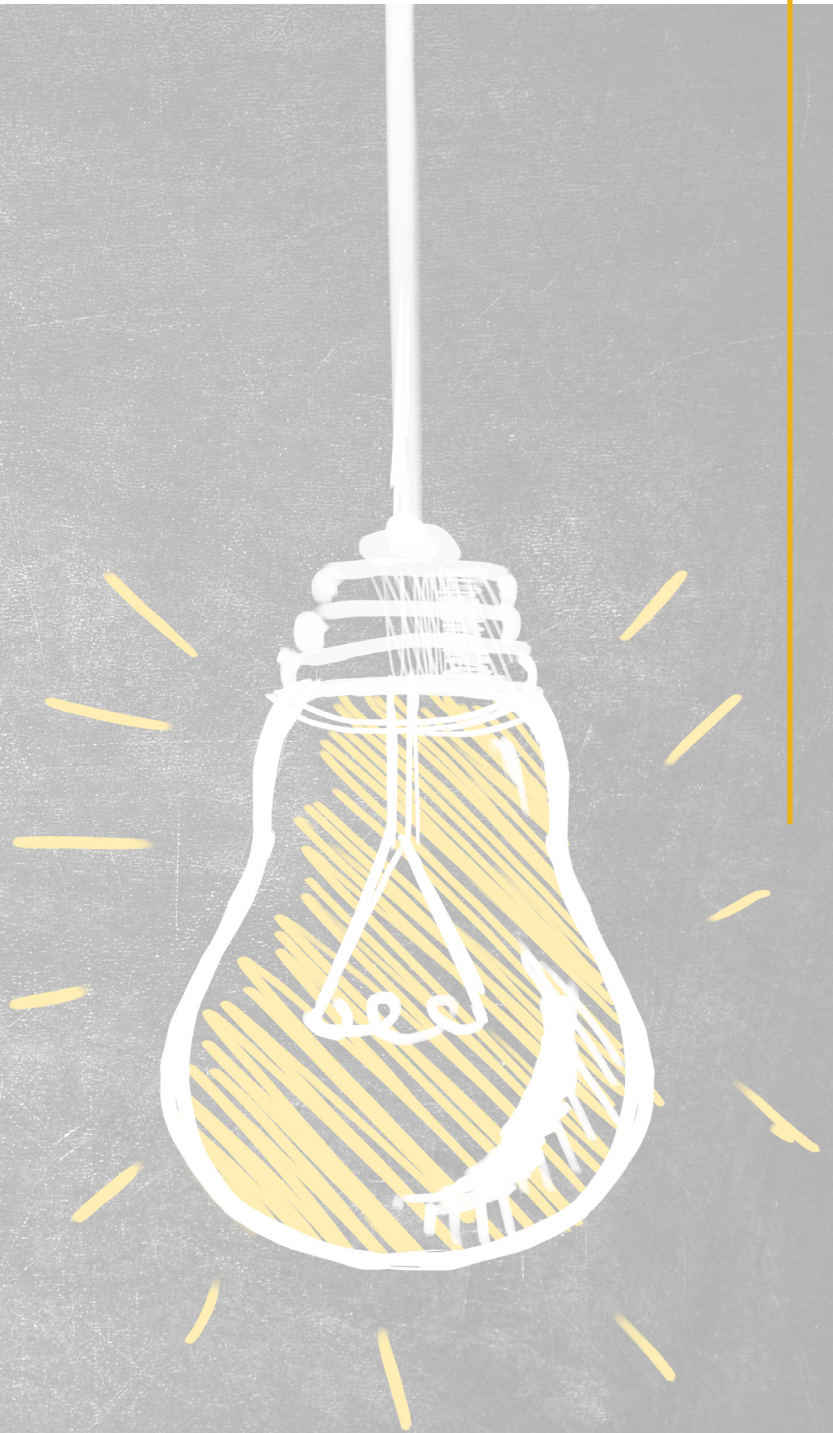


PRESENTED BY:



*Unparalleled Charter School Legal Services*

**YOUNG, MINNEY & CORR, LLP**

SACRAMENTO ■ LOS ANGELES ■ SAN DIEGO ■ WALNUT CREEK | 916.646.1400 ■ YMCLEGAL.COM



## Firm Overview

Young, Minney & Corr, LLP (YM&C) stands at the forefront of charter school advocacy since the enactment of California's Charter Schools Act of 1992. Our firm offers unparalleled legal proficiency encompassing all aspects of charter school establishment, growth, and operation.

