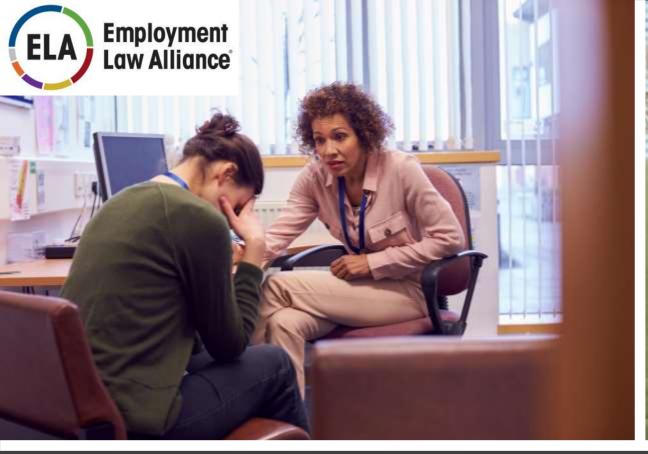


2020 Kegulations





Back to Campus - Back to Title IX: Confronting the Challenges of the 2020 Regulations



HOST

Visit us on the web at ELA.LAW

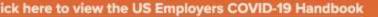


JOSH SALSBUREY

Member Sturgill, Turner, Barker & Moloney









ABOUT US

REGIONS



NEWS & INSIGHTS



UPCOMING WEBINARS

ON-DEMAND WEBINARS

EVENTS

Global HR Legal Solutions

The Employment Law Alliance is a comprehensive global network of local labor, employment and immigration attorneys that delivers timely solutions to employment law matters wherever business takes place. HR executives and Corporate Counsel can access exceptional legal service from a trusted law firm network with our Find a Lawyer tool below. Use the drop down menu to select a single or multiple jurisdictions to begin your search.

-Select Jurisdictions-

Find a Lawyer







HOST

Visit us on the web at ELA.LAW



JOSH SALSBUREY

Member Sturgill, Turner, Barker & Moloney













 $\mathsf{H} \mathsf{O} \mathsf{S} \mathsf{T}$ Visit us on the web at ELA.LAW



Welcome to Q&A

Questions you ask will show up here. Only host and panelists will be able to see all questions.







Type your question here...



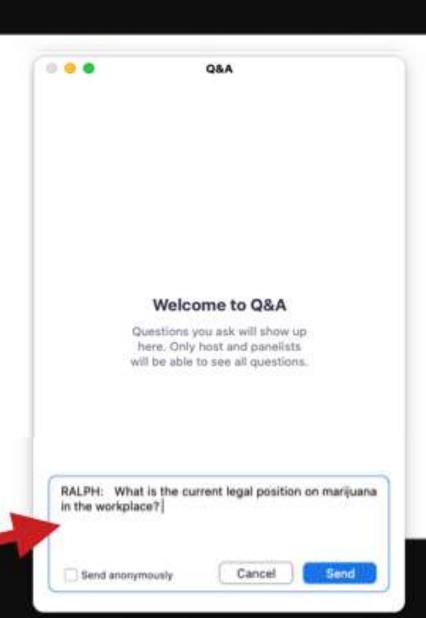


907



H O S T

Visit us on the web at ELA.LAW









https://webinars.ela.law/Back-to-Campus-and-Back-to-Title-IX



The ELA Presents



Back to Campus - Back to Title IX: Confronting the Challenges of the 2020 Regulations

Date: September 21, 2021

Time: 3:00 p.m. Eastern Daylight Time

Duration: 1 hour, 15 minutes

Event Resources

Presentation Slides & Certificate of Attendance

Resources provided by the speakers and their firms:

ELA Resources





MODERATOR

SUSAN DENIKER

Member

West Virginia susan.deniker@steptoe-johnson.com



Overview

Back to Campus - Back to Title IX: Confronting the Challenges of the 2020 Regulations

- Title IX Recent Changes
- Title IX Final Rule Effective Date
- Formal Complaint Signed by Title IX Coordinator
- Amending Notice of Allegations
- Access to Directly Related Evidence
- Changes Regarding "Statements" Not Subject to Cross-Examination
- Practical Tips for Conducting (Remote) Hearings





Panelists





DEREK ISHIKAWA

California dishikawa@hkemploymentlaw.com

Hirschfeld Kraemer KATHRYN M. NASH

Minnesota kathryn.nash@lathropgpm.com

Lathrop GPM, KATE NASH

Missouri - Eastern knash@tuethkeeney.com



Lots of Recent Changes



Kate NashShareholder
Tueth Keeney Cooper Mohan &
Jackstadt, PC
Missouri - Eastern

•	May 2021	U.S. Department of Education Announces Virtual Public
		Hearing on Title IX

- June 2021 Virtual Public Hearings on Title IX
- July 2021 Department of Education Issues a Questions and Answers
 Resource and Related Appendix on the Title IX Regulations on
 Sexual Harassment
- August 2021 Department of Education Issues Letter Regarding Court Ruling Vacating Title IX Regulation Restricting Postsecondary Schools' Use of Statements by Parties and Witnesses



