Is Your Educational Institution Compliant with the New Title IX Regulations?



August 16, 2024

Presented by:

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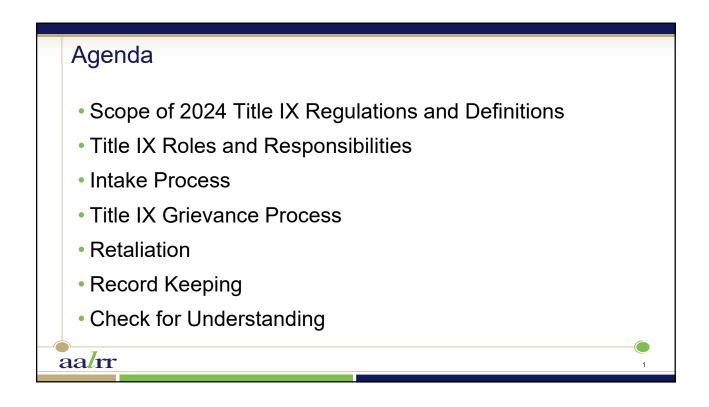
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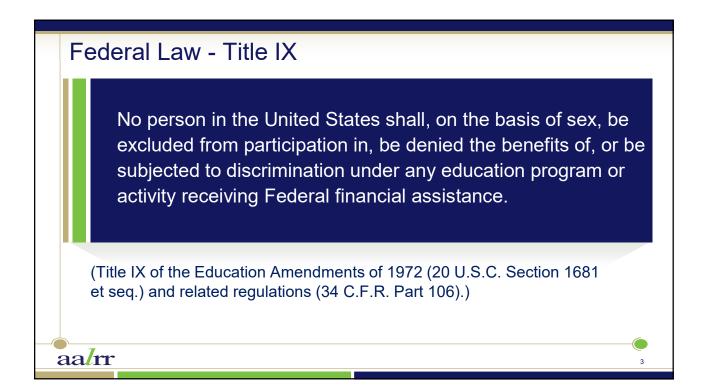




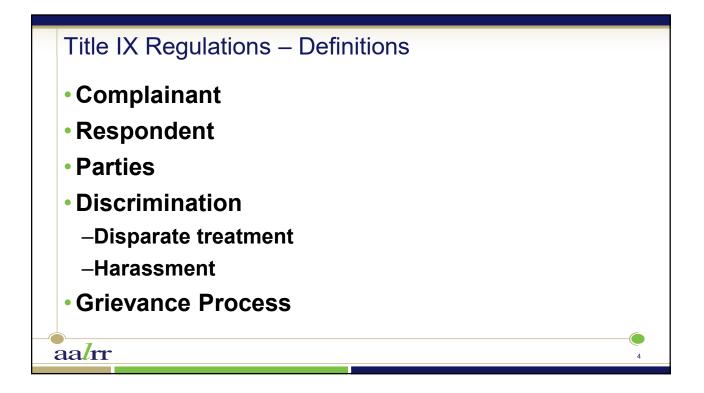


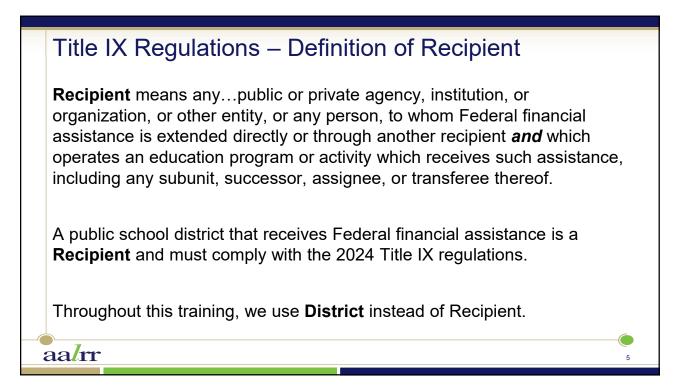




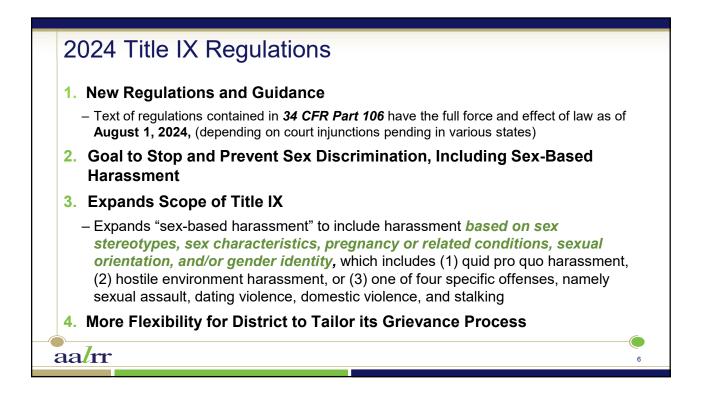


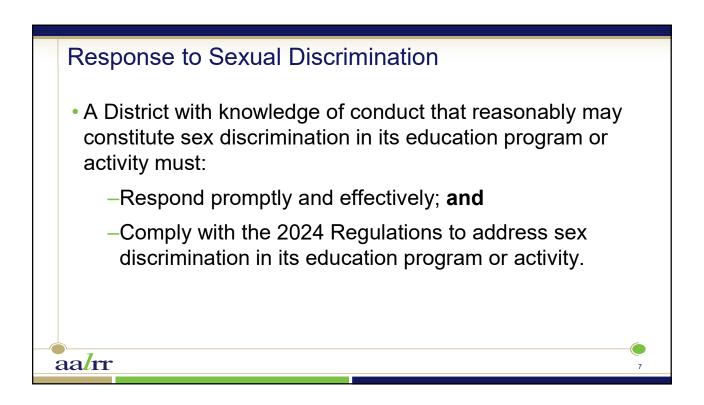










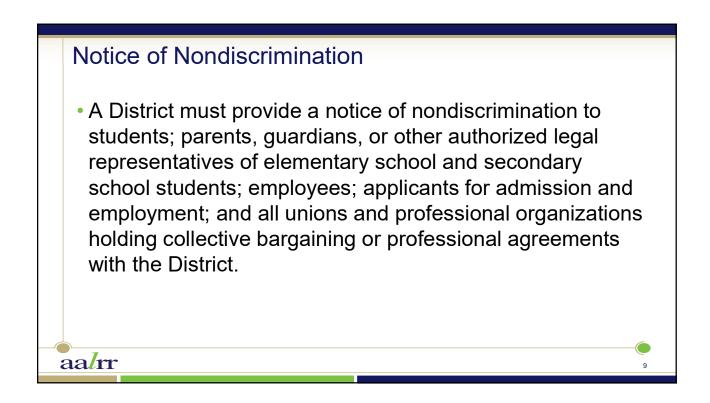


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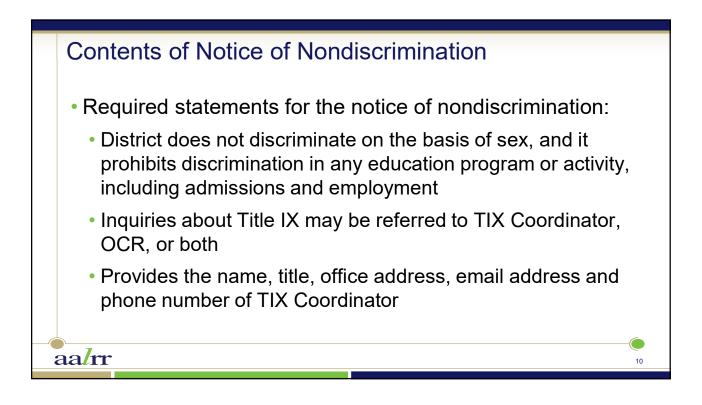


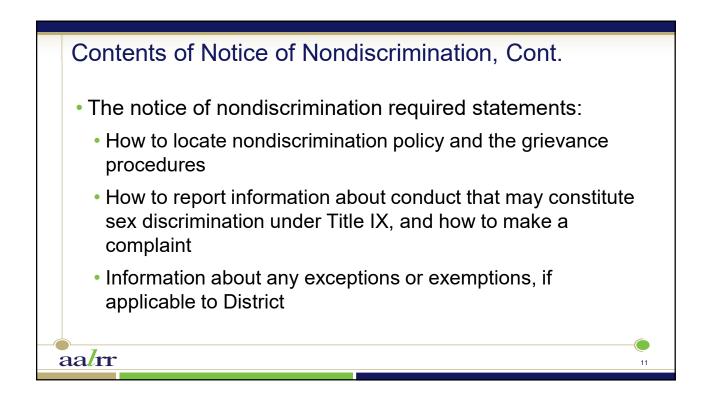
Nondiscrimination Policy

 A District must adopt, publish, and implement a policy stating that the recipient does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates as required by Title IX and [these regulations], including in admission and employment.

