



## Title IX Training Series (2020)

by Thompson Coburn LLP

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On August 14, 2020, the U.S. Department of Education's new and controversial Title IX Rule concerning alle...[more](#)

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1



### Module 1 – An Introduction to Managing Title IX Sexual Harassment on Campus

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# Building a Cohesive Title IX Team



Dr. Kimberly Williamson  
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Pitt Community College  
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**What makes a community college  
unique?**



# Community College Uniqueness

- Limited resources
  - Financial
  - Personnel
- Multiple campuses
- Expertise of Title IX and student conduct work limited to a few staff
- Adjunct faculty
- Commuter campus



# Reorganization at PCC

- Prior to January 2020- Office of Community Standards
- January 2020 to present- Office of Student Advocacy
- Expansion of Title IX Team

# Student Advocacy Department

Counseling  
Services

Accessibility  
Services

Student Code of  
Conduct & Title IX



# **Student Advocacy Mission Statement**

The mission of the Student Advocacy Department is to provide educational programming and resources that promote advocacy for students while fostering accountability, conflict resolution, and a safe and supportive campus environment.



# Various Title IX Models

- Must adhere to federal regulations
- Have to design a process that works for your college
- It's challenging!
- Model at PCC

# Considerations When Designing a Model

- What are you doing now?
- What are your challenges?
- What are your needs?
- How can you redesign your model with the resources that you have?



# Selecting your Team Members

- Who has the availability?
- Who has the skill set?
- Who can you work with?
- What considerations are important when thinking about creating a safe space for students?



# Important Skills

- Ability to maintain privacy
- Ability to be fair and impartial
- Ability to build rapport with team
- Ability to build rapport with students
- Attention to detail
- Effective communication skills

# Team Building Strategies

- Regular meetings
- Training
  - Ex.- ATIXA (Association of Title IX Administrators)
  - Ex.- SCI (Student Conduct Institute)
- Cross-training
- Conferences
- Case studies
- Role play
- ATIXA membership resources
- Words of affirmation- SAY THANK YOU!



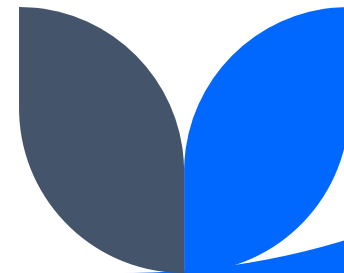


# Key Partnerships

- Office of Accessibility Services
- Campus Police
- BIT team, TAT team, Care team, etc.
- Human Resources
- Student Clubs & Organizations
- Faculty
- Community resources

# Creating a Culture of Care

- Trust is the foundation
- Establish a safe space
- Build rapport
- Active listening
- Respect
- Trauma-informed practices
- Connect to resources
- Tone of written correspondence



# Educate Campus

- Programming for students
  - Pop-up table
  - Classroom presentations
  - Attend club meetings
  - Guest speakers
  - Videos
- Programming for faculty & staff
  - Information sessions
  - Videos
  - Welcome phone calls, emails & office drop-in with questions



# Student Advocacy at PCC

Hello PCC students! I hope that your Fall semester has gotten off to a great start! I am contacting you from the Office of Student Advocacy with a few reminders regarding student conduct and student complaints. As a campus community, we all have a responsibility to help promote a safe and supportive learning environment.

## PCC STUDENT CODE OF CONDUCT POLICY

We have a Student Code of Conduct Policy in place so that behaviors that undermine student success and that have a negative impact on the educational mission of PCC can be prevented. The policy outlines your rights as a student and your responsibilities. The policy outlines behaviors that are prohibited on our campus. The policy supports a fair and consistent process for addressing concerns regarding Student Code of Conduct.

## PCC TITLE IX SEX DISCRIMINATION & SEXUAL MISCONDUCT STUDENT POLICY

The PCC Title IX Sex Discrimination & Sexual Misconduct Student Policy protects individuals from discrimination on the basis of sex while participating in or attempting to participate in educational programs and activities sponsored by PCC. Sex discrimination includes sex-based harassment, sexual violence, and any form of sexual misconduct. The policy also provides protection from gender discrimination. Pregnant and parenting students are also protected under Title IX.

## PCC STUDENT COMPLAINTS POLICY

Our college also has a process in place for students who would like to file a complaint against another student, faculty, or staff member. The Student Complaints Policy provides a system for students to channel complaints against another student, or a faculty or staff member for alleged discrimination, or academic matters excluding grades.

To file a Student Code of Conduct or a Title IX complaint, you need to submit the complaint using this form:

[Student Code of Conduct Report Form](#)

To file a Student Complaint, you need to submit the complaint using this form:

[Student Complaints Report Form](#)

Each of these policies apply on campus at all PCC locations and in PCC virtual settings. You can read more information about all of these policies on the [Student Support Division](#) webpage. If you have questions, concerns, or need to ask advice please contact the Office of Student Advocacy. Let's work together to promote a safe and supportive learning environment at PCC!

Dr. Kimberly Williamson, Senior Director of Student Advocacy  
Goess Student Center, Room 170  
kfwilliamson542amy.pittcc.edu  
252-493-7217



HAVE YOU SEEN DR. WILLIAMSON?

**SHE'S COMING TO A  
LOCATION NEAR YOU!**

LOOK FOR HER AT A TABLE IN A  
CLASSROOM BUILDING OR OUTSIDE

LEARN ABOUT:

- STUDENT CODE OF CONDUCT & TITLE IX
- STUDENT RIGHTS & RESPONSIBILITIES
- HOW YOU CAN HELP TO MAKE PCC A SAFE CAMPUS



# Sexual Assault Awareness Month

OFFICE OF STUDENT ADVOCACY AND COUNSELING SERVICES  
INVITES YOU TO JOIN US AND OUR FEATURED SPEAKER,  
TRACY KENNEDY, EXECUTIVE DIRECTOR, REAL CRISIS CENTER.

**WHAT IF...  
WE ALL SPOKE UP  
TO SUPPORT  
STUDENTS  
EXPERIENCING  
SEXUAL  
VIOLENCE?**

**APRIL 19, 2023  
1:00–2:00 PM  
LESLIE BUILDING  
ROOM 143**



**DRAWING CONNECTIONS**  
**PREVENTION DEMANDS EQUITY**

# BE A CATALYST FOR CHANGE

YOU HAVE A VOICE!

JOIN THE DEPARTMENT OF  
STUDENT ADVOCACY

TUESDAY, APRIL 9, 2024

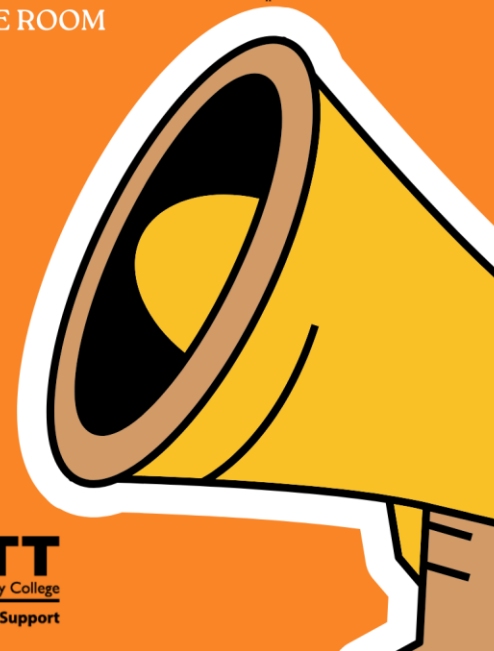
1:00-3:00PM

CHRIS SMITH MULTIPURPOSE ROOM  
SMITH CENTER BUILDING

ICE CREAM TREATS  
WILL BE SERVED

Come learn more about  
Title IX and how to be a  
proactive voice as a  
bystander