At YM&C, we place great emphasis on a proactive legal approach. We assist our clients in foreseeing potential legal challenges, minimizing exposure to legal liabilities and associated costs, and preempting operational hurdles. In instances of liability, YM&C vigorously champions your cause, leveraging an extensive reservoir of experience, expertise, practical insight, and adeptness in advocating steadfastly on your behalf.

With a cadre of 35+ attorneys situated across various in California, YM&C takes pride in being a truly cooperative collective marked by diverse backgrounds and personas. We are dedicated to meeting all your charter school requisites.

YM&C offers a full breadth of legal services in every aspect of charter school law:

- Labor & Employment
- Student Rights & Discipline
- Special Education
- Board Governance
- Facilities
- Development & Renewal
- Insurance Defense
- Litigation
- Independent Study
- Corporate Law
- Public Law

With our main office located in Sacramento, YM&C is also uniquely positioned to influence the public policy debate in California – helping shape the future of charter schools.

For more information on our team of expert attorneys and services, please visit [www.ymclegal.com](http://www.ymclegal.com) or call us at **916-646-1400**.

# Rikeshia Lane

Of Counsel

Los Angeles Office

916.646.1400

rlane@ymclegal.com



Rikeshia Lane's primary practice areas include assisting schools in compliance with special education, Section 504, and Title IX and conducting and overseeing various investigations. She regularly advises clients on due process complaints before the Office of Administrative Hearings, compliance complaints with the California Department of Education, and civil rights complaints with the Office for Civil Rights. She also assists clients with challenging IEP meetings, internal employee-related investigations, student discipline, student and employee First Amendment rights, and general compliance with policies and procedures.

Before joining Young, Minney & Corr, LLP, Rikeshia worked for law firms representing school districts, county offices of education, community colleges, and special education local plan areas in California. Rikeshia focused on special education, student services, and investigations. She previously worked as Campus Counsel in the California State University's Office of General Counsel. At CSU, she provided legal advice to one of the 23 campuses, CSU East Bay, and worked closely with its President and members of the Cabinet.

Rikeshia has also worked as an Adjunct Professor at the University of Southern California Gould School of Law, where she taught first-year law students in the Legal Writing and Advocacy Program. Using her teaching background, she regularly trains administrators and staff on special education compliance and Title IX.

Rikeshia enjoys working with clients on difficult questions while supporting their educational missions to serve students. She approaches her work with both legal expertise and empathy.

When not in the office, Rikeshia enjoys laughing with her daughter, CrossFit, and the antics of her two cats.

## PRACTICE AREAS

Student Rights & Discipline

Special Education

## EDUCATION

Columbia Law School (J.D.)

University of California,  
Los Angeles (B.A.)

# Casey L. Fee

Senior Counsel

Sacramento Office

916.646.1400 Ext. 255

cfee@ymclegal.com



Casey Fee's primary practice areas include litigation, facilities, and student matters. Casey has extensive experience advising clients regarding Title IX and conducting and overseeing various investigations. She regularly advises clients on due process complaints before the Office of Administrative Hearings, compliance complaints with the California Department of Education, and civil rights complaints with the Office for Civil Rights. Before joining Young, Minney & Corr, LLP, she practiced employment law and litigation for over three years. During college, Casey also worked as an Aide at a Special Education Preschool in the Bay Area, gaining valuable first-hand experience alongside passionate and dedicated educators.

