

Celeste Bradley: Diversity is having all those things. It's what's going to make you have something great. You're not having the same thing, the same perspective, the same idea. It is bringing a group of people together in your workforce, in your institution, that give you these wonderful different ideas, thoughts, positions in life, and really being enriched by those things.

Courtney Bullar...: Hello and welcome to the podcast. My name is Courtney Bullard, your host. This episode, I sit down with Celeste Bradley. As you're going to learn in this episode, Celeste and I go way back. We started practicing law together a long time ago in the labor and employment space and it has become a full-circle moment as she has joined the ICS team and is the head of our DEI-EEO services and still is a practicing lawyer and serves as a consultant and trainer for our team. Celeste has a great way of having real world practical application to protected class discrimination and so in this episode, we break down different laws that apply in this area, kind of bringing it back to the basics for our HR professionals and Title IX coordinators who also work in other areas outside of Title IX when it comes to protected class, harassment and discrimination. We also talk about what is DEI, why is it important, and I love my conversations with her and we talk almost every single day, and they're always interesting and just ... I take away so much from those conversations.

Courtney Bullar...: And then, finally, the third area we talk about is her experience as an external Title IX coordinator and just her feedback about that and really it has enriched her understanding of what those of you who are listening on the ground go through each and every day and we of course end with some fun facts. I hope you enjoy this episode as much as I enjoyed recording it.

Courtney Bullar...: Hey Celeste, welcome to the podcast. I'm so excited we've finally gotten this figured out after months of scheduling.

Celeste Bradley: Me too. Me too. I'm excited.

Courtney Bullar...: Yay. And I'm so excited to have you on the team. I have talked about it on social media and in the podcast relaunch episode about you coming on board. You've been on board for a while and I keep say we're kind of formalizing, offering this new suite of services with EEO and DEI. We've already been doing the work in general, investigations into protected class discrimination beyond Title IX, and all of that good stuff. But it's exciting to have you leading that suite of services for our team and to really formalize it and round it out.

Courtney Bullar...: So I want to start where I always start, which is the beginning, and your professional background, and kind of how you came into this space and I can just tell everyone who's listening, Celeste and I go way back. Way back. We used to practice law together. So it really is a full circle moment to have you on the team. It's really exciting. So let's start from the beginning and kind of how you got into this line of work.

Celeste Bradley: Yeah. So I guess in order to understand, I'm going to go back all the way. So I attended law school at UT Knoxville and I was a law student. I also was able to work in judicial affairs, which was my first real taste of working for a university, and so that was fun because I was looking at cases, I was hearing cases for students that I don't know, it ranged from drug possession on campus to cheating, academic reasons and just all kinds of crazy stuff that you see on college campuses all the time. So that was my first taste where I thought, "Oh, I really like this work."

Celeste Bradley: But after law school, I started practicing law and specializing in labor and employment. So that's kind of where I met you is doing a lot of that labor and employment work. So worked for a small firm for a while and then became in-house counsel for about 13 years with a large insurance company handling investigations and things dealing more along the lines of Title VII.

Courtney Bullar...: So really quick, let me stop you there. Because you worked at a small firm, then you worked at a big firm with me, a national law firm.

Celeste Bradley: I did. I did.

Courtney Bullar...: Yes, and I always say labor and employment was my first love, and that was kind of the work that we did together. Okay, so fast forward, you go in-house.

Celeste Bradley: Yeah, so working for a big firm, handling ... And that's probably where I got bitten by the bug for loving labor and employment work, handling a lot of these cases. More on the defense side, so that was my introduction, but then all of a sudden, I go over to work in-house. Like I said for 13 years dealing more with just the general labor and employment side, the day to day pieces that we don't usually see which are the sexual harassment cases that happen, dealing with them from the ground up rather than investigating them once it happens.

Celeste Bradley: So I was there for a while, loved it. Went to work for a major parking company, and they were going through a lot of restructuring and got a chance to do union work as well. So that was new for me, and when you started your business Courtney, I was of course very interested in what you were doing. But once I had a chance to get to work on an investigation with you, I was all in. It was exciting.

Celeste Bradley: And so from then on, I have to say, it's been great working with all these different schools and I've always had a passion for education and academic life and so ... I used to tell my husband all the time, when I grow up, after I grow up, I want to be a college professor, maybe a dean at a university one day. And so you have those dreams, you put them on the back burner and then it's crazy because here I am, working with universities like crazy and really enjoying this line of work. It's a great blend of Title IX, Title VII, and of course the diversity, equity and inclusion piece was a piece I did as well when I was doing my in-house work and so bringing all of those things together makes me pretty happy.

Courtney Bullar...: Yeah, it makes me real happy. Because you bring so much knowledge to the team and I don't want to gloss over your time in-house because you were there for quite some time. It's a very large company and you were overseeing it all. I mean you were the boss lady of all things labor and employment for that company, which included overseeing investigations, which included mediations, which included trainings, which included policies and procedures, crisis response. Like -

Celeste Bradley: Oh you have got it nailed down. Yeah.

Courtney Bullar...: Thank you, yes. I do listen sometimes. But anyways, it included a ton, and all of that ... It also overlapped with DEI, and you were doing a lot of training and so you're bringing that skillset to ICS which is fantastic. Have I missed anything that you were doing during that time period?

Celeste Bradley: No, I think you got everything.

Courtney Bullar...: Yeah. So very similar to the Title IX space but just on the corporate side and of course dealing with other protected class discrimination because Title IX doesn't apply to the private sector but so much of it translates over and very different than ... I always say everyone my team is a lawyer, but we're big on the practical application and implementation of what the law requires and so -

Celeste Bradley: Exactly.

Courtney Bullar...: What we did there really has been awesome as far as translating for our team and our clients.

Celeste Bradley: And I have to say, that's what I love about this team is the practical nature. I do trainings constantly, I've done them for years. I attend a lot of trainings, and when you go to a training and you get advice but it's nothing that's practical to be used, it's frustrating and so what I love about the team Courtney is how well we're all able to really explain to our clients what the law says in a way that is applicable to them and not in a way that's in a brief that ... We're not drafting legal briefs or legal documents. There's a time for that, but there's also a time in the middle of a crisis where you don't have time to explain it in those terms. And so I love just being able to really be boots on the ground, helping our folks out.

