

Courtney Bullard...: Welcome to the relaunch episode of the ICS Podcast. I'm your host, Courtney Bullard. After way too long of a break I'm relaunching with a slight name change to the law and education. This change represents evolution of our business at ICS, which has greatly expanded in working with school districts and private K-12 schools in the last two years. We, of course are still working with higher education, but we've picked up a number of school districts, which has been fantastic. When I started the podcast, I did not utilize a name that encompassed Title IX, because I want to have topics that touched or related to Title IX, but were not solely focused on that area. If you've never tuned in, I would suggest you go all the way back to episode one if you want to learn more about me and check out our website, www.icslawyer.com to learn more about ICS, our services, and my fabulous team.

This relaunch episode is going to cover a little bit about what we've been up to these past two years at ICS, as well as what's been happening in the Title IX space and what's to come in the future. 2020 and 2021 were wild years to put it mildly for everyone, including the ICS team. During these past two years, we've experienced a 650% growth in our client base, 650%. It's still unbelievable to me, but has been really fantastic. And our team has certainly grown accordingly as well. So what have we been up to? I'm going to go over five general things quickly. First, I'm excited to formalize a new suite of services. Celeste Bradley, our EEO DEI consultant, and still practicing attorney is heading up these services. I use the term formalize because we've always done protected class work beyond Title IX, but now we've added so much more given her experience and expertise. Community Access includes access to Title IX university, and now it is expanding to include DEI university.

So be sure to check out blog posts that are coming out from Celeste and she's of course, one of our upcoming guests on a podcast. So be sure to check that out and tune in as well. Second, our community continues to grow. Community Access as I mentioned, provides unlimited access to on-demand Title IX courses for your entire Title IX team. So whether you have two people that need to get trained or 200, it doesn't matter. Unlimited access to mandated training under the regulations for your coordinator, investigator, decision makers, appellate decision makers, informal resolution facilitators, and advisors, if you want to train them for our higher education folks. There's also specialty courses and level two courses. We do refreshers every summer, refresher and updates so that if you've taken a core course before, then you can take the refresher and update. And the beautiful thing about Community Access and these courses is that if someone leaves in the middle of the school year, you can quickly get them into Community Access and get them trained up and moving forward.

So training alone isn't the only benefit of Community Access, but it's of course been a great benefit that our clients have really loved. And with training alone, just in this last year, we've had over 9,000 Title IX administrators changed and our platform predicts that it has saved our community partners, 30,000 hours in commute time and \$3 million in training costs. It's an awesome platform with

the ability to track training, run reports, and capture some other great information. And of course the platform includes much more than Title IX university. We have templates, we have flow charts, and we have Zoom meetings, and newsletters and all kinds of things, as well as a Lister, which has been really active here lately.

Third, we've also been busy with live virtual trainings. Of course, there's lots of different ways to get training out there as you all know, who are trying to figure that out on the ground. On demand is one way. We do a lot of hybrid training. So Alabama Community Colleges, for example, we designed a program for them that's a mixture of taking those on-demand core courses to lay that foundation. But then also we do live virtual trainings for them, and we're going to be in person with them this spring. So we've been really busy with those virtual certified trainings. We've gotten the ability to have a few in-person trainings, which has been great. And we've had thousands of Title IX professionals in those trainings. And it's been an honor to work with school districts and institutions as they ramp up their compliance efforts to get in compliance with the 2020 regulations.

Our spring training calendar has been released and registration is open. So be sure to check it out. I'm really excited about two brand new courses. The first is a Title IX coordinator bootcamp for higher education and spoiler alert, that it will have a really awesome compliance workbook that will help participants do a self audit of their compliance efforts for their institution and much, much more. And then we have a certified course for Title IX care and support professionals. So think equity specialists, case managers, anyone whose responsible for implementation of supportive measures. And that course is for higher education and K12. Really excited about it. I know Betsy Smith on our team, who's going to be the lead for the content for that course, it's her most anticipated content so far for 2022. We are already starting to fill up. So be sure to go ahead and get registered.

And then while you're getting registered, be sure to register for my free year end review. I do it every year. This year it's on January 20th. So just about a week away. There's one for K12 and one for higher ed. So be sure to tune into that where I will cover all that happened in 2021 in Title IX and where we think things are going. I'm going to digress for a moment and then come back to what we've been doing for four and five. But I just want to note that all these service that we engage in, we do differently for K12 than we do for higher education. We have different courses for each community partner, platforms for each because they are indeed very different. While a lot of the requirements are the same, they are very different. So whether you are a school district or an institution, we have something for you. And we have many that are both, and we have been working with them through that as well.

So the fourth and fifth points I want to bring up, we've been doing a lot of Title IX audits and assessments, which have grown into helping to write policy for

codes of conduct for students or title six, or title seven and reviewing those as well. And that has been work that we've really enjoyed. And then finally, as always serving as external investigators, decision makers, appellate decision makers, informal resolution facilitators, and advisors, and yes, we've served in every single one of those roles at this point, as well as Title IX coordinators, filling the gaps when someone leaves an institution or school district. All that is still very much going on and we've been really, really busy as schools are fielding an unprecedented number of reports of sexual harassment. And then we do do work outside of the education space. And so that's been really interesting as well.