In recognition of  
Sexual Assault  
Awareness Month



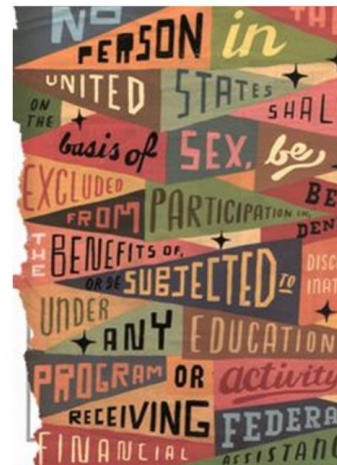


# BE A VOICE: WHAT STUDENTS NEED TO KNOW ABOUT TITLE IX AT PCC



Join Dr. Kimberly Williamson, Senior Director of Student Advocacy, to learn more about Title IX at PCC and how you can be a proactive voice in supporting yourself and other students

**Tuesday, October 15, 2024**  
**11:00am-12:00pm**  
**Davenport Multipurpose Room**  
**Goess Student Center**



**What is Title IX?**  
**What are my rights?**  
**Who can I tell?**



In recognition of  
Domestic Violence  
Awareness Month





# Title IX at PCC

## Information Session for Faculty & Staff

Select any of the following  
times to attend (all Webex):

CLICK THE LINK OR COPY AND PASTE THE LINK INTO  
YOUR BROWSER

Wednesday, October 23, 2024- 10:00am:

<https://pittcc-ncconnect.webex.com/pittcc-ncconnect/j.php?MTID=m2d196a454926f281d0ba3b04ea05898e>

Thursday, October 24, 2024- 1:00pm:

<https://pittcc-ncconnect.webex.com/pittcc-ncconnect/j.php?MTID=m2b0057ab557bb82c0d09856058487e32>

Monday, October 28, 2024- 1:00pm:

<https://pittcc-ncconnect.webex.com/pittcc-ncconnect/j.php?MTID=m6ec44142f28539d0c6a3898986804313>

Tuesday, October 29, 2024- 10:00am:

<https://pittcc-ncconnect.webex.com/pittcc-ncconnect/j.php?MTID=m3602a4d75b6d161dea318663d39cdeaf>



Ask me anything!



Join Dr. Williamson  
online for a brief  
presentation followed  
by Q & A

### Topics covered:

- What is Title IX?
- Duty to report
- Supportive measures
- Pregnancy & related conditions



# Questions & Conversation

## STARTERS...

- What challenges do you face in your work?
- What are some best practices that you can share?



# Thank You!

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# The Intersection of Title IX and Conduct with College Students with Autism

Erica McMahon, Director of  
Accessibility Resources



# We serve a diverse population.

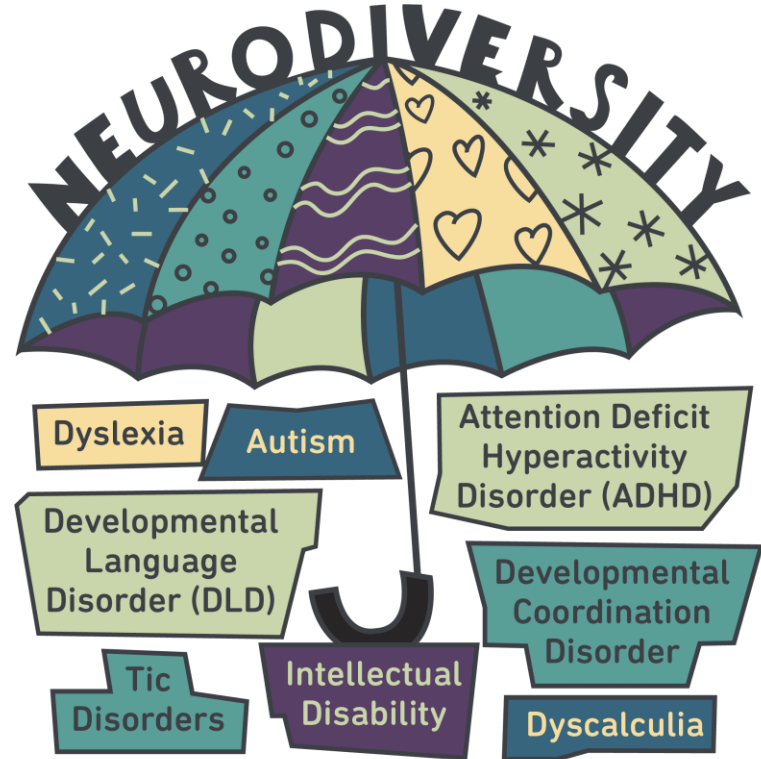
What happens when a diverse learner who sees the world differently is behaving in ways that have been historically seen as disruptive, harassing or racist and complaints are being made against him or her?



# Neurodiversity

The range of differences in individual brain function and behavioral traits regarded as part of normal variation in the human population.

- Autism
- ADHD
- Dyslexia
- Dyscalculia



# Autism Spectrum Disorder (ASD)

A neuro-developmental disorder ranging from mild to severe that is characterized by core features of social/communication deficits, repetitive/restrictive behaviors, and a lack of emotional reciprocity.





# Social Awareness



- The ability to pick up on social etiquette, social norms, and taboos.
- The ability to form and maintain relationships.



# Disinhibition



**Motor:** Compulsively engaging in actions that involve movements or speech.



**Emotional:** Feeling compulsive, intense emotions that are disproportionate to, or unrelated to, antecedents.



**Cognitive:** Being unable to filter or stop intrusive, irrelevant, inappropriate, nonsensical, or overwhelming thoughts in order to focus attention.

College students with autism spectrum disorder (ASD) may experience conduct issues due to a variety of factors.