Casey is a California native raised in a family of educators and administrators. Her mother was an adaptive physical education teacher for over 30 years, her stepfather was a Program Specialist for 17 years, and her father was the Principal of the first-ever charter school in her hometown.

## PRACTICE AREAS

Litigation

Student Rights & Discipline

Facilities

## EDUCATION

University of the Pacific,  
McGeorge School of Law (J.D.)

Arizona State University (B.A.)

# TITLE IX: EMPLOYEE TRAINING

YM&C



---

---

---

---

---

---

---

---



YM&C

## DISCLAIMER

- 1 This training cannot substitute for personalized legal advice.
- 2 Our advice is based upon the latest available guidance which is subject to change in this ever-evolving landscape.

2

---

---

---

---

---

---

---

---



YM&C

## YM&C FIRM MISSION

- 1 We champion outstanding choices in education for all students.
- 2 We believe a quality public education is a civil right.
- 3 We work and fight alongside you to ensure student needs are always put first.

3

---

---

---

---



---

---

---

---

PRESENTERS:



RIKESHA LANE, ESQ.  
Of Counsel

CASEY FEE, ESQ.  
Senior Counsel

YM&C

---

---

---

---

---

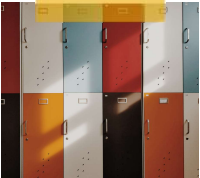

---

---

---

AGENDA

- ✔ Overview of the New Title IX Regulations
- ✔ Scope of Title IX
- ✔ Important Definitions
- ✔ Response to Sex Discrimination
- ✔ Student Pregnancy and Related Conditions
- ✔ Policy and Notice Requirements



YM&C

---

---

---

---

---

---

---

---



BRIEF OVERVIEW OF THE NEW TITLE IX REGULATIONS

YM&C

---

---

---

---

---

---

---

---

NEW TITLE IX REGULATIONS

Implementation

- Effective August 1, 2024
  - Apply to sex discrimination that allegedly occurred on or after August 1, 2024
- There are several court cases around the country seeking to prevent implementation of the new regulations
  - Several states disagree with the revised definition of “sex” to include gender identity and sexual orientation
  - California law already provides protections for these categories

YM&C

---

---

---

---

---

---

---

---

NEW TITLE IX REGULATIONS

Key changes from the current regulations

- Broadens the definition of sexual harassment;
  - New definition for “Sex-based harassment”
- Clarifies that Title IX’s prohibition of sex discrimination includes protections against discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity;

YM&C

---

---

---

---

---

---

---

---

NEW TITLE IX REGULATIONS

Key changes from current regulations (cont.)

- Bolstered requirements related to lactation space, reasonable modifications for students who are pregnant or have pregnancy-related conditions, and reasonable lactation break time for employees;
- New training requirements; and
- Streamlined grievance procedures.

YM&C

---

---

---

---

---

---

---

---

## REQUIRED TRAINING TOPICS FOR ALL EMPLOYEES

All Employees must be trained annually and promptly upon hiring or change of position that alters their Title IX duties. Required training topics for all employees include:

1. The school's obligation to address sex discrimination in its education program or activity;
2. The scope of conduct that constitutes sex discrimination, including the definition of "sex-based harassment;" and
3. All applicable notification and information requirements under §§ 106.40(b)(2) (Responsibility to provide Title IX Coordinator contact and other information to students who are pregnant or have a related condition) and 106.44 (School's response to sex discrimination).