Courtney Bullar...: Yep. Me too. I love what we do. All right, so I wanted to start with in our conversation, all the different types of grievances that school districts and institutions see and then kind of drill down to all the different federal laws that impact this area. Not in great detail, but just to kind of give a refresher to those on the ground because even the most seasoned HR professionals, it's helpful to go back to the basics. So we'll get to that first, but I want to start with just kind of that intro explanation. Those on the ground know this, but sometimes I think you're so in the trenches that you lose sight of the bigger picture and also for

people that are listening who are lawyers that practice in this area or subject matter experts in various different parts of what we're about to talk about, visualizing the fact that there are so many different policies, procedures and pathways that are happening on the ground for school districts and institutions, right? And so you have all these different grievances, brought either by students or employees internally.

Courtney Bullar...: So for students, it might be something that's a grievance, that's a violation of a code of conduct that implicates or doesn't implicate state or federal law or against an employee for workplace misconduct that may or may not implicate state or federal law, and then you have harassment and discrimination complaints based on a protected class that do implicate state or federal laws, and all of them have a different path and sometimes those paths are parallel, right? Or they're being blended or they cross over and so this notion of pathways was actually a visual that you came up with. We talk about buckets in Title IX, that was a Betsy thing that we've lopped onto that it helps our client understanding and then with you, talking about pathways, and so you may have a Title IX thing, but then you may have another thing happening over here. So lots and lots of different types of grievances, lots of different pathways that are dictated by policies, procedures, and/or the law, and I just wanted to spend a moment to have you break down briefly the different laws. We won't cover them all and we certainly won't cover state law, but to bring it back to the basics. I'm always big on coming back to the foundation and building on that. So does that sound like a good plan?

Celeste Bradley: That does.

Courtney Bullar...: Okay.

Celeste Bradley: And you're right, the pathways, it's interesting because at times I hear students talk about ... They get very confused on I start this process on a harassment case or a rape case that started out, I filed criminal charges, what's the school going to do about it? Not understanding the court system handles from one perspective and then there's another route that's the student perspective as far as what does the school actually have jurisdiction over? And so I'm glad you brought that up because I do think a lot of people get confused about this is not just a one stop shop. You're going to possibly walk this with a matter that is with judicial affairs, Title IX, and then you've got the court system as well. And so all these little things, we've got a diagram we've used before, Courtney, where it's all these overlapping circles that you just don't think through, but once you sit and hear about what's going on, you have to ask yourself, is this Title IX, Title XII, is this the ADA, is it Clery, is it ... So all these things overlap, and definitely you've got to take a look at it one at a time.

Courtney Bullar...: Yeah. It's confusing for everyone. The folks on the ground, the people going through the process. So we talk about it an awful lot. So let's start with some of these federal laws and I'm just going to put a big star next to Title VI because it's

something we're seeing more of and we'll get to that in a minute [inaudible] want to highlight, but let's start with Title VII, what it covers, who it covers, what protected classes it covers.

Celeste Bradley: Yeah, so Title VII of the Civil Rights Act, it covers employment agencies, state and local governmental agencies, the private and public sector employees with 15 or more, and apprenticeship programs. I think people sometimes get hung up, Courtney, at this is a private or public sector with 15 or more, and people are thinking, "Oh, so wait a minute. We're not protected if we don't have 15 people." That's not what it is, it's just that there's a different set of laws that would govern under 15. This Title VII is particularly important to the folks that are in those more than 50 private or public sectors, and when you look at what that covers, it's [inaudible] covering applicants, which sometimes we forget about. So you got to think about people who are applying for jobs. They also are protected under Title VII, employees, and then of course former employees.

Celeste Bradley: The types of discrimination we're looking at when we talk about Title VII is a bit different. We're talking about race, color, national origin, sex, religion, age, veteran status which is somehow a lot of times overlooked. Of course sexual orientation and gender identity, and then mental or physical disabilities.

Courtney Bullar...: So sexual orientation, gender identity, we refer to as SOGI. Under Title VII, now covered because of the Bostock Supreme Court case which is a little different than Title IX and we'll talk about that briefly. But Title VII covers employees, not students, unless they are student workers, correct?

Celeste Bradley: That's exactly right.

Courtney Bullar...: So a lot of times we see our clients, maybe it's a student case and they go straight to Title IX because it's sexual harassment, but they forget about this Title XI obligation. So always having to kind of think through both, because there is that overlap. So Title VII, just employees. Title IX, which we talk about a lot on this podcast and in general, which applies at the moment to employees and students and we train on that, I don't want to spend a lot of time on that but there is a lot of overlap there with Title VII and these new regulations have kind of a definition of sexual harassment that is different than the Title VII definition of sexual harassment. So I wanted to kind of highlight that for our HR professionals who often are also Title IX coordinators, especially at school districts, to be thinking about both.

Courtney Bullar...: All right, Title VI. Let's talk about Title VI.

Celeste Bradley: So I do feel, before we go there Courtney, let me make sure, on the Title VII examples, just because I brought up applicants. I want to make sure people understand that too. So the example that's a clear one that we see at times, you wouldn't think we still see it often but you do. So let's say you've got a Muslim applicant who applies for a position and is told, "You can't be hired in this

position. It requires that you not wear a head covering." And so those are things that would come up under this Title VII analysis. So you're not just looking at an employee and if you kept them from doing something job-related, but it also includes applicants where you're telling them whether or not they can apply for a job without certain religious accommodations.

Celeste Bradley: Employees with veteran status not being promoted the same as other employees. All these things are examples of common Title VII type issues that you have to think about. Of course you've got the direct type offensive or uncomfortable jokes, racial epithet, things like that. Those are the ones that are the clear ones. But you've got to take a step back on Title VII and look at is it an applicant, are you keeping them from doing something, or is it unlawful discrimination, with promotions or even leading to terminations. Pay equity with gender. That is one that would fit under Title VII as well. So I want to make sure we have a good baseline of our remembering what things will be covered under there.

Courtney Bullar...: Yeah, that's a really good point because I think now, we just think, "Okay, Title VII, employment, race discrimination."

Celeste Bradley: Right.

Courtney Bullar...: Sexual harassment generally, and then we forget some of these other protected classes and ways it can apply, so that's really helpful.

