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Association of
Title IX Administrators

NPRiMer: Preparing for the 2023 Title IX Regulations

Training & Certification Course for Higher Education



Strategic Risk
Management Solutions



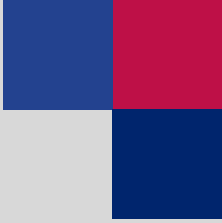
Any advice or opinion provided during this webinar, either privately or to the entire group, is never to be construed as legal advice. Always consult with your legal counsel to ensure you are receiving advice that considers existing case law, any applicable state or local laws, and evolving federal guidance.



CONTENT ADVISORY

The content and discussion in this course will necessarily engage with sex- and gender-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language.



ATIXA BEST PRACTICES

BEST PRACTICES

Reporting and Response

Designate all non-confidential employees mandated reporters.

Require all employees, regardless of confidential status, to provide contact information for the Title IX Coordinator to any person making a disclosure of conduct that may implicated Title IX.

BEST PRACTICES

Training

Provide process, policy, and reporting training on a recurring basis.

Train Title IX team members on supportive measures.

Offer training to Recipient-provided Advisors, if any.

Offer prevention education for employees and students.

Ensure training and prevention education programs meet all federal and state audience and content requirements.

BEST PRACTICES

Intake and Evaluation

Encourage use of a centralized reporting process to ensure that information gets to those who are trained to respond in a timely and efficient manner.

Provide written notice of any determination, including a notice of dismissal.

BEST PRACTICES

Informal Resolution

Implement informal resolution methods to allow for an alternative to the formal grievance process.

Consider offering multiple types of informal resolution that are consistent with the institutional culture and needs and are supported by necessary training and resources.

BEST PRACTICES

Grievance Procedures

Offer a streamlined, § 106.46-compliant, process to provide for a consistent response to stop, prevent, and remedy all forms of discrimination, including:

- Written Notice
- Right to an Advisor of choice
- Comprehensive, written investigation report
- Opportunity for report review and response
- Separation between investigator and decision-maker
- Cross examination
- Written determination
- One level of appeal

BEST PRACTICES

Grievance Procedures (Cont.)

Provide a process that includes a separation between investigation and decision-making responsibilities.

BEST PRACTICES

Investigation

Allow parties to offer expert witnesses.

Provide a comprehensive investigation report to all parties and their Advisors.

Provide all relevant evidence to parties prior to the completion of the investigation report and offer an opportunity to respond to the evidence.

BEST PRACTICES

Outcome and Appeal

Provide a written outcome notification including the determination, any sanctions or remedies, and any opportunities for appeal.

Offer one level of appeal and ensure comparable procedures for complaints other than sex discrimination also offer one level of appeal.

BEST PRACTICES

Standard of Proof

Adopt the “preponderance of the evidence” standard in all complaints unless it conflicts with other contract rights.

Negotiate future contract rights to allow for the preponderance of the evidence to be used.

BEST PRACTICES

Advisors

Permit access to Advisors for all parties in all formal processes.

If an institution provides Advisors, provide them with adequate training on the institution's policies and procedures.

BEST PRACTICES

Pregnancy & Parenting

Offer support to non-birthing parents in the event of a medical need for a birthing parent or newborn.

Provide information on institutional website including:

- The rights of pregnant students under Title IX
- How to request support for pregnancy or related conditions
- The processes available for requesting assistance and for challenging when a denial of assistance occurs.

BEST PRACTICES

Pregnancy & Parenting (cont.)

Offer multiple spaces that include access to sinks, outlets, and refrigerators.

Provide access to the lactation room without having to request permission.

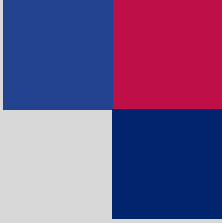
Add lactation spaces to cleaning schedules in that facility.

Ensure space is available during evening and weekend classes or programs.

BEST PRACTICES

Athletics

Permit all student-athletes to participate in athletics in alignment with their gender identity.



WHAT'S NEXT?

THINGS TO DO BEFORE IMPLEMENTATION

- Review today's decision points
- Prepare to expedite policy revisions at your institution
- Educate community about future changes
 - The final changes may be different from the NPRMs
- Review current policies, practices, publications, and websites
 - Create a checklist of changes that will need to be made to each
- Work with your legal counsel to determine how the proposed regulations intersect with other policies and governing laws
- **KEEP FOLLOWING THE 2020 REGULATIONS!**



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Questions?

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Thanks for joining us today.





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