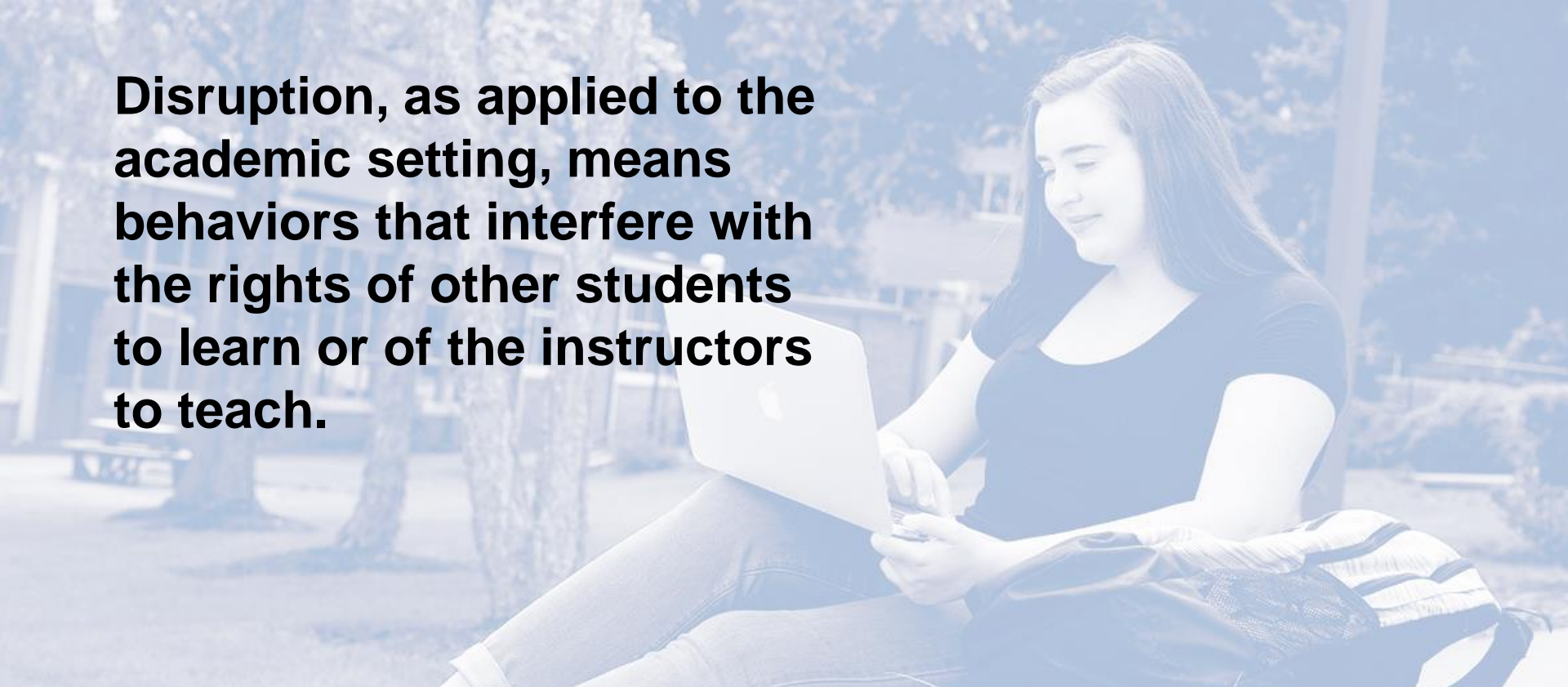


# What Behaviors Might We See in Students with Sensory Sensitivity?

- Increased movement, such as jumping, spinning or crashing into things
- Talking faster and louder, or not talking at all
- Covering ears or eyes
- Refusing or insisting on certain foods or clothing items
- Frequent chewing on non-food items
- Frequent touching of others or playing rough
- Difficulty communicating or responding as the brain shifts resources to deal with sensory input (shutdown)
- Escalating, overwhelming emotions or need to escape a situation (meltdown)

# Disruptive Behavior

**Disruption, as applied to the academic setting, means behaviors that interfere with the rights of other students to learn or of the instructors to teach.**



# Do the rules change for students with disabilities?



Disability does **not** excuse conduct violations.

Laws and regulations do not change but student understanding can be faulty.

Unusual behaviors

- Stalking
  - Perseveration
  - Communication
- Different understanding of unwritten rules (the hidden curriculum)

# Case Scenario

---

Dan really likes Sue who is in the same class and is friendly. Dan would like to take the relationship further and starts to text Sue, sits at the same table during meals and often attends the same social events. Sue thinks Dan is nice but is not interested in pursuing a relationship. Finally, Sue responds to one of Dan's texts and says that she only wants to be "friends." Dan is over the moon; the texts, visits to the dorms and attendance at the same social events increase. Sue makes a complaint to the student conduct office of the university that she is being stalked and harassed by Dan. Pursuant to all the university policies this appears to be violation of the Code of Student Conduct and possibly the law. Dan is called in for a meeting.



# How can we support students with Autism?

- Collaborate with partners across campus.
- Be an ally!
- Understand Autism.
- Recognize behaviors that may present in the context of Autism.
- Set clear behavioral expectations.
- Rule of 3
- Provide explicit training to students on consent, dating, and sex.
- Provide training to campus public safety.
- Work with Conduct Boards as an advocate.



## Training for Conduct Boards

- Understanding behaviors and triggers
- Use a trained advocate/“interpreter” (OCR Complaint No. 11062025 (2017))
- Notify about accommodations on hearing letters
- Everything in writing.
- Clear and direct communication.
- Consider teachable moments.

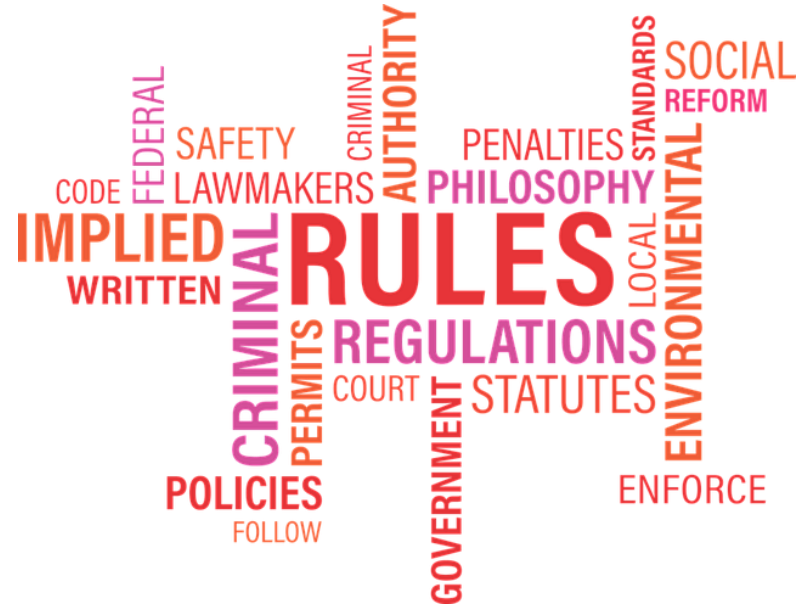




# Conduct Code Reversal

We tell students what not to do.

We do not tell students what they should do!



# Examples of Clear Communication

- “I am scheduling another appointment for us to meet...”
- Know and use the Student Code of Conduct “disrupting class means...”
- Create rules sheet “you may ask 3 questions each class”
- Create social reminders, timelines
- **BE SPECIFIC**, concrete: “if you \_\_\_\_\_ then \_\_\_\_\_”
- Don’t be afraid to impose “you must shower every day”



# Questions to Consider

- Does your school have a Behavior Intervention Team?
- Does your disability office have representation on the team?
- Do you have clear separation between behavioral intervention and student conduct?
- When doing a threat assessment, how much weight should be given to current mental status?



# In Summary

Autistic students may be over-represented in behavior team caseloads.

- Train generalists to assess problematic behavior in the context of Autism
- Bring in the outside experts
- Breaches of behavior are not excused
- Train the student
- Train faculty and staff
- Be an ally!

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**D. STAFFORD**  
& ASSOCIATES

# **Minors on Campus: Clery Act, Title IX and Risk Management Implications**

**Title IX Student Conduct Symposium**

**Presented by:**

**Adrienne Murray**

**Vice President, Equity Compliance and Civil Rights Services**

**Dolores A. Stafford**

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## **Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services**



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA





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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.



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# NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

## BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
  - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
  - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
  - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
- **A 50% discount on the Title IX Notice Document Library developed by NACCOP's Partner Organization, D. Stafford & Associates (a \$335 value)**

## Join the Alliance

Eligible individuals must have Institutional, Professional, or Committee Membership with NACCOP.

Cost: \$425 for 1 year subscription

(The first year of enrollment will be pro-rated to match the NACCOP membership expiration date.)