Celeste Bradley: Yep.

Courtney Bullar...: We love real world examples.

Celeste Bradley: Of course. But then you move into that what you just talked about. That Title VI realm, which if you remember, Title VI says that no person in the U.S. shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefit of or be subjected to discrimination under any program activity receiving federal financial assistance.

Courtney Bullar...: Which sounds very similar to Title IX, right?

Celeste Bradley: It sounds very similar. It does.

Courtney Bullar...: Instead of basis of sex, we've just put some different protected classes in there. Go ahead, I'm sorry.

Celeste Bradley: No, you're exactly right. It sounds a whole lot alike what we just talked about. The difference here is we're talking about federal funds. So programs and activities that receive educational funds, things you need to think about are admissions, recruitment, financial aid, academic programs, physical education, athletics, housing. So those are things that you got to think about from a

receiving federal funds standpoint, and so the Office for Civil Rights, they enforce [inaudible] compliance with Title VI and there is an entire compliance review program that also is included under Title VI where you're really looking at [inaudible] discrimination in that space where we're talking about again receiving funds, and for institutions, we're talking about if you receive federal funding, you're funding could be pulled, whether that be temporarily or permanently for an extended period of time, if there is a belief that there has been discrimination in that world we're talking about, where it's excluding from participation in or subjected to discrimination under those programs receiving that federal fund.

Courtney Bullar...: And Title VI is applying to students, correct?

Celeste Bradley: That's correct.

Courtney Bullar...: So a student makes an allegation of race discrimination, then similar to Title IX, that's something OCR would investigate if it's brought to their attention but the school, district or institution also has a duty to investigate, correct? Or respond to.

Celeste Bradley: Right. I do think people forget that when a Title VI matter is brought up, with OCR, two pathways we talked about Courtney. You're bringing it up with the school, but lots of times, you're also bringing it up ... People are bringing it up to OCR. OCR is, their principal enforcement activity is the investigation and the resolution of those complaints. The school district or the institution's responsibility is a bit separate because they're seeing through that entire case and then looking at also if there's an overarching issue to be resolved but you're still looking at these paths of OCR versus you still have a duty as the institution to take a review of what allegations have been brought.

Celeste Bradley: Examples of Title VI violations include things like failing to provide services in a language other than English. We see a lot of those, if you go on OCR's website, you can see complaints that have been made recently for Title VI, and you're going to see that one, plus treating a group of students unfavorably based on their race or their national origin. There are a couple of cases Courtney that they've got still pending now for Title VI. One I recall is one where you had students, the complainant alleged that white students wore blackface on multiple occasions within the school. They said that the students were subjected to physical assaults, verbal slurs, even death threats. And so the parents brought up these issues, this is the Independent School District 112. The parents brought up these issues to the school district. I think their complaint was the school district didn't really do much. OCR got involved of course, and I think that case right now is still pending but basically the parents' argument is that the students have experienced true rampant racism that the school district has failed to address. So when these things are brought up, I think OCR is not only looking at that independent case but seeing is there a systemic issue within that school district.

Courtney Bullar...: Absolutely, and one thing I'll note. There's not a lot of case law under Title VI right this moment, but we do have some school districts who are in lawsuits under Title VI but that President Biden and now Assistant Secretary Catherine Lhamon in their comments have been very clear that this is an area of concern and we do expect a ramp-up of enforcement by OCR in this area. So of course it's important in general to have a place that's free from discrimination but also just to be aware for school districts and for higher education that this is kind of a new area of focus, at least by our estimation.

Celeste Bradley: Right. No, I think you're right. I think there's one case for Charleston County School District, Courtney, that's still pending too, and I think they're always really kind of hoping that these cases get resolved in an informal kind of resolution sort of way, where they're saying, "We really want you to go back and figure this out." But the Charleston County School District, theirs was more about failure to provide sufficient, adequate interpreters. So you've got parents who weren't receiving documents that had been translated in Spanish in a school district that it's a predominantly Spanish-speaking neighborhood. And so I think what the Department of Education and OCR really want to see what the district's plan is for remedying these situations. So you're right, we don't see a lot of actual active litigation. What you see is we really want you guys to come up with a plan on fixing the problem that's becoming an issue for that school district.

Courtney Bullar...: Absolutely, but what districts and institutions don't want is to be monitored by OCR for the next however many years because they've been found to be out of compliance and so one thing that has been happening is we look at Title IX, we do audits and assessments there, and then it starts to bleed into other areas, like Title VII and Title VI. So while we're on the topic, any pointers for listeners as they evaluate their Title VI complaints efforts?

Celeste Bradley: Yeah. I mean to me the biggest thing is you've got to make sure that all your recipients are receiving the four equals, equal treatment, equal access, equal rights and equal opportunities. I mean that sounds easy Courtney, but it really depends on are you stepping back from that program that you have, are you stepping back to look at are your students getting all they need? If you know you're in a school district that has a high population of Spanish-speaking students and parents, think about it. Put yourself in their shoes for a second and see, do they have equal access? Do they know about the programs that are available because we're advising them in English and Spanish. If you know you've got issues, it's just best to address those on the front end and figure it out. But you've got to look at every group of students that you've got and see are we offering equality across the board?

Celeste Bradley: That sounds easy, and when we talk about diversity, equity and inclusion, I hear a lot of people say, "Well of course we're treating kids the same. Of course, we would never purposefully treat them different." And I think what we are missing is though, these aren't things that you're doing directly, it's a disparate impact

that's happening on a certain group of students. So for example, if you have all these programs available for students to use, but you're only telling them in English, that's an easy one to point to to say there's no equal access or equal rights because you did not even tell them about the program in a language they can understand. Or maybe you have an after-school program in an area where the students can't be able to utilize those things.

Celeste Bradley: So if you can take a step back and look at things to ensure equality, but then the other part of that is, is there a process, a true process for students and parents to bring complaints to you? I hear a lot of folks at times say, "Well I didn't realize this was an issue. We didn't know that the parents had complained." The parents of course say, "I didn't know there was no avenue for me to make a complaint, for me to file a complaint." So it's important for teachers and administrators to understand where do you go to file a complaint, is it online, have you gone yourself to figure out if I wanted to complain about treatment, is it easy for me to get to it, for me to go somewhere online and access that and complete it and get the help I need.

