2020 Title IX Regulations: K-12 Basic Compliance Training

September 24, 2020
Presented by Jackie Gharpour Wernz

FRANCZEK

1

2

Why Are We Here?

3

Know the Rules

4

5

But not just any action, the right action for the conduct at issue!

6

7

Why is this so important?

8

1 in 4 women experiences sexual assault before age 18

10% of children are targets of educator sexual misconduct before high school graduation

48% of U.S. students are subject to sexual harassment or assault at school before graduating high school

In 2010-2011, 36% of girls, 24% of boys and 30% of all students grades 7-12 experienced online sexual harassment

9

According to a **2017 report from the Justice Department**, only

23 percent

of all sexual assaults are reported to the police.

10

11

Harassment and assault can have long lasting, detrimental effects on victims

12

Effects on Individuals

Poor performance in school

Stress

Disengagement

Fear

Conflict

Distraction

Anger

Mistrust

Lost Opportunities

Acting out

Absenteeism

Drop-out

Suicide

ANXIETY

PTSD

DEPRESSION

13

Effects on Teams

Decreased focus

Lost productivity

Withdrawal

Neglect

Absenteeism

Malingering

Lack of trust in leadership

Turnover

14

Unfair processes can have
long lasting, detrimental effects on the parties

15

Mattress Protest and Its Aftermath

Case of alleged rape at Columbia first yielded much sympathy for the accuser an protest, but ends with the university apologizing to the accused. The case has ha on the discussion of sexual assault on campus.

By Jeremy Bauer-Wolf // July 24, 2017

The New York Times Magazine

FEATURE

The Accusations Were Lies. But Could We Prove It?

When the university told my wife about the sexual-harassment complaints against her, we knew they weren't true. We had no idea how strange the truth really was.

16

Responding to Harassment

Is required by the law

17

ED Office for Civil Rights (OCR)

FRANCZEK

franczek.com

18

19

Ice Breaker

20

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

21

Have you been involved in a Title IX complaint during your time at the District?

Yes

No

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

22

Have you been involved with a student or employee issue involving unwanted conduct on the basis of sex?

Yes

No

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

23

In the Zoom Chat

Name, Title

What is the most important question you would like answered today?

24

What is Title IX?

25

What is the first word you think of when you hear "Title IX"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

26

27

Title IX Statute

(20 U.S.C. §§ 1681–1688)

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

FRANCZEK

franczek.com

28

What falls under Title IX?

- Recruitment, Admissions, and Counseling
- Financial Assistance
- Athletics
- Sex-Based Harassment
- Treatment of Pregnant & Parenting Students
- Discipline
- Single-Sex Education
- Employment
- Retaliation

FRANCZEK

franczek.com

29

Title IX Regulations

(34 C.F.R. Part 106 – Amended as of 8/14/2020)

- Prohibit discrimination on the basis of sex
- Establish procedural requirements
  - Policy + detailed grievance procedure
  - Designation of Title IX coordinator(s)
  - And many more requirements!

FRANCZEK

franczek.com

30

(c) Franczek P.C. 2020. Not legal advice. Subject to limited license and copyright; see final page.

When Must the School Respond to Sexual Harassment?

31

It Depends Who [Well, Which Law] You Ask

Employment

- Illinois Human Rights Act
- Title VII
- Title IX

Students

- Illinois Human Rights Act
- Illinois Sex Equity Regulations
- Title IX

32

When must a school respond to Title IX sexual harassment?

A school with actual knowledge of [Title IX] sexual harassment in an education program or activity against a person in the united States must respond

33

Notice

ACTUAL knowledge

To Title IX Coordinator or "official with authority" (all K-12 employees)

FRANCZEK

franczek.com

34

Official with Authority

- Title IX Coordinator
- Any other officials who have been given authority to institute corrective measures by the school district
- K-12: All employees

FRANCZEK

franczek.com

35

Actual Knowledge

1. Sense
2. Report

36

Reporting Sexual Harassment: Who, How and When?

- Any person may report sex discrimination, regardless of whether the person is the alleged victim of the reported conduct
- Reports can be made by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator
- Or by any means that results in the Title IX Coordinator receiving the person's report
- Such a report may be made at any time, including during non business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator

37

Key Word: "Allegation"

Once a school has notice of **an allegation** that, **if true**, would constitute Title IX Sexual Harassment, it must respond

"Well, we didn't believe there was enough evidence it happened" does not get you past your responsibility to use your Title IX Sexual Harassment grievance process

FRANCZEK

franczek.com

38

Issue Spotting

Order of protection: Principal served with order of protection requiring 17 year old male student to have no contact with 16 year old female student due to alleged sexual assault off campus.

FRANCZEK

franczek.com

39

Does the Principal have "actual knowledge" of the sexual assault claim?

Yes

No

Start the presentation to see live content. For screen share software, share the entire screen. Get help at pollev.com/app

40

What is Sexual Harassment?