Request to Join: <https://naccop.memberclicks.net/join-the-alliance>

Questions? Contact us at [info@naccop.org](mailto:info@naccop.org) or 302-344-1068.







# Minors on Campus: Clery Act, Title IX and Risk Management Implications

***Title IX Student Conduct Symposium hosted by Forsyth  
Technical Community College***

Adrienne Meador Murray

*Vice President, Equity Compliance & Civil Rights Services*

D. Stafford & Associates

*Director, Training & Compliance Activities, NACCOP*

[www.dstaffordandassociates.com](http://www.dstaffordandassociates.com)

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## Coach Foster

Coach Foster is your institution's men's soccer coach and runs several camps in the summer on campus. Campers have the option to come for just the day or can be boarded overnight in an on-campus residence hall. Children aged 7-12 may participate in camp, but children must be aged 10-12 to be housed. Coach Foster is a 12-month employee, but runs the camp through their LLC, *The Kickers*. Foster advertises and collects money for the program and signs a contract with the college for space on fields and in residence halls. Foster has three employees, whom he has hired and paid through the LLC, who also instruct in the camp. The college's trademarked logo is used in advertising materials even though the camp is run through *The Kickers* sports program. All residential campers are provided with a University ID card so they may access their residential space and the University's dining hall.

## Camper Sam Smith



Camper Sam Smith, age 10, reports to Coach Tim, one of the employees of the camp, that while showering last night in Wright Hall that “something happened.” He goes on to tell Coach Tim that another resident of Wright Hall “rubbed” his “bottom.” He says he doesn’t think it was another camper because he was much older. (Since the residence hall is also used to house other campus programs, Coach Tim is not sure who the perpetrator could be.) Coach Tim tells Coach Foster. Coach Foster interviews Sam and tells him it was likely just “horseplay” and to “play hard today at camp and forget about it.” Coach Foster then tells Coach Tim that he has “managed” the issue and that it was just a misunderstanding between campers. Coach Tim feels relieved and doesn’t think any further about it.

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## What has just happened?!

Did Coach Foster handle the situation correctly? What legal implications exist???

Is Coach Foster a CSA? RE? Mandatory Reporter??????

Considerations include the following...

- Report to CSA of sexual assault-fondling?
  - Requirement to assess for TWN?
  - DCL entry?
- Report to Responsible Employee/Official with authority for purposes of Title IX?
  - Do we have jurisdiction to be responsive under Title IX?
- State law responsibilities of report regarding abuse of minor. Need to contact CPS or other agency?
- Foreseeability of harm to other campers? Perpetrator not identified or apprehended? No report generated??????? Parental notification?

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## Overview of the Problem

- Minors as traditional college students
- Dual enrollment/high school
- Summer camps
- Trio
- Children of students on campus
- Workshops/noncredit courses
- Exhibits/Performances/Sporting events
- Faculty/Grad Student/Family housing
- Headstart programs
- Publicly accessible spaces
  - Campus gym
  - Campus pool
  - Campus fields
  - Campus residence halls
  - Campus library

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Do you know?

How many minors do  
you have on campus  
at any given time?

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## Questions to Ask Yourself

- Who is “in charge” of minors on campus?
- What safety protocols do you have in place for the protection of minors on campus?
- What vetting is conducted for college/university employees working directly with minors on campus? And how often is it conducted?
  - Does this differ from athletics to faculty-run programs? i.e., are there consistent processes across campus?
  - What about programs that you don’t control, but are housed on your campus using your facilities?
  - How do you know if/when you control a program? In Coach Foster’s case, he is a 12-month employee but running the program under his LLC. What does this mean for compliance? Liability? Risk?
  - Are there enhanced protocols for spaces where children change clothing, toilet, shower, or sleep?

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## Let’s Start with Clery!

### Three Part Test for Capturing and Counting a Crime Statistic

1. Clery Crime

2. Reported to a  
Campus Security  
Authority

3. Reported to have  
occurred in Clery  
Reportable Geography

## Camper Sam Smith



Camper Sam Smith, age 10, reports to Coach Tim, one of the employees of the camp, that while showering last night in Wright Hall that "something happened." He goes on to tell Coach Tim that another resident of Wright Hall "rubbed" his "bottom." He says he doesn't think it was another camper because he was much older. (Since the residence hall is also used to house other campus programs, Coach Tim is not sure who the perpetrator could be.) Coach Tim tells Coach Foster. Coach Foster interviews Sam and tells him it was likely just "horseplay" and to "play hard today at camp and forget about it." Coach Foster then tells Coach Tim that he has "managed" the issue and that it was just a misunderstanding between campers. Coach Tim feels relieved and doesn't think any further about it.

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## Let's Start with Clery!

### Three Part Test for Capturing and Counting a Crime Statistic

1. Clery Crime

Fondling  
(no question of  
consent-rubbing of  
buttocks of a child  
by adult)

2. Reported to a  
Campus Security  
Authority

Reported to Coach  
Foster, a 12-month  
employee of the  
College in a program  
branded by the camp  
as a college program

3. Reported to have  
occurred in Clery  
Reportable Geography

Occurred in on-  
campus residence  
hall

## Clery Concerns Itself with....



The What

The Where

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## Title IX of the Education Amendments of 1972

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*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

## § 106.2 – Sex-based Harassment

*Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in § 106.10, that is:*

1. *Quid pro quo*
2. *Hostile Environment*
3. *Specific offenses*

## Recommended Language

*Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity:*

1. *Quid pro quo*
2. *Hostile Environment*
3. *Specific offenses*



## § 106.45(A)(2) – WHO CAN FILE A COMPLAINT

### Sex discrimination other than sex-based harassment

- Complainant
- Parent or other
- Title IX Coordinator
- Any student or employee
- Other person participating

### Sex-based harassment

- Complainant
- Parent or other legal representative
- Title IX Coordinator

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## § 106.11 – Application

- Sex discrimination in education program or activity
- Sex-based hostile environment even when some contributing conduct occurred off campus
- Could be broadened by “disciplinary authority”

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# Title IX Concerns Itself with....



The What

The Who

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# Protecting Minors on Campus From Sexual Misconduct

- Assessing the Legal and Physical Environment
- Sex-based Harassment Policies and Procedures
- Reporting
- Screening of Employees and Volunteers
- Management of Campus Contractors
- Behavioral Standards for Interactions with Minors
- Essential Knowledge for Supervisors
- Training Programs to Prevent Misconduct

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## Written Policies and Procedures

- Are they clearly written and easily understandable?
- Are they accessible?
- Do they clearly identify:
  - Campus Security Authorities (CSAs) by role?
  - Title IX Coordinator(s), including name(s) and contact information?
  - “Responsible employees” (or similar term) under Title IX, by role?
  - “Mandatory reporters” under state law, by role?

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## Policies and Procedures (cont'd)

- Do they:
  - Explain the duties of each of those positions, including WHAT they need to report and to WHOM?
  - Outline the potential consequences of failing to report (both within your institution and under criminal law)?
  - Describe the type of conduct your institution prohibits and provide specific examples?
- How are your policies and procedures published, promoted and disseminated?