Courtney Bullar...: Yeah, in essence, the same process we tell them to go through a Title IX as far as reporting.

Celeste Bradley: Exactly.

Courtney Bullar...: Are there any barriers to reporting, but I think so often, I mean, and I get it, schools have been inundated with trying to come into compliance with these new Title IX regulations. There are so many other things that also need focus and attention, this being an important one.

Celeste Bradley: Well, and lots of times, we say what does your Title VII or what does your Title VI policy say? What does your Title VII policy say? And people are ... If your answer is, "I don't know we had a policy," that's where you need to start. You need to start with making sure you have one that includes who is the policy for, what it's covering, all those good things. The building blocks you need, but then do people know how to access it. Can they really go to it and find it. Can they read it and it makes sense to them, and then from that here's the policy, again, how do you report it? Are you able to report it on a form online? Are you supposed to call someone to report it? Courtney, even sometimes their information being updated. It sounds simple, but if you don't have updated information or updated email addresses, people are making complaints to no one, and that is what can get you in trouble.

Courtney Bullar...: We see that all the time in the Title VII space and of course in this space as well and things being just user-friendly, accessible, no barriers to reporting. It helps to think about it in the way that you are framing it, and then of course, once a grievance is filed, then do you have somebody who is teed up and ready to go, who is trained to investigate, right?

Celeste Bradley: That's exactly right.

Courtney Bullar...: And a process that you're responsive to, even though it's not as prescriptive as what we're all used to with Title IX now, you still need to be responsive and do the investigation, close the loop, have accountability if necessary, all the things.

Celeste Bradley: That's exactly right. I think it's easy for us to make a lot of assumptions. Like you just said, people are so busy, so many things are getting reported. But you've got to step back and make sure you really look at if I was an outsider and I just log onto the district's or the institution's website, is there a way for me to really see what these policies are, who to report to, and like you said, are the people trained?

Celeste Bradley: So the best exercise is to get a group of people who maybe don't have an affiliation, or they haven't worked on the policy, and ask them, "Go in and send us a dummy complaint and let's see if you can follow the process and if it works." If it doesn't they're the ones that have to stop and say, "I don't really know what I'm supposed to do or what I'm looking for." That's your first clue that you really need to get a group back together and make sure that you've really thought towards your process and your policy and making sure you update things.

Courtney Bullar...: Absolutely.

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Courtney Bullar...: Just like all the other spaces, a lot of times these cases become ... There aren't as many that we hear about in the legal system or with OCR, but certainly can become ... What's the word I'm looking for? Like blow up quickly, for lack of a better word, and so having external investigators that you have on the ready in case you need them, if there's conflicts of interest, all the same principles apply. But like you said, starting with the building blocks, do you have a policy and procedure, do you have a way to file a grievance, and triage that grievance? Because a lot of the grievance processes or online reporting options are generic and then someone has to triage them, "Okay, this is Title IX, this goes to HR

because it's Title VII, this is ADA or whatever it is." Yeah, so much to think about it, and again, Celeste and I both know. We're saying all this and districts and institutions already have a ton on their plate.

Courtney Bullar...: So a couple other laws just I want to touch on. We have the ADA, ADEA. Any others that you want to talk about briefly?

Celeste Bradley: Well let's talk about the ADA for a second. So of course we all know the ADA was amended and so back years ago Courtney, we spent so much time trying to figure out if this person had a disability and now it's not really that anymore. It's more along the lines of how are you supposed to accommodate that disability. And so you've got your 504, Section 504 in the ADA, which prohibits any school district receiving federal financial assistance from discriminating against disabled children. Then you've got Title II of the ADA that expands the protection and prohibits all school districts, whether they receive that federal funding or not, from discriminating against disabled children. And then from a student standpoint I guess, or I'm sorry, not a student but an employee standpoint, you've got the ADA that requires that reasonable accommodation or eligible faculty staff, students and visitors. We sometimes don't think about the visitors. So there are different parts of this that we want to make sure you think through.

Celeste Bradley: In terms of the accommodation part though, one aim of the ADA was to make educational institutions more accessible for the disabled. And so it covers reasonable accommodations like modifications of applications and testing, allowing students to tape record and video record lectures and classes, changes to classes, interpreters, specialized computer equipment, and special education. So those are just some of the things in terms of reasonable accommodations.

Celeste Bradley: The other piece of that is the physical accommodations, which might be making sure you've looked at your doorknobs and your hardware to ensure that they are disability compliant. Increasing maneuverability in bathrooms for wheelchairs and installing ramps in certain situations. So not only are you looking at the physical, but you're also looking at how can you reasonably accommodate your students in a way so that they are getting equal access to education.

Courtney Bullar...: Yeah. Your students and employees to work, depending on kind of what we're looking at, and I know for myself personally, I had a campus that had programming, summer camps, and they did not realize 504 applied to them because they're an institution. And so there are ways that these things become applicable that sometimes we don't think about. So for institutions, I think a lot of them have disability resource centers, they're doing a really good job with accommodations, both for employees and students, but then they have all these other programs going on that they haven't really evaluated to ensure that they are compliant as well.

Celeste Bradley: Right. And it's things you don't think about ... And we don't think about it because when you have ... If you have a child, a student that you work with or you're an institution yourself, you think about things and this is just the way life is. You think about things in terms of what you're used to seeing and what is on the norm for you. Not for anyone else, and so we really have to step back and say, "Let's talk to parents. Let's talk to students to figure out what is it that is missing," but again, it's not necessarily looking at someone and saying, "Oh, well you really don't have a disability." Based on the definition today, I can tell you Courtney, most of us have some sort of disability because it's anything that really involves or changes the way you think, you eat, you talk, you walk. It's a very broad definition.

Celeste Bradley: So the question is, how can you accommodate that disability when it keeps them from having equal access to education? So getting teachers, professors to understand some of these can be difficult, and so it's so good that these things are not worked through directly with the staff but with the people who are trained to handle accommodations. So some campuses, some institutions, you might see them with a disability specialist, an accommodations coordinator. If you don't have those roles kind of earmarked, it's probably good to really talk through who in your school district or your institution would be responsible for handling that.