41

It Depends Who [Well, Which Law] You Ask

Employment

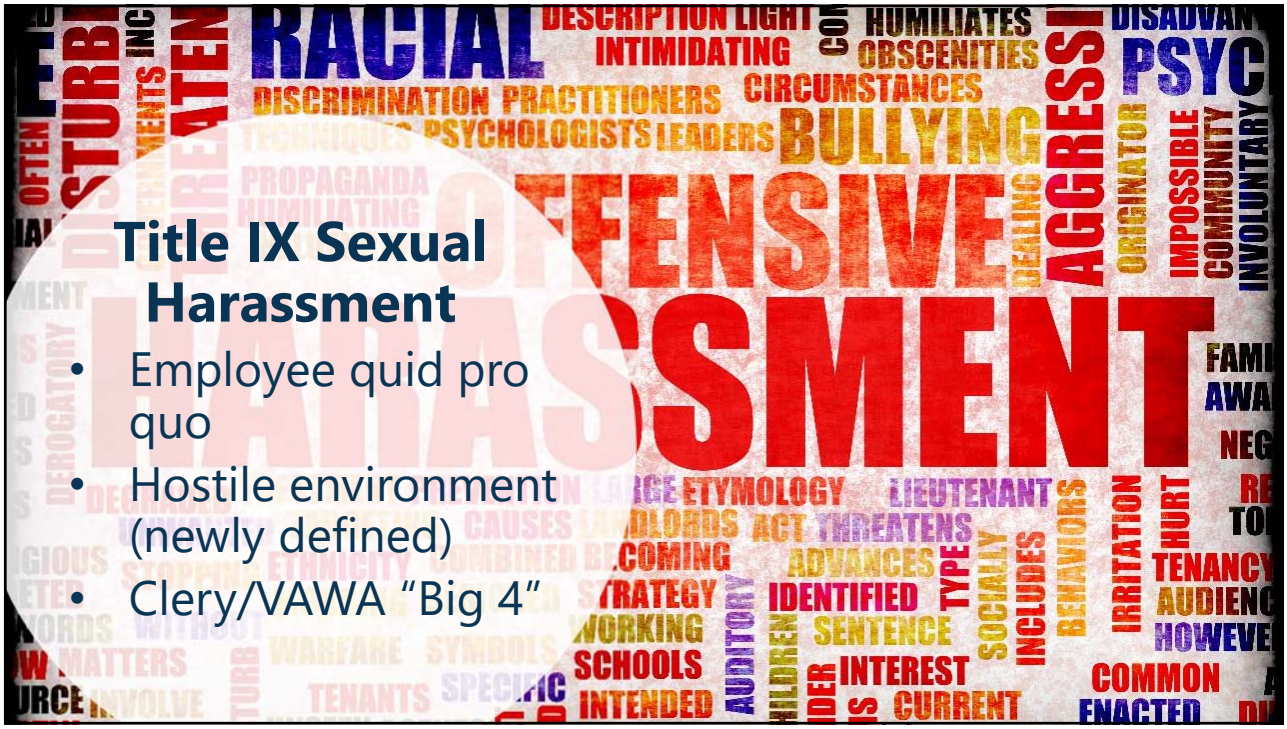
- Illinois Human Rights Act
- Title VII
- Title IX

Students

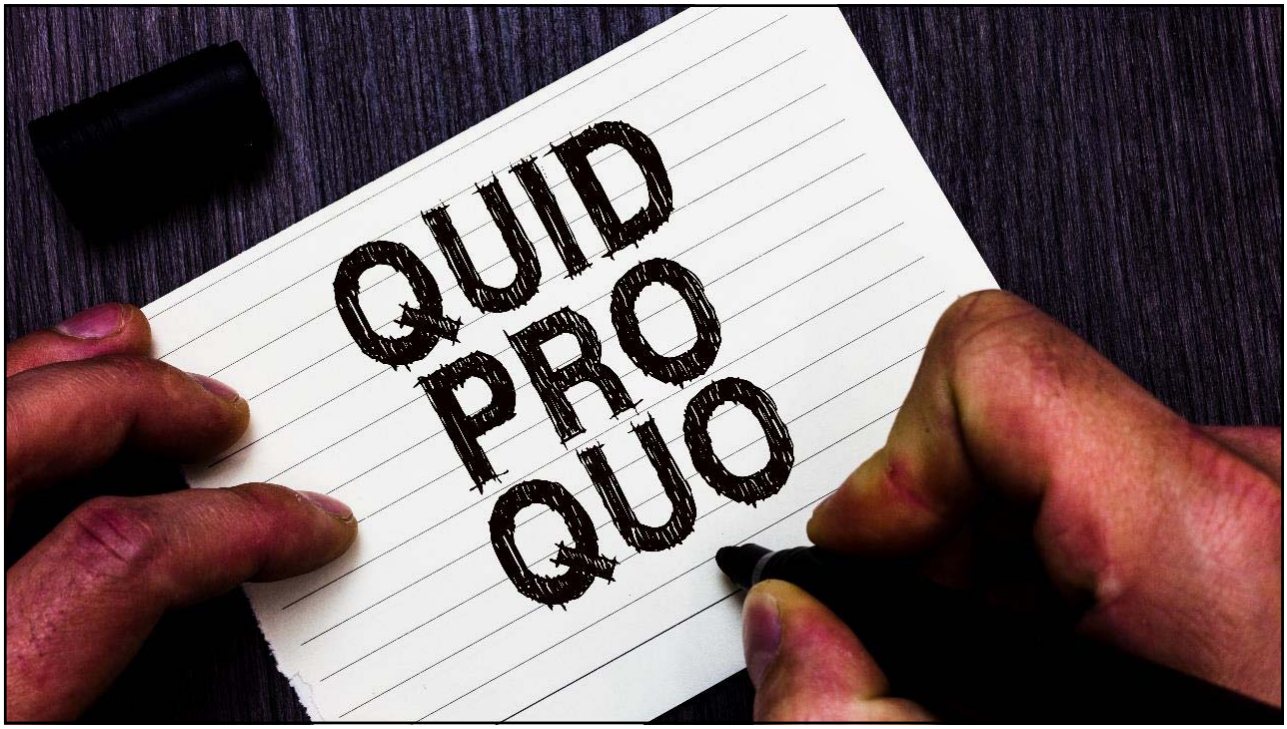
- Illinois Human Rights Act
- Illinois Sex Equity Regulations
- Title IX

42

(c) Franczek P.C. 2020. Not legal advice. Subject to limited license and copyright; see final page.


Title IX Sexual Harassment
• Employee quid pro quo
• Hostile environment (newly defined)
• Clery/VAWA "Big 4"

43


QUID
PRO
QUO

44

Quid Pro Quo

Quid = Something

Pro = For

Quo = Something

FRANCZEK

franczek.com

45

Title IX Quid Pro Quo

Definition: An employee of the educational institution conditioning an aid, service, or benefit of the educational institution on participation in unwelcome sexual conduct

New: Only an employee (not a volunteer, another student, etc.)