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## Screening (Employees, Volunteers, Students)

- Screening = background checks, applications/interviews, reference checks
- Work with legal counsel
- Standardize screening processes across campus
- Complete screening process before applicant begins work

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## Screening (cont'd)

- Background checks: Necessary but not sufficient
- Other important tools
  - Applications
  - Interviews
  - Reference checks
- Red flags
  - Anything that raises suspicion requires follow up
  - Consider what merits automatic (vs. discretionary) disqualification
- Establishing and following a thorough process likely results in some bad actors removing themselves from process (or avoiding your institution)

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# Training and Education

- Format (e.g., online vs. in-person)?
  - No single “right” answer
  - Relevant factors include institutional culture, number of people to be trained, level of direct access to minors
- Refresher training frequency?
- Document training and who attended/completed it

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# Training and Education (cont'd)

- Training CSAs, Responsible Employees, Mandatory Reporters
  - Review your policy so they understand WHAT they need to report and to WHOM
    - Review potential consequences of failing to report (institutional and criminal)
  - How to respond when anonymity/confidentiality requested
  - Clarify:
    - Make no judgments about truth of allegations
    - Don't attempt own investigation

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## Training and Education (cont'd)

- Training employees/volunteers/students working with minors
  - Review requirements of your policies/procedures; provide copies or links
  - Review reporting rules
  - Cover your standards of conduct, including (but not limited to):
    - One-on-one access to minors (e.g., prohibition or restrictions?)
    - Specific rules about physical contact (e.g., do you forbid hugging, tickling, wrestling?)
    - Electronic communication with minors (including email, text, social media friending)
    - Driving minors in vehicle
    - Inappropriate conversation topics with minors
    - Meeting with minors outside established program hours/activities

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## Training and Education (cont'd)

- Bystander Training
  - Knowledge of common warning signs in behavior of others (both perpetrators and victims)
- Add'l Student Training (especially first years)
  - Orientation (before and after arrival on campus)
  - Cover your policy/state law regarding sexual contact with minors, including potential consequences for violation
  - Remind students some classmates may be under 18
  - Same principles apply to nonstudents (e.g., residence hall visitors) under 18

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## D. Stafford Training Opportunities

### 2024 Title IX Coordinator Track

- ❑ Tier 0: Introduction for NEW Title IX Coordinators
- ❑ Tier 1: Law and Policy
- ❑ Tier 2: Sex Discrimination Response
- ❑ Tier 3: Safety & Risk Analyses for Sex-Based Harassment Emergency Removals
- ❑ Tier 4: Title IX for Human Resources Professional
- ❑ Tier 5: Pregnancy or Related Conditions

### Investigator Track

- ❑ Tier 1: Sex-Based Harassment Investigations
- ❑ Tier 2: Dating/Domestic Violence and Stalking (DVDVS) Investigations
- ❑ Tier 3: Case Study and Simulation (Interviewing)
- ❑ Tier 4: Statement Analysis
- ❑ Tier 5: Report Writing
- ❑ Tier 6: Technology & Investigations
- ❑ Tier 7: Violence Against Men

### Related Offerings

- ❑ 2020 Courses
- ❑ Institutional trainings
- ❑ Threat Assessment Teams
- ❑ Clery Compliance
- ❑ Procedural Justice
- ❑ Decisionmakers ([www.naccop.org](http://www.naccop.org))
- ❑ Appellate Officer ([www.naccop.org](http://www.naccop.org))
- ❑ Constructing Resolution Processes ([www.naccop.org](http://www.naccop.org))
- ❑ Title IX Webinars ([www.naccop.org](http://www.naccop.org))







**Thank you for joining us.  
The webinar will begin soon.**

# 2025 Title IX Updates for Higher Education Institutions

January 30, 2025





# Before We Begin

- **All attendees are in listen-only mode.** If you run into any audio issues during the webinar, please try another method of listening in, such as computer audio or calling in by phone.
- All registrants and attendees will receive a link to the recorded version of this webinar in a follow up email.
- If you have questions during the presentation, **please let us know by typing your question into the Q&A panel.** We will address these at the end of the presentation.



# Megan C. Farrel

Title IX and Civil Rights Officer and Title IX Consultant



Megan is an advisor and consultant to educational institution clients with a focus on Title IX compliance. Megan's approach focuses on providing practical, reasoned advice to colleges, universities and K-12 schools who are implementing change and bringing her legal, business, and education expertise to unique challenges.

Megan's background includes working as Title IX Coordinator at Palo Alto School District and Notre Dame of Maryland University. She has also served as in-house counsel, faculty member, and graduate program director. Aside from these in-house positions, Megan also has provided risk and litigation management counseling to institutions, developed internal policies and procedures for education clients, and designed customized training programs for educational institutions across the country.

Megan holds a Bachelors of Arts degree from Loyola University, a Juris Doctor from Widener University, and a Masters of Business degree from University of Maryland. Megan holds a Certificate in Bias and Diversity from Cornell University and Mentor Coaching from the Coach Training Alliance, an International Coach Federation (IFC) program.

# Disclaimer

- Not legal advice.
- Not a comprehensive review of all changes necessary under the new regulations.
- Please consult with your administration and legal counsel regarding specific questions about compliance requirements for your institution.

# Overview

- Title IX Regulations Timeline
- Challenges to Implementing the 2024 Title IX Regulations
- Tennessee v. Cardona Decision on January 9, 2025
- Highlights of Differences between 2020 and 2024 Regulations
- Recent Executive Orders from Trump Administration
- Next Steps in Title IX Enforcement

