



The Law and Higher Ed – ICS's Podcast

The Law and Higher Ed podcast discusses the many legal issues that affect colleges and universities and intersect with Title IX. Host Courtney Bullard interviews subject matter experts, thought leaders and advocates to provide a diverse perspective on these legal issues and Title IX compliance. Courtney also provides informational podcasts to address new changes in the law.

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<https://podcasts.apple.com/us/podcast/the-law-and-higher-ed/id1460610104>

Web link:
<http://thelawandhighered.libsyn.com/>

Update on Notice of Proposed Rulemaking

After receiving over 100,000 comments on the new proposed regulations by the comment period deadline, the Department of Education has yet to finalize the proposed rules, but is rumored to be planning to have the new regulations ready in early fall with an implementation deadline of sometime thereafter. In the meantime, the Department of Education's sub-regulatory September 2017 Q&A on Sexual Misconduct should continue to be a guiding document for schools on their Title IX responsibilities. As soon as any further information is released by the Department of Education about the NPRM, ICS members will be provided with an update.

Missed a Podcast Episode?

No problem, just subscribe and download the podcasts you've missed: <https://podcasts.apple.com/us/podcast/the-law-and-higher-ed/id1460610104>. Each episode is loaded with valuable information...

EPISODE 1: *About this podcast and your host, Courtney Bullard.* The purpose of the podcast is discussed, what you can expect from each episode, and a primer on the law related to Title IX compliance.

EPISODE 2: *The intersectionality of the ADA and Title IX with Dr. Michelle Rigler.* Discussion concerning the ADA and ways that accommodations may present themselves in Title IX matters.

EPISODE 3: *A conversation with Tiffany Cox on microaggressions and Title IX.* Microaggressions are explored and the many ways they impact a college campus.

EPISODE 4: *The tragic consequences of hazing: Lianne Kowiak shares her story.* Harrison Kowiak's mother, Lianne, has become a strong voice in the prevention of hazing through sharing Harrison's story.

EPISODE 5: *Informational Episode – Know Your Role in Title IX Compliance.* Everyone on campus has a role in compliance with Title IX and related laws and regulations – learn what role you play.

EPISODE 6: *Part 1 – Title IX Investigations, the NPRM and more with Scott Schneider.* Enjoy the lively candid discussion about the highs and lows of being a lawyer and insights on interviewing for an in-house position.

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ICS Members, Register for Upcoming ICS Members-Only Zoom Meetings...

During these interactive quarterly Zoom meetings, ICS Members hear updates from Courtney Bullard on relevant developments in the law. Members may also collectively share their experiences and are given the opportunity to ask Courtney questions.

September 10, 2019 | 2:00 (EST)

CLICK ON DATE TO REGISTER

Resource of Interest:

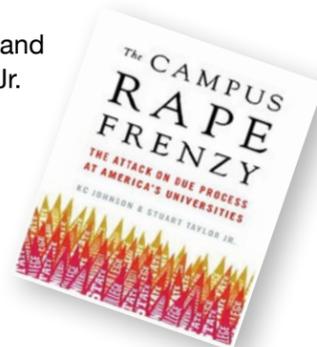
In The No – A podcast with a girl versus guy point of view with consent and sexual encounters.

Visit: <https://www.wnycstudios.org/story/no-part-1>

What Courtney is Reading Right Now:

*The Campus Rape Frenzy, The Attack on
Due Process at America's Universities* –

by KC Johnson and
Stuart Taylor, Jr.



Blog of the Month

Title IX and the ADA

People working in the Title IX field on college campuses need to be aware of the interplay between Title IX and the Americans with Disabilities Act, As Amended (“ADA”). Disability accommodation and access requires a collaborative process between a school’s Disability office and Title IX office.

Some definitional background under the ADA:

Disability: a physical or mental impairment that substantially limits one or more major life activities

Accommodation: an individualized response to a barrier experienced by a person with a disability

Accessibility: Individuals with disabilities can

- 1) Acquire the same information,
- 2) Engage in the same interactions, and
- 3) Enjoy the same services within the same time frame as individuals without disabilities

Access for those with disabilities should be considered at all points during the Title IX process. For example, the Title IX reporting mechanism, if an online portal, needs to work with a screen reader, and a second method such as by phone is also useful. Training and resource materials should be available in multiple formats.