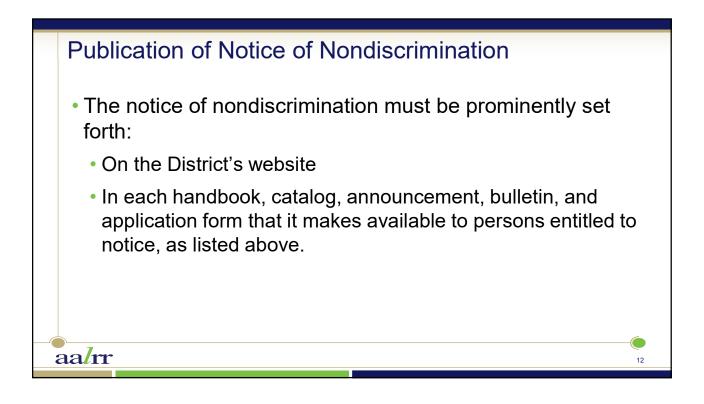


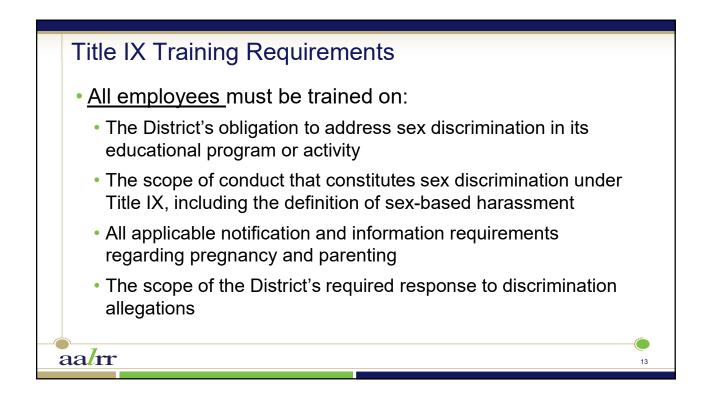




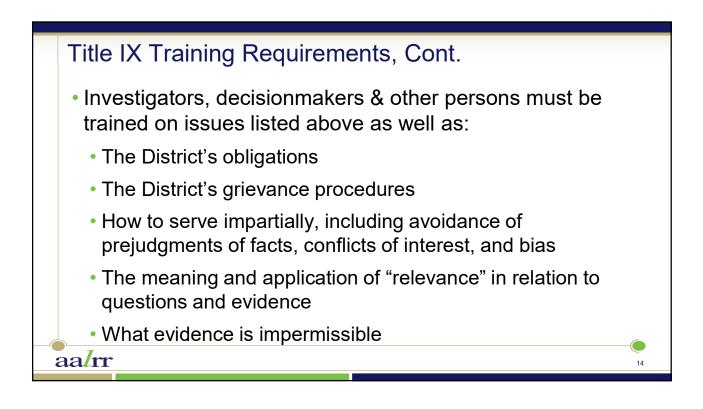


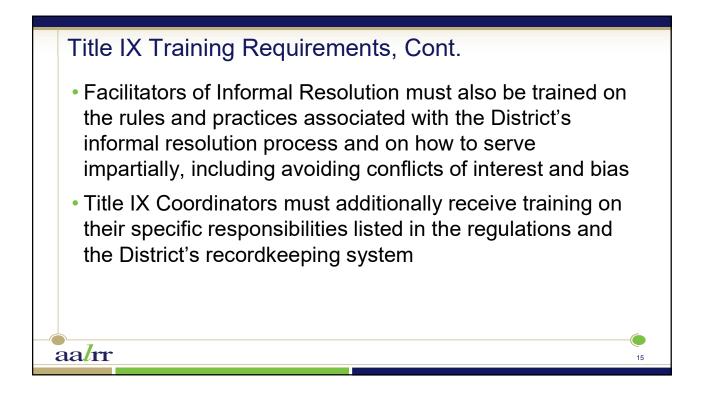




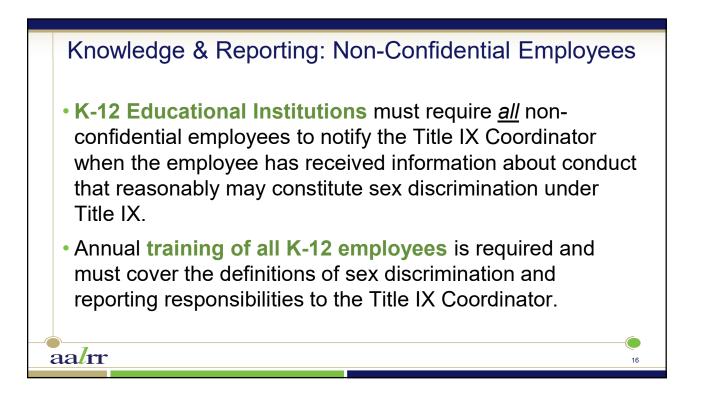


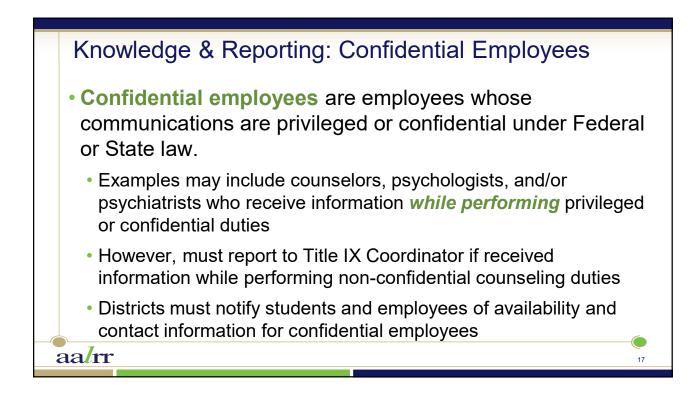




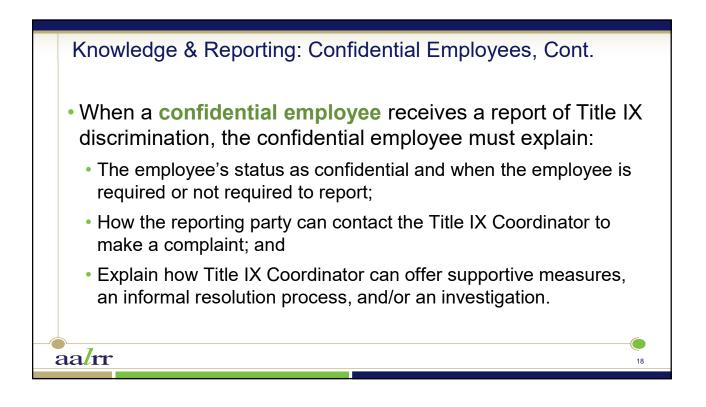


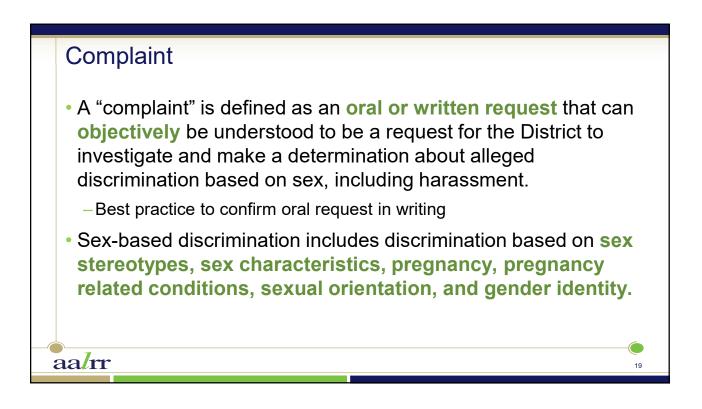




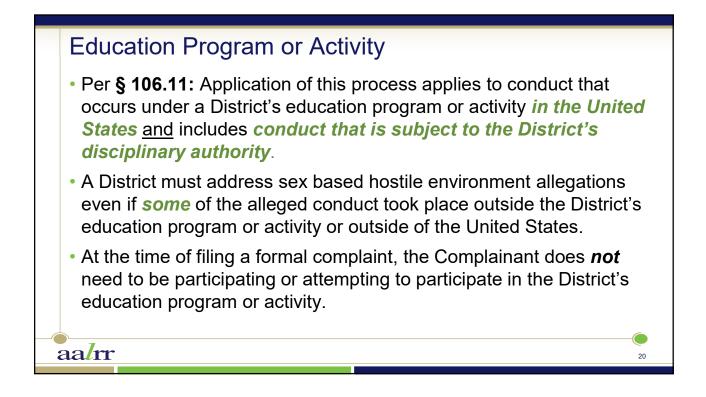


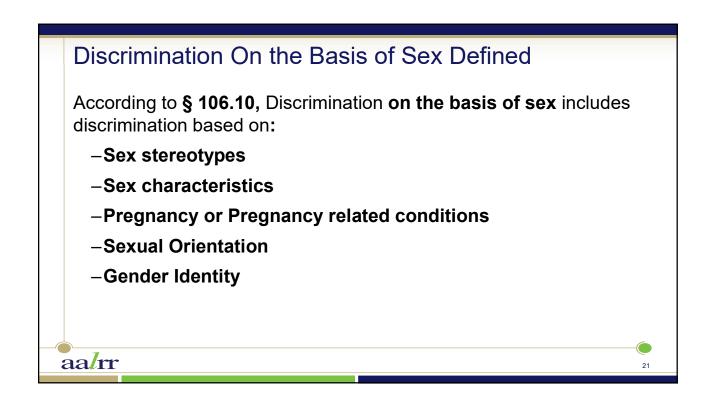




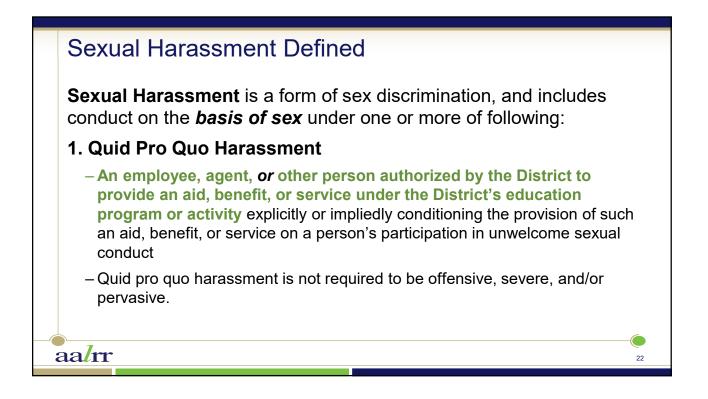


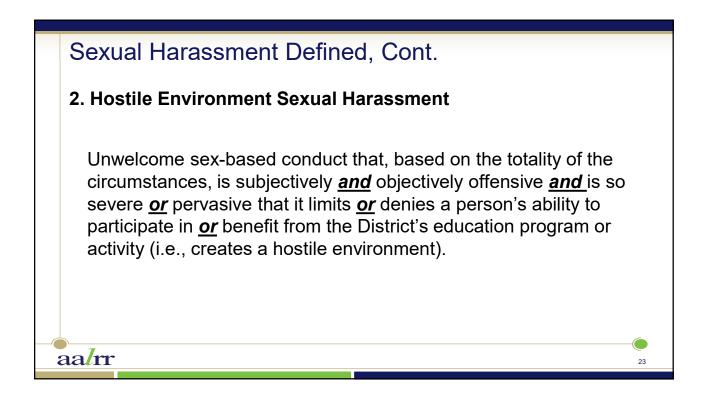




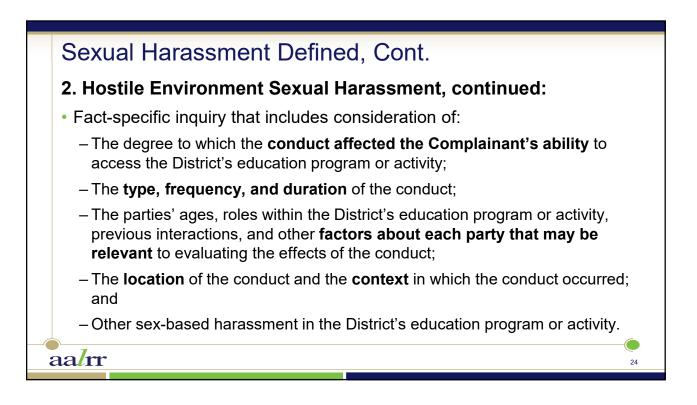