Codified: Severity and harm presumed

FRANCZEK

franczek.com

46

VAWA "Big Four"

- Sexual Assault 20 U.S.C. 1092(f)(6)(A)(v)
- Domestic Violence 34 U.S.C. 12291(a)(8)
- Dating Violence 34 U.S.C. 12291(a)(10)
- Stalking 34 U.S.C. 12291(a)(30)

FRANCZEK

franczek.com

47

48

Title IX – What is a Hostile Environment

Old Definition

Unwelcome conduct determined by a reasonable person to be **severe, pervasive or persistent as to interfere with or limit a student's ability to participate in or benefit from school services, activities, or opportunities**

New Definition (8/14)

Unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the school's education program or activity**

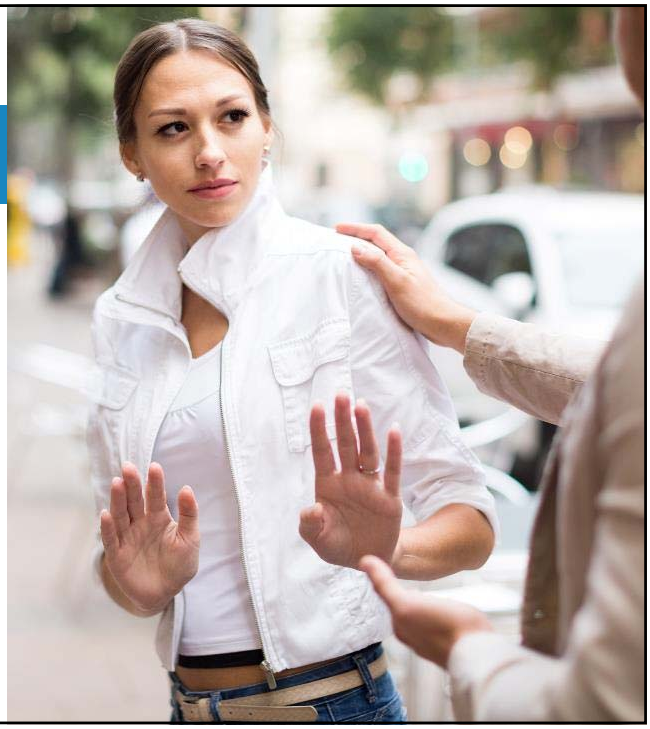
49

Unwelcome Conduct

- Not Consent
- Not Participation
- Not Silence
- Age Matters
- Intoxication Matters
- Culture Matters
- Ability Matters

**subjective + reasonable person

FRANCZEK



50

What is the first word you think of when you hear "severe"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

51

Severe

- Something more than juvenile behavior
- Something more than antagonistic, non-consensual, and crass conduct
- Simple acts of teasing and name-calling are not enough, even when comments are based on sex
- It is not enough to show that a student has been teased or called offensive names

FRANCZEK

franczek.com

52

What is the first word you think of when you hear "pervasive"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

53

Pervasive

- Systemic or widespread
- Multiple incidents of harassment
- One incident is not enough, even if very severe

FRANCZEK

franczek.com

54

What is the first word you think of when you hear "objectively offensive"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

55

Objectively Offensive

- Behavior that would be offensive to a reasonable person under the circumstances
- Not just offensive to the victim, personally or subjectively
- Consider ages, numbers, relationships

FRANCZEK

franczek.com

56

Constellation of surrounding circumstances, expectations, and relationships

57

Hostile Environment Factors

Context, Nature, Scope, Frequency, Duration, and Location of the Incidents

Identity, Number, Ages, and Relationships of the Persons involved

FRANCZEK

franczek.com

58

59

Denial of Access

Nor do we contemplate, much less hold, that a mere "decline in grades is enough to survive" a motion to dismiss. *Ibid.* The dropoff in [the student]'s grades provides necessary evidence of a potential link between her education and [the perpetrator]'s misconduct, but petitioner's ability to state a cognizable claim here depends equally on the alleged persistence and severity of [the perpetrator]'s actions, not to mention the Board's alleged knowledge and deliberate indifference.

Davis Next Friend LaShonda D. v. Monroe Cty. Bd. of Educ., 526 U.S. 629, 652, 119 S. Ct. 1661, 1676, 143 L. Ed. 2d 839 (1999)

FRANCZEK

franczek.com

60

What about…. casual or isolated comments or conduct?

61

Yes or No?

Is this severe, pervasive, and objectively offensive?

62

A student makes multiple insensitive jokes to another student?

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

63

A teacher makes a sexually inappropriate comment to a student in class?

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

64

One student grabs another student's breasts during a soccer game.

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

65

A student "uses tongue" during an acting scene without the other student's permission.

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

66

A group of students (one sex) make a Facebook post rating students (another sex) by attractiveness and share with school community

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

67

A teacher (one sex) tells a student (another sex) to trade a back rub in the classroom for a good grade on a test

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

68

Students incessantly mock a female student for not wearing makeup saying she looks "like a boy"

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

69

A student sends a completely nude picture to the student's significant other (another student)

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

70

The recipient student forwards the photo to 20 classmates

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

71

72

Break

73

When must a school respond to Title IX sexual harassment?

A school with actual knowledge of [Title IX] sexual harassment in an education program or activity against a person in the united States must respond

74

Title IX Sexual Harassment Must Be "In a Program or Activity"

