



**Thank you for joining us.
The webinar will begin soon.**

Title IX 2024 Regulations & Compliance Requirements – What Higher Education Needs to Know

Tuesday, June 4, 2024

Before We Begin

- **All attendees are in listen-only mode.** If you run into any audio issues during the webinar, please try another method of listening in, such as computer audio or calling in by phone.
- All registrants and attendees will receive a link to the recorded version of this webinar in a follow up email.
- If you have questions during the presentation, **please let us know by typing your question into the Q&A panel.** We will address these at the end of the presentation.





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Rebecca Leitman Veidlinger is an attorney in private practice specializing in Title IX and the institutional prevention of, and response to, gender-based discrimination, sexual harassment, and sexual violence. Rebecca is the founding attorney of a boutique law firm that provides external investigator and hearing officer services, party advisors, and interim Title IX coordinator services to institutions across the country.

Rebecca teaches and trains on school-related sexual misconduct nationwide. She teaches a seminar on Title IX at the University of Michigan School of Law. She also serves as an instructor for the State University of New York's (SUNY) Student Conduct Institute, leading advanced modules on sexual misconduct investigative practice. She is also a contributing author to SUNY's Joint Guidance on Federal Title IX Regulations, a free comprehensive online resource geared to providing high-quality Title IX interpretation, insights, and practice tips for institutions of higher education.

During the webinar, we will discuss:

- The expanded scope of the new regulations and the revised definitions
- Mandatory reporting requirements of various institutional employees
- Different grievance process requirements and options for different kinds of sex discrimination matters
- Training requirements for campus members

Learning Objectives



Where We Are Today

- Operating under the August 2020 regulations for sexual harassment
- New regulations were issued in April 2024
- New regulations go into effect August 1, 2024
- Old regulations still apply to conduct occurring before August 1, 2024

- Includes but is not limited to:
 - Sex-Based Harassment
- Sexual discrimination includes discrimination on the basis of:
 - Sex Stereotypes
 - Sex Characteristics
 - Sexual Orientation
 - Gender Identity
 - Pregnancy (or related conditions)
- Also: clarification of Retaliation

Expansion: Sex Discrimination

A photograph of three young adults, two men and one woman, walking down a set of outdoor stairs. They are all smiling and looking at each other. The man on the left is wearing a white t-shirt and dark pants, carrying a backpack and a folder. The man in the middle is wearing a yellow and white striped shirt and dark pants, also carrying a backpack. The woman on the right is wearing a dark top and jeans, carrying a backpack and a folder. The background shows a modern building with large windows and some greenery.

A background image showing a group of students walking along a paved path in a park-like setting with large trees and fallen autumn leaves. The text "Sex-Based Harassment" is overlaid in large white letters.

Sex-Based Harassment

- Quid Pro Quo
 - Broadened to include acts of an employee, agent, or other person authorized by the institution to provide an aid, benefit, or service of the institution
- Hostile Environment Harassment
 - Broadened definition to conduct that is severe OR pervasive
 - Provides factors to assess for hostile environment
- Clery Crimes
 - Sexual assault, dating/domestic violence, and stalking

- Must provide reasonable modifications based on individualized needs (but don't have to fundamentally alter programs)
- Right of reinstatement to academic status
- Explicit requirement for lactation space other than a bathroom
- Important: Pregnancy reporting and requirement of providing information



Pregnancy and Related Conditions

Notification and Information Requirements (i.e., “Mandatory Reporting”)

- Differ, based on category of employees
- Officials with authority, administrators, faculty, and advisors: must report to TIXC
- All other non-confidential employees: must either report to TIXC or provide reporting party the TIXC’s contact info
- Confidential employees: must provide information

- Response obligations: to conduct that occurred outside the institution's program or activity or outside the U.S., if it contributes to a sex-based hostile environment
- No requirement of "actual knowledge" to trigger response
- Investigation obligations: definition of complaint and who can file
- Duties of TIXC
- Opportunities to appeal
- Availability of informal resolution



Other Expansions Worth Noting

A background image showing a woman and a man walking outdoors. The woman is on the left, wearing a blue headwrap, a blue blazer over a blue shirt, and holding a folder. The man is on the right, wearing a blue suit jacket over a white shirt and dark trousers, holding a smartphone. They are both looking towards the right. The image has a blue overlay.

Grievance Procedures: Two Sets

- Complaints of sex discrimination
- Complaints of sex-based harassment involving a student party

- More relaxed evidence review
- Doesn't require institution to permit advisors
- No hearing requirement
- Decisionmaker (who may be the same person who conducted investigation) must be allowed to question parties and witnesses where credibility in issue
- Preponderance of the evidence, unless ...
- No requirement of investigation report
- Written notice of determination must include rationale for determination



Procedures for Complaints of Sex Discrimination

Procedures for Complaints of Sex-Based Harassment Involving a Student Party

- More detailed notice letter
- Must allow advisors
- More relaxed evidence review?
- Adjudication: must include mechanism that permits decision maker to question parties and witnesses
- Can do this in one of four ways:
 - Non-hearing Investigator Model
 - Non-hearing Separate Decisionmaker Model
 - Hearing Without Cross-Examination
 - Hearing With Cross-Examination
- Fewer required elements in written determination

- Institution's obligation to address sex discrimination
- The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
- Their duty to report to the TIXC or give TIXC contact info
- All applicable notification and information requirements related to pregnancy and related conditions

Training for All Employees



A woman with short grey hair and glasses, wearing a brown cable-knit sweater, is sitting at a desk in a library or bookstore. She is holding an open book and looking down at it. In the background, there are bookshelves filled with books. A smartphone is visible on the desk in front of her.