YM&C

---

---

---

---

---

---

---

---



YM&C

## SCOPE OF TITLE IX

---

---

---

---

---

---

---

---

## SCOPE OF TITLE IX

### What is Title IX?

- "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. . ." (20 USC § 1681; 34 CFR Part 106)
- Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

YM&C

---

---

---

---

---

---

---

---



## SCOPE OF TITLE IX

### What does this apply to?

- Applies to sex-based discrimination occurring in the U.S.
  - BUT schools must address a sex-based hostile environment even when some contributing conduct occurred outside of the U.S.
  - If the sex-based harassment occurs outside a school's education program or activity or outside the U.S., and the harassment does not contribute to a hostile environment within the school's education program or activity, Title IX would not apply.
- Applies to recipients of Federal financial assistance operating education programs or activities

YM&C

13

---

---

---

---

---

---

---

---

## SCOPE OF TITLE IX

### What does this apply to? (cont.)

- Applies to **students and employees** and may also apply to third-party complaints if the third party was participating or attempting to participate in the school's education program or activity at the time of the alleged sex discrimination
  - Consider volunteers, family members, contractors, community members at school events, employees of related non-profits, etc.

YM&C

14

---

---

---

---

---

---

---

---

## SCOPE OF TITLE IX

### "Education program or activity"

- Includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by a postsecondary institution, and conduct that is **subject to the school's disciplinary authority**
- Includes conduct that occurs in off-campus settings that are operated or overseen by the school such as field trips, online classes, and athletic programs; conduct that takes place via school-sponsored electronic devices, computer and internet networks, and digital platforms; and conduct that occurs during off-campus school-sponsored training programs
- Not necessarily dictated by the geographic location of the incident; requires a fact-specific inquiry

YM&C

15

---

---

---

---

---

---

---

---

SCOPE OF TITLE IX

“Sex-based harassment”

- Sexual harassment and sex-based harassment
- Quid pro quo harassment by an **employee, agent, or authorized person**
  - **Explicitly or impliedly** conditioning the provision of an aid, benefit, or service on a person’s participation in unwelcome sexual conduct
- Hostile environment harassment
  - Unwelcome sex-based conduct that, based on the **totality of the circumstances**, is subjectively and objectively offensive and is **so severe or pervasive** that it **limits or denies** a person’s ability to participate in or benefit from the school’s education program or activity
- Specific offenses – sexual assault, stalking, dating violence, and domestic violence

YM&C

16

---

---

---

---

---

---

---

---

SCOPE OF TITLE IX

Hostile Environment Factors

- The degree to which the conduct affected the complainant’s ability to access the school’s education program or activity;
- The type, frequency, and duration of the conduct;
- The parties’ ages, roles within the school, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other sex-based harassment in the school’s education program or activity

YM&C

---

---

---

---

---

---

---

---

SCOPE OF TITLE IX

“Sexual Assault”

- An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation
  - Includes, but is not limited to, the touching of another person’s private body parts for the purpose of sexual gratification, forcibly and/or against that person’s will, or in instances where the victim is incapable of giving consent due to age or incapacity.

YM&C

18

---

---

---

---

---

---

---

---

## SCOPE OF TITLE IX

### Examples of Sex-Based Discrimination

- Sex-based harassment and sexual violence
- Pregnancy discrimination
- Failure to provide equal athletic opportunity
- Unequal access to educational resources (such as STEM or career and technical education)
- Discriminatory application or enforcement of dress code or discipline policies
- Retaliation against a person who has reported sex discrimination

YM&C

---

---

---

---

---

---

---

---



YM&C

IMPORTANT  
DEFINITIONS

---

---

---

---

---

---

---

---

## WHAT IS A COMPLAINT?

### A Complaint is:

- An **oral or written request** to the school that objectively can be understood as a request for the school to investigate and make a determination about alleged sex discrimination
- Does not have to be formal or use specific words
- May be made to any employee

YM&C

---

---

---

---

---

---

---

---

WHO CAN MAKE A COMPLAINT?

A Complainant is:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX (not just sexual harassment)
- A non-student or non-employee who is alleged to have been subjected to conduct that could constitute sex discrimination and was participating or attempting to participate in the school's education program or activity at the time of the alleged sex discrimination

YM&C

---

---

---

---

---

---

---

---

WHO CAN MAKE A COMPLAINT?

Who else can make a complaint?