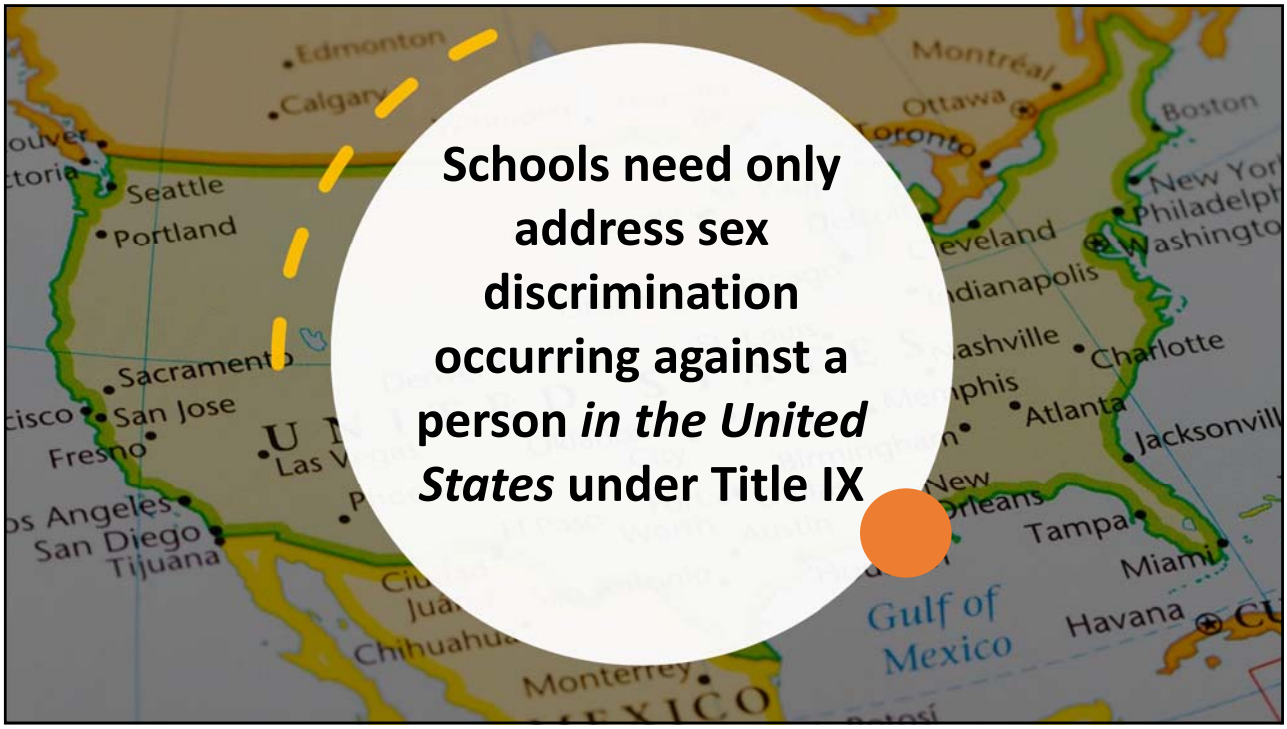
75

Program or Activity: Any location, events, or circumstance over which the school exhibits substantial control over both the alleged harasser and the "context" in which the harassment occurred

76

Online & Off Campus
Substantial control over the context?

77


Schools need only address sex discrimination occurring against a person *in the United States* under Title IX
Edmonton
Calgary
Seattle
Portland
Sacramento
San Jose
Fresno
San Diego
Tijuana
Montréal
Ottawa
Boston
Cleveland
Indianapolis
Charlotte
Atlanta
Jacksonville
Tampa
Miami
Havana
Gulf of Mexico
Monterrey

78

DISMISSALS

Mandatory if conduct alleged:

Not Title IX Sexual Harassment

Did not occur in the school's program or activity

Did not occur in the United States

**can still address under non-Title IX policy

Permissive if:

Complainant requests to withdraw in writing

Respondent's enrollment or employment ends

Specific circumstances prevent school from gathering evidence sufficient to reach a determine (e.g., passage of time, lack of cooperation by complainant)

79

How Must You Respond?

80

Board Policies on Harassment

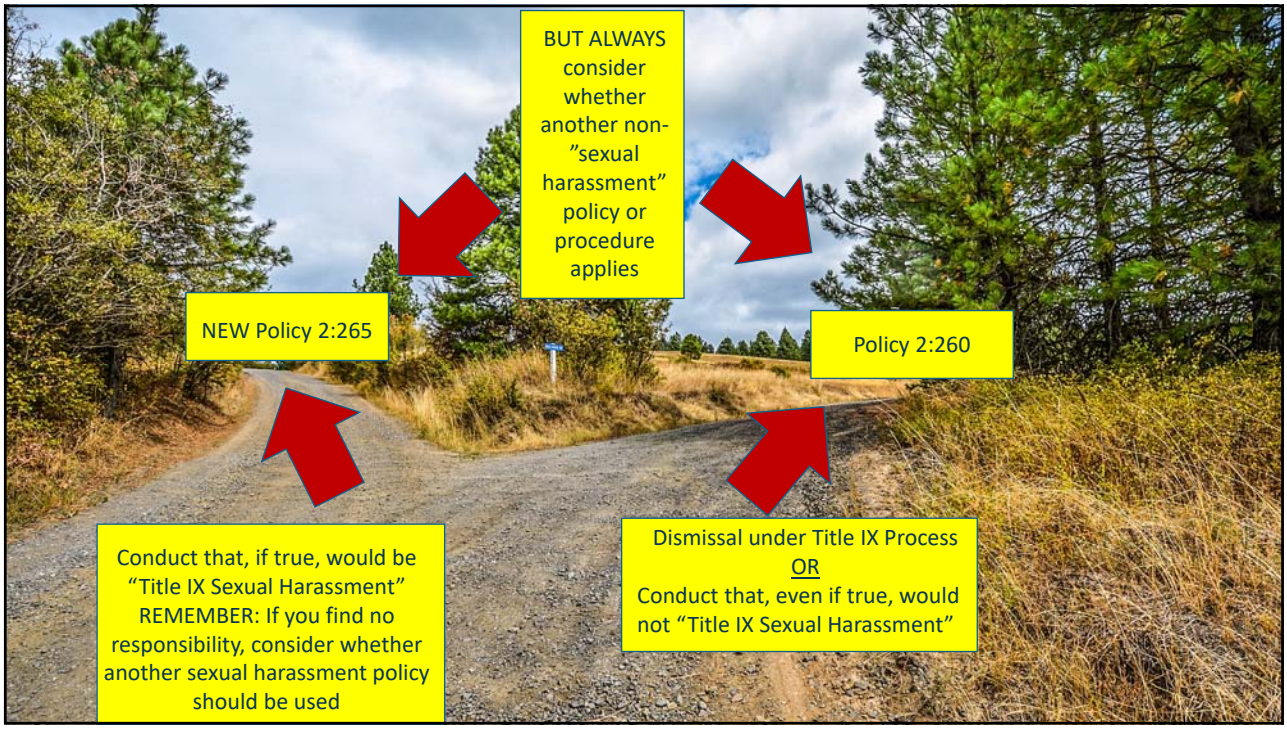
Option 1: NEW Board Policy 2:265 Title IX Sexual Harassment (for TIX Sexual Harassment *only)*