Training for Title IX Implementers

- (Training for all employees, plus)
- Institution's obligations to respond to sex discrimination (including mandatory reporting)
- Institution's grievance procedures under 106.45 and, if applicable 106.46
- How to serve impartially, including not prejudging the facts, conflicts of interest, and bias
- The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance

- (Training for all employees, plus)
- The rules and practices associated with the institution's informal resolution process
- How to serve impartially, including by avoiding conflicts of interest and bias

Training for Facilitators of Informal Resolution



Training for Title IX Coordinator and Designees

- (Training for all employees, training for all Title IX implementers, training for facilitators of informal resolution, plus)
- Their specific responsibilities to coordinate efforts to comply with Title IX, all duties of the TIXC spelled out in the regulations
- The recordkeeping requirements of the regulations



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How Vector Solutions Can Help

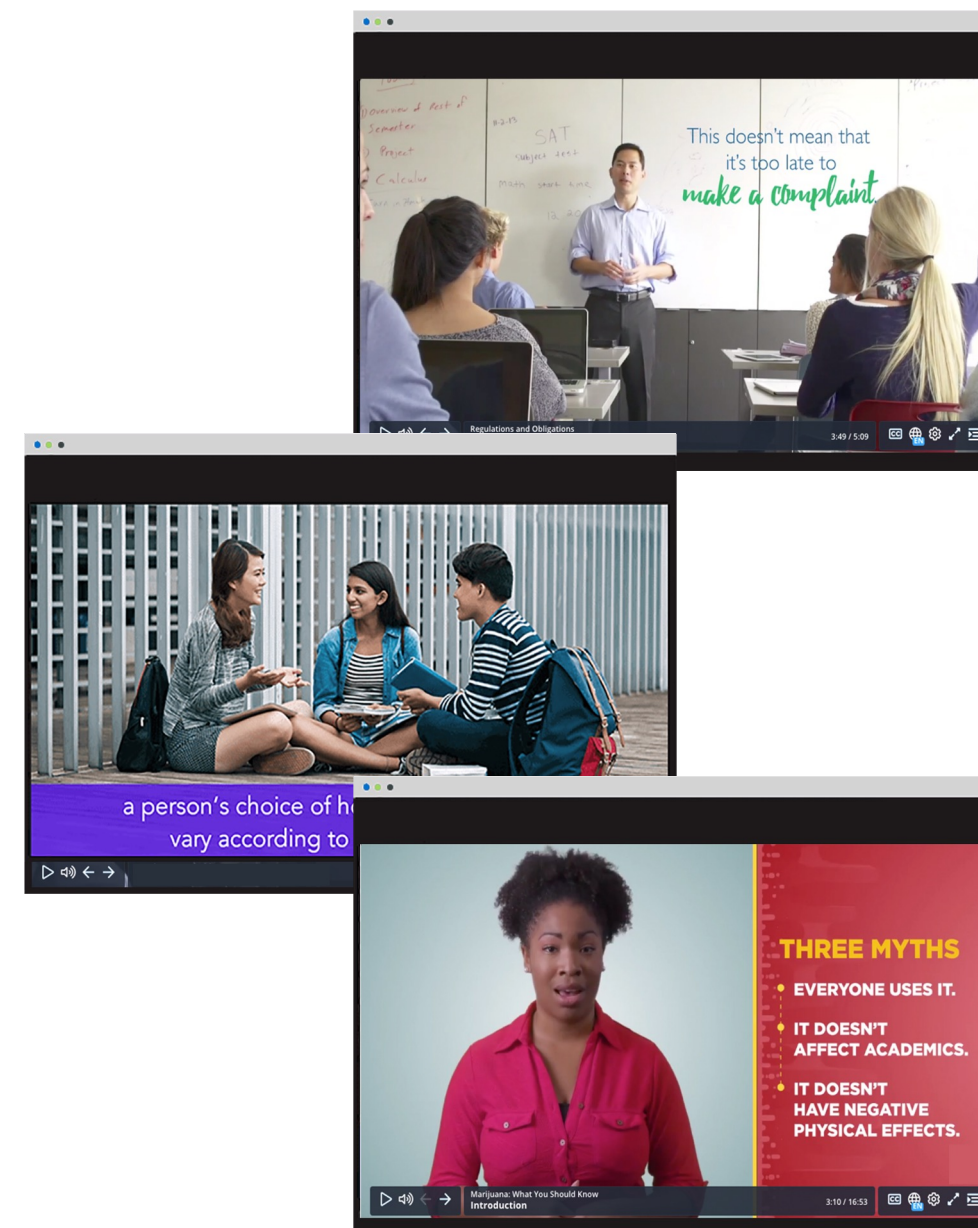
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- Diversity, Inclusion, & Belonging
- Human Resources & Workforce Management
- Health & Human Safety
- Athletics
- Facilities Management
- Environmental Health & Facilities Management
- Security & Risk Mitigation



Vector Solutions' Title IX Course Updates



Our team of subject matter experts and legal editors have been actively reviewing the new Title IX regulations to assess what revisions will be needed to Vector Solutions' courses.



Over 50 courses in our library will be updated to reflect compliance-related changes.



We are committed to providing these compliance-related changes on or before August 1, 2024.



The list of courses to be updated and the timing of those updates is available in our Support Center. (<https://support.vectortrainingeducation.com/s/article/2024-Higher-Education-Course-Updates#TitleIX>)





Q&A

Note: If your question doesn't get answered during the allotted time, we will follow up by email.

Additional Questions? Visit us at VectorSolutions.com/HE



Thank You!