



Association of
Title IX Administrators

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Time with IX: Sanctioning

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- Elizabeth Lundell, ATIXA Advisory Board
- Joe Vincent, ATIXA Advisory Board

Today's Presenters



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Vice President, ATIXA
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Equity Counsel and Title IX Coordinator,
Boulder Valley School District
Advisory Board Member, ATIXA



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Advisory Board Member, ATIXA

Regulatory Requirements



Stop



Prevent



Remedy

Terminology

- **Sanction:** a disciplinary outcome issued to a Respondent following a finding of responsibility for a policy violation
- **Remedy:** an action the Recipient takes to restore or preserve access to the education program or activity
- **Informal Resolution Term:** an action agreed to by the Parties and the Recipient as part of an Informal Resolution agreement

Sanctions and Remedies

Sanctions

- Implemented after a finding of responsibility
- Nexus between sanctions and misconduct
- Goal: stop, prevent, and remedy
- TIXC does not issue sanctions but oversees the process
- TIXC assures sanction compliance
 - Failure to comply could lead to discipline

Remedies

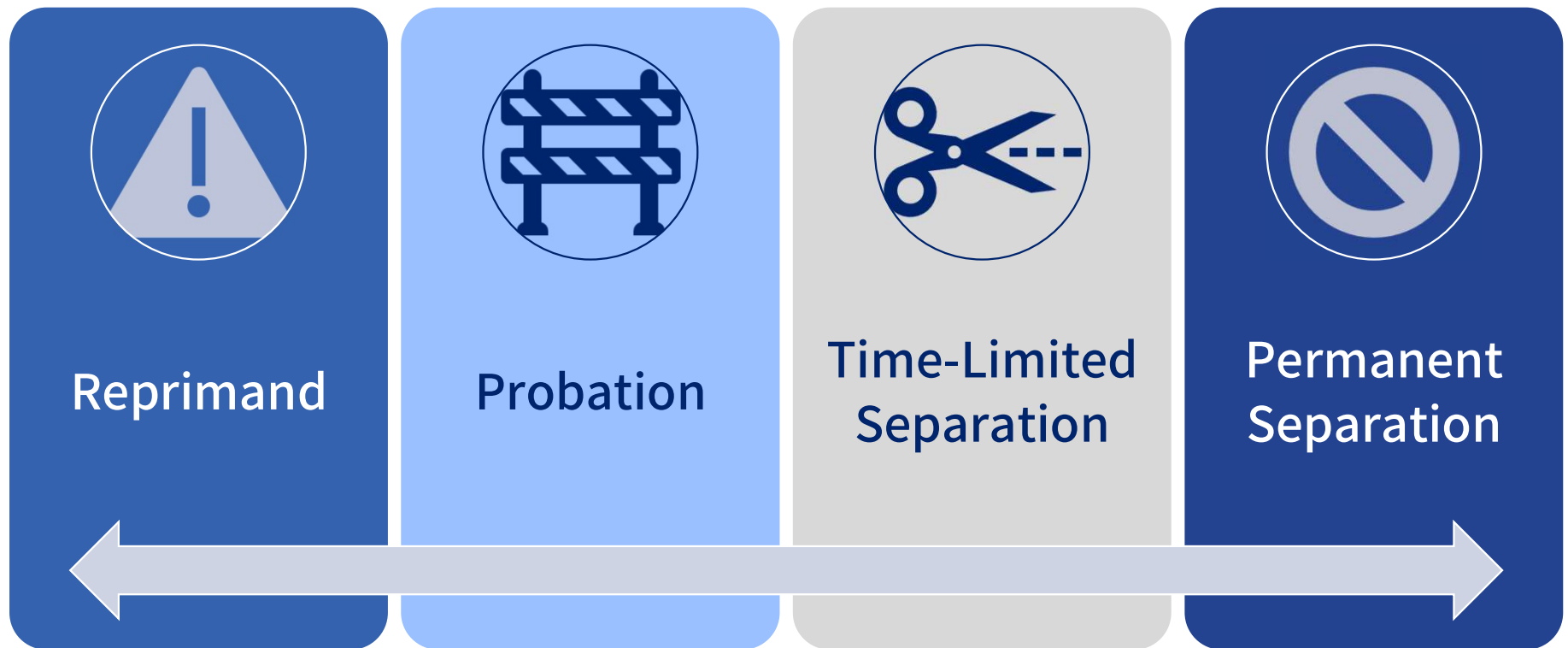
- Implemented before or after a determination
- Must be equitable and not clearly unreasonable given the circumstances
- Goal: preserve or restore access to education program and activity
- TIXC ensures remedies are implemented for both Complainant and community

Informal Resolution Terms

- Implemented after the Parties and Title IX Coordinator reach a voluntary agreement
- Goal: stop, prevent, and remedy
- May include items that are considered “punitive”
- May require research to fully understand implications
- Must be achievable and enforceable
- Only binding on the Parties



Sanctioning Spectrum



Non-Sanction Options

K-12 Education

- Restorative Practices
- Ongoing Supportive Measures
 - No Contact Directives
 - Routing Maps
- Schedule Changes
- Co-enrollment Agreements

Higher Education

- Restorative Practices
- Ongoing Supportive Measures
 - No Contact Directives
 - Facility Access Schedules
- Pre-Registration Check-ins
- Student Organization Agreements

K-12 Employee Considerations

- Probationary employees
- Unionized vs. non-unionized employees
- Union agreements
- State statutory protections
- Law enforcement investigations
- Criminal mandatory reporting
- Licensing agency reporting
- Vendor, contractor, and volunteer Respondents

K-12 Student Considerations

- Special Education
- Free and Appropriate Public Education (FAPE)
- School Transfers
- Alternative Placement
- Access to Extracurricular Activities and Athletics
- Expulsion
- State statutory requirements

Higher Education Employee Considerations

- Employee affiliation
 - Faculty
 - Adjunct Faculty
 - Administrators
 - Hourly staff
 - Salaried staff
 - Contracted employees (e.g., athletic coaches, senior-level administrators)
- Unionized vs. non-unionized employees
- Tenure and tenure-track employees
- Student employees
- Employees enrolled in classes
- Vendors, contractors, and volunteers

Higher Education Student Considerations

- Eligibility for academic progress made during suspension
- Readmission requirements
- Scholarship implications
- Visa/immigration implications
- Research or grant implications
- PPTVWM
- Academic programs leading to licensure or certification
- Clinical or other applied learning placements

Overall Sanctioning Considerations

- Mitigating, aggravating, and compounding factors
- Severity and egregiousness
- Cumulative violations
- Respondent's prior disciplinary history
- Behavior patterns
- Complainant's request for enhanced or lesser sanctions
- Respondent's acceptance of accountability/responsibility
- Precedent
- Conditions for return

TIXC Role in Sanctioning

- Institutional history
- Disparate Treatment and Disparate Impact mitigation
- Disciplinary history
- Sanctioning boundaries
- Knowledge of existing sanctioning resources
- Brainstorming possibilities



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Questions?