Option 2: Board Policy 2:260 Uniform Grievance Procedure (for any other violation of law, including other types of "sexual harassment")

Option 3: Other Board policies prohibiting conduct, e.g., bullying, sex equity policies

81

82



83

Adequate Response

1 Initial Response/Supportive Measures

2 Informal Resolution (Voluntary)

3 Investigation

4 Decision

5 Appeal

FRANCZEK

franczek.com

84

1 Initial Response/Supportive Measures

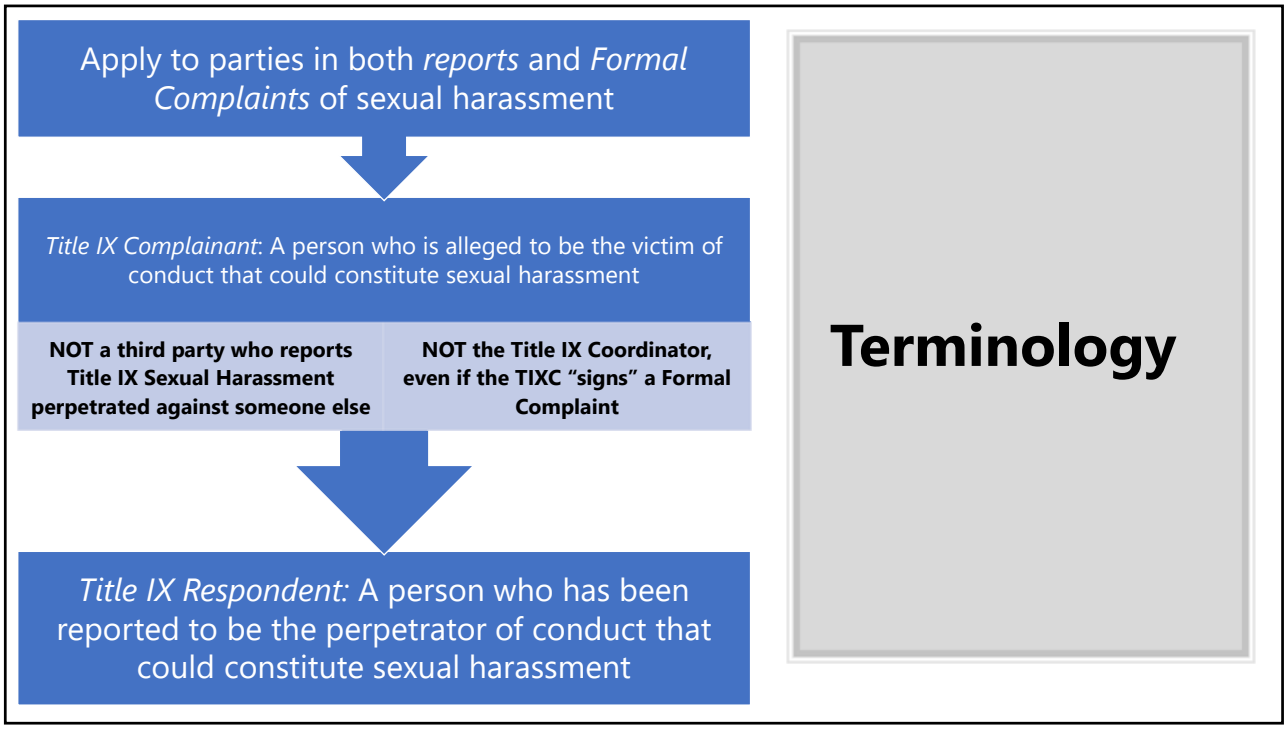
85

Title IX Coordinator

- Must be called Title IX Coordinator
- Must meet with alleged victims of sexual harassment (the Title IX Complainant) *upon actual knowledge of TIX SH even if no formal complaint filed*
- Can delegate responsibilities

FRANCZEK

86



87

Title IX Coordinator (or designee) must promptly, **even if no Formal Complaint is filed**:

- Contact the Title IX Complainant to discuss the availability of "supportive measures"
- Consider the Title IX Complainant's wishes with respect to supportive measures
- Inform the Title IX Complainant of the availability of supportive measures with or without the filing of a formal complaint
- Explain the process for filing a Formal Complaint

***New*: Initial Response**

88

Formal Complaint

Defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. 34 C.F.R. § 106.30(a).

89

Signing a Complaint

Factors to consider

90

Supportive Measures

What Changed?

OLD TERM
(OCR Guidance)

- Used terms such as "interim measures" or "interim steps" to describe measures to help a complainant maintain equal educational access
- Implied only available during pendency of investigation, did not mandate offering them, not clear if could be punitive or disciplinary, and did not clarify if available to respondents

NEW TERM
(Final Rule)

- **Non-punitive**, individualized services, offered as appropriate and without charge to a complainant or a respondent before or after the filling of a formal complaint, or where no complaint has been filed (34. C.F.R.106.30(a)).
- **Should be designed to restore or preserve equal access to the education program or activity without "unreasonably" burdening the other party**
- **Should be confidential**

91

Examples of Supportive Measures

- Counseling
- Course modifications
- Schedule changes
- Increased monitoring or supervision

A supportive measure that completely removes a respondent from an activity would likely be considered punitive, except for "emergency removals" for students and "administrative leaves" for employees

92

Emergency Removal/ Admin Leave

Immediate emergency removal

(34 C.F.R. 106.44(c))

- Based on an individualized safety and risk analysis
- Necessary to protect a student or other individual from **immediate threat** to **physical health or safety**
- **Notice, opportunity to challenge** provided "immediately" provided the removal
- Consider other laws, e.g., SB100, "change in placement" under IDEA

Employee administrative leave

(34 C.F.R. 106.44(d))

- Not prohibited
- Consider state law, board policy, handbooks, and bargaining agreements

93

What about Protective Orders?