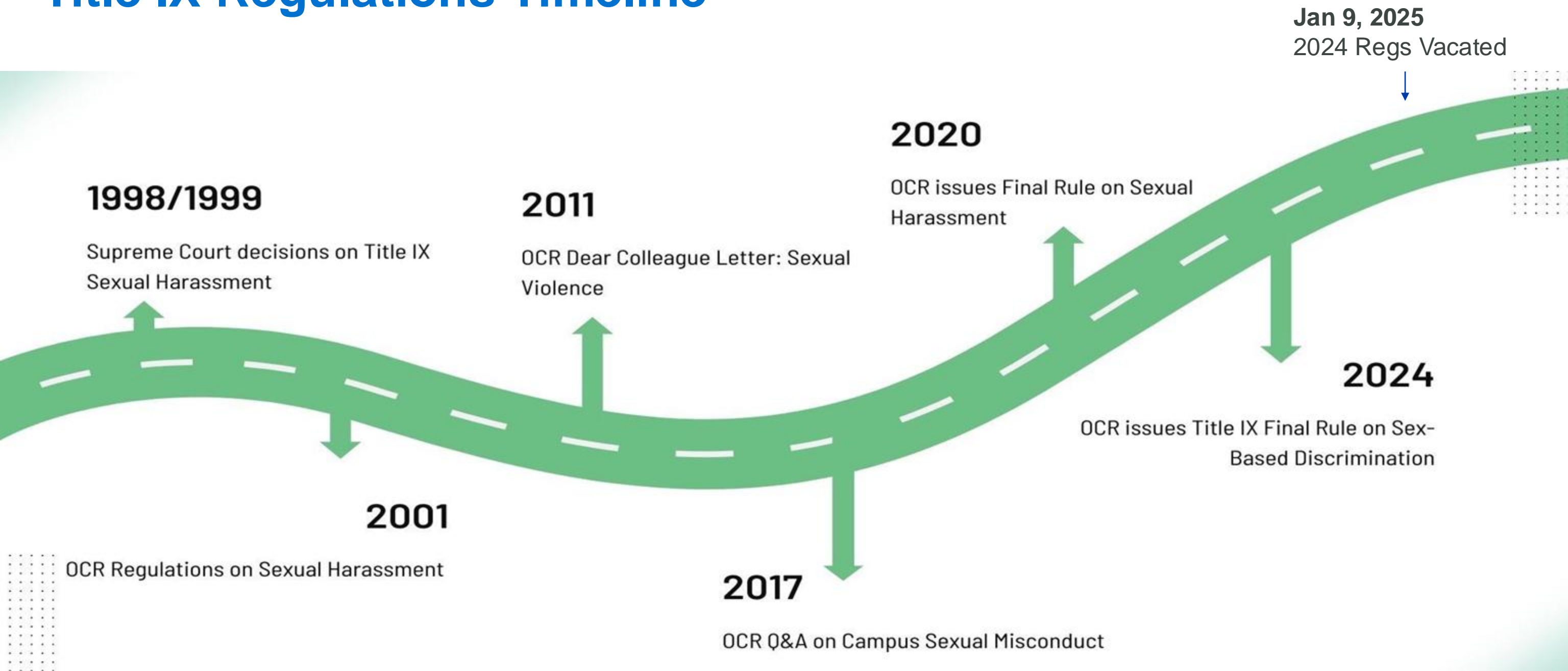




# Title IX Regulations Rollercoaster



# Title IX Regulations Timeline



# Timeline for 2024 Title IX Regulations

- July 12, 2022 – Draft of New Title IX Regulations
  - Notice and Comment Period for two months.
  - 235,000 comments received.
- April 19, 2024 – Final Version of Regulations Released
  - August 1, 2024 – Stated effective date for educational institutions to implement 2024 Title IX regulations.
- After the final 2024 Title IX regulations were released, litigation across the country ensued to stop implementation of these regulations.
  - Key issue was expansion of definition of “sex” to include gender identity.

# Key Litigation Challenges

- **June 17, 2024** – Tennessee v. Cardona temporary injunction issued enjoining enforcement in states Tennessee, Kentucky, Ohio, Indiana, Virginia, and West Virginia (Plaintiffs in litigation).
- **July 2, 2024** – Kansas v. Department of Education issued injunction preventing implementation of regulations in four Plaintiff states (Alaska, Kansas, Utah, Wyoming) and schools attended by the members of nonprofit Plaintiffs - Young America's Foundation or Female Athletes United, as well as the schools attended by the children of the members of Moms for Liberty.
- **August 16, 2024** – Biden administration's request to be allowed to temporarily enforce most of an April 2024 rule implementing Title IX of the Education Amendments of 1972 denied by Supreme Court of United States.

**2024 Title IX Regulations were enjoined from enforcement in 26 states and over 1,000 K12 schools who did not implement 2024 regulations.**



# On the Eve of Implementation

- Litigation against the 2024 Regulations
  - Complete injunctions in 12 states.
  - Injunctions/litigation and do not enforce orders in 9 states.
- Proactive Support of 2024 Regulations
  - Amicus briefs in favor of 2024 regulations filed by 8 states.
- No Pending Litigation
  - No state-wide litigation pending – 11 states.

**Patchwork of enforcement across the United States and continued confusion caused by pending Kansas litigation.**

# Divided Enforcement – Divided Ideology

- Presidential election of 2024 featured key issues that coincided with issues/challenges in Title IX debates.
- Election results would impact enforcement of 2024 Title IX regulations going forward.
- Unclear how this would take place
  - Election decision would require some action on part of successful candidate, through potential means:
    - Judicial Decision
    - Executive Order
    - NEW Title IX Regulations



A photograph of a man with grey hair, wearing a blue sweater, sitting at a desk and gesturing with his right hand while talking to another person whose back is to the camera. The scene is an office with a computer monitor and various desk items visible. The entire image has a blue color overlay.

# 2024 Title IX Regulations Vacated

# Tennessee v. Cardona – Court Decision

- Department of Education exceeded its authority in expanding the scope of prohibited discrimination to include “gender identity.”
- Final Rule was unconstitutional because the new definitions in the Final Rule would compel Title IX institutions, including teachers, to “use names and pronouns associated with a student’s asserted gender identity” in violation of the First Amendment and “so vague that recipients of Title IX funds have no way of predicting what conduct would violate the law.”
- Final Rule was found to have violated the Administrative Procedures Act (APA) by being “arbitrary and capricious.”
- Decision explicitly rejected OCR/DOE reliance on *Bostock v. Clayton County, Ga.*, 590 U.S. 644 (2020).



# Implications of the Decision

- Vacatur of the 2024 Regulations
  - ***Vacatur*** is "a rule or order that sets aside a judgment or annuls a proceeding."
- **Removal** of the 2024 Regulations in that they were never lawful.
- Court did not address which regulations are now in effect.
- No appeal expected
  - Reasoning appropriate or flawed?



# Impact of Decision on Higher Education Institutions

## Implemented 2024 Regulations

- Regulations are in effect.
- No clear direction from court about whether to revert to the 2020 regulations.
- Investigations initiated and concluded from August 1, 2024-January 9, 2025.
- Pending investigations related to incidents between August 1, 2024 -Jan 9, 2025.

## Never Implemented 2024 Regulations

- Using 2020 regulations.
- Continue the course using the 2020 regulations.

# Highlights of Differences between 2024 and 2020

Category	Change in 2024 Regulations	2020 Regulations
<b>Complainant</b>	No longer required to be enrolled/employed	Pursuing program
<b>Jurisdiction</b>	Expanded to include other areas of school operations	On campus; in education program or activity
<b>Investigation Required</b>	Upon notice and investigation requested	Formal complaint
<b>Covered Acts</b>	Sex-based discrimination/harassment	Sexual harassment
<b>Required Response</b>	Prompt and effective steps to end SD and SH, prevent recurrence, and remedy	Deliberate Indifference
<b>Decision-Making</b>	Single investigator permitted	Separate Decision-Maker; Title IX Coordinator Role limited
<b>Appeals</b>	Ability to adopt other appeal procedures	Three (3) reasons to appeal
<b>Informal Resolution</b>	Detailed and explicit process requirements; at any time	Limited requirements; after formal complaint
<b>Advisors</b>	Not required with K12s; parent role	Required for both parties
<b>Pregnancy</b>	Detailed requirements for support	Not explicitly covered