Celeste Bradley: A lot of things, you don't want to go back and forth with a professor or a teacher on. You really want to make sure that you're letting someone who is trained with accommodations handle those things.

Courtney Bullar...: Absolutely, and I know in the K-12 space, this is even more complex with 504 and IDEA which we're not going to get into but we see ... Well we receive a lot of questions about that and the overlap with Title IX and everything else. Because again, all this overlaps, in some way, shape or form. The second episode of the podcast was with Michelle Rigler who's amazing at UTC just about accommodating students through the Title IX process, all still very applicable. So definitely go back and listen to that if you haven't and want to learn more about that crossover, and for our community partners, we're putting out of course on that crossover as well. Anything else about ADA before we turn to kind of any other laws that we want to talk about?

Celeste Bradley: No, I think that's the things that we really should be considering.

Courtney Bullar...: Okay, and then other laws that we need to touch on federally?

Celeste Bradley: I think Courtney those are the big ones. Of course like you said we spend all of our time on Title IX and when it comes to sexual harassment, we really have to look at what we talked about earlier, those paths. And so are you talking about a Title VII harassment issue or a Title IX, you're a student and of course the Violence Against Women Act, Clery, we understand kind of where those things fit in.

Celeste Bradley: So I think when you look at it as a whole, I think we kind of have covered it, but you definitely can see how they are definitely overlapping.

Courtney Bullar...: And yes, and so for so many of our ... Especially our smaller institutions and our smaller school districts, it's one person coordinating all of these things. Which is not ideal because that can be a whole lot on one person. Sometimes it's okay and sometimes it's just too much, so good to just kind of go back to the basics, think about the why we're doing this, like the legal requirements, and then there are state laws that we're not even touching on that might afford more protection than the federal laws.

Celeste Bradley: Exactly.

Courtney Bullar...: All right, so before we go into DEI, and sorry, I'm just adding this to our lesson, I didn't talk to you about this in our prep. I do want to ask you, so you've been serving as an external Title IX coordinator.

Celeste Bradley: Yes.

Courtney Bullar...: And this has been a role that you've been trained to do but was somewhat new at the beginning. Now you are doing it ... You've done it so much that obviously you've gotten a lot of experience. I just want to hear from you kind of a couple of things that you've learned from that experience.

Celeste Bradley: Okay, yeah. So much.

Courtney Bullar...: Not like the law, but just like how it feels to be in that role.

Celeste Bradley: No, yeah. Yeah. I think ... We train on this all the time, and so we think that we kind of have a good grasp on what all this entails until you actually do it, and then I think we forget that there's so many things thrown at them every day. And so one of the biggest things I've learned during this process is how important it is also to take care of your own mental health. So many students have their significant, serious issues, and as a Title IX coordinator, you are bombarded with so many things back to back that are happening to folks.

Celeste Bradley: And it's easy to I think ... Once you hear from that person who's reporting, the complainant usually, you hear that and it's easy to start all of a sudden kind of building your idea in your head of what's happened and we say all the time, it's so important to be objective. But doing this Courtney, I realize you really have to be conscious, consciously say, "Okay, we've only heard this part. Let me make sure I'm not building up some sort of bias or thinking through ways in a way I shouldn't." But I do think it's easy, when you are sitting there, listening to so much, I can tell you, and you've talked to me before where I have literally been in tears about certain things that have happened to people, and it really is heartbreaking for the Title IX coordinators to hear these things going on with students constantly, and it's ... It gets hard to kind of separate ...

Celeste Bradley: Here's this process and it's a very regimented process, with these are students who are going through horrible things, and so I think as a person who's been training, we are very sometimes stuck on here's our process. Like A to Z, here's what we expect you to do and we expect you to follow these timeframes and we are not as fluid as we should in terms of just understanding the day to day [inaudible] that come in and the changes that a student has, from one minute, I want to move forward and I want you to investigate to I really don't know if I do, I don't feel comfortable. I mean it's a roller coaster ride, and so I've learned a ton of things but being objective and really trying to consider everything that's been told and doing it in a way where I'm still following this very regimented process can be difficult.

Celeste Bradley: But I have to say, I commend all the Title IX coordinators. I think it's easy for us to sit back as we look at what the law now says that they're responsible for doing and you want to make sure, here's our wonderful flow chart and we want you to do these things and keep up with these things. But I can't tell you enough how important it is for the Title IX coordinators to take a minute each week and just kind of decompress from what all has happened and then be able to have that separation of, "Okay, I've heard all these things. Let me stay objective, and still making sure I follow my process." It's hard.

Courtney Bullar...: Yeah, and still make sure you lead with care and support, and it's a fine balance but an important one. It's a message that we are big on at ICS as we audit programs and really think through tweaks that they can make and that sort of thing. But like you said, we really try and we stay active as investigators, as decision-makers externally, and of course in this role of Title IX coordinator, because we want to bring ... We want to have that real world experience as we do the trainings. But like you said, just that objectivity and you do a lot of trainings on bias and conflicts of interest, but maintaining all of that in realtime is hard and I have a guest coming on, [Haran] Williamson, who is amazing. And she does talk about kind of the ... I forget the way she says it. But basically the ... Obviously the folks you're interfacing with have experienced trauma, but there's like this residual trauma that is happening to investigators, coordinators, decision-makers that probably don't even realize it. Because this is heavy stuff and really hard stuff, so I just kind of wanted to hear your feedback.

Celeste Bradley: Yeah. And one thing I'll say too is, Betsy on our team has been great. I mean she has done this as well too. So she's been great to bounce things off with in terms of ... I think we come from it from a different perspective. Betsy's been in that world where she's seen more trauma, and so there are times when a student for example has an allegation and you don't think about ... The student is not very upfront with saying my supportive measures are not enough. Right now, I'm really struggling. They have a hard time vocalizing that they are struggling in classes for example and so being able to go back in and say, "Tell us what we can do to help because we realize this is a process for you." Just to be open-minded about those accommodations, so maybe ... You've got to balance that with the need for supportive measures with faculty who are saying, "Well no, I

can't give her an incomplete on this grade because we're down to the last two weeks of school."