94

2 Informal Resolution (Voluntary)

95

Informal Resolution

INFORMAL RESOLUTION IS NOT PERMITTED UNDER THE FOLLOWING CONDITIONS:	INFORMAL RESOLUTION MAY MOVE FORWARD UNDER THE FOLLOWING CONDITIONS:
• Cannot condition enrollment, employment, or any right on waiver of right to investigation and adjudication of formal complaints under grievance procedure • Cannot require use of informal resolution process • Cannot offer informal resolution process until formal complaint is filed • Not available to resolve allegations that employee sexually harassed a student	• Any time prior to reaching a determination, either party may request informal resolution • Requires voluntary, written consent from both parties • Any party has a right to withdraw prior to agreement

FRANCZEK

96

Informal Resolution Facilitators

- We do not recommend using the Title IX Coordinator or investigator(s) or decisionmakers (complaint and appeal)

97

Written Notice: Required

- To both parties
- In writing
- Allegations
- Requirements of informal resolution process (including circumstances under which the party cannot resume a formal complaint arising from the allegations)
- Resulting consequences of participating (e.g., records)

98

3 **Investigation**

99

New:
Formal Complaint Response
34 C.F.R. 106.45(b)

- Requires a number of specific steps for investigating
- Major shift from previous, more deferential stance toward specific policies and practices for complaint resolution

100

ANATOMY OF AN INVESTIGATION

- Written notice to the parties
- Choosing an investigator
- Required elements of an investigation

101

- Written notice to known parties "upon receipt of written complaint"
- In sufficient time to allow respondent to prepare a response before any **initial** interview
- Must include:
  - Notice of grievance process, including any informal resolution process
  - Notice of allegations, in sufficient detail to allow respondent to prepare a response (names of known parties, conduct alleged, date and location of conduct, if known)

More Steps: Written Notice

102

More Steps: Written Notice

- Must include:
  - Statement that respondent presumed not responsible and that responsibility determined at conclusion of grievance process
  - Notice of parties' rights to have an attorney or non-attorney advisor and to inspect and review evidence
  - Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false evidence during the grievance process
- Must be supplemented if new allegations opened for investigation

103

Written Notice: Required

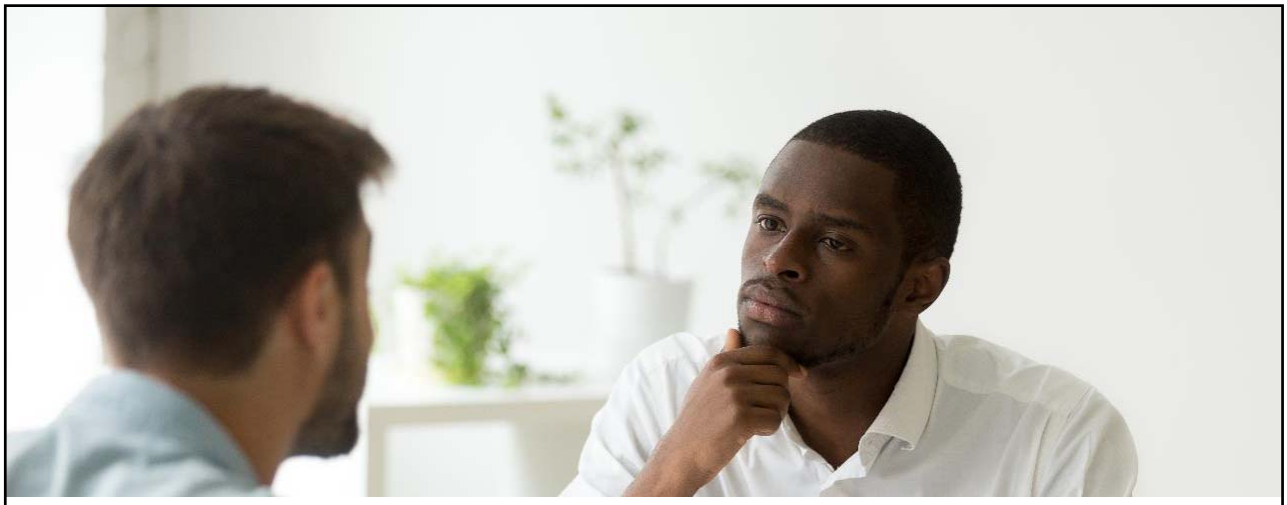
- Informal resolution notice
- Notice at start of investigation
- Dismissal notice
- Interview notices
- Report
- Notice why proposed questions not asked on cross and why
- Written determination and notice of appeal rights

104

Written Notice: Recommended

- Document information to complainant at initial meeting, including supportive measures requested/provided
- Document that review of evidence provided to both parties
- Document opportunity to ask questions, answers, follow-up questions, etc.

105



Who should investigate?

- Can be the Title IX Coordinator
- But should it?

106

Who should investigate?

- Trained
- Unbiased
- No actual or perceived conflict of interest
  - Consider "institutional interests"
- No prejudgment of the facts

