

Courtney Bullar...: Hello and happy summer and welcome to the podcast. My name is Courtney Bullard and I am your host. Glad to have you back for another episode. As usual, I am behind in getting episodes recorded because the reality is we've just stayed really, really busy as a team, and so it has been difficult to get some podcasts under our belt. This episode is an informational episode regarding the proposed regulations, and really we're going to focus on what you should be doing during the waiting. So we'll get into that in just a minute.

But before we do, I wanted to just give you a little bit of behind the scenes at ICS and what we've been up to. We are hiring, we are in need of some additional Title IX and equity specialist. So if you're listening to this podcast and you you're interested in applying for a job at ICS, feel free to email me at chb@icslawyer.com. We'll be posting a link with a full job description on our website and on LinkedIn, if you are connected with me there, here soon. But it is interesting, we expected to have a busy summer getting into compliance with the regulations, but instead we're having an extremely busy summer, an unprecedented amount of busyness, traveling all over the country in order to help folks get trained and ready for next year. We're also attending some conferences. I'll be at NACUA with Celeste Bradley in about a week, I think from when this will be aired. So if you're going to be at NACUA, we'd love to connect with you. But we're going to Utah, Arkansas, Florida, Tennessee, of course, that's where we're headquartered, California, Chicago, I know I'm missing a few, but we're really excited, but just been on the road. It's already been a busy summer.

So for you all out there as Title IX coordinators or professionals or just folks who are working on the ground and touch this space, or even for those of you listening who really don't work in the space at all but are just interested, know that the folks on the ground as summer comes and the academic school year ends, they get to take a little bit of a breath usually. There are cases that have been happening during the academic school year that sometimes bleed into the summer and are ongoing, but I always encourage our coordinators especially, to take some time in June to relax and refresh. The work is hard. It is tiring. It is all consuming, especially during the academic year. So this is a good time to take a moment. So I hope that you're listening to this podcast and you're getting to maybe take a walk or you're on a ride to a vacation or just some time away from work.

But then there is definitely work to be done. And as I mentioned, if you were doing this work back in 2020, we spent that summer drinking from a fire hose, getting our clients ready and our community partners ready to get into compliance with the 2020 Title IX regulations, which address specifically what an institution or school district must do in order to respond to and address sexual harassment. We expected a similar summer because all indications were that the Department of Education was going to release the new amended regulations in May, but they did not. On May 27th, as we headed into a long holiday weekend, the Department of Education released a blog post announcing

that it is updating its timeline from May to October of 2023 for the final Title IX rule.

And as a reminder, there are two proposed regulations the Department expects to release in October. One amending the 2020 Title IX regulations on sexual harassment and the other on participation in athletics. So again, we were prepared for a busy summer, similar to 2020. This news provided some relief, but I can't stress enough that there is still so much work to be done this summer in equity and Title IX and to prepare for the fall. So we have a summer checklist that we provide to our community partners. If you want a copy, feel free to email me or email info@icslawyer.com and we'll get you a copy of the summer checklist. But it's what we talk about with our community partners and our clients. And I wanted to highlight some important points in light of this news that we are going to be looking at October for these new regulations.

First and foremost, we have another academic year under the 2020 Title IX regulations, they still remain in effect. If the new regulations are released in October, there's going to be a stated timeframe for implementation. So if you remember back to May of 2020, the implementation deadline was August 14th of 2020. Our best guess is a July one or August 2024 implementation deadline, and how amazing would that be, because that's a lot longer than 90 days, but that means another full academic year under the 2020 regulations. Now, is it possible that there will be a January one implementation deadline? Sure. Or January 15th or something like that? Sure. But some of my colleagues in the field, and we've talked about this and we all think that would really invite a lot of litigation. So our best guess at the moment is July 1st.

With that, my second point is that the upcoming academic school year marks four years under the 2020 regulations. So we know from working with districts and institutions across the country that we still have many who are not in compliance with the 2020 regs. While the pandemic may have been a viable reason for a delay in compliance back in 2021, it is no longer a reasonable explanation for lack of compliance today, and the Department of Education has reemphasized that enforcement is a top priority.

