTED IN ALLEGATIONS OF DISCRIMINATION BASED ON LGBTQ+
POLICIES AND PROCEDURES ARE YOUR GUIDE

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LEAD WITH CARE & SUPPORT

Remember the 80/20 rule.
Questions?
Connect With Us!

- Institutional Compliance Solutions
- Courtney Bullard
- Betsy Smith
- Celeste Bradley

Institutional Compliance Solutions
Groups:
Title IX Coordinators Closed Group
K-12 Title IX Coordinators

@TitleIXLawyer

@ICSLawyer

Fall Schedule Released!
K12 TITLE IX REGIONAL TRAINING
ST. SIMONS ISLAND, GA
October 4 to October 6
2023 to 2023

PROMO CODE
WEBINAR23 FOR $50 OFF!