FRANCZEK

107

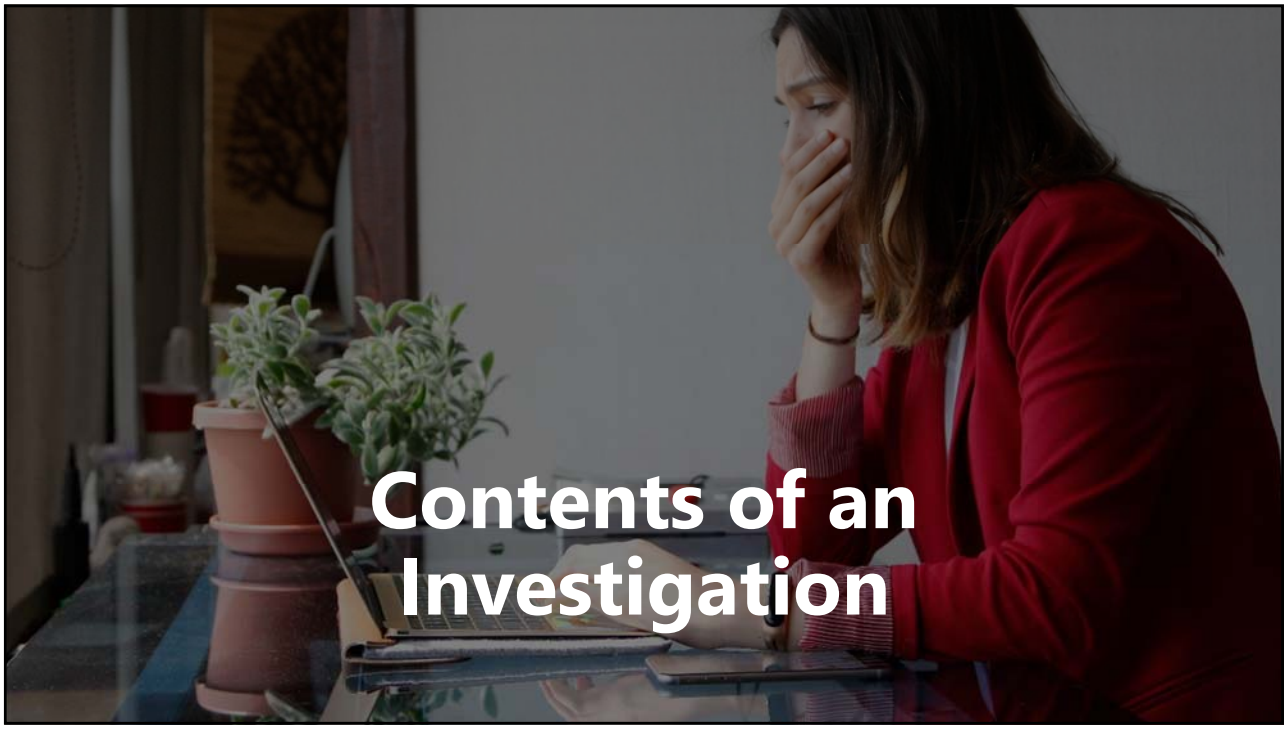
Who should investigate?

- Consider the perception of bias
  - Your friendship or other relationship with the accused or their family
  - Your personal characcteristics
  - Your personal conflicts (even if just perceived)
  - Personality conflicts

FRANCZEK

108

(c) Franczek P.C. 2020. Not legal advice. Subject to limited license and copyright; see final page.



109

Investigation 34 C.F.R. 106.45(b)(5)

- Burden of proof on school
- Certain treatment records cannot be obtained without voluntary, written consent
- No restriction of rights of parties to discuss allegations or gather or present evidence
- Same opportunities for others present during interviews or related proceedings (e.g., attorney or non-attorney advisor)
- Written notice to parties of date, time, participants, purpose, and location of each investigative interview with sufficient time to prepare
- All directly related evidence provided to parties and their advisors with 10 days to respond before report
- Written investigative report "fairly summarizes the relevant evidence" provided to parties and advisors at least 10 days before hearing or other determination of responsibility

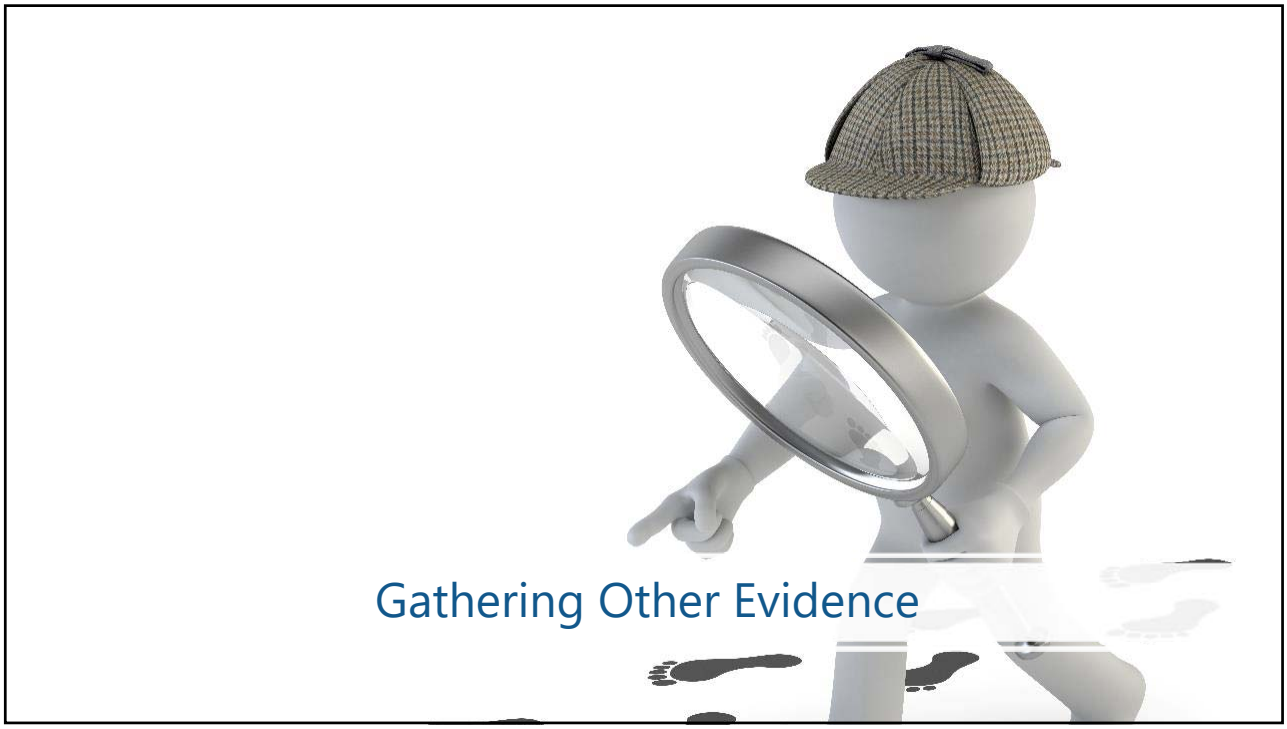
110

Investigation Plans Aren't Static

Reassess plan for investigation frequently

FRANCZEK

111



112

Warning! Medical Records

- Notice of allegations should not divulge either party's medical information
- Prohibited from accessing or using medical, psychological, or similar records in grievance process without a party's (or parent's) voluntary, written consent

FRANCZEK

113

Opportunity to Review Evidence

- Before the investigatory report is completed, evidence relating to the allegations must be sent to each party and advisor and should include <u>all directly related evidence</u> (including that which the school does not intend to rely upon and exculpatory and inculpatory evidence)
- Parties have 10 days to provide a written response

FRANCZEK

114

(c) Franczek P.C. 2020. Not legal advice. Subject to limited license and copyright; see final page.

