

# 2023 BACK TO SCHOOL WEBINAR

August 10, 2023



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## LEADERSHIP TEAM



**Betsy Smith**  
Director of  
Title IX Services



**Courtney Bullard**  
CEO



**Celeste Bradley**  
Director of  
DEI/EEO Services

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# 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...



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# 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



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# WHERE ARE WE HEADED?

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



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# SEX DISCRIMINATION NPRM HIGHLIGHTS....



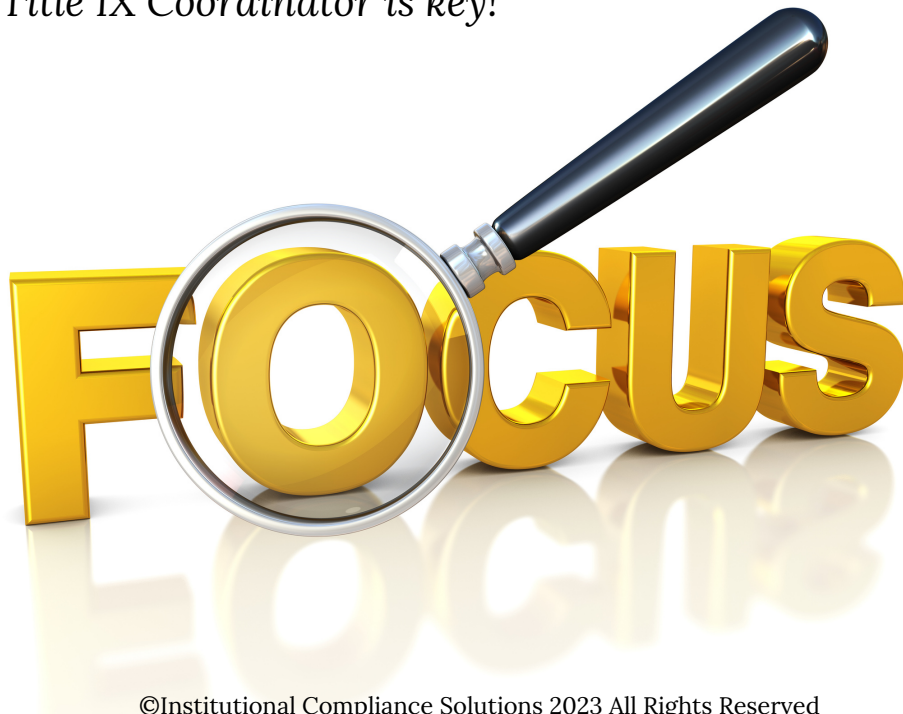
- ➡ It is not an entire rewrite
- ➡ Expands scope
- ➡ Separate NPRM related to transgender students in athletics
- ➡ Attempts to limit some of the burden on schools

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# Focus on Barriers to Access

*Visibility of the Title IX Coordinator is key!*



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# IDENTIFYING AND ADDRESSING BARRIERS = PREVENTION



- 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.

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## 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.



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# NEW MANDATED TRAININGS

*Prepare now!*



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## ATHLETICS NPRM

*Schools cannot categorically ban students from participation that matches their gender identity.*



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# 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)

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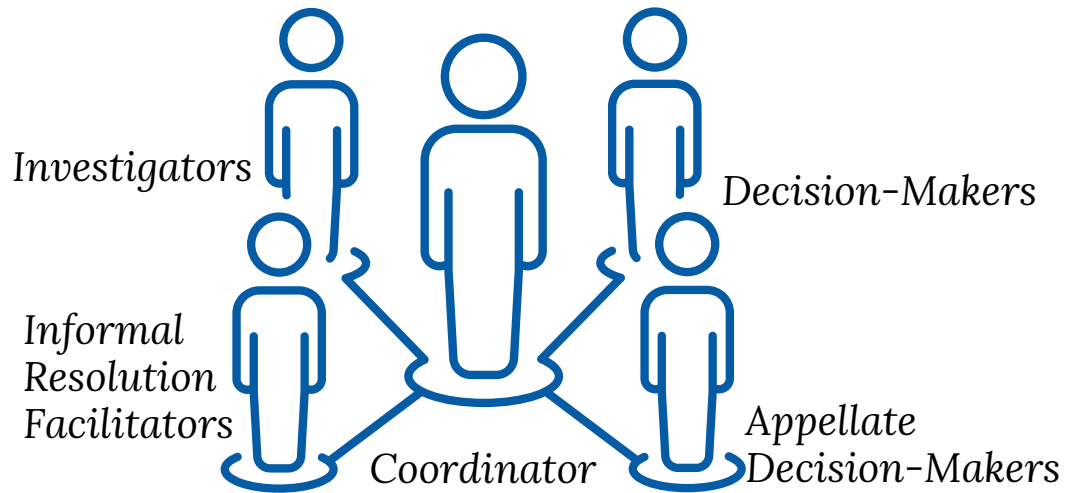
## LOOKING AHEAD TO THE ACADEMIC YEAR



# IDENTIFIED AND TRAINED TITLE IX TEAM

*Mandated under the regs, trained on your policies and procedures*

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## TITLE IX COORDINATOR AS LEADER

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- *Resourced*
- *Flow of communication with the team*
- *Flow of communication with the parties*
- *Visibility in school community*
  - *(evaluate barriers-ongoing)*



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# TRENDS FROM DOE/NEW TERMS

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



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## BEYOND TITLE IX SEXUAL HARASSMENT

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*Ensure responses to reports of:*

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

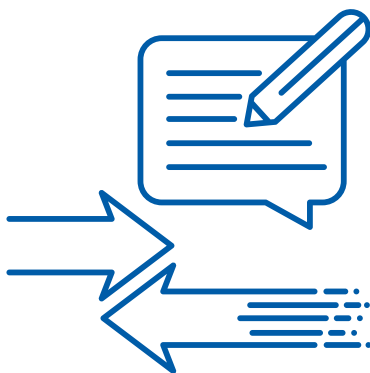


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# OCR INTERESTED IN ALLEGATIONS OF DISCRIMINATION BASED ON LGBTQ+

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## FINAL THOUGHTS

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# POLICIES AND PROCEDURES ARE YOUR GUIDE

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# LEAD WITH CARE & SUPPORT

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*Remember the 80/20 rule.*



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# Questions?



## INSTITUTIONAL COMPLIANCE SOLUTIONS

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### 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!



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# K12 TITLE IX REGIONAL TRAINING

ST. SIMONS ISLAND, GA

October 4  
2023

to

October 6  
2023

**PROMO CODE**  
WEBINAR23 FOR \$50 OFF!

