



INSTITUTIONAL
COMPLIANCE SOLUTIONS



ICS NEWSLETTER

Legal & Consulting Services for Higher Education Institutions & K-12



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.

itunes link, subscribe & download:
<https://podcasts.apple.com/us/podcast/the-law-and-higher-ed/id1460610104>

Web link:
<https://icslawyer.com/podcasts/>

Everyone at ICS sincerely wishes each of you and your families well as all of us face the challenges of the COVID-19 health crisis.

Status of NPRM - March Update

On Monday, November 4, the final regulations were sent from the Department of Education to the Office of Management and Budget. The OMB continues to permit meetings (via teleconference only) to be scheduled through April 23, 2020. <https://www.reginfo.gov/public/do/eom12866SearchResults?pubId=&rin=1870-AA14&viewRule=true>

When the new regulations are released, count on us to keep you informed! Courtney Bullard and ICS are part of a coalition of Title IX practitioners who will be bringing you a free resource document with detailed analysis of the new regulations, at <https://system.suny.edu/sci/tix2020/>

These new regulations will significantly change Title IX compliance. ICS members have priority on our services for implementation; we already have institutions on our waiting list. If you would like to be added, email us at chb@icslawyer.com

Case of Interest

Gruver v. LSU Civil Action No. 18-772-SDD-EWD (M.D. La.)

The parents of Max Gruver are seeking damages from the university after the 18-year-old died in 2017 following a fraternity hazing ritual that involved drinking dangerous amounts of alcohol. Among other things, the suit argues the university had failed to warn male students about the dangers of hazing and failed to address the bad behaviors of fraternities while disciplining sororities that acted out of line. The complaint alleges that selective enforcement on the basis of sex amounts to a Title IX Violation.

In a ruling on the suit, Judge Shelly Dick partially denied the university's attempt to dismiss the case and said, "If these facts are proven, a jury may infer that LSU's policy created the heightened risk to Greek male student of serious injury or death by hazing, thereby inflicting the injury alleged herein."

For more on this topic, see Courtney's interview with Gruver family attorney Doug Fierberg in Episode 19 of The Law and Higher Ed Podcast. <https://icslawyer.com/podcasts/>

Introducing ICS's newest team member, Senior Consultant, Investigator and Trainer Celeste Bradley!

ICS is so excited to welcome Celeste Bradley, Senior Consultant, Investigator and Trainer, to the ICS family. Celeste has been a labor and employment lawyer for almost two decades, serving as Associate General Counsel at BlueCross BlueShield over their labor and employment division (with over 6,000 employees in office across Tennessee) and in-house employment counsel for a large trucking company and parking services company. Celeste adds a new dimension to our team, providing diversity training and programming, Title VI, Title VII and other Human Resource Professional training and workplace investigations for the private sector and education institutions. She also has experience in drafting and implementing pandemic plans. If you would like more information about assistance with pandemic planning or any of these other services, contact us today.

UPCOMING WEBINARS

K-12 Special Considerations in Title IX & COVID-19 Compliance Webinar

March 26, 2020 | 1:00 PM (EST) | [REGISTER](#)

Update: Staying Compliant with Title IX in a COVID-19 World Webinar

April 1, 2020 | 1:00 PM (EST) | [REGISTER](#)

Recognizing and Responding to Stalking Under Title IX Webinar

April 22, 2020 | 1:00 PM (EST) | [REGISTER](#)

Replays of past webinars are available to ICS members, free of charge, under the "Member Resources" tab when logged in to the Members-Only portion of the ICS website.



Title IX U is compliance at your fingertips.

Self-paced, certified courses led by attorneys and subject-matter experts that can be taken anytime, anywhere, and that will enhance your Title IX proficiency. Visit: <https://www.titleixu.com/>

The introductory course **Title IX 101** is available now. **2020 Legal Updates** is releasing April 1, 2020. **10% off discount for ICS members, enter code MEMBER.**

WE ARE HERE FOR YOU

ICS is here to serve you during these uncertain and rapidly changing times, with services and guidance that include:

- Title IX Triage Services
- External Virtual Investigations
- Virtual Title IX Training
- Webinars and Compliance Aids

We will keep you updated via email and our COVID-19 website, <https://icslawyer.com/covid-19/>. Please also don't hesitate to reach out to us if we can help you in any way.

Pending Legislation of Interest

On February 28, 2020, co-sponsors Annie Kuster (NH-02) and Pete Stauber (MN-02) introduced bill H.R. 6031 in the House. This bill, if passed, would require colleges and universities to designate a Clery Compliance Officer or Officers. With a stated purpose of ensuring that Clery Act recording of information is released in a timely manner, the proposed bill directs schools to designate specific staff to carry out critical work of accurate and timely reporting of sexual violence and other crimes on college and university campuses.

Title IX in a COVID-19 World

As colleges and universities are quickly deciding to move to online platforms for courses due to the outbreak of COVID-19, it is imperative to have a fresh look at the jurisdiction language of your code of conduct and Title IX/Sexual Misconduct Policy. The students and employees who are leaving campus and studying or teaching remotely are still generally "students" and "employees" under your policy. Thus, if your institution's jurisdiction applies directly to the student or employee (for some or all cases) regardless of where they are located, you will need to continue to investigate and adjudicate the violations. Here are a couple of tips and reminders to consider during this time of swift transition so that you are not caught off guard when a case appears on your desk.