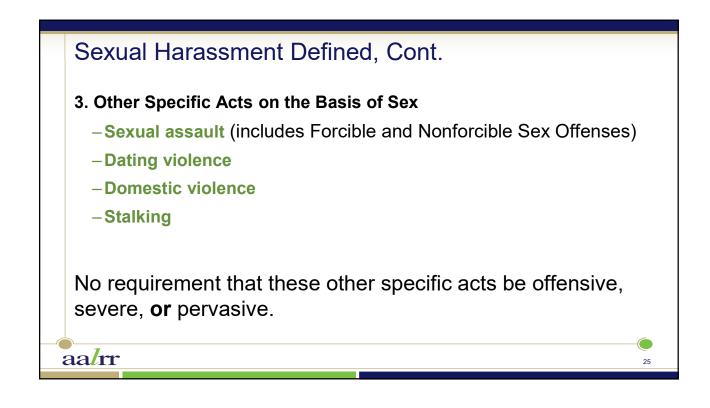




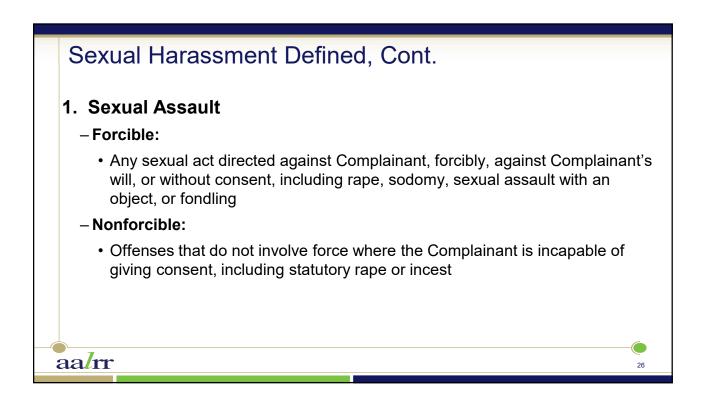


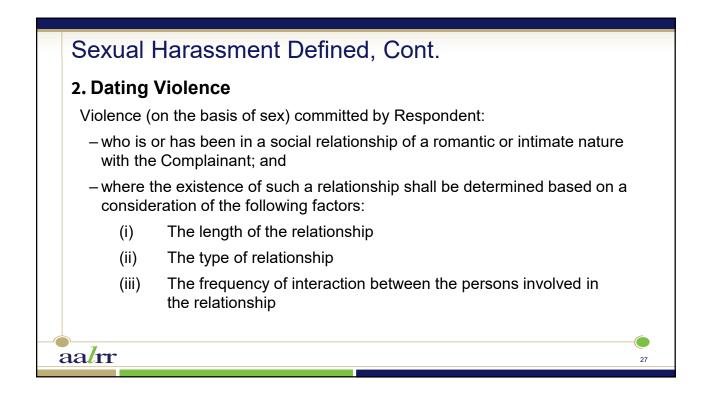




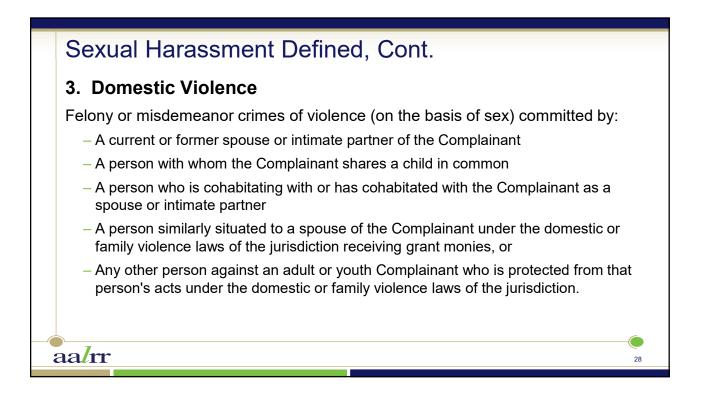


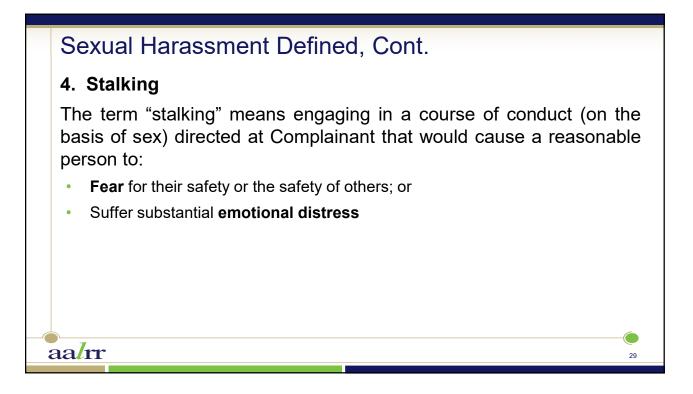




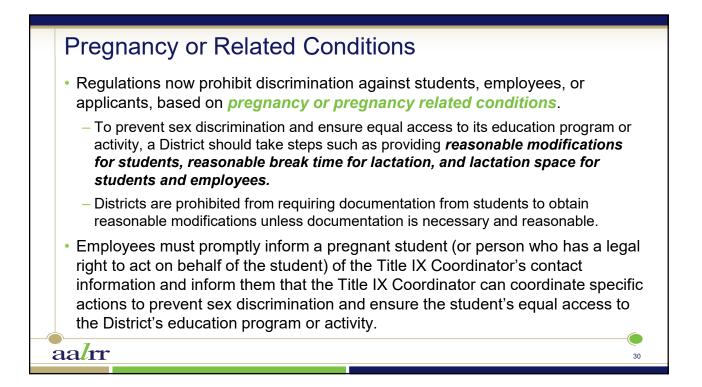
















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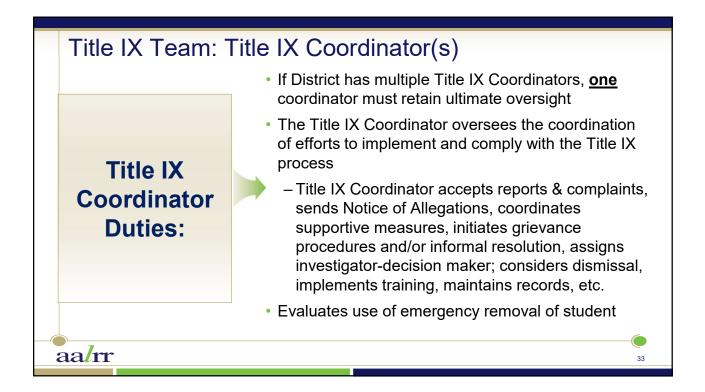
Title IX Roles

- 1. Title IX Coordinator
- 2. Supportive Measure Reviewer
- 3. Investigator/ Decision Maker
- 4. Informal Resolution Process Facilitator
