

Courtney Bullard:

Welcome to The Law and Education, delivering insight into Title IX compliance and its practical application. I'm your host, Courtney Bullard, founder and CEO of Institutional Compliance Solutions. Join me in conversations with campus and school leaders, subject matter experts and colleagues who navigate the intricate landscape of Title IX inequity, and other areas that intersect with this space.

These discussions, rich with insights and expertise shed light on the legal and practical implications that shape your career in campus and school communities. Hello and welcome to the podcast in our first episode of 2024, which is unbelievable. My apologies in advance, but it has been a very busy and interesting 2024 for me personally. And of course professionally, we've been really busy. But during this almost four months before posting this episode, we've been waiting on the new Title IX regulations.

And this week on Friday, April 19th, they were released by the Department of Education. So I'm recording this podcast on the Saturday morning after at 7:30 A.M. while all of my children are sleeping. Today is my husband's birthday. Today is senior prom for my daughter, my older daughter, and my younger daughter turned 14 on Tuesday, April 16th, and we have her birthday dinner today.

So we have a really busy weekend and now we have the new Title IX regulations. So I woke up this morning and felt compelled to record a quick episode as we dive into and digest these new Title IX regulations because I'm not the only person out there who is busy. We know everyone who are boots on the grounds are extremely busy right now with caseloads and all of the work that you do each and every day. And now you have this added stress.

And while we knew it was coming, it doesn't make it any less stressful or overwhelming now that they're here. So of course our team has scheduled a webinar, a free webinar on Friday, April 26th. We have one at 11 and one at one, one for K-12, one for higher ed. We'll put that link in the show notes. And all of our other colleagues in the industry are also putting out free webinars. I saw somebody on LinkedIn put a meme about how it's webinar season with the regs coming out, and that is absolutely true.

We also know that the implementation deadline for these regulations is August 1st. So back in 2020 it was Betsy Smith and myself as a team with Susan Eastman on my team, getting all of our clients through implementation of the regs. And there was about 90 days. This time we have about 104, so we got 14 extra days before implementation, much more substantive to come from our team, including that webinar and more podcast episodes.

But the purpose of this podcast episode specifically is to give you some advice that you may not be expecting. And it is the exact same advice I gave in 2020 when those regs came. I posted it on LinkedIn, I reposted it last night because it was on my mind. And so I just wanted to reiterate here. And really the title of the podcast could have been "Take the Vacation." So a couple points I want to make for you today. Number one, there is no smoking gun when it comes to these regulations.

Just like 2020, we have to live these regulations before we're going to have all the answers. So there is not a webinar you're going to be able to go to or a training that will change the fact that no one has done anything under these new regulations. So in other words, you are not alone. So take a deep breath. As I already mentioned, number two, colleagues are presenting webinars, guidance, et cetera, including ourselves, which is a great asset to all of you on the ground because there's so many offerings and resources and support out there.

But it can also be paralyzing and create information overload. You're going to get a lot of noise on social media in this next week or so, and again, it can just be overwhelming. So I would encourage you to pick your horse, pick a webinar or two or three from companies that resonate with you and then get to work. Start taking those initial steps to work towards compliance, utilizing whatever delivery method or resources resonate with you.

And then third, let the subject matter experts, as I said back in 2020, twist around the nuanced issues that we are identifying. These new regs are beefy. You're going to hear us say it in our webinar, the devil is in

the details. And so no one is going to have all the answers today. There's going to be litigation, OCR guidance that comes in, and then professional judgment that develops best practices. That will all come and help inform all those questionable areas.

The nuanced areas matter of course, but reasonable legal minds can differ on interpretation. Even the regs and the preamble differ at times. So do not get bogged down in the minutia. Make a plan for eight one compliance and start with manageable, digestible steps forward, recognizing that you'll need to prioritize those steps based on any limitations your institution or school district is facing. Four, this is not a sprint, it's an ultra marathon as said by Betsy Smith, our director of Title IX services in her post four years ago in 2020.

We've seen all of this before in different ways, especially in 2011 when we had the Title IX boom. Schools rushed to implement policies that are one size fits none. So processes that check all the boxes in the regulations but don't make sense for the differing campuses or schools. Those policies ultimately create chaos, confusion, frustration, and litigation. So as you look to revamp those policies and procedures this summer, we are not fans of model policies here at ICS.

The reality is we've seen, and I've seen in my expert work how schools simply plug and play for those policies, but really don't keep in mind what works best for their campus or their school and they cannot follow it in implementation. So again, as Betsy says, one size fits none. And with these regulations it's even more important because there is a lot of discretion. That can be good and that can be bad, so we really encourage you to think that through when you're going and creating your policies.