- Title IX Coordinator;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- For complaints of sex discrimination other than sex-based harassment:
  - Any student or employee; or
  - Any person who was participating or attempting to participate in the school's education program or activity at the time of the alleged sex discrimination
  - Does not have to be someone who personally experienced discrimination

YM&C

---

---

---

---

---

---

---

---

HYPOTHETICAL #1

During a Board meeting, a parent speaks during public comment about a student's behavior in their child's class. The parent states that the student "harasses" children, including "inappropriate touching."

Is this a Title IX Complaint?

YM&C

34

---

---

---

---

---

---

---

---

### HYPOTHETICAL #1

No.

- Complaints may be made verbally or in writing. However, there is insufficient information in the parent's statement to indicate that the inappropriate touching is "on the basis of sex." In addition, based on the information provided, there is no request for the School to investigate and make a determination about alleged sex discrimination.
- Additional follow-up is needed.

YM&C

35

---

---

---

---

---

---

---

---

### WHO IS THE RESPONDENT?

A Respondent is:

- A person alleged to have violated the prohibition on sex discrimination
- When a sex discrimination complaint alleges that a school's policy or practice discriminates on the basis of sex, **the school is not considered a "Respondent"**

YM&C

---

---

---

---

---

---

---

---

### SUPPORTIVE MEASURES

- Free, individualized measures offered as appropriate, as reasonably available, without unreasonably burdening either party, not for punitive or disciplinary reasons
- Designed to restore or preserve equal access to the education program or to protect parties' safety or the educational environment
- Available to a complainant once the Title IX Coordinator is notified of conduct that reasonably may constitute sex discrimination under Title IX
- Available to a respondent once grievance procedures are initiated or informal resolution is offered

YM&C

37

---

---

---

---

---

---

---

---

**SUPPORTIVE MEASURES**

- May include counseling, extensions of deadlines or other course-related adjustments, campus escort services, increased security and monitoring of certain areas of the campus, restrictions on contact applied to one or more parties, leaves of absence, changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative, and training and education programs related to sex-based harassment.
- Must not disclose information about any supportive measures to anyone except to whom they are offered/provided unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity, or when an exception applies.

YM&C 18

---

---

---

---

---

---

---

---

**SUPPORTIVE MEASURES**

- If a party is a **student with a disability**, the Title IX Coordinator must consult with one or more members of the student's IEP Team, if any, or 504 Team, in implementing supportive measures.

YM&C

---

---

---

---

---

---

---

---

**HYPOTHETICAL #2**

Thomas alleged James sexually assaulted him at a mutual friend's party over the weekend. A police report has been filed. Thomas and James have one class together – the school's only AP Chemistry class. Thomas does not want to see James in AP Chemistry class.

What should the school do?

YM&C 19

---

---

---

---

---

---

---

---

HYPOTHETICAL #2

What should the school do?

- A. Suspend and move to expel James.
- B. Move James's seat away from Thomas's in the classroom.
- C. Move Thomas to the regular Chemistry class.
- D. Initiate a Title IX investigation.
- E. Nothing.

YM&C

31

---

---

---

---

---

---

---

---

HYPOTHETICAL #2

- Based on the facts provided, there is no basis for a Title IX complaint or investigation. The only alleged incident did not occur in the school's "education program or activity." Thus, even if the conduct occurred as alleged, the school could not discipline James for the conduct.
- However, the school should offer supportive measures to Thomas to allow him to access his educational program.

YM&C

32

---

---

---

---

---

---

---

---

CONFIDENTIAL EMPLOYEE

- An employee of the school whose **communications are privileged or confidential under Federal or State law**. Confidential status is only for information received while functioning within the scope of their duties to which privilege or confidentiality applies;
- An employee **designated by the school** as confidential for providing services to persons related to sex discrimination. Confidential status is only for information received about sex discrimination in connection with providing those services; and
- Employees of a postsecondary institution conducting certain research.
- School **must notify** all participants in the school's education program or activity of **how to contact its confidential employees**, if any

YM&C

---

---

---

---

---

---

---

---

## CONFIDENTIAL EMPLOYEE

### Confidential Employee Requirements:

- Must explain to any person who informs them of conduct that reasonably may constitute sex discrimination under Title IX:
  - The employee's status as confidential for Title IX purposes;
  - Circumstances in which they are not required to notify the Title IX Coordinator about potential sex discrimination;
  - How to contact the Title IX Coordinator and make a complaint of sex discrimination; and
  - That the Title IX Coordinator may be able to offer and coordinate supportive measures and initiate an informal resolution process or an investigation under the grievance procedures.