Celeste Bradley: And so it's so important that you take a step back and you really look at ... Even from an OCR standpoint, is this something that we're doing that's hurtful to a student who's going through this process and like Betsy always says, giving that student an incomplete isn't really ... Who is it hurting? He or she still has to take the class again, but giving someone that grace while they're going through, it's easy for us to say, "You have two weeks of class left. You can make it work." But that's not the right thing.

Celeste Bradley: So I'm really glad that I've been able to see this from this perspective, so I can give better advice to people on supportive measures and things that we don't necessarily think about.

Courtney Bullar...: Yes. I mean we are fielding sometimes six to eight questions a day from Title IX coordinators who are living this in realtime and it's not lost on us that we're telling them to do these things but they're really hard. I guess that's the best way to put it.

Celeste Bradley: And you're exactly right because you're getting it from all sides. You're getting it from students who are saying, "I'm struggling. Here's what I need," and trying to balance that with faculty and administration who are saying, "Well are we going to let any student be able to apply for these incompletes if we don't even know what the case ... It hasn't been adjudicated yet."

Celeste Bradley: And one other thing that I think, at least for me Courtney, I didn't really think about is the supportive measures on the side of the respondent. It's so easy to forget that that student has been accused of something and they're going through something too, just as much as the complainant. And so we have not gotten to a full adjudication on these matters, but the student has been told, "You have been accused of sexual harassment, rape." All these, something that's really severe, and failure to provide them supportive measures, that's again that ... Are you treating them equitably, and so you really have to consider am I being fair on all sides?

Courtney Bullar...: All right, so as the Department of Education says, the name of the game is whether or not these students have access to the education program or activity. So that applies to both the complainant and the respondent and is the purpose of supportive measures. So you raise a really good point about not forgetting about the respondent and large institutions that have a lot of infrastructure around supporting their Title IX compliance think about this a little bit more and we've got a course coming out for Title IX administrators who are over kind of care and support. But at the smaller schools where you're wearing a thousand hats, it can really get difficult to think of all the things all the time.

Courtney Bullar...: All right, so let's switch gears again, back to diversity, equity and inclusion, which you talked about a few minutes ago. So anyways, I want to go to DEI and I always say, and I mean it, even though we now have DEI University and everything else. It's kind of become this buzzword where I think some people hear it and they're like ... They think they know what it means, or maybe they don't, and everyone maybe has a different meaning that they attach to it. So I just wanted to talk about briefly, what is it? What does it mean? Why is it important?

Celeste Bradley: Yeah. So you're right, Courtney. People are constantly saying what is it? Is this just a buzz term that we're all kind of going through right now? We're all using these words? It's really just if you step back and think about it, it's the way our life should be. It's just ... A lot of these laws we just talked about, the reason that we have these laws in place of course is because we do have potential discrimination issues and so we really want to work harder on the front end of the diversity and inclusion piece and definitely the equity piece, but if you work harder on those things on the front end, our hope is that we don't have to deal with these federal laws in a negative way.

Celeste Bradley: But I don't really know. I think I've told you this before, Courtney. I don't know where I read this. I'm going to have to find it, but it stuck with me, and I've used it so often and I think it's exactly right. So diversity is having people of different types of backgrounds together. Having them in your workplace, having them as friends. It is what I like to hear as it's all the different ingredients that make up what you're about to cook. So let's think about a cake. If we are going to make a cake, which Courtney, I don't know, you might bake more than I do, I'm not a big baker.

Courtney Bullar...: No, I'm not a baker. I'm really bad at it actually. I don't know if I'm just bad at precise things but like ... My daughters love to bake but I'm terrible, and it seems like [inaudible]. I can't even make box brownies half the time.

Celeste Bradley: Right. But we could both agree that if we were going to be making something delicious, we're going to have to have different ingredients. You're going to have to have eggs, you got to have milk, you got to have sugar, you're going to have to have eggs. All those different ingredients you have to have. Diversity is having all those things. It's what's going to make you have something great. You're not having the same thing, the same perspective, the same idea. It is bringing a group of people together in your workforce, in your institution, that give you these wonderful different ideas, thoughts, positions in life, and really being enriched by those things.

Celeste Bradley: Inclusion though, it really is when you look at how those things fit together. So you don't just have a workforce that's diverse or an institution that's just diverse, but they work together beautifully. And so in that baking example, once you put all those ingredients together, and you bake them, you're going to have this wonderful cake. And so that's the inclusion piece. The diversity piece is just

having it. The inclusion piece is really being able to put it together for a great purpose, and then the equity piece is that everybody gets a part of it and so that's the way I like to look at it Courtney.

Courtney Bullar...: Yeah, that's helpful.

Celeste Bradley: It's been eye-opening. Yeah, I think it's eye-opening when you sit back and you think ... Even when you think about your group of friends that are in your circle, I don't know about you. I love having people that teach me new things that kind of just stretch me and my thinking, and that's what we need in the workplace and in your institutions, in classrooms. You need a diverse group that really gets you thinking through multiple perspectives, that makes us all better.

Celeste Bradley: I had a blog that we talked about recently in terms of ... So my son has a friend who ... His friend is Native American. His family, they are from near Michigan and moved here ... Maybe just a year ago, and so Thanksgiving I was talking about, Courtney, in the blog, on the way home, I was taking him home and on the way, I mentioned, this was a couple weeks before Thanksgiving. I said, "What are your plans for Thanksgiving?" And this is a 13-year-old and I see his face go blank for a second as he looked at me and as soon as I said it, I thought it, "Oh. That's the worst thing I can probably say right now." Like I just didn't think that through at all as to who is my audience. And so he said, "No, we don't celebrate Thanksgiving. It's not a good time for our family because we realize that was the day, this was during the timeframe where a lot of our ancestors were massacred." And so as I'm talking to this 13-year-old, one of the things I said is, "I'm really sorry." I said that so quickly without thinking it through, and I said, "Have you shared your thoughts on this with your teacher?" Because he was talking about a teacher that said, "Oh, Thanksgiving is the best time of the year for everybody." And he said, "I did but my teacher just kind of ignored me."

