



November 10, 2020

FRANCZEK

Franczek Title IX T.E.A.M.

Who: Title IX Administrators + Practitioners

What: An opportunity and place to raise and discuss questions arising in the field

When: The first Tuesday of each month
from 12:30-1 pm

Where: www.franczek.com/subscribe



Title IX Insights

Title IX Fundamentals and Investigation Techniques

**A “Sign” of Things to Come:
Title IX Coordinators and**

About this Blog

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Agenda

1. Formal v. Informal
2. What we have learned
3. The Election

Formal vs. Informal

The Law: Title IX of the Education Amendments of 1972

The Regs: Department of Education Regulations (current rules in effect NEW as of August 14, 2020)

Guidance: Can be issued with or without going through the “rulemaking” process

The Really Informal Stuff: Information in decision letters and resolution agreements, presentations, and more recently, the OPEN center, Title IX email helpline, and OCR blog



**WHAT WE HAVE
LEARNED:**

OPEN CENTER

Open Center Responses

OCR's OPEN Center provides this response as technical assistance to answer stakeholder's questions about the new Title IX Rule. Please note that the response provided to you by OCR is not legal advice and does not constitute an OCR determination regarding the compliance or non-compliance with respect to the new Rule. OCR does not provide advisory opinions, and determinations about a recipient's compliance with civil rights laws like Title IX are made only after OCR has investigated a complaint filed with OCR, in accordance with OCR's Case Processing Manual.

Open Center Tidbits

- Title IX Coordinator can oversee order and decorum (including in hearing)
- K-12 schools are not subject to hearing requirements
- State law governs legal right of parents to act for minor students

Open Center Tidbits

- Can be overlap in the second 10-day period (to review and respond to the investigative report) and the “written cross” process in K-12
- For higher ed, all statements (before and after the hearing) excluded if a party or witness does not submit for questioning



**WHAT WE HAVE
LEARNED:**

BLOG POSTS



- › Home
- Programs/Initiatives
- Office Contacts
- Reports & Resources
- News
- About OCR
- Reading Room
- Frequently Asked Questions
- Careers/Internships
- Blog

Office for Civil Rights Blog

THE DEFINITION OF SEXUAL HARASSMENT UNDER THE TITLE IX RULE PROVIDES CLARITY TO SCHOOLS

October 7, 2020



The new Title IX Rule went into effect on August 14, 2020. Since that time, the Office for Civil Rights (OCR) has received inquiries regarding the definition of sexual harassment under the Final Rule. All references and

[Previous Blogs](#)

20180726

20200109

20200515

20200518

20200524

Key Blog Posts From OCR

- August 5, 2020: T9 Rule “Is Not Retroactive”
- HOWEVER, see Title IX Insights blog post [“Are the New Title IX Regulations Retroactive? One Court Says Yes”](#)

Key Blog Posts From OCR

- September 3, 2020: Decisionmaker “Flexibility”
- HOWEVER, does not address concern with post-T9 processes

Key Blog Posts From OCR

- October 7, 2020: Clery/VAWA “Big Four” Definitions
- Remember: Update your policies and procedures (posted online)
 - For IL school districts, PRESS AP needs to be updated



WHAT WE HAVE LEARNED: THE ELECTION



Title IX Insights

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What Comes Next? Title IX Under a Biden Presidency

By Jackie Gharapour Wernz on November 8, 2020

POSTED IN [NEWS AND DECISIONS](#), [PROPOSED REGULATIONS](#), [TITLE IX REGULATIONS](#)

As a Presidential candidate, Joe Biden [promised](#) that, if elected, he would put a

About this Blog

The Title IX team at F created this blog to provide timely, practical insights on Title IX to school leaders.

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Questions?