- 5. Appeal Officer

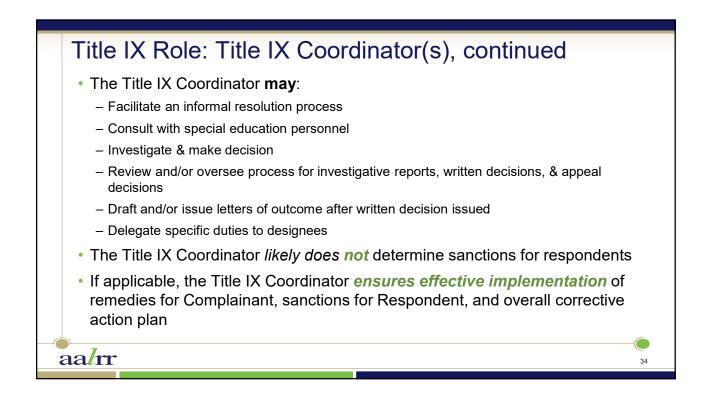
All Title IX team members must be trained on the obligation to address sex discrimination in its education program or activity, the scope of conduct that constitutes sex discrimination, § 106.45 Grievance Process, and all applicable notification and information requirements, including §106.40(b)(2) (pregnancy related notice) and §106.44 (employee reporting requirements).

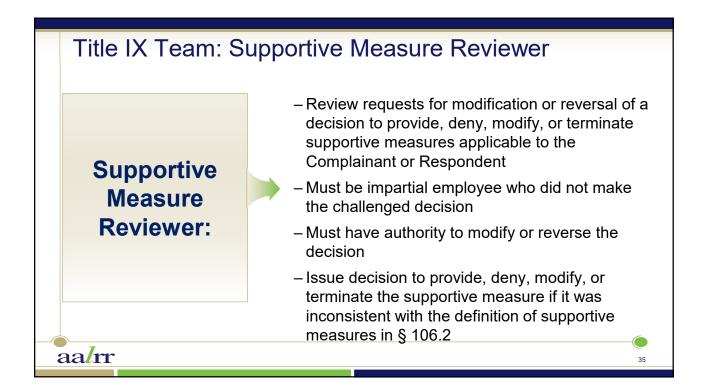
All team members must be impartial, unbiased, and free from conflicts.