Celeste Bradley: And to me, that's where we have to do better as a society, when we're talking about that diversity and inclusion, is acknowledging that for him, it may be hard because of his history, and asking him questions like, "Well what does your family do?" I think the day after is typically the day of mourning for Native Americans, and so what is something that you do, and then just being very thoughtful in questions that you ask people and not making assumptions that we all celebrate different holidays the same way. It doesn't mean it diminishes the way you celebrate, you and I celebrate Thanksgiving. It just means we have to be more open-minded and inclusive so that we can get different perspectives.

Courtney Bullar...: Absolutely, and some of these conversations are hard. Like we are all concerned about saying the wrong thing, doing the wrong thing. I mean for me personally sometimes I think I'm trying to be inclusive, but sometimes I'm probably not trying as hard as I should because I'm concerned about doing something wrong. Does that make sense?

Celeste Bradley: Oh, it absolutely makes sense, and I've heard that from people too, and I feel that way too. You just don't want to say the wrong thing, you're worried about am I going to do more harm than good by saying something wrong?

Courtney Bullar...: Yes.

Celeste Bradley: But I think we have to be ... We have to extend grace to everyone and hopefully we get the same grace in return. So I've got friends who they know they can call to ask me a question that they don't understand if it involves for example ... Something that involves a cultural thing that they really don't know about. You've got to have those relationships so you can ask and so for us, I was excited that my son had a chance to really get someone else's perspective on Thanksgiving, and it prompted him to ask him more questions about his family's culture and different holidays and things they do to celebrate.

Celeste Bradley: And so we were both enriched from this conversation, and I think we both walked away. I think he walked away knowing that we genuinely care about him and how he was going to celebrate with his family, and we walked away realizing that we shouldn't make assumptions about how people celebrate but should be open-minded and ask bigger questions.

Courtney Bullar...: Yes, well, it enriched our whole team. Because now we have a school, a Native American school, college, and it really made me rethink everything around Thanksgiving, from here going forward. Like when we know better than we should do better, and it really spurred a lot of conversation with our team.

Celeste Bradley: Which is what it's supposed to do. When you really think about it, we should challenge each other to think outside of our usual box and just ask people questions. I think you're right, being concerned though about offending people, sometimes we can be so concerned about offending them that we offend people by not asking those questions we should be asking, so we can celebrate with them. And so this weekend, I went to a wedding. I have a new sister-in-law and she is Vietnamese, and so I was able to be around her family and I had lots of questions about their culture and her mother actually made this gown for me that they wear, it's a traditional Vietnamese dress, and so I got a chance to kind of really understand what things were important to her and what foods they like to eat, what are their traditions for weddings and wedding gifts and things you don't typically think about, but because she is part of our family, I wanted to make sure we were thoughtful about the things that really mattered to her.

Courtney Bullar...: And P.S., the dress was gorgeous. It might be the photo for this podcast, I'm not sure yet, if I get your permission. But I mean seriously, it was a beautiful dress, and I can't wait to hear more about it. Because as a team, we do talk about these things, and really, we talk about them much more since you've come on board and I love it because I love learning about other cultures and I do get in my own bubble. We all do, but we're so much better off learning about everyone that's around us and that maybe doesn't celebrate holidays the same

way or like you said have the same type of wedding or ... I mean the list goes on and on, so I think it's awesome.

Courtney Bullar...: The other post that you had, and of course we're recording this around Christmas, but it won't be aired until the New Year, but the other post that you have put up was about just disability and including it in your DEI conversations and I think that goes to a lot of things because we think of DEI and I think you and I have talked about this, and diversity in general and we think black and white, race, and we don't really think beyond that oftentimes. That's the first thing that comes to our mind and so your post was so good in making sure that again, we're adding to everyone's list that's listening, to districts and institutions, but it really goes beyond race discrimination and includes so many other important things.

Celeste Bradley: Yeah. I think the first time it really slapped me in the face Courtney, about the disability one was at a conference, where I was on a panel and someone said, "Our microphone's not working great." And someone said, "Oh, it's okay, I'm loud enough." And there was a hearing impaired person in the room that said, "If you don't mind, I need it." [inaudible] oh my goodness.

Courtney Bullar...: Yeah, I never thought about that until you put it in the post, and now I'm like, "Gosh. I never use a microphone because I'm really loud." Now I'm like, "Okay. We'll rethink that."

Celeste Bradley: Yeah. I said the same thing. I'm like, "I loud." And it's something we always think. Like you can hear me in the back, so we're good. Well just because you ask that one person can you hear me doesn't mean that you don't have a person in the room with a hearing issue where it may be they just need a little bit extra and that's what they get from your microphone. And it's a small thing, and they shouldn't have to raise their hand and say, "Hey, I'm hearing impaired. Can you please use the microphone?" Those are things that we just have to be cognizant about that they might need.

Celeste Bradley: Even sometimes using PowerPoints if we're doing a presentation, sometimes if our slides are certain colors or ... You really have to be careful and be thoughtful about is this anything that would be a problem, so maybe I need to print some of these off in black and white or have them available.

Courtney Bullar...: Yeah, that's a good point.

Celeste Bradley: And again, that's not to say [inaudible] ... We don't have to be so concerned about I'm going to offend everyone so I've got to walk on eggshells. That's not what I'm saying. I'm saying we've got to be more intentional in our diversity, so that we understand it's not just a black and white, it's so many things beyond that. It's national origin, it's gender identity. If it's your veteran, I mean it's just ... Loud noises for a lot of people might cause problems and so you have to ask

yourself, "Am I using something in my presentation that's overly loud that could be a problem for people?"

Celeste Bradley: It's just again about getting that diverse population and honestly, in the workforce and in institutions, when you've got that diverse group, Courtney, the idea is they're able to give you information and thoughts about things that you don't think through that are going to be so helpful. And so for companies, I've seen this where they want to know why are our sales in this particular area not doing well, and a company has been operating in one area for so long, then they have a diverse work group that comes together and says, "Oh, well it's because you're selling this, you're selling this type of food in a predominantly Asian community, they don't eat this kind," so you've got to think through.

Celeste Bradley: And these are all things that you would think marketing could get a handle on, but it's not that. It's really truly knowing that you got a diverse group who knows your audience, that knows the area, and is helpful. That's why diversity is so important.

Courtney Bullar...: Yeah, absolutely, and in the school setting, making sure you're reaching your entire population and being inclusive is even more critical.

Celeste Bradley: Yeah. That's exactly right.

