

Presenters



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About

In the 25 years since the firm was formed, we have grown into one of the premier labor, employment, and education practices in the country. Our firm has one of the largest teams of K-12 education lawyers in Illinois. Franczek attorneys also have decades of experience representing the full range of public and private higher education institutions.



Polling!





THE LAW





Title IX Coordinator

HR (Designate As TIX?)







Confusion

- Which:
 - Policy
 - > Investigator
 - Supervisor
 - Decisionmaker
- Cross-Category Respondent





Duplicated Resources

- Complaint Processing
- Data Collection and Review
- Training



- Due Process Concern
- Prevention Concern





- Particularly in Higher Ed
- If consequence "as student" use student policy
- If consequence "as employee" use HR





- For Complaining and Responding students
- What is the justification for different treatment?

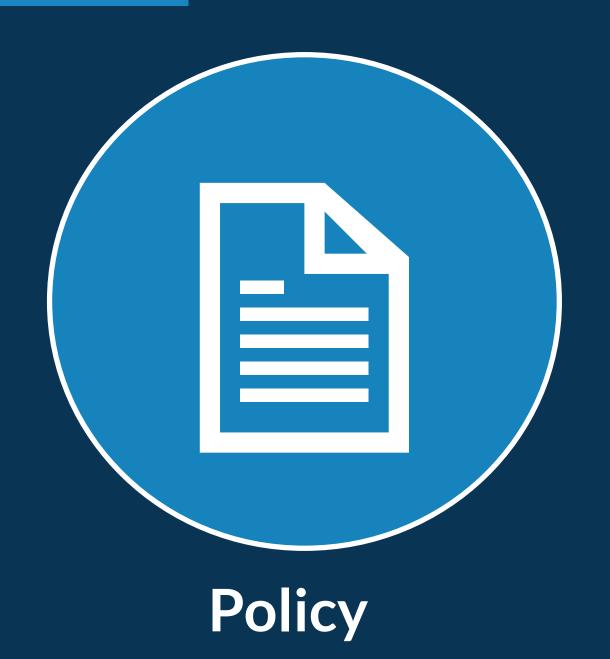
Inequity





Uniformity in Practice





 Consider a truly uniform grievance procedure for sex-based claims involving a report by a student



Coordinator

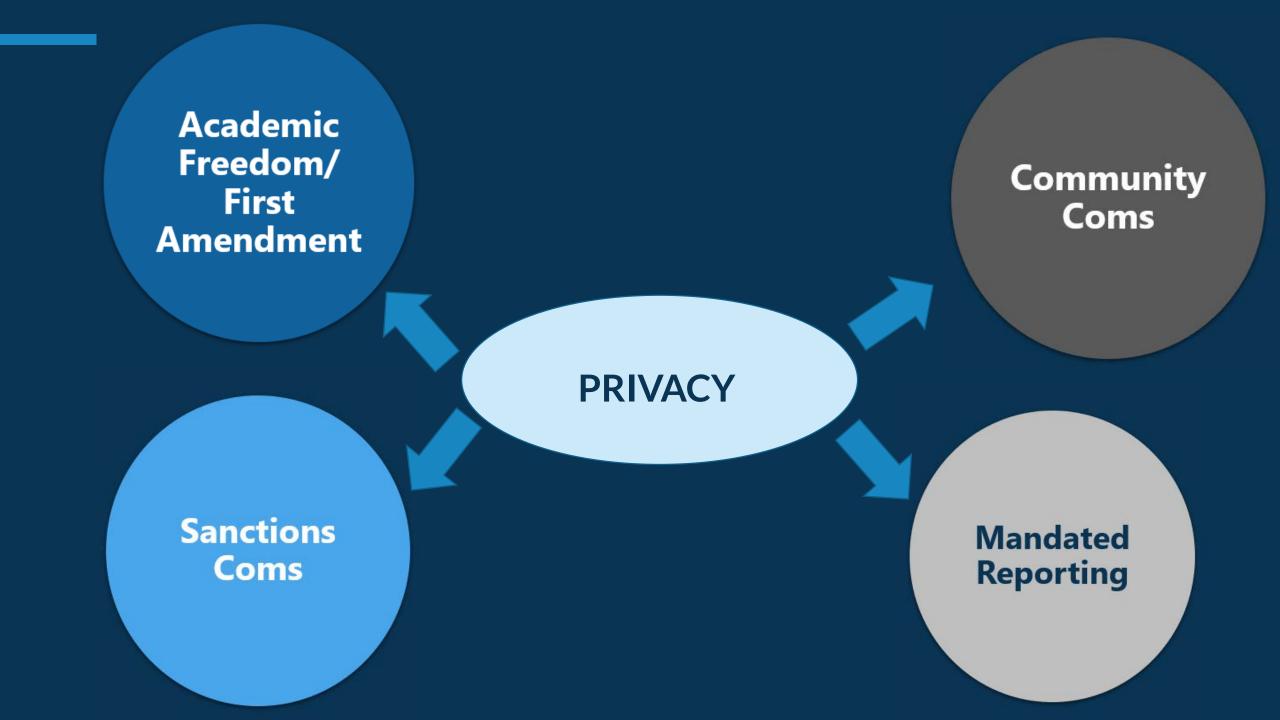
- Oversight of just sex claims or other civil rights?
- Real risks, real benefits
- Case-by-case decision



Sharing is Caring

- At a minimum, essential:
 - Cross-communicate
 - Notice to potential complainants/ respondents





Academic Freedom/ First Amendment

- OCR has signaled this is a growing concern
- The First Amendment may supersede Title IX in some circumstances

Community Coms

- Privacy considerations
- Both prior to and after investigation findings

Sanctions Coms

- FERPA limitations limited to student respondents
- For public entities, remember FOIA access



- Underage victim of alleged misconduct
- Employee-onstudent misconduct as a sign of institutional concerns



Unique Retaliation Issues

➤ Employee found not responsible for sexual harassment

Employee has ongoing responsibilities to the student (e.g., teaching, advising)

- Employee says they fear the student will complaint agin
- Employee limits interactions with student to "protect self"



Reintegration is Key

- Rebounding from complaints made in good faith comes with the territory
- Repairing the relationship is essential

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Questions?





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