

OCR publishes new guidance on Title IX Amendments

While district administrators were busy adjusting their sails to meet the direction of the Covid-related winds in 2020, they were also tasked with the hard work of interpreting and implementing the Title IX amendments that took effect on August 14, 2020.

After the efforts to train administrators and revise policy to accord with the amendments, many questions still exist. To answer those questions, on January 15, 2021, the USDOE, Office of Civil Rights, published new guidance, "Questions and Answers Regarding the Department's Title IX Regulations," parts 1 and 2, to supplement its guidance issued on September 4, 2020.

This new guidance addresses many of the questions school communities have asked when determining how to translate the text of the amendments to real-life application. For instance, Part 2 clarifies the scope of responsibility of a Title IX coordinator, specifying that the coordinator may also act as the investigator of a complaint and may be the facilitator of hearings and the informal resolution process (so long as the coordinator is free of conflicts of interest and bias). Part 1 of the guidance affirms that Title IX obligations apply to allegations between employees, not just those involving students. Both parts of the guidance also address many other questions that surround the amendments, including questions about the standard used to evaluate a district's compliance with the regulations, obligations when allegations of misconduct occur outside of an educational program, FERPA and confidentiality concerns, and myriad other topics.

While there has been talk of the new Biden administration reversing some or all of the Title IX amendments, until that occurs, districts must be mindful of the legal obligations currently placed on them under these regulations.

Susan Keating Anderson and the law firm of Roetzel and Andress are excited to announce that Susan recently joined the firm as a shareholder in its Education law group.



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