For us at ICS, we are doing what we call policy support. We did it back in 2020. We give you an intake form that helps you think through those critical issues and different decision-making points, and then a specialist works with you to hone all of that in. And then we get you a policy to get you across that August 1st finish line. So changes to your process and policy should not be made hastily. We want you to slow down, take a deep breath and push yourself to slow down. It doesn't feel like there's time, but I promise you that there is.

And then the last point, which would be number five, is take the vacation. So again, we were actually in the middle of a level two advanced civil rights training in person here in Chattanooga this past week. And I just have to shout out to Celeste Bradley and Amy Buck on my team who really created a phenomenal in-person hands-on interactive two-day training with investigative skills, honing in on those and report writing, and the rest of our team that was present to serve as witnesses and other folks in the process to help with that.

It was just a fantastic training. So of course that was going on when these hit. And there were some people in the room who were like, "I need to cancel my vacation this summer now. I can't afford to be away from the office." And I'm just going to say to you, take the vacation. One thing personally we've learned in the last 30, 60 days as a family is that time goes fast. You can't make up this time in life, and so we really encourage you to take the vacation, get a game plan, you're going to work that game plan.

Of course, at ICS, we would tell you that that game plan should include becoming a community partner. Annual training is required under these new regs, and that can be accomplished through being a community partner. So much of what you need to do will be checked off by being a community partner. But that doesn't have to be the case. If you're not going to do that with ICS, just get a game plan and work that game plan this summer.

It will be fine, but everyone deserves some time off and vacation, especially after the end of the academic school year for those of you who are boots on the ground. So again, to recap a few other things coming from ICS. We do have their free webinar on Friday. By the time this podcast is released, I believe our 2024 training will be launched, which includes new Title IX regulation boot camps, both virtually and in person. Our first virtual will be in May. We'll have a virtual training for K-12 and a virtual training for higher ed.

In June, we have in person. So we have one in Bethesda, Maryland for K-12, and then we have one in Chattanooga, Tennessee for higher education. Those are filling up fast. The benefits of coming in person of course is that one-on-one time with our specialist to answer those nuanced questions you might have for your institution or your school district as you absorb and get to implementation of these regulations. Time to talk to colleagues, that's the feedback we got at the training this past week.

Having the opportunity to sit, lament, celebrate with colleagues can be really vital. So you'll get that time with colleagues and just a lot of one-on-one attention from our team. In-person is just always best, but we know that there are limitations from a resource perspective for some of our districts and schools. So virtual can be a great option as well. And then in July, we'll have both virtual and in-person Title IX boot camps.

The in-person will be at our training center here in Chattanooga, and the virtual will be of course online. And then we'll have those again in August. So we have a big lineup. The virtual boot camps, that content will also be in the in-person trainings, but it'll be much more built out for the in-person trainings. But they are appropriate for coordinators, investigators, deputy coordinators, decision makers, and formal resolution facilitators, the new role supportive measure review administrators, as we call it.

Anyone who is touching Title IX on your campus, those boot camps will be a deep dive comprehensive into everything that the regulations require and be a great first start to getting that training in. And of course, if you're a community partner, all of the core curriculum will be updated in Title IX University to get everyone trained in accordance with the regs. And I will just say training is a premium.

We're still digesting, but I think I can safely say training is required of your team annually and also of your employees and staff. So we have responsible employee training product for our school districts and a Title IX employee training product for higher ed. That is a very cost-effective way to meet that requirement as well. So if you're not a community partner, reach out to us. We'd love to connect. If you are, of course we've got meetings coming up and a whole lot of communication from us to help you get to August 1st.

So take a deep breath, know that we've got some time. ICS is here to support you. Pick a webinar or two or three to go to, but don't add to the overwhelm. And there's a lot of information overflow right now and that is a great thing, but can also be a hard thing. All right, good luck. As we embark on this journey together, you will hear much more from us and our team. We've got some other podcast episodes coming your way as well, one with Betsy Smith and a partner of ours, Heath Eslinger, on hazing. That will be coming out in the next couple weeks.

Again, thank you for your patience as we get an episode out to you in 2024. Apologies for it being so late, but it's here as are the regulations. See you next episode. Thank you for joining today's episode of The Law and Education. Be sure to subscribe to the podcast so you're the first to know about any new episodes released. Our library of podcast episodes is always available online for easy reference and to share with colleagues.

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