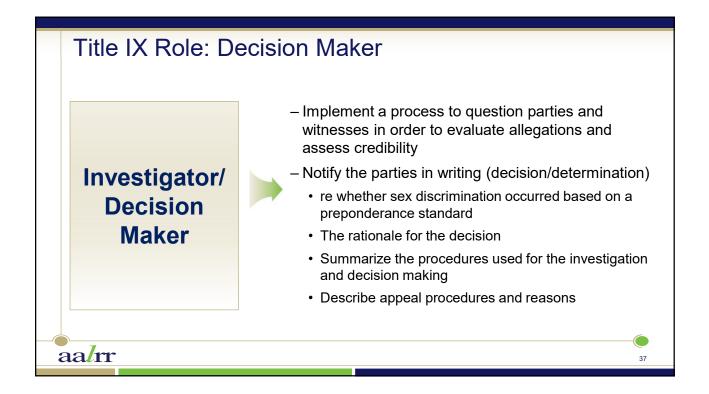




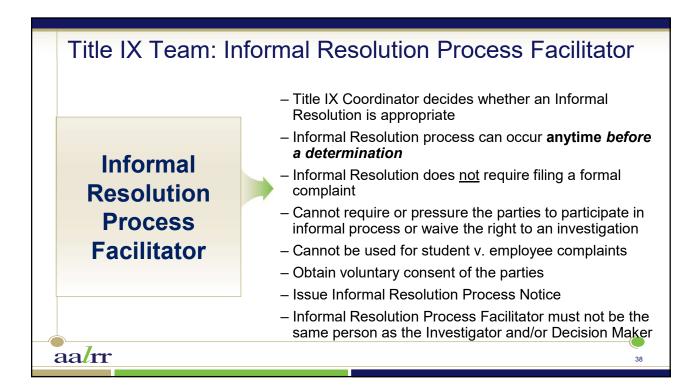


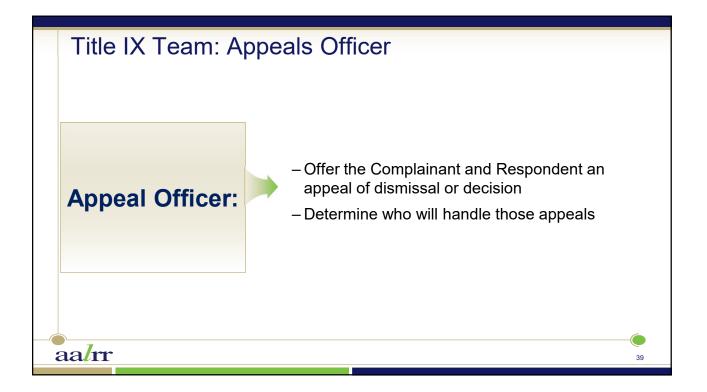




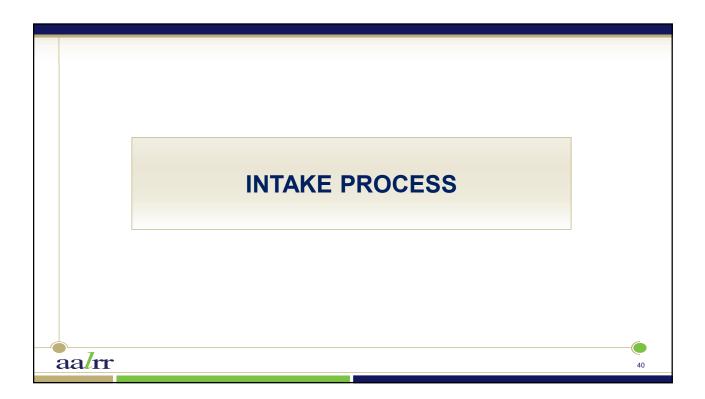






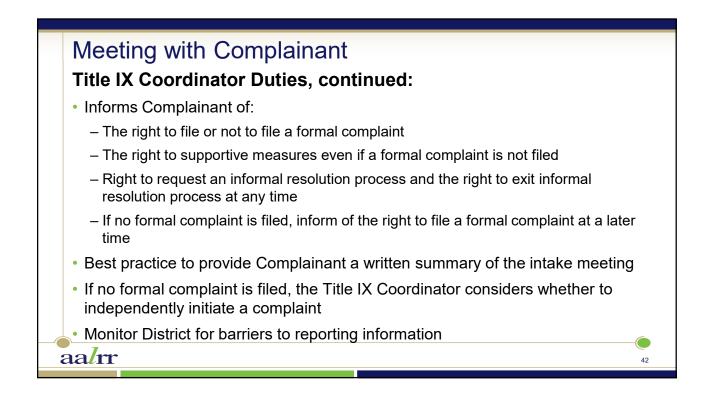






Meeting with Complainant Title IX Coordinator Duties: The Title IX Coordinator should promptly schedule a meeting with Complainant and listen to allegations and concerns after there is an oral or written request that can objectively be understood to be a request to investigate and prepare a decision regarding responsibility If Complainant describes sexual discrimination or sex harassment allegations, the Title IX Coordinator explains the Title IX grievance process Pregnancy Related Complaint. Promptly schedules a meeting with a pregnant student/employee or student/employee with a pregnancy related condition to review the nondiscrimination policy and the requirement to ensure equal access to its education program or activity, such as by providing reasonable modifications for students





Supportive Measures

Supportive Measures Defined per §106.2

- Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to Complainant or Respondent
- The purpose is to restore or preserve that party's access to the education program or activity, including measures designed to protect the safety of the parties or the District's educational environment, or
- Provide support during the District's grievance procedures under or during the informal resolution process under §106.44(k)
- Examples of Supportive Measures may include counseling, course-related adjustments, modified schedule or "partial removal," extended deadlines, campus escort, increased security and monitoring, and/or mutual restrictions on contact between the parties

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43



Supportive Measures Defined per §106.2 (cont.) If a student has a disability, Title IX Coordinators must coordinate with the department responsible for student supports to determine how to comply with IDEA and Section 504 (29 USC 794) requirements throughout the implementation of the Title IX Grievance Procedures, including, but not limited to, the implementation of Supportive Measures. Parties may now request review of any decisions regarding supportive measures immediately after the decision and upon a change in circumstances to an impartial employee.

Emergency Removal Option for Students

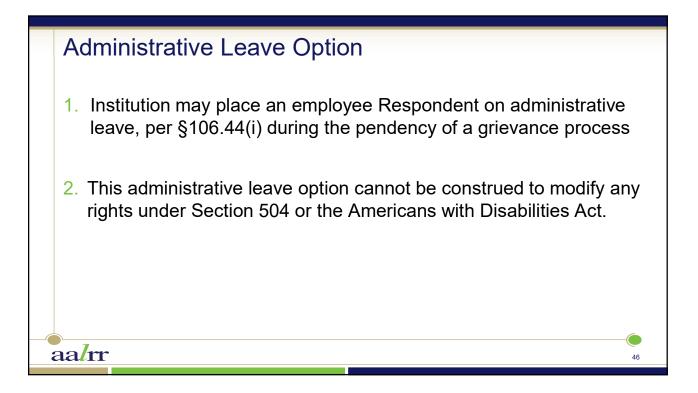
1. Institution *may* remove Respondent on an emergency basis per §106.44(h) by undertaking an individualized safety & risk analysis, determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, **and** provides Respondent with notice and an opportunity to challenge the decision immediately following removal.

- 2. Cannot modify student rights under IDEA, Section 504, and/or ADA
- **3.** Provide education to Respondent while removed based on federal and/or state laws
- 4. Consider "partial removal" in appropriate circumstances?

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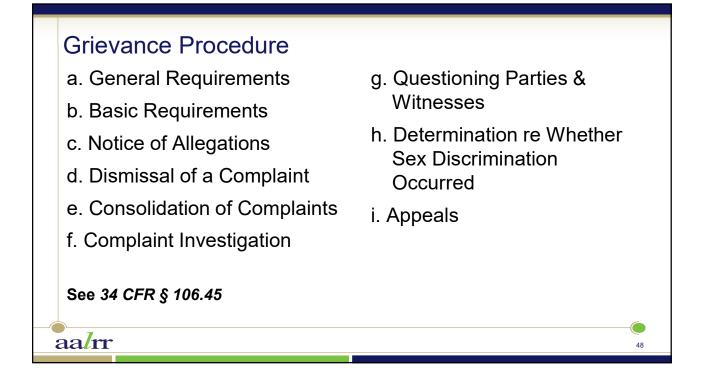
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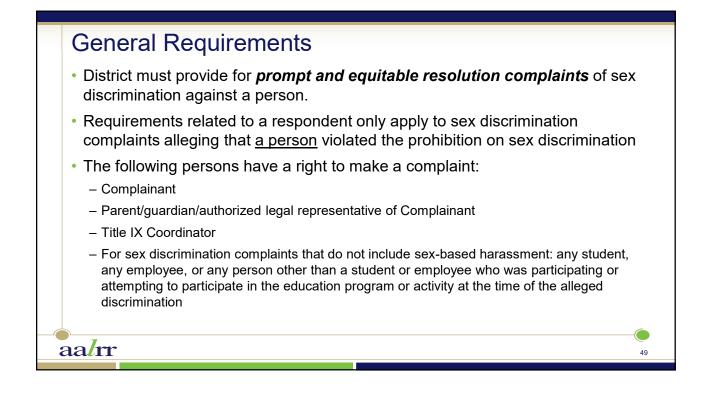




