Title IX Update: Where Are We Now, What Have We Learned, and Where Are We Going?

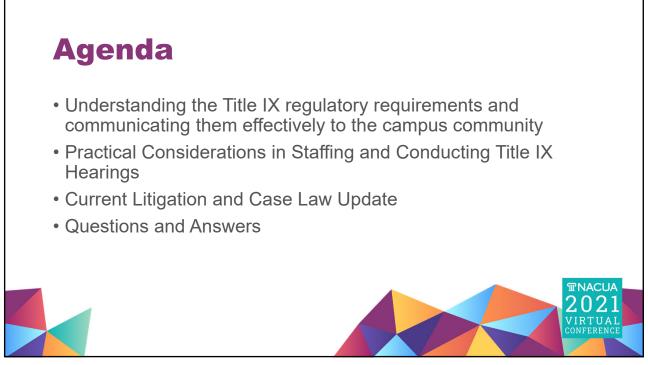
Carol Ashley, Of Counsel, Jackson Lewis, PC Emily Babb, Associate Vice Chancellor for Equal Opportunity and Title IX Rachel Pereira, Senior Legal and Policy Advisor, EducationCounsel, LLC

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Presenters • Carol Ashley is Of Counsel at Jackson Lewis, PC. Prior to joining Jackson Lewis, Carol served as the Enforcement Director for the U.S. Department of Education Office for Civil Rights during the Obama, Trump, and Biden administrations. Prior to joining OCR, she litigated education civil rights cases. • Emily Babb is the Associate Vice Chancellor for Equal Opportunity and Title IX/Title IX Coordinator at the University of Denver. Prior to joining DU, she was the AVP for Title IX Compliance at the University of Virginia and spent 12 years at the U.S. Department of Education Office for Civil Rights in the Dallas and Cleveland regional offices. • Rachel Pereira is Senior Legal and Policy Advisor at EducationCounsel, LLC. Prior to joining EducationCounsel, Rachel served as Assistant Vice President for Institutional Equity/Employment & Education Law Advisor/Title IX Coordinator at Vassar College and Title IX/EEO Officer at Drew University. 2021 VIRTUAL



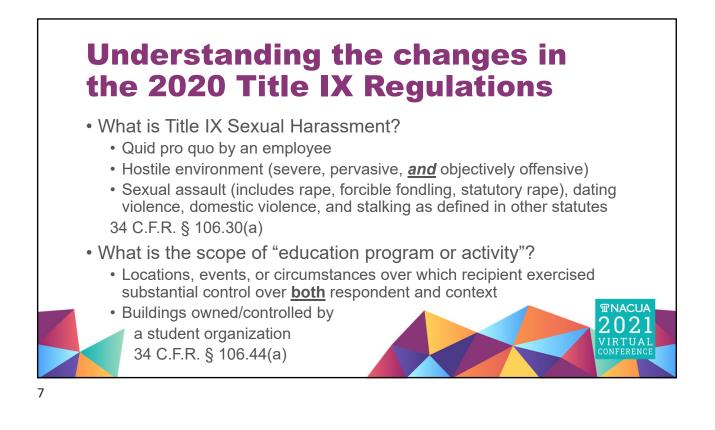


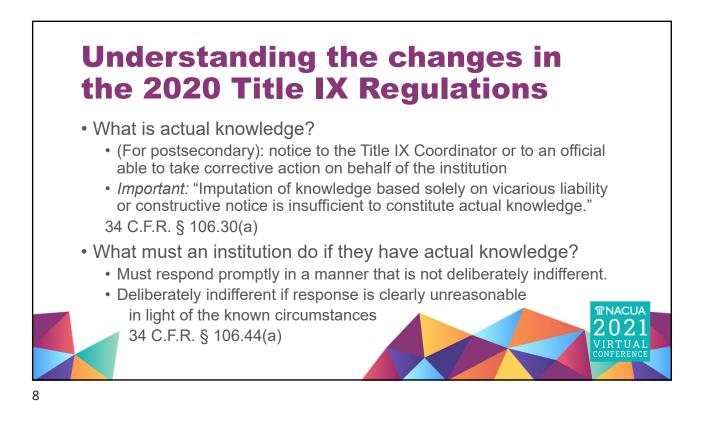
Title IX Regulations – Where are we now?

