

insights

TYPES NOT MAPPED YET July 24, 2020 | TTR not mapped yet | Booker T. Shaw, Susan M. Lorenc, Aaron D. Lacey, Scott Z. Goldschmidt

Thompson Coburn releases free Title IX training series for institutions of Higher Education

On August 14, 2020, the U.S. Department of Education's new and controversial [Title IX Rule](#) concerning allegations of sexual harassment takes effect. To assist institutions of higher education working to comply with the new rule, Thompson Coburn's Higher Education Practice has created a free, [online lecture series](#) that provides foundational training for those individuals who will be administering the new Title IX process this fall, including Title IX coordinators, investigators, advisors, hearing officers and appeal officers.

Pursuant to the new rule, colleges and universities are required to train these individuals to carry out their roles. The training must cover certain, specified concepts and institutions must post any training materials they use to their external websites, making them available to the public. Thompson Coburn's training series has been designed specifically to assist institutions with fulfilling these requirements. The entire, six-part series is free and available on YouTube, and may easily be linked to institutional websites. [Click here](#) to request downloadable versions of the modules.

"We know that these are extraordinarily challenging times for higher education, and that resources for most institutions are strained to the limit," observed Aaron Lacey, Chair of the firm's Higher Education Practice. "When the new Title IX rule was released, we anticipated that many schools would find it difficult, if not impossible, to identify and secure the required training, particularly by August 14. And even for those institutions that located such training, there would be the added challenge of ensuring that the training is current, of high quality, and accessible to faculty and staff who are working remotely or across multiple campus locations. For all of these reasons, we decided to create an online training series that was free, easily accessible and focused on providing strong, foundational training for faculty, staff and administrators."

Lacey added, "Though we describe the training as 'foundational,' it is quite robust. The six training modules total nearly eight hours of instruction, and include detailed discussions of the new law, as well as guidance and practical advice from a former deputy general counsel, a seasoned investigator and a retired judge."

A brief description of each module in the training series is set out below. Though designed to be watched in the following order, modules also can be watched separately, on a stand-alone basis.

- **Module 1 - An Introduction to Managing Title IX Sexual Harassment on Campus:** In the Fundamentals of the Law module, [Scott Goldschmidt](#) and [Aaron Lacey](#) provide an overview of the new Title IX rule. Starting with a background and history of Title IX, the module details key definitions, elements of a sufficient response to "Title IX sexual harassment," interim and supportive measures and recordkeeping requirements.
- **Module 2 - Formal Complaints of Title IX Sexual Harassment:** In the Formal Complaints module, Scott Goldschmidt and Aaron Lacey discuss the new regulation's framework for formal complaints of Title IX sexual harassment. The module details the ten core requirements for a formal complaint process and explains the requirements regarding dismissals and consolidation of complaints.
- **Module 3 - Title IX Investigations & Informal Resolutions:** In the Investigations and Informal Resolutions module, [Susan Lorenc](#), Scott Goldschmidt, and Aaron Lacey explain the new regulation's requirements for investigations of formal complaints of Title IX sexual harassment. The module explores key concepts, notice requirements, confidentiality, evidence, serving impartially, issues of relevance, interviews, credibility determinations, collection and review of documentation and writing investigative reports. The module also explains the regulation's requirements regarding informal resolutions.

- **Module 4 - Title IX Hearings:** In the Hearings module, Retired Judge [Booker Shaw](#), Scott Goldschmidt, and Aaron Lacey, discuss the new regulation's hearing requirements for formal complaints of Title IX sexual harassment. The module delves into key concepts, the live hearing requirement, advisors, managing cross-examination, relevance, credibility, burden of proof, evidence and legal privileges.
- **Module 5 - Title IX Determinations:** In the Determinations module, Susan Lorenc, Scott Goldschmidt, and Aaron Lacey explore the new regulation's requirements for written determinations of responsibility following a hearing. The module covers key concepts, the format and content of determinations, organizing facts and thoughts, excluding facts in evidence, weighing facts under applicable evidentiary standards, types of evidence, effective deliberations and writing a defensible determination.
- **Module 6 - Title IX Appeals:** In the final module of the series, Retired Judge Booker Shaw, Scott Goldschmidt, and Aaron Lacey explain the new Title IX rule's requirements for appeals. The module details key concepts, bases for appeal, drafting appeal decisions and requirements for appeal officers.

[Click here](#) to access the slide decks for all six modules.

Thompson Coburn strongly encourages institutions that make use of the training series to supplement the series with training on the institution's specific policies and procedures concerning formal complaints of sexual harassment, as well as with investigation and hearing simulations. The firm's Higher Education practice is available and would be pleased to assist in the design, creation and delivery of this supplementary, custom training.

For inquiries regarding the Thompson Coburn Title IX Training Series, custom training and simulations, or other issues relating to Title IX compliance, institutions are welcome to contact Scott Goldschmidt at sgoldschmidt@thompsoncoburn.com or Aaron Lacey at alacey@thompsoncoburn.com.

[Aaron Lacey](#) is the leader of Thompson Coburn's Higher Education practice, host of the Firm's popular Higher Education Webinar Series, and editorial director of REGucation, the Firm's higher education law and policy blog. [Scott Goldschmidt](#) is the former Deputy General Counsel for Catholic University, and a member of the firm's Higher Education practice.

About REGucation

Welcome to REGucation, the higher education blog that strives, through practical advice and insight, to help the higher education community manage a fast-changing and increasingly complex regulatory environment.

Our goal is to serve as a practical, concise, and accessible resource for institutions confronting regulatory and policy issues. The blog focuses on the extraordinarily broad and sophisticated set of legal challenges faced by contemporary post-secondary institutions, including those involving real estate, construction, joint ventures, litigation, intellectual property, immigration, taxation, financing, employees and benefits, and government relations, to name a few. We also cover the staggering collection of federal, state, and accrediting agency laws and standards specific to higher education.

If there are topics you would like us to cover, or questions you may have regarding a topic that already has been addressed, please do not hesitate to reach out. Finally, if you would like to contribute a guest article, we would love to hear from you.

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