# Review of Executive Orders

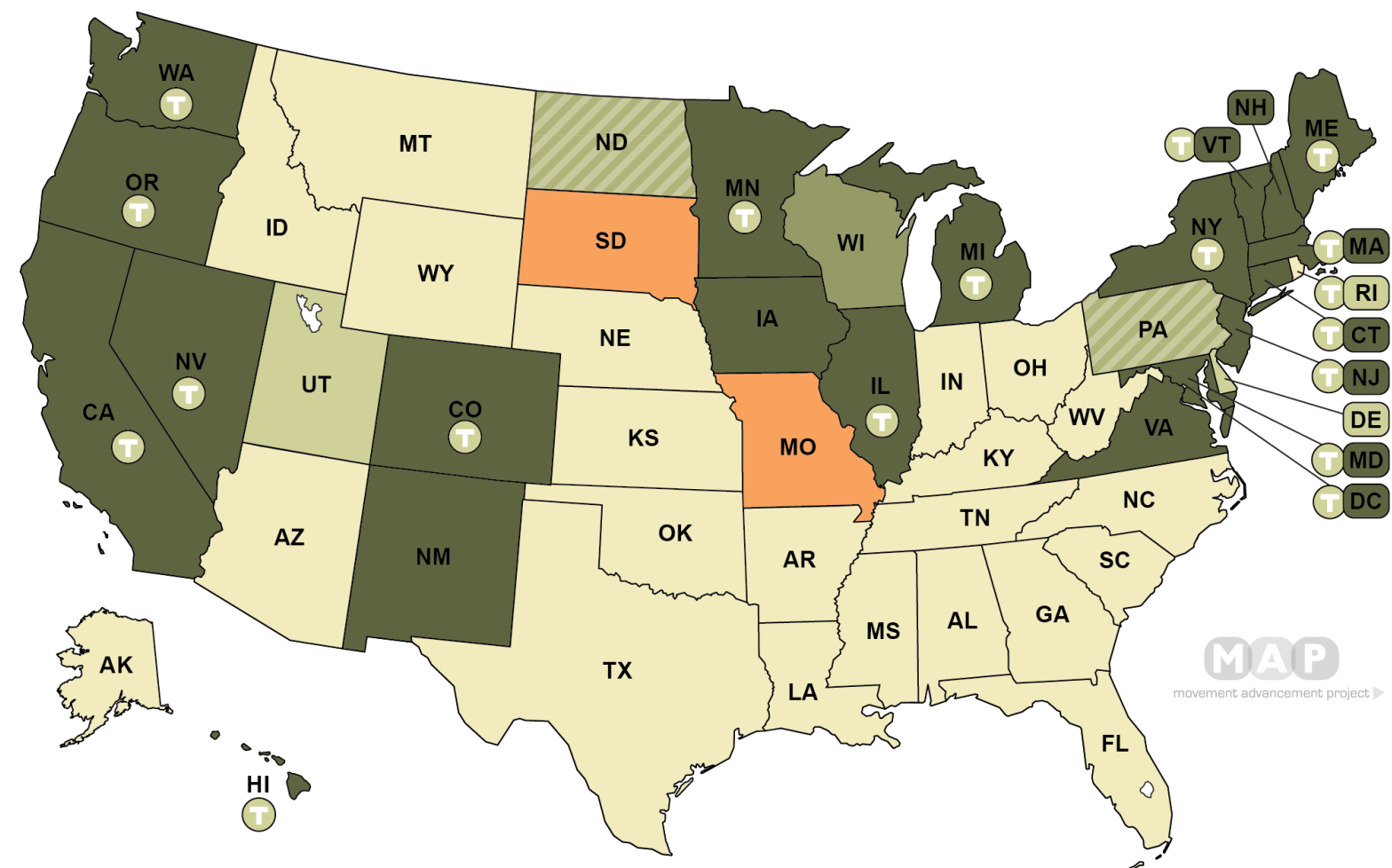
A woman with long dark hair is sitting at a desk, looking at a laptop. She is wearing a dark blue top and has her hand resting on her head. On the desk, there is a laptop, a coffee cup, a red apple, and several books. The background is a plain wall.

# Executive Order:

## Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government

- “[I]t is the policy of the United States to recognize two sexes, male and female” on official documents.
- "These sexes are not changeable and are grounded in fundamental and incontrovertible reality...”
- Bostock decision does not apply to Title IX and conflicting prior guidance is rescinded.

# Highlights of Differences between 2024 and 2020



Map of United States and Nondiscrimination Laws covering gender identity and sexual orientation, provided by the Movement Advancement Project (MAP).



A photograph of two women sitting at a table in a library, looking at an open book. The woman on the left has curly hair and wears glasses and a blue lanyard. The woman on the right has long dark hair and rests her chin on her hand. Bookshelves filled with books are visible in the background. The entire image has a blue color overlay.

# Important Considerations



# Risks Related to Mid-Year Changes

- Campus Unrest
- Litigation
  - Respondents
    - Due Process
    - Breach of Contract
  - Complainants
    - Breach of Contract
    - Withdraw of Complaint Due to Hearing Requirement
- Office for Civil Rights Investigation



# Next Steps

- Seek guidance of counsel for specific matters and questions of process, especially regarding pending investigations
- Examine how to handle matters to support all students
  - Separate federal process and state law process available for groups no longer covered under Title IX
- Outreach to pending Complainants/Respondents
  - Seek resolution
- Training
  - Required and Recommended
  - Title IX staff and all employees
  - VAWA/Clery remain in effect for higher education institutions
- Communication Plan
  - Complainant/Respondent in Pending Cases
  - Students
  - Parents
  - Employees

# Important Links

- Tennessee v. Cardona decision
  - <https://adfmedialegalfiles.blob.core.windows.net/files/TennesseeAppellateOpinion.pdf>
- 2020 Final Rule on Title IX Regulations
  - <https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>
- Executive Order – Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
  - <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>
- Map of states recognizing gender identity as a protected characteristic
  - [https://www.lgbtmap.org/equality-maps/safe\\_school\\_laws](https://www.lgbtmap.org/equality-maps/safe_school_laws)
- Title IX Consult, LLC website
  - [www.titleixconsult.com](http://www.titleixconsult.com)



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## **Megan C. Farrell**

Title IX and Civil Rights Officer and Title IX Consultant

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# Vector Solutions' Title IX Course Updates



On January 9<sup>th</sup>, a federal district court in Kentucky issued a ruling striking down the 2024 Title IX Regulations.



When the new 2024 regulations took effect last year, we provided versions that aligned with both the 2020 and 2024 regulations for many courses. Considering the recent ruling, we will overwrite 2024 course versions with new versions that reflect the 2020 regulations.



We are committed to providing these compliance-related changes on or before February 11, 2024.



The list of courses to be updated and the timing of those updates is available. Click the QR Code or use this link (<https://vector-solutions.my.salesforce.com/sfc/p/#41000000dzt8/a/QQ0000022mc5/WKpW9tV3FOelPoSEil55LmZwLCTYHGUqJUwAlXpD7y8>)



The document linked below provides a summary of key differences between the 2024 and 2020 regulations that you can share with learners who previously completed or are actively in progress in the 2024 version of the course. ([https://vector-solutions.my.salesforce.com/sfc/p/#41000000dzt8/a/QQ0000022gV3/XW4h0GI7KLsYv5dVFMJtIWGYG7g\\_eDqbj6H0CIDMhV8](https://vector-solutions.my.salesforce.com/sfc/p/#41000000dzt8/a/QQ0000022gV3/XW4h0GI7KLsYv5dVFMJtIWGYG7g_eDqbj6H0CIDMhV8))