- May 6, 2020 Dept. of Ed. published final regulations regarding sexual harassment under Title IX.
- August 14, 2020 Title IX regulations implementation deadline
- April 6, 2021 Dept. of Ed. issued letter on Title IX
 - OCR launching "comprehensive review" and ED anticipates revising regs
- May 17, 2021 Dept. of Ed announces virtual hearings
- June 7 11, 2021 virtual public hearings









Understanding the changes in the 2020 Title IX Regulations

- Terms defined by the Title IX regulations
 - **Complainant** = individual who is alleged to be the victim of conduct that could constitute sexual harassment
 - **Respondent** = individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment
 - **Formal Complaint** = document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting the recipient investigate the allegation of sexual harassment.

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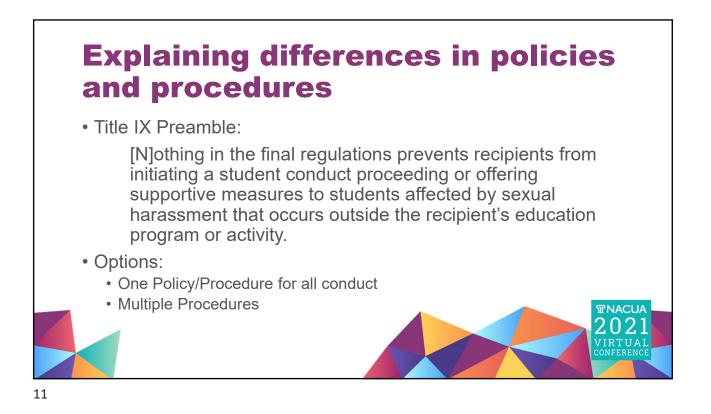
• **Supportive Measures** = non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without

fee or charge to both complainants

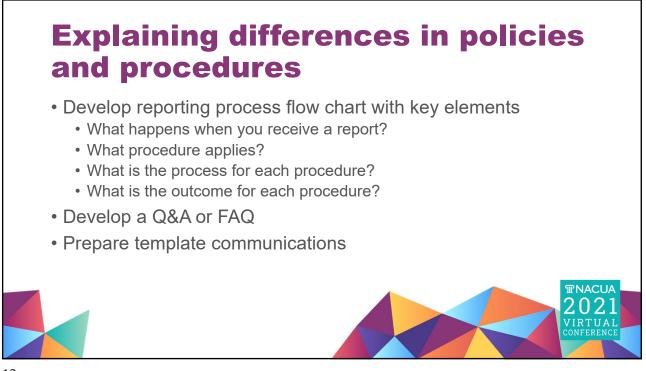
and respondents.

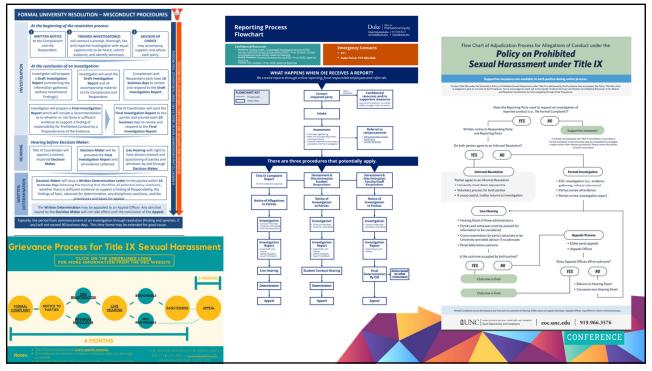
34 C.F.R. § 106.30(a)











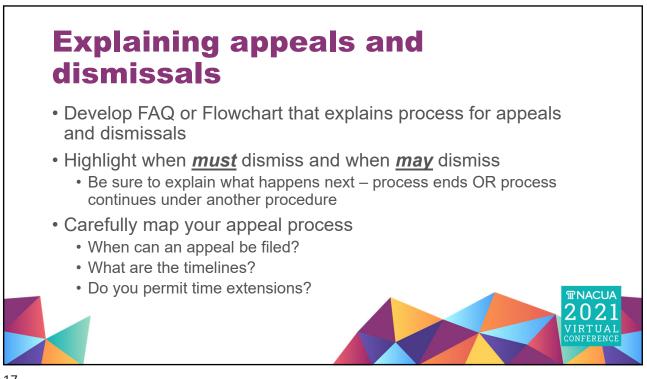
Explaining differences in policies and procedures