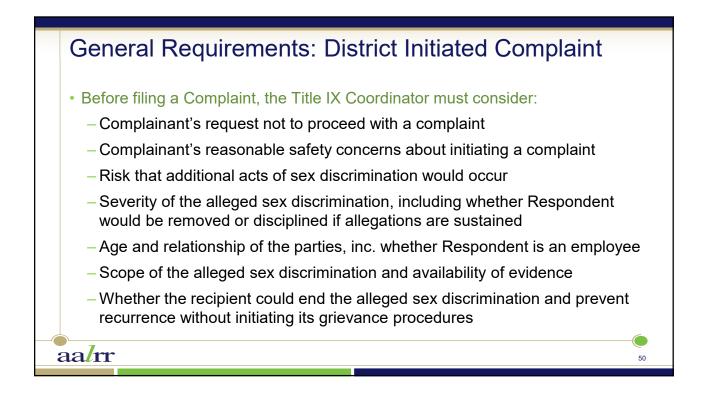


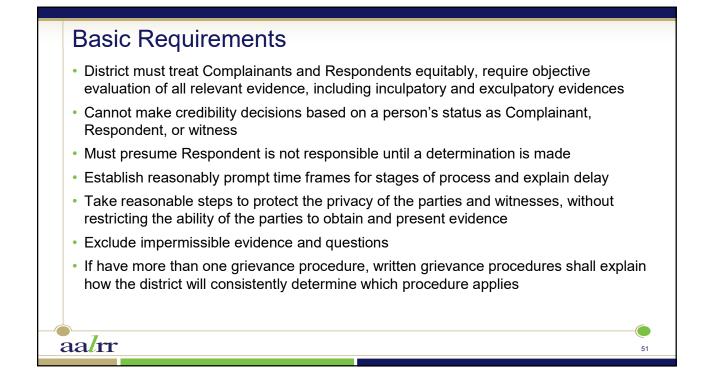




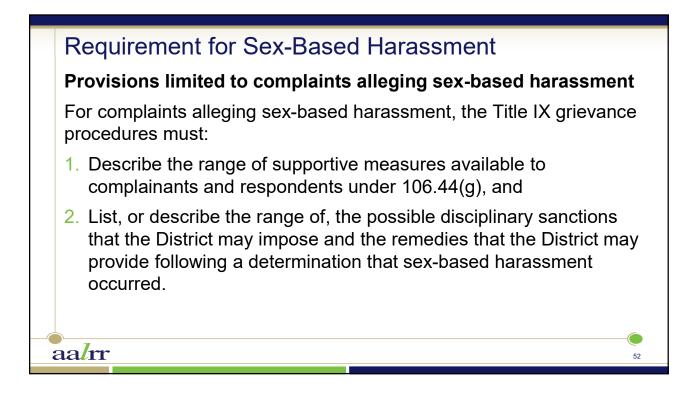


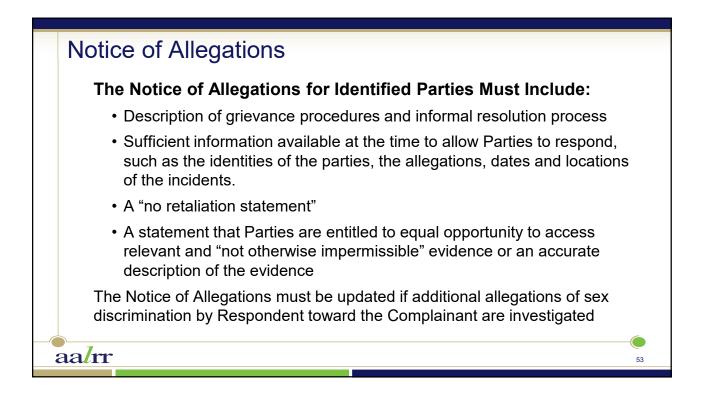




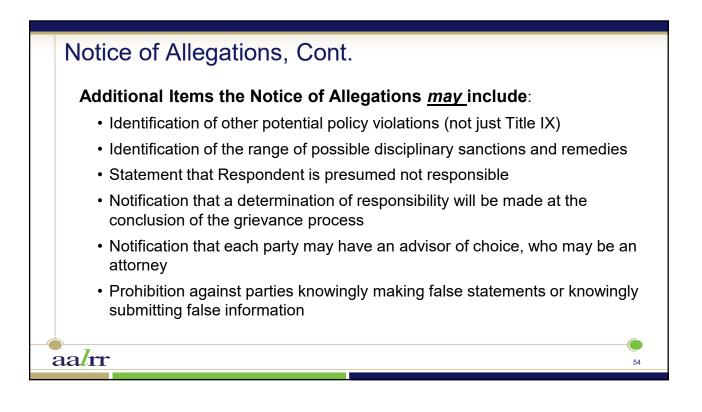


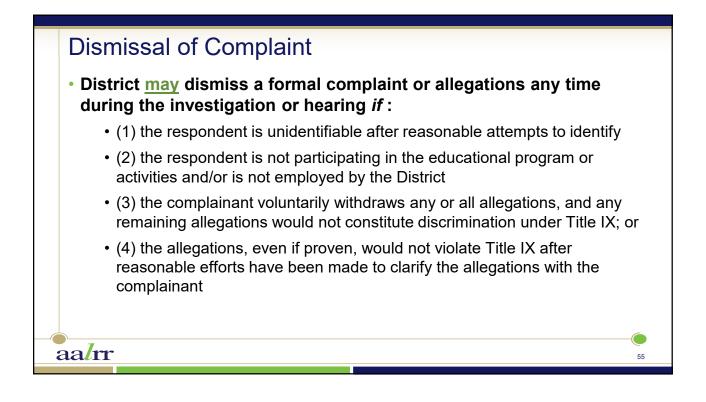




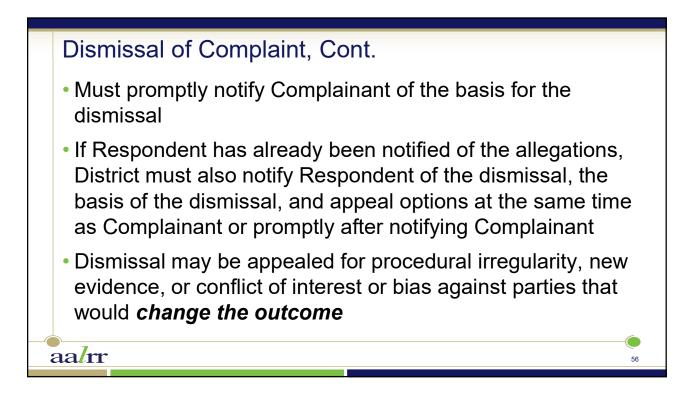


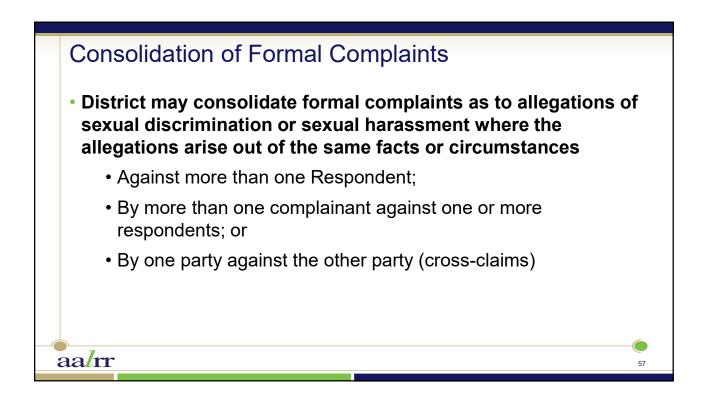




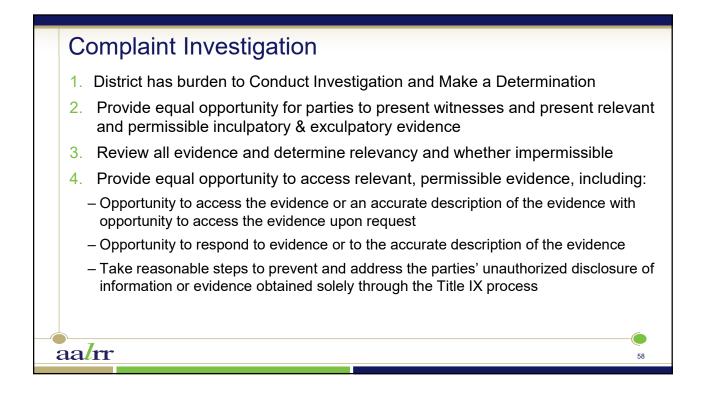


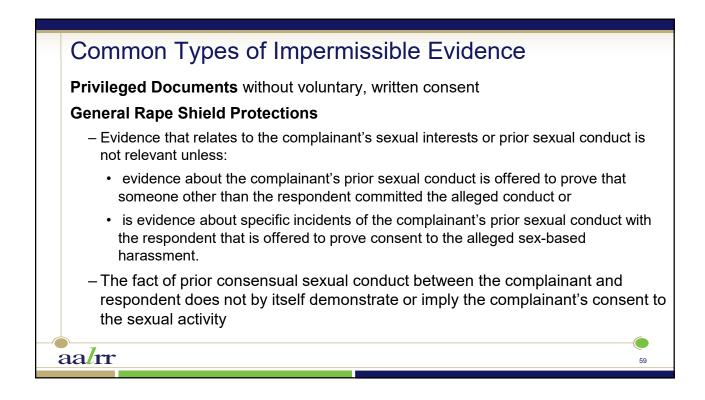




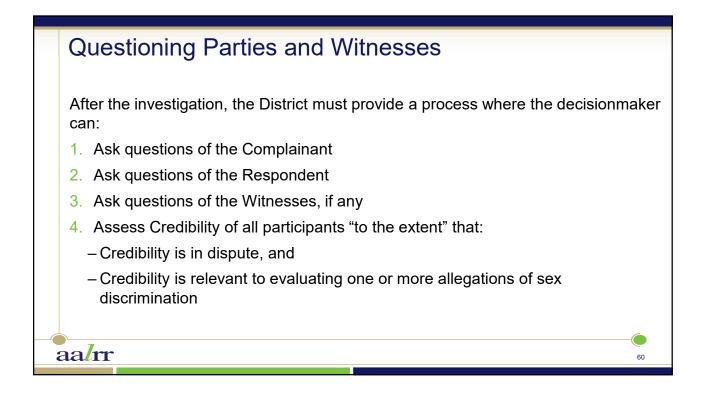


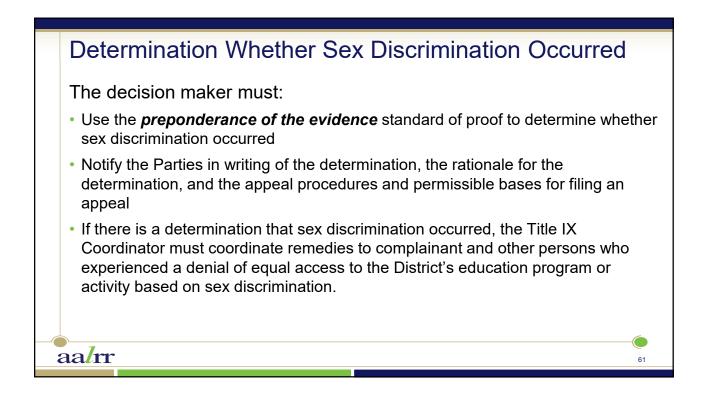




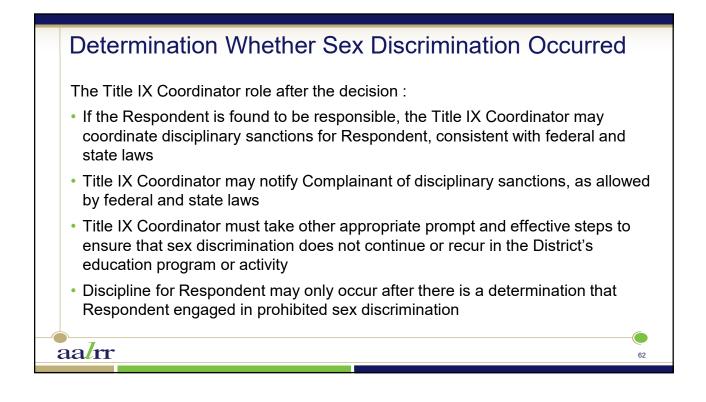


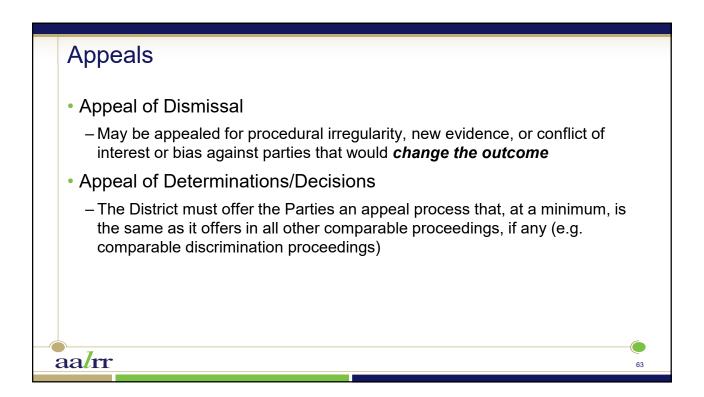




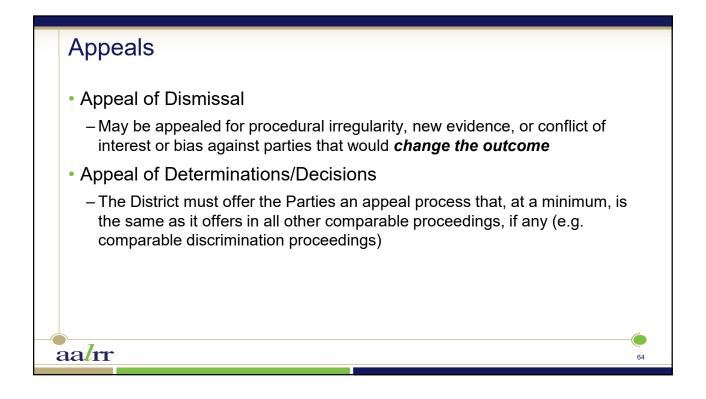






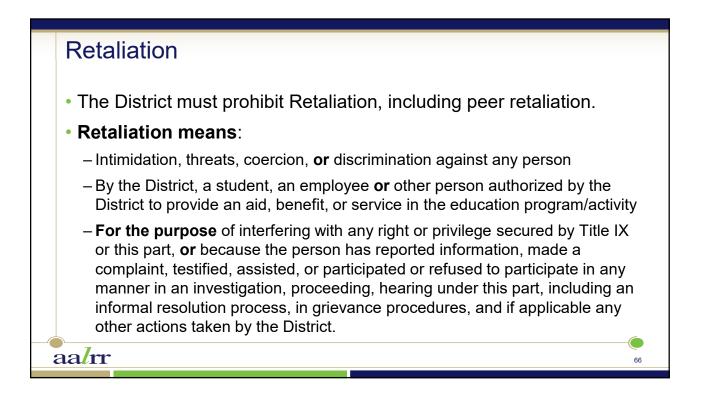


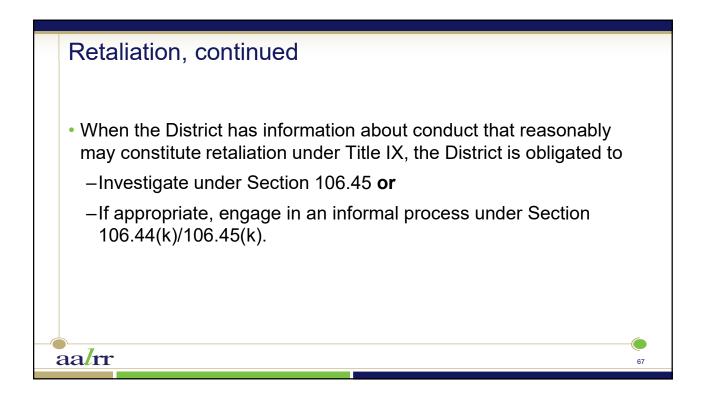






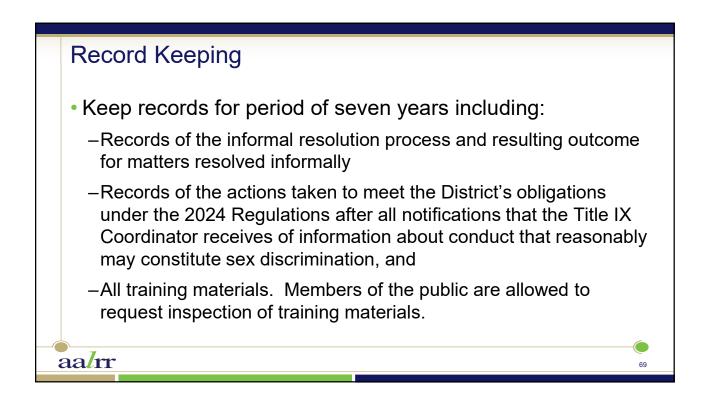




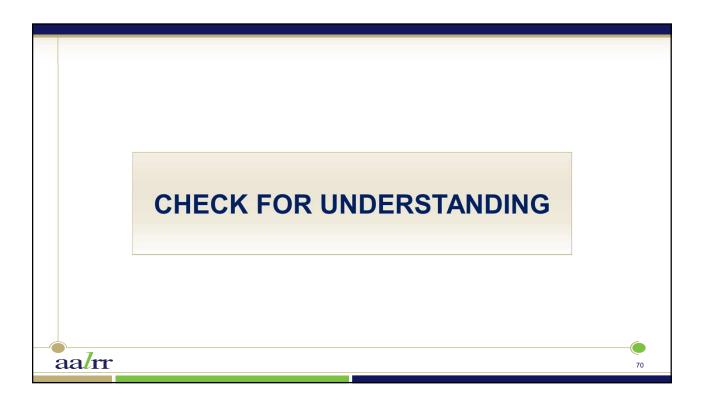


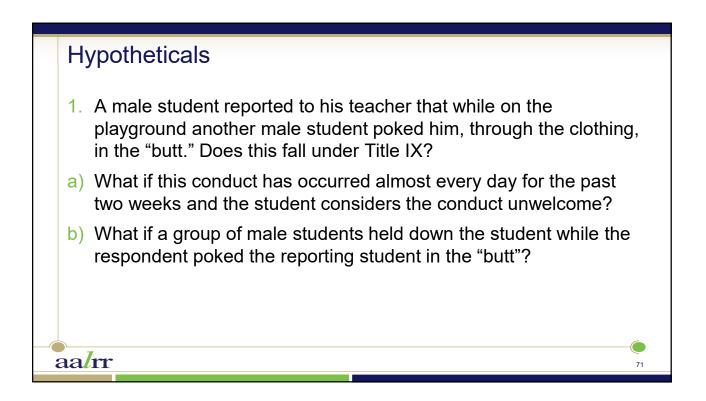












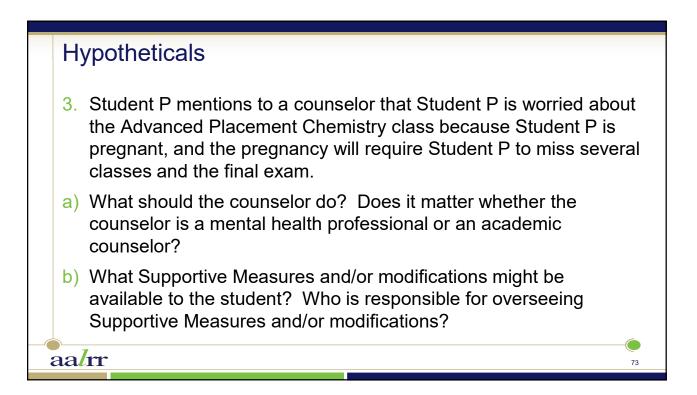


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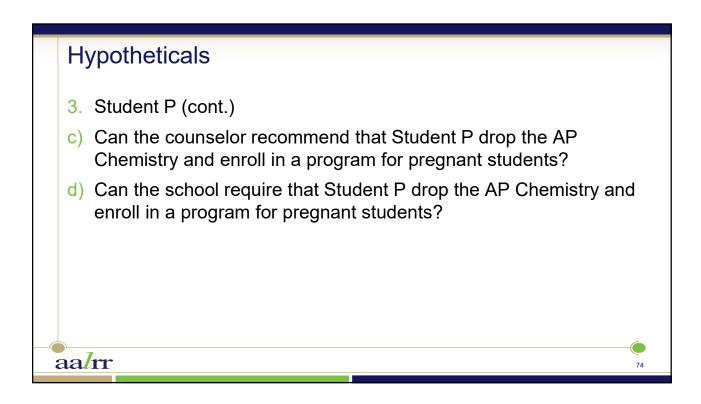
Hypotheticals

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- 2. A female student has come to report to you, the Title IX Coordinator, that during PE class a male student has grabbed her breast and smacked her "butt." The conduct has occurred at least three times over the last two months. Does this fall under Title IX?
- a) What if the male student responds that this can't be sexual harassment because he is gay?