# How Vector Solutions Can Help

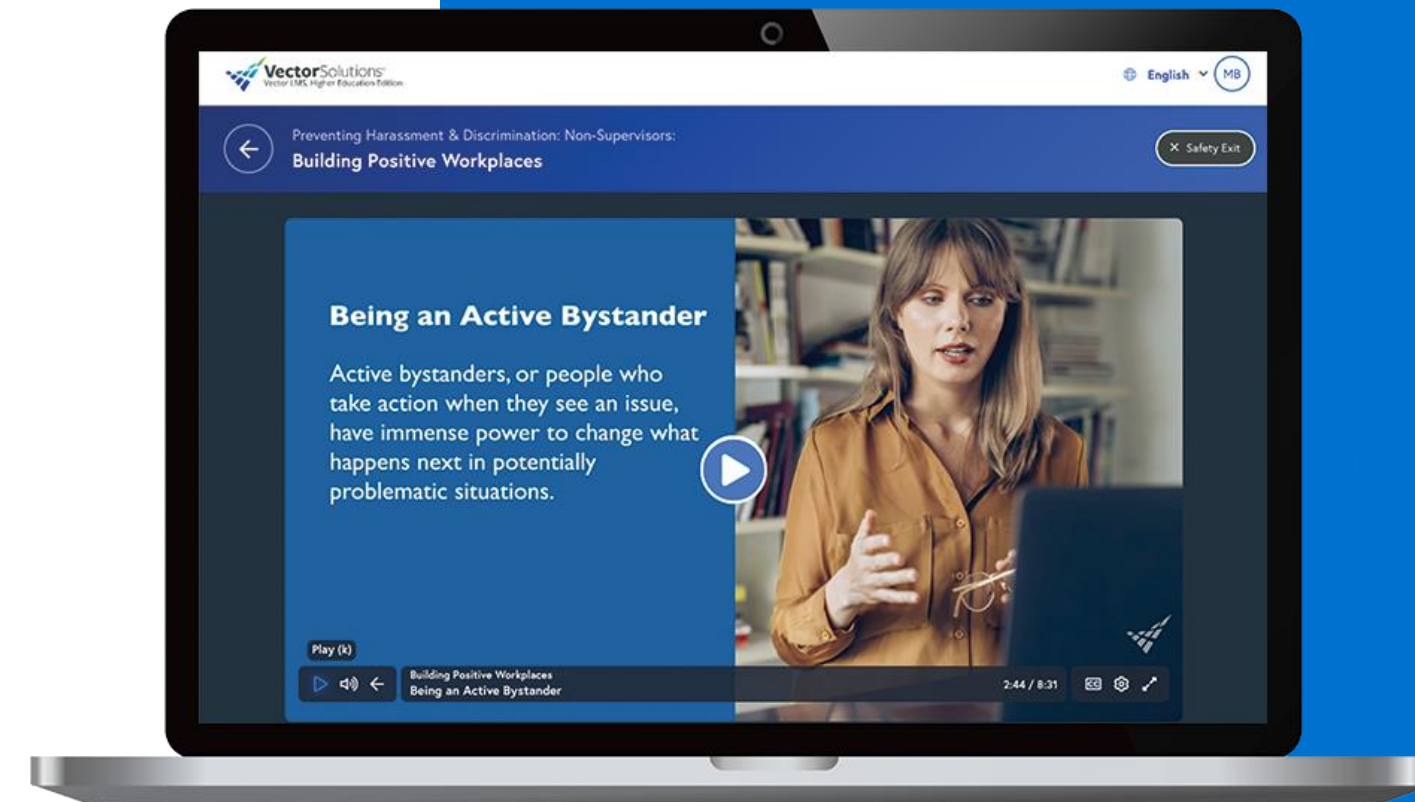
## Faculty and Staff Training

### Title IX and Sexual Assault Prevention Training:

- Building Support Communities: Clery Act & Title IX
- Title IX and Sexual Harassment Prevention for Employees
- Clery Act Overview
- Sexual Harassment: Policy and Prevention
- Sexual Harassment: Staff-to-Staff
- Preventing Harassment and Discrimination
- Dating Violence

### Additional Faculty and Staff Libraries:

- Athletics
- Health & Human Safety
- Human Resources & Workforce Management
- Security and Risk Mitigation
- Facilities Maintenance
- Environmental Health and Facilities Management



# How Vector Solutions Can Help

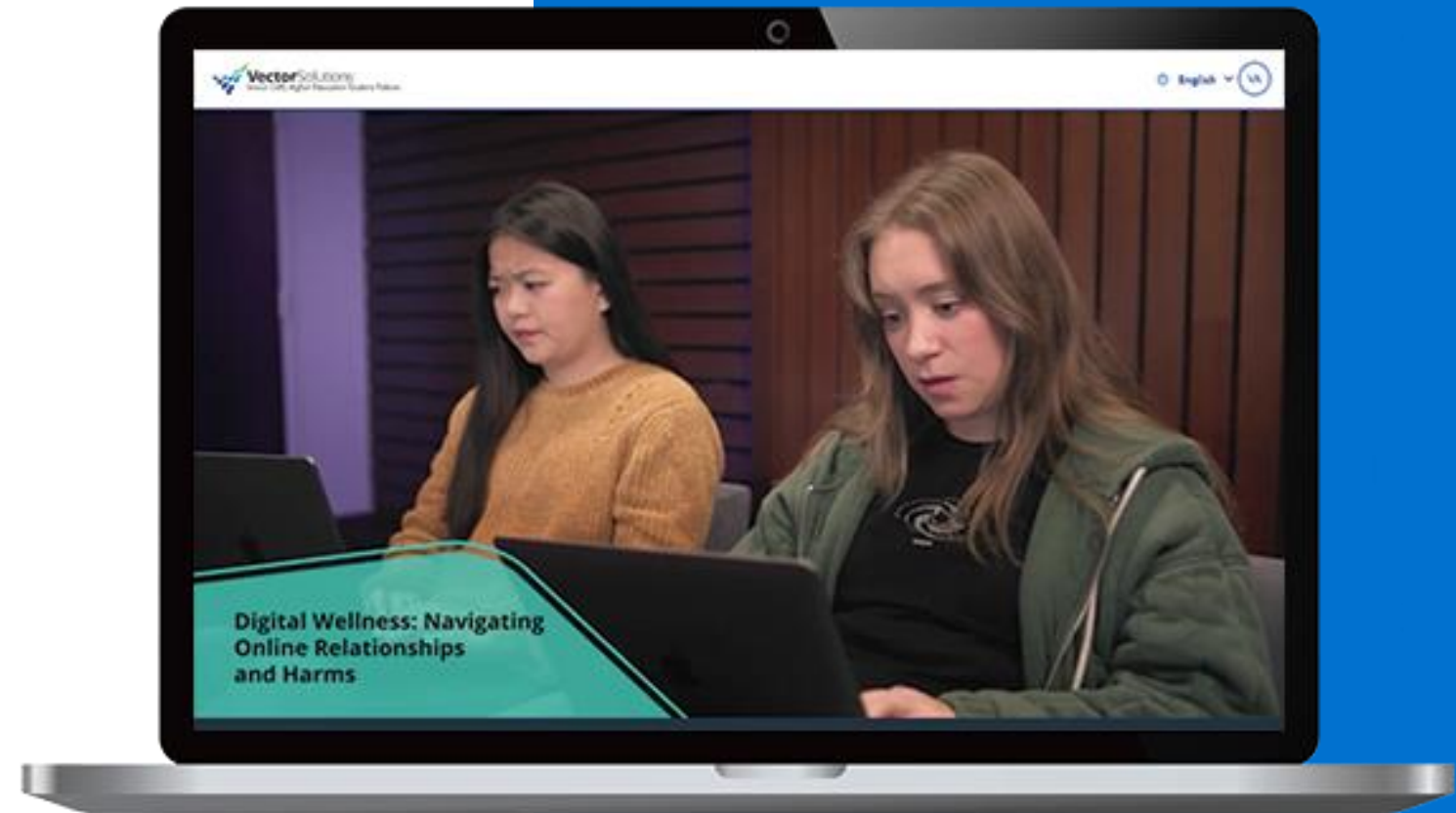
## Student Training

### **Title IX and Sexual Assault Prevention Training:**

- Sexual Assault Prevention for Undergraduates, Graduates, Adult Learners, Community Colleges
- Title IX Rights and Protections
- Healthy Relationships
- Taking Action
- Building Relationships
- Clarifying Consent
- Bystander Intervention

### **Additional Student Libraries:**

- Alcohol & Drug Misuse Prevention
- Wellness & Safety
- Athletics
- Career Readiness & Personal Development





# Q&A

*Note: If your question doesn't get answered during the allotted time, we will follow up by email.*

**Additional Questions?** Visit us at [VectorSolutions.com/HE](https://VectorSolutions.com/HE)





Thank You!