Title IX Final Rule Effective Date



Derek IshikawaAttorney
Hirschfeld Kraemer LLP
California

- Two Options
 - Procedures in Place at Time When Allegations
 Arise
 - Procedures in Place at Time of Alleged Conduct
- Considerations for Either Approach
 - Legal
 - Practical



Formal Complaint Signed by Title IX Coordinator



Kathryn M. NashPartner
Lathrop GPM LLP
Minnesota

- Permitted/Required by regulations
- Circumstances that might trigger
 - Complainant is not participating or attempting to participate in program or activity
 - Complainant is unwilling but significant concerns about safety of community



Process Options: Title IX/VAWA v. Student Conduct



Derek Ishikawa Attorney Hirschfeld Kraemer LLP California

- Mandatory Dismissal Considerations
- Mandatory v. Permissive Use of Formal Title IX
 Process v. Student Conduct Process



Amending Notice of Allegations



Kathryn M. NashPartner
Lathrop GPM LLP
Minnesota

- Required by regulations
- Sufficient details
- Sufficient time for party to prepare



Access to Directly Related Evidence



Kathryn M. NashPartner
Lathrop GPM LLP
Minnesota

- Required by regulations
- Prior to completion of investigation report
- Provide party and party's advisor with hard copy or electronic format
- Include all directly related
- Exclude if not directly related, privileged information (unless waiver), treatment records (unless written consent)



Changes Regarding "Statements" Not Subject to Cross-Examination



Kate NashShareholder
Tueth Keeney Cooper Mohan &
Jackstadt, PC
Missouri - Eastern

- Regulations prohibit determinations that rely on "statements" not subject to cross-examination
- Massachusetts federal case invalidated this provision
- Department of Education issued guidance will cease enforcement of provision
- Practical implications?



Practical Tips for Conducting (Remote) Hearings



Derek Ishikawa Attorney Hirschfeld Kraemer LLP California

- Tips
- Technical/Process Considerations



Questions?





Thank You!

MODERATOR



Susan DenikerMember
Steptoe & Johnson PLLC
West Virginia



Kathryn M. NashPartner
Lathrop GPM LLP
Minnesota



Derek IshikawaAttorney
Hirschfeld Kraemer LLP
California



Kate NashShareholder
Tueth Keeney Cooper Mohan Jackstadt, PC
Missouri - Eastern



https://webinars.ela.law/Back-to-Campus-and-Back-to-Title-IX



The ELA Presents



Back to Campus - Back to Title IX: Confronting the Challenges of the 2020 Regulations

Date: September 21, 2021

Time: 3:00 p.m. Eastern Daylight Time

Duration: 1 hour, 15 minutes

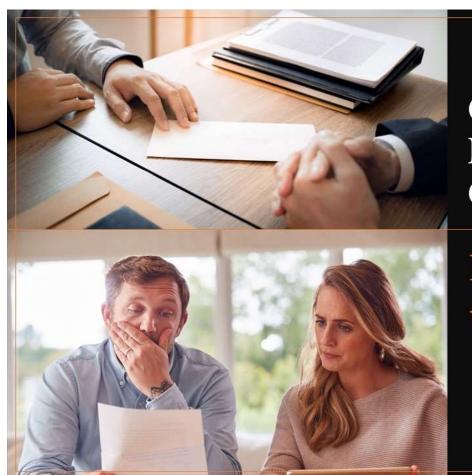
Region*	
	. *
Organization*	

Moderator Presenter Susan Llewellyn Deniker Chair, Labor & Employment Presenter Derek Ishikawa Attorney

Coming Up Next!

Register today!

September 29, 2021



Challenges and Key Measures for Consideration:

Redundancy in the Nordics





Employment Matters

Employment Law Alliance

An Employment Law podcast series for human resource executives and in-house counsel which features conversations with labor and employment lawyers with global expertise on key employment law topics and trends, immigration news and other important HR legal solutions for global and multinational companies.





More

Listen to the Employment Matters Podcast

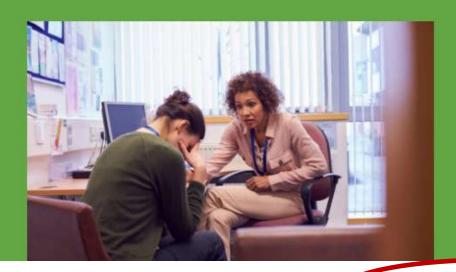


Continuing Education Credit

https://webinars.ela.law/Back-to-Campus-and-Back-to-Title-IX



The ELA Presents



Back to Campus - Back to Title IX: Confronting the Challenges of the 2020 Regulations

Date: September 21, 2021

Time: 3:00 p.m. Eastern Daylight Time

Duration: 1 hour, 15 minutes

Event Resources

Presentation Slides & Certificate of Attendance +

Resources provided by the speakers and their firms: +

ELA Resources +

Continuing Education Credit





This program is valid for 1.25 PDCs

Course Number: 21-4QTGY

Visit <u>www.SHRMcertification.org</u> to submit PDCs

A **Certificate of Attendance** and supporting materials are available for download in the resources tab and will also be included in your follow-up materials sent via email. Attendees seeking continuing education credit should submit these materials directly to the appropriate organization.

To listen to any past ELA webinar, visit our OnDemand webpage:

View OnDemand Library

For More Information:

Please contact our webinars team: webinars@ela.law