Courtney Bullar...: I mean in my mind. Not saying the workforce isn't important, but as we're trying to educate folks and make sure they all have access and feel included, just vitally important.

Celeste Bradley: Exactly. I mean it can be simple things too, like if you're at a school where a majority of your students are Muslim and it's during the time of Ramadan, you have to think about are you ... Is your mainly, a majority of your treat days or something special you're doing for your students or your teachers, if it has to do with food, well during Ramadan, that's not the best time. So you really have to make sure that you're having those conversations and that you're being diverse and you're being intentional so that you are meeting the needs of your students.

Courtney Bullar...: Yeah. I love all the real world examples, and we ... I know I keep saying it, but we do talk about all this so much as a team based on our own experiences. We have one of our staff members who has a child who was on an IDEA for a long time, like learning about that, just ... There's so much and it makes life much more full when we are considering all those things and it certainly helps our clients and so it's been exciting to have you on the team, bringing that lens and those services to our clients and we've got a lot more to come.

Celeste Bradley: Yes. I'm so excited.

Courtney Bullar...: Yes. Okay. I'm going to finish this off because we're hitting an hour, which I figured we would, because we talk all the time, but ... With a couple fun facts about you and so the first one would be what would you be doing if not an attorney and you've already alluded to this a little bit, and it's kind of funny because you and I are really similar in a lot of ways and so what you said is what I always say, but am I correct, you would be a college professor or a dean or something -

Celeste Bradley: I would, and I would also be working on some book, Courtney. I've always wanted to write a book. I don't really know what it would be about, but yeah. That's what I would do. I love [inaudible].

Courtney Bullar...: Sometimes it freaks me out, we're like the same person. You know I wrote a book when I turned 30 and I actually sent it to some publishers -

Celeste Bradley: No.

Courtney Bullar...: Yep. It was a chick lit book, just FYI for our listeners, completely outside of what I do. Yeah, totally wrote a book. And then put it in a drawer and that's where it's been.

Celeste Bradley: Okay, we've [inaudible].

Courtney Bullar...: I don't think it was very good. One of my friends read it, she liked it, but I'm like, "Mmm." Anyways, yeah. That was many, many years ago, but I always said I'd be a college professor and I do teach as an adjunct and got to be a college attorney which is kind of like a blending of all the worlds perfectly.

Celeste Bradley: Exactly.

Courtney Bullar...: Mm-hmm (affirmative). Or write a book, so let's get on it. Maybe we can co-write a book.

Celeste Bradley: I love it. Love it.

Courtney Bullar...: Yes. And then guilty pleasures, favorite pastime? I already know the answer to this, but I'm going to ask anyways.

Celeste Bradley: So all things crime.

Courtney Bullar...: Yeah. That's what I figured you were going to say.

Celeste Bradley: I am obsessed with any Netflix, any documentary, docuseries, podcast, on any kind of real crime, I'm all over it. I think -

Courtney Bullar...: And you know, it's funny, our core team, except me, are all into this. Like we get together and it's all you all talk about. And I've tried to do better and listen to

some more of these true crime podcasts but I'm always listening to like ones on business and things like that. But all of you all know all of them. Betsy too, who used to be a prosecutor, which that makes sense. But every one of you listens to them and talks about them.

Celeste Bradley: Well I've got a friend, her husband is an FBI agent. And so I've of course talked to him about every big case that's in the news and so he knows I'm obsessed. And so I think he's trying, they sometimes do these all these classes that are for ... Just like citizen classes, and you know, I'm all in. I want to go learn -

Courtney Bullar...: [inaudible].

Celeste Bradley: I'm an FBI profiler in another life.

Courtney Bullar...: Well yes. I mean your sweatshirt. Everyone on our team, P.S., has these sweatshirts that I got and everyone has their own nickname on their sweatshirt for whatever they do on the team. And yours is -

Celeste Bradley: Super sleuth.

Courtney Bullar...: Do you remember?

Celeste Bradley: Yeah, it's super sleuth.

Courtney Bullar...: Super sleuth, because I do think you will come back in your next life as an investigator. I mean you're an investigator now, but an investigator for like a criminal investigator, a profiler or something.

Celeste Bradley: Yes. I like that. A profiler.

Courtney Bullar...: Yeah. Yeah. You're always like, "Hold on a second," and then you dig up all this stuff. I'm like, "This is why she's good at investigating."

Courtney Bullar...: I love it. Okay, well I always appreciate your candor and again, your ability to kind of speak plainly about the important area of DEI and also just employment law and issues and protected class discrimination, all of it. I always appreciate it so much. I love our conversations, both personal and professional, and I always learn something when we have a conversation, or I'm like, "Oh, I totally forgot about that." I mean even though I was an employment lawyer for a long time and still we do that work, and we do investigations in that area, it's been really helpful for me to go back to the basics as well and I'm like, "Ooh, that's right, applicant. Ooh, that's right." All those good things.

Courtney Bullar...: So I just want to say to our listeners, Celeste has been on the road. She did our first in-person training in a long time. She's been out and about, serving our clients and our community, both in the Title IX space but also in this new kind of DEI realm that we've brought to the ICS services, so definitely if you are looking

for that, she is fantastic and she had somebody follow her to her car during one of our trainings because they liked it so much and that sounds a little creepy but it wasn't in that sense.

Celeste Bradley: It was not creepy.

Courtney Bullar...: But they wanted to keep the conversation going. So she's fantastic, fantastic trainer, and just a huge asset to our team. So thank you so much for being on here. I know it's a busy time of year right now for us as moms as well, and everything going on with our kids. So I really appreciate you finding the time for us to get this recorded.

Celeste Bradley: No problem. Thank you. I enjoyed it.

Courtney Bullar...: I hope you enjoyed my conversation with Celeste as much as I did. She has a great way of putting things into practical terms at a macro level that we can utilize in our day to day life and of course transition into use both at school districts and institutions. Please connect with ICS on social media. Celeste is on LinkedIn, I'm on LinkedIn. Of course ICS has a LinkedIn, Instagram, Facebook, Twitter account as well. So be sure to connect with us and follow along as we celebrate the 50th anniversary of Title IX. If you're interested in our services, you can contact us through our website at www.icslawyer.com. I will see you next episode.

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