And then third, as I always say, continue your compliance efforts. A lot of you are holding funding for training and other support in anticipation of the new regulations, and I completely understand that. But anecdotally, we know that Title IX team members change often, sometimes midyear, sometimes yearly, sometimes monthly. We have had people in our trainings who have started the job that day. If your team is trained under the Title IX regulations, the team members have not changed since your last robust training, then taking a refresher course, we have one through Title IX University for our diamond members, might be appropriate. Otherwise, I encourage you to advocate for the funding to provide training and support to ensure your Title IX team is adequately prepared for this academic year.

So, we have another full year we predict under the regs. We're in the fourth year under these regulations so non-compliance truly is not acceptable at this point. So we want you to continue your compliance efforts. We want you to get that funding so that you can be fully supported and prepared as you enter this new academic year. We have courses through Title IX University to help you with that. We have virtual trainings coming up in the fall, both for higher ed and K-12. We have an in-person regional training at St. Simons Island, so you can join us at the beach for K-12. If you want to get all of your training covered in person at a beautiful location or you can utilize another organization. Whatever you need to do is fine. We just want to ensure that you are ready for the academic school year.

We also, of course, encourage you to update your policies and procedures. You'll see that on our checklist. I hope to have a podcast recorded with Amy Buck on my team soon, with all this travel it's been a little difficult, on the importance of a good policy and how it helps your team members on the ground, your investigators, and your decision makers as much as it helps the parties and your school community. I'm also going to be recording a podcast with Stephanie Ray on my team about the Title IX regulation on participation in athletics. But we did a free webinar on it when the proposed regs were released. We'll make sure if you would like a copy of that, you can again email us and we'll get that to you.

And then we also had Webinar Wednesdays, we had three in a row at the end of April, early May. The next episode, Brittany Gates presented one on Title IX considerations with faith-based schools. The next episode is going to be a replay of that webinar. There were two others. They were really, really good. We had over a thousand folks attending, and so I'm going to go ahead and replay that one for you all in the next podcast episode. So be looking for that.

So as I said, we have a busy summer. We're we're already rolling. We're on the road conducting in-person training. We're working with clients and community partners to update their policies and procedures. We have taken on so many new clients to serve as external investigators and decision makers and Title IX coordinators, and we would always love to work with your school or institution in helping with your compliance efforts, both in Title IX and equity. We'd also love to see you this fall in our live virtual trainings, or again, as I mentioned in an in-person training. We have the one in St. Simons Island in October, and we're working on a in-person conference for higher ed in November. So check that out.

Last plug. We have our annual back to school webinar on August 10th, you can find that on our website as well. Go ahead and grab yourself a spot. We have two webinars we do every year that are complimentary. We do a year-end review in January where we cover everything that happened the prior year in Title IX, and then we do a back to school webinar to just have some reminders

and some thoughts as you go into the academic school year. So again, that is on August 10th. We have one for higher ed and one for K-12.

My last soapbox moment is that we have community partners and we have events, and we have trainings that are almost always separate for K-12 and higher education because they deserve completely separate treatment, they're very different spaces. While most of your Title IX concepts or your Title IX Foundation is consistent across both K-12 and higher education, there are definitely some differences, but implementation is so different at higher ed versus in the K-12 space. So whether you're to school district or an institution, we would love to work with you or support you if you are already a client or community partner.

Thank you for tuning in. Again, we'll have another episode coming up where I will replay the faith-based webinar that Brittany Gates on my team did, and we'll have some others coming out for you this summer. But I hope you have a great summer. I hope you take some time to refresh and relax this month before you get to it, and preparing for this upcoming year. It is going to be a busy one. If the Department of Education does actually release the final regs in October, it will make it that much busier. There are no guarantees, we'll just have to see what happens. I look forward to another episode with you all. Hope you have a great day.

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