- Conduct in-person/virtual informational meetings with the parties
- Train employees and students who interact with potential complainants and respondents
 - RAs, TAs, Student Affairs, HR, PHEs, student orgs
- Develop Resource Guides and Training materials for students and employees

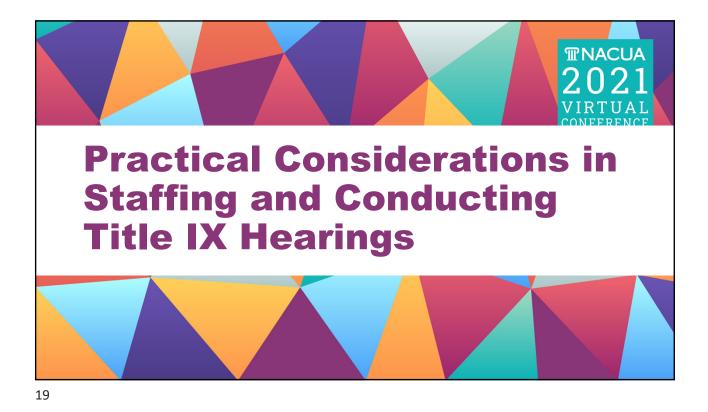
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- Highlight changes to the procedures
- Quick Guide for Responsible Employees
- Infographic/Resource Guide on Supportive Measures





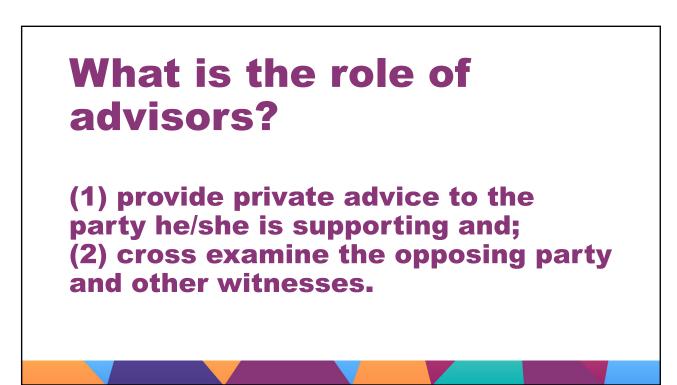


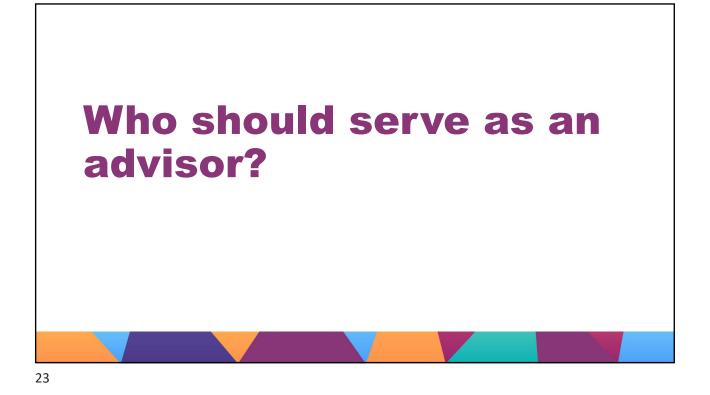


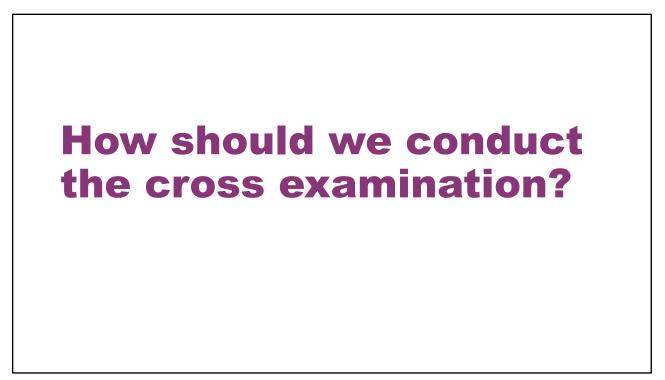


issue.











Title IX Regulations – Effective Date

Preamble (May 6, 2020)

- New regulations will take effect August 14, 2020
- The Department will not enforce the new regulations retroactively

OCR Website/Blog Post (August 5, 2020)

• The Department will only enforce the new regulations as to conduct that allegedly occurred <u>on or after August</u> <u>14, 2020</u>.