Access for the disabled should also be considered during a Title IX grievance process. Alternative formats of materials and interpreters may be necessary in communication about support. Advocates should check for understanding when there are processing differences. Those with mental health disabilities may need sensory items and breaks; those with chronic illness virtual meetings; and those with mobility difficulties a consideration of the physical space of the Title IX office.

A disability may be disclosed at any point in the Title IX process, and likewise, accommodation may be requested and implemented at any point during the Title IX process.

A disability that merits special discussion in Title IX cases is individuals on the Autism Spectrum Disorder, or ASD. ASD often manifests in a Title IX setting as stalking behaviors, on account of misinterpretation of social cues. While a diagnosis of ASD does not influence the level of accountability (all students should be held to the code of conduct regardless of disability), it may influence how a Title IX office needs to communicate and follow up. Two main accommodations for individuals with ASD are social interpretation and alternate format materials. If a social interpreter is not available on campus, one can be found in the community. Individuals with ASD may have executive functioning issues completing tasks, and benefit from visual representations and things written down for them.

An excellent example of the interface between Title IX and the ADA for students with ASD is the Mosaic Program at the University of Tennessee Chattanooga, led by Michelle Rigler. Besides being provided the disability access discussed above, students in UTC’s Mosaic Program take Title IX specific classes which discuss rules about consent in concrete terms geared towards dating relationship success for those with ASD.

Interested in more information on this topic?

**Check out Episode 2 of ICS’s
The Law and Higher Ed podcast.**



ICS MEMBERS' CORNER

Eureka College | Jess Brown

ICS introduces Eureka College as one of its valued members. Eureka College is a liberal arts and science institution located in Eureka, Illinois, with a full time enrollment of approximately 700 students. It was founded by abolitionists from Kentucky who were committed to providing young people a broad, liberal education. Chartered by the Illinois Legislature in 1855, Eureka was the first college in the state and third in the nation to admit men and women on an equal basis. In June 2010, Eureka College was designated by the National Park Service as a Campus Historic District in the National Register of Historic Places. Eureka College's most famous alumnus is the United States' fortieth president, Ronald Reagan. In 1982, President Reagan told a Eureka College audience, "Everything that has been good in my life began here." The Ronald W. Reagan Society of Eureka College continues to bring accomplished leaders, intellectuals and business professionals to campus.

Jess Brown of Eureka College is a rising leader in the Higher Education and Athletics fields. An alumna of Western Michigan University(WMU), Jess was a starter for the Division I Bronco volleyball team, which she was a part of for her entire college career. Shortly after graduating from WMU, she returned in a service leadership position, acting as the Volunteer Assistant Coach for the Bronco Volleyball team. In addition to experience with Athletics, Jess has also had expansive and diverse experience in the field of Higher Education; at times, she has utilized her skills to serve simultaneously in these fields.

Jess began her Higher Education career at Eureka College in 2014, serving as the Head Woman's Volleyball coach and the Senior Woman's Administrator for two seasons. During this time, she strengthened the volleyball program by increasing the roster size and redefining a previously struggling program. As the Senior Woman's Administrator, she helped develop programming for student-athletes that addressed leadership and well-being, which are critical to the student experience. Jess also worked with the Athletic Director on developing a symposium for student-athletes. This symposium drew in participants that included a Division I Athletics Director, a Sports Psychologist, and a 2012 Olympian who threw shot-put for the USA Team.

Jess is now overseeing several programs in the Office of Student Life, as the Director of Residential and Retention Programs. Jess provides oversight for the Residents Assistant staff, First Generation Program, Internal and External Retention Program. She also serves as the live-in crisis professional staff. In addition to her Student Life role, she has committed to creating a more equitable and safe campus, by serving as the College's Title IX Coordinator. Jess has served on several hiring committees for positions, such as: Dean of Admissions, Athletic Director, Director of Marketing, and Human Resources Specialist. She has also served on the Strategic Planning Task Force and other campus working groups. Jess is also an active member of atIXa and NASPA.

Jess enjoys giving back to the community, serving at the Boys and Girls Club; mentoring young Black Girls; and serving at theYWCA. Jess is currently seeking her Ph.D. in Higher Education Administration at Illinois State University.



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