- 1 Look at your campus code of conduct/Title IX policy's jurisdiction and decide how it will be applied. Many schools already have online learners with plans and policies for the investigation/adjudication of alleged Title IX policy violations. If your institution has such a plan, I recommend applying that plan to students and employees who may be impacted by a move to online curriculum.

If your institution does not already support programs for online learning or have a policy explaining how the code of conduct or Title IX policy applies to virtual students/employees, it is imperative that you read your current code/policy, and as strictly as possible, decide how the policy will apply to your new (or pending) virtual learning situation.

This review, update, and understanding will be critical because students will continue behaving in ways that violate your standards of conduct/policies both on and off campus. There will still be house parties, bars, and events that lend themselves to misconduct even if a physical campus is closed. Thus, you need a plan as to how you will continue to address the behavior.

- 2 Consult with your in house counsel or whomever your institution uses for legal advice. While your counsel will be understandably busy with the implementation of new virtual education plans, the ever changing environment, and the health of the community, your response to Title IX reports remains critically important.
- 3 Meet with your public relations/communications team. Make sure that they understand how Title IX policies apply to a new virtual learning environment. Have them assist in communicating to your students and employees. Additionally, it is crucial that the community

understand their rights to report an alleged violation and how they should do so.

- 4 Provide Support Measures. As complainants and respondents are forced to leave campus, be sure to continue to provide support measures for them. This may include modifying counseling appointments to online sessions or assisting to find a counselor in the community, or finding similar support measures to whatever your student or employee was receiving on campus. You may have to be creative and think outside the box. You should do this proactively and not wait until they ask. Simply checking to see how you can help will go a long way.
- 5 No Contact Directives – If you have no contact directives in place, you should communicate with your students/employees about how/if those continue while they are away from campus. Further, they should be reminded of how to report if there is a violation of the No Contact Directive while they are away.
- 6 Don't stop investigating and adjudicating. Your job as a Title IX team member does not stop because students/employees leave campus. You should continue your investigations using virtual platforms and stick to the timelines you have set forth in your policies as closely as possible. While there may be need for limited extensions, those should be clearly communicated to all parties in a timely fashion.
- 7 Communicate clearly, be a part of the solution. If you haven't noticed, communication is key. You should make a plan and communicate it clearly. Be flexible and understanding while remaining as consistent as possible. Your work is essential for your campus constituents regardless of where they are physically located.



ICS MEMBERS' CORNER

Lauri Chaudoin | Belmont University

ICS introduces Belmont University as one of its valued members. Belmont University was founded in 1890 and is a private, Christian, liberal arts university that sits on 93 historic acres near downtown Nashville, Tennessee. In the last 15 years, Belmont has experienced tremendous growth as enrollment has increased from under 3,000 to 8,300+. In the classroom and beyond, Belmont takes pride in creating and sustaining an innovative, entrepreneurial environment that prepares students to use their intellectual skills, creativity and faith to meet the challenges and opportunities that face the human community.

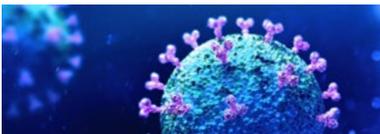
Because of Belmont's proximity to "Music City," many students focus their studies in the entertainment industry. Belmont alumni include country musicians Trisha Yearwood, Lee Ann Womack, Brad Paisley and Josh Turner. Belmont, however, isn't all about music. The school offers more than 90 undergraduate degrees and more than 20 graduate programs.

Students at Belmont must live in university housing until they complete 60 credits. Belmont fosters community service in every aspect of student life, and as part of its mission, students volunteer an average of 200,000 hours annually. Students can also participate in Greek life, student government, and many other organizations. Belmont's sports teams, the Bruins, compete in the NCAA Division I Ohio Valley Conference.

Belmont University will be the host the third and final 2020 Presidential Debate on October 22, 2020.

Lauri Chaudoin serves as the Title IX Coordinator for Belmont University. Following her graduation from Belmont University with a degree in Communications, Lauri earned her JD at Vanderbilt University School of Law. After practicing labor and employment law for more than twenty years, Lauri returned to Belmont University two years ago as Director of Title IX Compliance & Prevention Programming. She is currently utilizing her training and experience as a mediator to create an alternative dispute resolution program for use in Title IX matters at Belmont. Lauri is happy to be back at her alma mater and considers it a privilege to help students navigate and heal from unhealthy relationships, sexual assault, and other types of Title IX offenses. As a ministry, Lauri handles pro bono/low cost adoptions. She enjoys hiking, camping, and thrift-shopping with her husband of 29 years and their four children, as well as being involved in their athletic, dance, and other pursuits. Lauri, her husband, and daughters are thrilled to serve on the board of Chosen with a Mission, which supports an elementary school comprised mostly of orphans in Matugga, Uganda. Lauri and her family enjoy traveling to Uganda on a semi-annual basis.

SAVE THE DATE



Virtual Certified Title IX Investigator Training

April 30th, 10:00 AM - 4:00 PM | May 1st, 10:00 AM - 1:00 PM

COST: \$299 Non-members, ICS Members \$199 | [REGISTER HERE](#)

In light of the travel restrictions that colleges and universities are currently facing, ICS is excited to offer our first ever VIRTUAL Title IX Investigator Training. This training will NOT be a webinar, but instead a "live" and interactive experience. The instructive sessions will include detailed information regarding investigative best practices, challenges faced by investigators, report and rational writing, and litigation trends resulting from investigations. Participants will also conduct multiple mock investigations with their peers to put the education into practice.