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# Title IX Update

FRANCZEK RADELET  
ATTORNEYS & COUNSELORS

# Your Franczek Radelet Hosts



Amy Dickerson  
akd@Franczek.com  
@AmyKDickerson



Jackie Wernz  
jfw@Franczek.com  
@EdLawInsights

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ATTORNEYS & COUNSELORS

# Title IX

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1

**Prohibits all forms of sex discrimination in education programs and activities receiving federal financial assistance**

2

**Protects students, employees, applicants, and other persons**

# Obligations Under Title IX



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# What Schools Need to Know About Title IX

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**First:** Title IX Coordinator

**Second:** Title IX Responsibilities

**Third:** School official internal reporting obligations

**Fourth:** Responding to Title IX complaints (e.g., sex harassment & assault)

**Sixth:** Grievance procedures and employee training

**Fifth:** Responding to other Title IX issues

# Title IX Coordinator

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## *Presence*

- Should be made known to school community

## *Availability*

- To students and parents as needed

## *Knowledge*

- Of school's policies and grievance procedures

## *Training*

- On Title IX and the school's obligations to respond to allegations of sex discrimination (including sexual harassment and violence)



# Scope of Title IX

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- Harassment and violence
- Recruitment, admissions & counseling
- Financial assistance
- Athletics
- Pregnant & parenting students
- Discipline
- Single sex education
- Employment
- Retaliation



# *Notice of Sexual Misconduct*

When a responsible employee knows or reasonably should know of possible sexual misconduct, the Office of Civil Rights deems an institution to have notice of the sexual misconduct.



# ***“Responsible Employees”***

A responsible employee is any employee who has the authority to take action to redress sexual misconduct, who has the duty to report to appropriate officials of an institution about incidents of sexual misconduct, or who a student could reasonably believe has this authority or responsibility.

# Obligations to Respond



Apply the grievance procedure



Ensure an adequate, reliable & impartial investigation



Follow reasonably prompt timeframes



Notify parties of outcome



Provide assurances that steps will be taken to prevent recurrence and remedy discriminatory effects

# Response Standard

*Reasonably Calculated to:*



**Stop the harassment**



**Prevent its recurrence**



**Remedy its effects**

# Best Practices: Investigations



**Gather facts**



**Thoroughly interview alleged victim and perpetrator, and witnesses as appropriate**

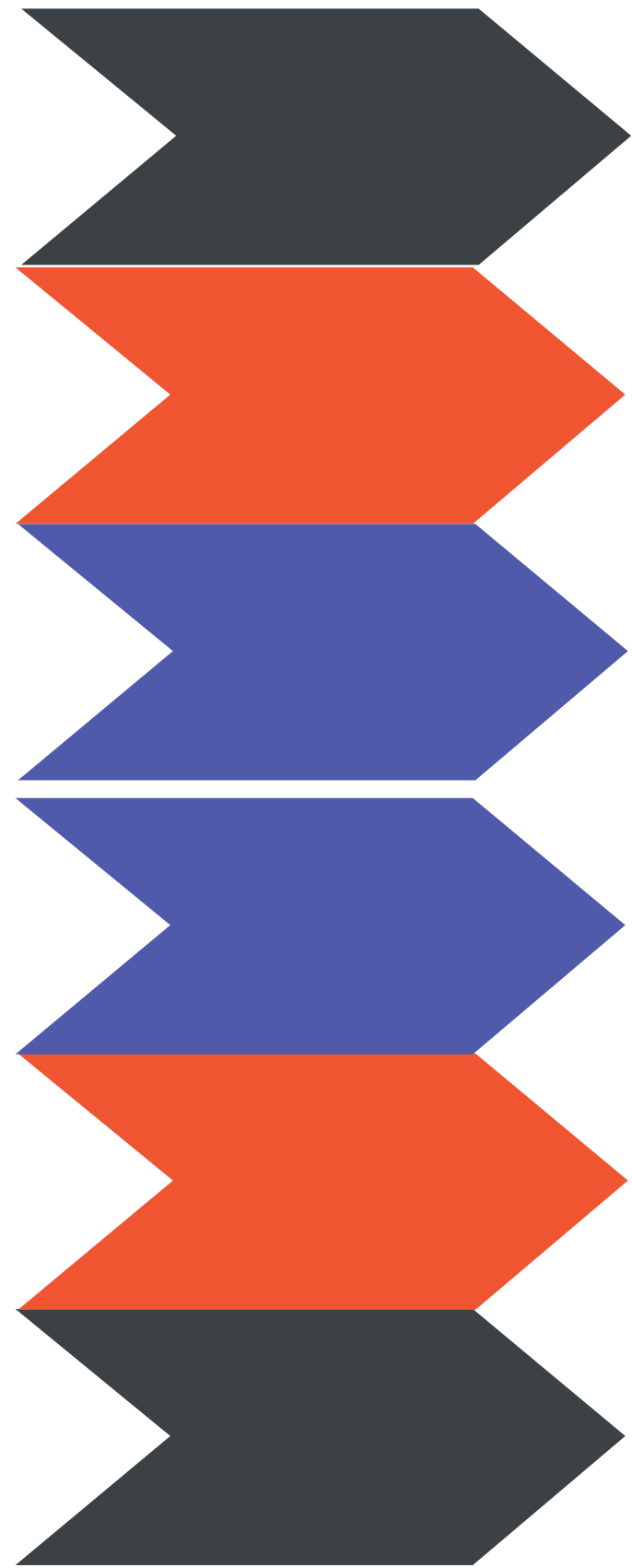


**Provide written notice to alleged perpetrator prior to interview (consider confidentiality)**



**Be prompt, thorough, and equitable. Do not wait for the outcome of the criminal investigation**

# Due Process



Equal treatment of complainants and respondents

Presumption of innocence until proven otherwise

Investigate all relevant evidence – including exculpatory

List all possible sanctions and standard of evidence

Follow a reasonably prompt time frame

Describe the range of supportive measures available to complainants and respondents

# Response: Options



**Disciplinary action against “perpetrator”**



**Counseling for perpetrator**



**Changes to services or policies**



**Remedies for complainant and others**



# Other Changes Under Draft Regulations

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# Additional Possible Changes



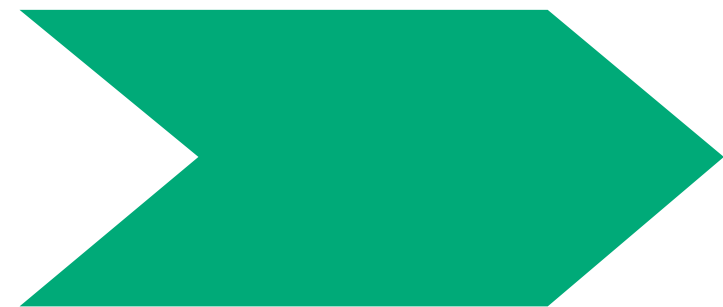
**Religious Exemption**



**FERPA**



**Informal Resolution**



**Retaliation**



**Training**



***Save the Date***

- **November 27**
- **Topic: Property Tax  
FAQs**

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