YM&C

---

---

---

---

---

---

---

---



YM&C

RESPONSE TO SEX DISCRIMINATION

---

---

---

---

---

---

---

---

## RESPONSE TO SEX DISCRIMINATION

A school **MUST ACT** whenever it has information about potential sex discrimination in its education program or activity

- A school with “**knowledge of conduct that reasonably may constitute**” sex discrimination in its education program or activity must respond “**promptly and effectively**” and address sex discrimination in the school
- All employees at an elementary or secondary school (who are not confidential employees) **MUST** notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination
  - Unless the employee is the subject of the sex discrimination

YM&C

---

---

---

---

---

---

---

---



## DISCLOSURES OF PERSONAL INFORMATION

Must **not** disclose personally identifiable information obtained in the course of Title IX compliance, **except**:

- With prior written consent from a person with the legal right to consent;
- When the information is disclosed to a parent, guardian, or other authorized legal representative with a right to receive the disclosures;
- To carry out Title IX obligations;
- As required by Federal law or regulations, or the terms and conditions of a Federal award; or
- When required by State or local law or permitted under FERPA, to the extent the disclosures are not otherwise in conflict with Title IX

YM&C

---

---

---

---

---

---

---

---

## INFORMAL RESOLUTION

A school may offer an informal resolution process if it has information about conduct that may constitute sex discrimination under Title IX, **not just when a complaint is filed**

- Informal resolution is not required
  - Can decline to offer when not appropriate or when alleged conduct would present a future risk of harm to others
- Prohibited when an employee is accused of sex-based harassment of a student or if it would conflict with applicable law
- Parties cannot be required or pressured to agree to informal resolution; must obtain parties' voluntary consent
- Parties may end informal resolution process and proceed with the investigation at any time

YM&C

---

---

---

---

---

---

---

---

## INFORMAL RESOLUTION

### Required Notice

Before informal resolution, parties must first be provided with notice of:

- Allegations;
- Requirements of the informal resolution process;
- Right to withdraw and proceed with grievance procedures;
- Resolution precludes use of grievance procedures arising from the same allegations;
- Potential terms of resolution agreement (e.g., restrictions on contact and participation in activities or events);
- Notice that resolution agreement is binding only on the parties; and
- What information is retained and how it may be disclosed by the school

YM&C

---

---

---

---

---

---

---

---

### INFORMAL RESOLUTION

- **Facilitator of the informal resolution process cannot be the same person as the investigator or the decisionmaker**
- Facilitator cannot have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent
- Title IX Coordinator must take other appropriate prompt and effective steps to ensure sex discrimination does not continue or recur

YM&C

---

---

---

---

---

---

---

---

### EMERGENCY REMOVAL

- Title IX regulations allow for removal of a respondent on an emergency basis, provided that the school:
  - Undertakes an individualized safety and risk analysis;
  - Determines that an imminent and serious threat to the health or safety of a complainant or other persons arising from the allegations of sex discrimination justifies removal; and
  - Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal
- May place an employee respondent on administrative leave during the pendency of Title IX grievance procedures
- IDEA, 504, and ADA rights still apply

YM&C

---

---

---

---

---

---

---

---

### HYPOTHETICAL #3

Jessie, a 7<sup>th</sup> grade student, tells her English teacher, Ms. Flores, that her school soccer coach, Mr. Smith makes her feel uncomfortable. Jessie explains that Mr. Smith is “touchy,” rubs her back, and often hugs her after she makes a good play.