- b) If the conduct is reported to a counselor instead of the Title IX Coordinator, what should the counselor do? Does it matter whether the counselor is a mental health professional or an academic counselor?

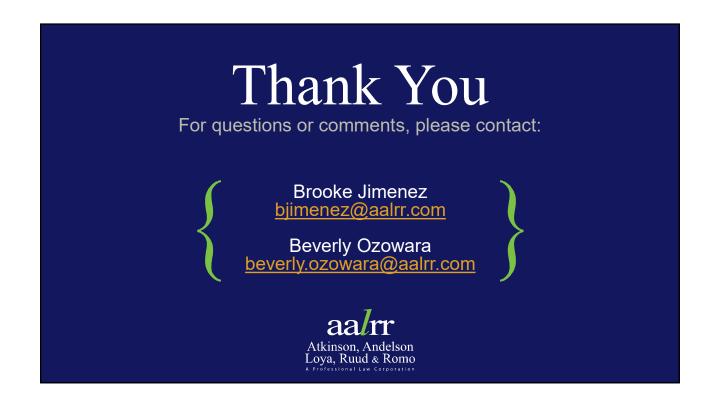












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77

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Brooke Jimenez represents California public school and community college districts and county offices of education in the areas of education law, employee discipline, harassment and discrimination complaints, Title IX, grievances, contract administration and labor negotiations. She also handles general litigation matters, including discovery, depositions, mediations, and appeals.

Ms. Jimenez has provided legal assistance to several outreach organizations, including the UCLA Law Low Wage Worker's Clinic, Children's Law Center of Los Angeles, and Western Law Center for Disability Rights, Learning Rights Project.

Honors & Recognitions

Ms. Jimenez was named a "Southern California Rising Star" in 2014, 2015, and 2017. Rising Stars are exceptional Southern California attorneys who are 40 years old or younger or who have practiced law for ten years or less. They are selected based on peer evaluations and independent research regarding the attorneys' professional achievements. Only 2.5 percent of attorneys are recognized as Rising Stars.

Ms. Jimenez was also named one of the "Top Women Attorneys in Southern California" by Super Lawyers, a national rating service of exceptional lawyers which polls selected Southern California lawyers.

Community & Professional

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- · Los Angeles County Bar Association, Member

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Beverly Ozowara represents educational agencies throughout Southern California in all matters, from providing general advice and counsel to representing agencies in court. Her experience includes investigating, interviewing, and counseling clients in cases of education-related discrimination; representing clients in due process hearings, school meetings, and disciplinary proceedings; analyzing and reviewing contracts; and composing various documents, including settlement demand letters, complaints, mediation briefs, and written discovery, in preparation for trial.

While in law school, Ms. Ozowara served as the Executive Managing Editor for the *Los Angeles Public Interest Law Journal* and the Director of Communications for the Western Region Black Law Students Association.

Events & Speaking Engagements

Reopening of Schools: Legal Issues and Concerns At Your Desk, 03.22.2021

COVID-19: Legislation, Leaves and Vaccines At Your Desk, 03.18.2021

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