Investigation Report Should Include

- Applicable policies and procedures
- Timeline of investigation
- Description of allegations
- Unbiased summary of evidence gathered, including interviews
- Credibility determination(s)

115

Investigation Report Writing

- Fairly summarizes <u>all relevant evidence</u>
- Provide the report to the parties and their advisors, if any, for their review and written response, at least 10 days before a hearing or other determination of responsibility

FRANCZEK

116

4 Decision

117

Decisionmaker(s) (Complaint)

- Cannot be the Title IX Coordinator or the investigator(s)

118

Determinations of Responsibility 34 C.F.R. 106.45(b)(6)

- Live hearing with live cross by party advisors required for higher ed, **not K-12;** Hearings permitted for K-12
- Each party allowed to submit written, **relevant** questions to be asked of another party or witness to the decisionmaker, who will provide each party with the answers and the opportunity for follow-up questions

119

Relevance

- Rape shield laws – for CP only
  - ➢Unless
    1. Used to prove someone other than respondent committed the conduct or
    2. Specific incidents related to the RP to show consent
- Treatment records
- Legally privileged information

FRANCZEK

120

Rulings on Relevance in Written "Cross"

- Provide reasoning for irrelevance
- Admit and consider all relevant evidence
- Questions must be appropriate
- Identify exceptions

FRANCZEK

121

122

Written Determination

Identify	Identify the allegations
Describe	Describe procedural steps taken
Cite	Cite potential policy violations
Summarize	Fairly summarize all relevant evidence
Provide	Provide statement of result, with rationale, for each allegation
Appeal	Appeal procedures

123

Remember the Standard of Proof

Preponderance of the Evidence

124

Remedies

- Can be punitive/disciplinary
- Can be supportive measures or similar actions as well
- Can address individuals or larger community

125

5 Appeal

126

Appeal Process

- Available to both parties
- Can appeal determination regarding responsibility or dismissal
- Three bases for appeal (must impact outcome):
  - Procedural issue;
  - New evidence not reasonably available; or
  - Conflict of interest or bias

FRANCZEK

127

Appeal Process

- Notify party of appeal in writing
- Apply procedures equally for both parties
- Opportunity to submit written statement
- Issue written decision to both parties

FRANCZEK

128

(c) Franczek P.C. 2020. Not legal advice. Subject to limited license and copyright; see final page.

Decisionmaker(s) (Appeal)

Cannot be the Title IX Coordinator or the investigator(s) or the decisionmaker (complaint)

129

Bias, Conflicts of Interest, and Other Fairness Concerns

130

Bias

The Title IX Coordinator, investigator, decision-maker, or informal resolution facilitator must not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against any individual Complainant or Respondent. And that they not prejudge any matter before them.

FRANCZEK

131

What is the first word you think of when you hear "bias"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

132

What is the first word you think of when you hear "conflict of interest"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

133

What is the first word you think of when you hear "prejudgment"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at **pollev.com/app**

134

135

5 Min Guided Breakout

What steps can you take to avoid:

Prejudgment

Conflict of Interest

Bias

135

Recordkeeping

136

Recordkeeping

Must maintain the following for 7 years:

- Sexual harassment investigation documents, including:
  - Determination regarding responsibility
  - Recordings or transcripts of live hearing
  - Disciplinary sanctions imposed on Respondent
  - Remedies provided to Complainant
- Appeal and result
- Informal resolution and result
- Actions taken in response to a report of sexual harassment
- Actions taken in response to a formal complaint of sexual harassment

FRANCZEK

137

Recordkeeping

Responses to formal and informal complaints and actions taken in response should include:

- The basis for the school's conclusion that its response was not deliberately indifferent
- Documentation that it has taken measures designed to restore or preserve equal access to the school's education program or activity
- Supportive measures or if no supportive measures are provided, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

FRANCZEK

138

(c) Franczek P.C. 2020. Not legal advice. Subject to limited license and copyright; see final page.

Questions

FRANCZEK

139

© Franczek P.C. 2020. These materials are not legal advice. These materials are subject to a LIMITED LICENSE AND COPYRIGHT. These materials are proprietary and are owned and copyrighted by Franczek P.C. As training materials used to train Title IX personnel, these materials must be posted publicly by any organization or entity that purchased training for its Title IX personnel using these materials on that organization or entity's website or, if it has no website, must be made available by any such organization or entity for inspection and review at its offices. Accordingly, Franczek P.C. has granted a LIMITED LICENSE to the organization or entity that lawfully purchased training using these materials (the "LICENSEE") to post these materials on its website or otherwise make them available as required by 34 C.F.R. 106.45(B)(10). The LICENSEE and any party who in any way receives and/or uses these materials agree to accept all terms and conditions and to abide by all provisions of this LIMITED LICENSE. Only the LICENSEE may post these materials on its website, and the materials may be posted only for purposes of review/inspection by the public; they may not be displayed, posted, shared, published, or used for any other purpose. Franczek P.C. does not authorize any other public display, sharing, posting, or publication of these materials by the LICENSEE or any other party and does not authorize any use whatsoever by any party other than the LICENSEE. No party, including the LICENSEE, is authorized to copy, adapt, or otherwise use these materials without explicit written permission from Franczek P.C. No party, including the LICENSEE, is authorized to remove this LIMITED LICENSE AND COPYRIGHT language from any version of these materials or any copy thereof. Should any party, including the LICENSEE, display, post, share, publish, or otherwise use these materials in any manner other than that authorized by this LIMITED LICENSE, Franczek P.C. will exercise all available legal rights and seek all available legal remedies including, but not limited to, directing the party to immediately remove any improperly posted content, cease and desist any unauthorized use, and compensate Franczek P.C. for any unauthorized use to the extent authorized by copyright and other law. These materials may not be used by any party, including the LICENSEE, for any commercial purpose unless expressly authorized in writing by Franczek P.C. No other rights are provided, and all other rights are reserved.