So let's move on to what has been going on with Title IX, obviously a lot in last two years. All of you listening know that in 2020 or most of you know that in 2020, the new Title IX, we call them the new Title IX regulations were released in May with an implementation deadline of August 14th, 2020. And caveat here, we are still working with a lot of schools that are ramping up their compliance efforts. So I still call them the new regulations, even though they're over a year old, because for those of you on the ground have been dealing with COVID and everything else, this work while I know you know it's very, very important, it's been hard to do it all. So some of you are still coming into compliance and we've been working with a lot of folks who are in that position.

So as we know, the regulations came out with that implementation deadline of August of 2020, and then we had a change in administration. And President Biden came in and the leadership at the Department of Education and the Office for Civil Rights changed with that change in administration with the most recent announcement of Catherine Lhamon as the assistant secretary for the Office for Civil Rights. So I'm recording this at the end of 2021. Once this episode is released, it won't be as recent of news, but that occurred not too long ago. And it's really important if you go and read about her background. She was the assistant secretary for the Office for Civil Rights under the Obama administration, which is important and probably a very telling to us as to where things might be going when it comes to the Office for Civil Rights focus, enforcement posture, and maybe what's going to happen with those 2020 regulations.

In April of 2021, the Department of Education released a letter and launched a comprehensive review of the Title IX regulations. And they stated that they would do three things. The first was hold listening session during the summer of 2021 regarding the new regulations. And we were able to participate in that and we listened to some of that. So that has occurred. The second was that they were going to release a Q&A on the Title IX regulations. And some of us on the ground who work in this space thought that the Office for Civil Rights may come in and issue this Q&A and state that they were not going to enforce the 2020 regulations, but that is not what happened. And so after the release of the Q&A on July 20th, we know that it was really a reiteration of the regulations and that the Office for Civil Rights at this time is enforcing those regulations. And then

third, they said they were going to do this review of the regs and go into a rule making process.

And we've now learned that their expected deadline, target deadline for releasing a notice of proposed rule making moved from May of 2022 to April of 2022. That just happened a few days ago from me recording this. So I want to take you back a little bit in the timeline to explain what that means and what we're looking at. If you go back to 2017 under the Trump administration, there was a Q&A released, and that's when they announced that they would be going into a formal rulemaking process. In 2018, about a year later, they issued the notice of proposed rulemaking or NPRM. And that NPRM basically put the public on notice that this is going to be what we anticipate the final regulations will look like. And it is an opportunity for comment back from the public. Almost two years later on May 6th of 2020 is when those regulations were actually released.

And did they look like the NPRM? No. Yes, there were some things that were there, but there was a lot that changed. So with this April 2022 target deadline for the NPRM, that does not mean that the 2020 regulations go away. They're very much still in effect until new regulations come into play. And so if you look at that past timeline, I predict it will be somewhere around the spring or summer of 2023, at least before we have final regulations. And not to scare you, but if you think about that a year after that in 2024 is another election. So we're going to be looking at being under a lot of different expectations and requirements when it comes to addressing and responding to sexual harassment. Those that were in existence pre August of 2020, those that were existence with the new regulations from August 14th of 2020 through whatever it is, let's just say it's May of 2023, and then whatever those new regulations state from 2023 on.

I tell you that to say, we have clients who or prospective clients who come to us and say, do we really need to do that mandated training? Aren't the 2020 regulations going away? And we say, no, they're not going away right now. And they are still going to be in effect. So even if we get new regulations, hopefully we'll get some guidance. But the expectation is that if there was an allegation that was made during this timeframe, the regulations at this time that you have to follow. So it'll be interesting to see how all of that develops. Certainly a whole lot going on, which is shameless plug, why it's such a great time to be a community partner so that you can stay up to date. But you can also stay up to date on our website. We have a tab Biden and Title IX under resources. So be sure to bookmark that as well. And we're always posting things there.

So be sure to check out our training, be sure to stay tuned in as we have all kinds of fabulous guests coming on to the podcast. And then importantly, we are going to be posting on social media. So be sure to follow us there. Lots of tips and facts about Title IX leading up to the 50th anniversary of Title IX this summer. So this summer is the 50th anniversary of Title IX, a big deal for those of us working in this space. I know a lot of you will be doing programming

around it, and we will be posting a lot of information every single week on social media. Hopefully some nuggets that you can take away will help you in your own compliance efforts. So stay tuned and be well. And I look forward to seeing you in our next podcast episode.

Speaker 2: Did you know that ICS offers on demand e-learning Title IX training through Community Access. Title IX university provides coordinators with the unlimited ability to train their entire Title IX team in compliance with the 2020 regulations with specific courses for investigators, decision makers, advisors, and more. Have a change in one of your team members, no need to wait until they can attend a training. Simply add them to Community Access and they can get trained on their time. Coordinators can also run reports to track training as well as run other metrics to aid in compliance efforts. Last year alone, over 8,000 learners completed courses through Title IX U and the platform predicts that saved our community partners 30,000 hours in commute time, and \$3 million in training costs. Simple, effective, and user friendly, Community Access provides compliance at your fingertips. Contact us today to find out more about Title IX university and the benefits of becoming an ICS community partner.

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