YM&C

43

---

---

---

---

---

---

---

---

HYPOTHETICAL #3

What should Ms. Flores do?

- A. Talk to Mr. Smith and tell him to stop.
- B. Tell Jessie to talk to the Title IX Coordinator.
- C. Tell the Title IX Coordinator what Jessie reported.

---

---

---

---

---

---

---

---

HYPOTHETICAL #3

C. Tell the Title IX Coordinator what Jessie reported.

- Any employee must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination.
- Best Practice: Also let Jessie know that she can talk to the Title IX Coordinator.

---

---

---

---

---

---

---

---

HYPOTHETICAL #4

Ms. Jones, a teacher, files a Title IX complaint about another teacher, Mr. Charles. Ms. Jones alleges Mr. Charles sexually harasses her by calling her “sweetheart” and talking over her during meetings.

---

---

---

---

---

---

---

---

HYPOTHETICAL #4

What should the school do?

- A. Offer supportive measures.
- B. Gather additional information.
- C. Initiate a Title IX investigation.
- D. Dismiss the complaint.

---

---

---

---

---

---

---

---

HYPOTHETICAL #4

A. and B. Offer supportive measures and gather additional information. There is not enough information in the complaint to determine whether Ms. Jones' concerns should be investigated under Title IX. The Title IX Coordinator should offer supportive measures to every potential complainant, even if there is no Title IX investigation.

---

---

---

---

---

---

---

---

HYPOTHETICAL #5

Dylan, a student with a disability, has several classes with Katie, another student with a disability. Katie wrote Dylan notes about her feelings, having sex, and having children. Dylan's parents found some of the notes and notified administrators. Katie and Dylan eloped from a drama class together and were found in the school theater, with Katie laying on top of Dylan, kissing him. During art class, Katie was watching videos about performing sexual acts, which the art teacher saw, stopped, and reported to administrators. Later that week, Katie and Dylan went into a bathroom stall together and were overheard engaging in a sexual act. Katie admitted to having sexual contact with Dylan. Dylan's parents filed a written Title IX complaint alleging that Katie sexually assaulted Dylan.

---

---

---

---

---

---

---

---

HYPOTHETICAL #5

What should the school do?

- A. Initiate a Title IX investigation.
- B. Tell Dylan's parents the two students are dating, so there is no Title IX violation.
- C. Separate the students during school by changing their class schedules.

---

---

---

---

---

---

---

---

HYPOTHETICAL #5

A. Initiate a Title IX investigation

Parents can file a Title IX complaint on a student's behalf. The school should consider whether the allegations, if true, would violate Title IX when determining whether to proceed with an investigation. Schools should not pre-judge a situation without conducting an investigation once a formal complaint has been filed. The Title IX Coordinator should also promptly offer and coordinate supportive measures for the parties.

---

---

---

---

---

---

---

---

HYPOTHETICAL #6

Student and Parent meet with the Title IX Coordinator. Student alleges a Peer frequently makes sexually suggestive comments to her and her friends. Student and Parent "just want it to stop" and do not want to proceed with a Title IX investigation. Title IX Coordinator offers supportive measures, including a no-contact order with the Peer. Student and Parent decline the supportive measures and reiterate they want the Peer to stop. Title IX Coordinator speaks with 2 of Student's friends, who confirm that Peer makes sexually suggestive comments.

---

---

---

---

---

---

---

---

HYPOTHETICAL #6

What should the school do?

- A. Monitor the situation.
- B. Provide disciplinary consequences.
- C. File a complaint on behalf of the group of students, identifying Peer as Respondent.

---

---

---

---

---

---

---

---

HYPOTHETICAL #6

C. File a complaint

In the absence of a complaint by a complainant, the Title IX Coordinator must determine whether to initiate a complaint by considering certain factors. Although potential complainants' wishes are considered, the school is on notice of potential widespread and ongoing sexual harassment/sex-based discrimination. The school must respond promptly and effectively. Additionally, the Title IX Coordinator must take other appropriate prompt and effective steps to ensure sex discrimination does not continue or recur.

Before initiating the complaint, the Title IX Coordinator must first notify the complainants of the complaint initiation, appropriately address any reasonable safety concerns, and offer supportive measures to all complainants (not just the one who filed the complaint) and the respondent.

---

---

---

---

---

---

---

---

HYPOTHETICAL #7

Two male 6<sup>th</sup> grade students tell the assistant principal that their teacher is "really mean to the boys." Several weeks later, one of the student's parents reports to the principal that Teacher "only disciplines the boys" but female students engaging in the same behavior have no consequences. At the end of the semester, several male students in Teacher's class report to the principal that Teacher's grading "isn't fair" and all the female students get better grades.

---

---

---

---

---

---

---

---

HYPOTHETICAL #7

What should the school do?

- A. Review Teacher's end of semester grades to determine whether there is any difference in grading.
- B. Initiate a Title IX investigation.
- C. Meet with other male students in Teacher's class to determine whether others feel the same way.
- D. Initiate a UCP investigation.

---

---

---

---

---

---

---

---

HYPOTHETICAL #7

B. and/or D. Initiate Title IX and/or UCP investigations

After gathering additional information, the school may determine that the allegations of sex-based discrimination may be investigated under Title IX and/or its Uniform Complaint Procedures. The CA Department of Education has opined that both may be warranted.

---

---

---

---

---

---

---

---



STUDENT PREGNANCY AND RELATED CONDITIONS

---

---

---

---

---

---

---

---

## NONDISCRIMINATION

- Must not discriminate against any student or employee based on their current, potential, or past pregnancy or related conditions
- Students may voluntarily participate in a comparable separate portion of the school's education program or activity

YM&C

---

---

---

---

---

---

---

---

## TITLE IX COORDINATOR NOTICE

- When a student, or a person who can legally act on behalf of the student, informs **any employee** of the student's pregnancy or related condition, unless the employee reasonably believes that the Title IX Coordinator has already been notified, the employee must **promptly**:
  - Provide that person with the Title IX Coordinator's contact information; and
  - Inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access
- Once notified, the Title IX Coordinator has various responsibilities to support the pregnancy or related conditions and to allow the student to continue their education.

YM&C

---

---

---

---

---

---

---

---



## POLICY AND NOTICE REQUIREMENTS

YM&C

---

---

---

---

---

---

---

---



**POLICY AND NOTICE REQUIREMENTS**

- Schools must adopt, publish, and implement a Title IX policy and Title IX grievance procedures
- Provide notice of nondiscrimination to: (1) applicants for admission and employment, (2) students, parents/guardians, employees, and (3) all unions or professional organizations holding collective bargaining or professional agreements with the school
- Must **prominently display the notice** on the school's **website** and in each **handbook/catalog, announcement, and application form** that it makes available to the stakeholders listed above or uses for the recruitment of students or employees

YM&C 61

---

---

---

---

---

---

---

---

**POLICY AND NOTICE REQUIREMENTS**

The notice of nondiscrimination must state:

- The name or title, office address, email address, and telephone number of the Title IX Coordinator(s).
- That the school does not discriminate on the basis of sex and prohibits sex discrimination in its education program or activity as required by Title IX and the regulations.
- How to locate the nondiscrimination policy and grievance procedures.
- How to make reports and complaints of sex discrimination.
- That inquiries about the application of Title IX and Part 106 to the school may be referred to the Title IX Coordinator(s), to the Office for Civil Rights, or both.

YM&C 62

---

---

---


---

---

---

---

---



**THANK YOU**

**Rikeshia Lane, Esq.**  
 rlane@ymclegal.com  
 916.646.1400 Ext. 265

**Casey L. Fee, Esq.**  
 cfee@ymclegal.com  
 916.646.1400 Ext. 255

ymclegal.com | 916.646.1400

---

---

---

---

---

---

---

---