



# Title IX Counsel and Coordinators Summit

April 28, 2025

# Disclaimers

- This is a general overview of the law. No content within this presentation constitutes legal advice. Nothing herein creates an attorney-client relationship between the presenters and attendees. This presentation may be considered attorney advertising in some jurisdictions.

# Agenda:

- 10:00 AM - Sanctuary for Families Presentation: Trauma Informed Practices on Campus
- 11:00 AM - Panel Discussion by Title IX Practitioners
- 12:00 PM - 2025 Legal Update

# Speakers



## Nicole A. Donatich

### Partner

Nicole A. Donatich is a partner in Cullen and Dykman's Higher Education practice group. Nicole possesses extensive experience representing universities and colleges in a wide array of legal matters and advises several private institutions in NY state on Title IX investigations, policy and litigation.

# Speakers



## Caroline Grosshans

### Senior Staff Attorney

Caroline Grosshans is a Senior Staff Attorney at Sanctuary for Families, a non-profit organization based in New York City providing legal representation to survivors of gender-based violence. Caroline's work at Sanctuary for Families with the Campus Advocates Project focuses on representing victims of gender-based violence in the university setting including student survivors, staff, and faculty.



# Trauma Informed Practices on Campus



# Trauma Informed Practices on Campus

## Title IX Counsel and Coordinators Summit, April 28, 2025

**Caroline Grosshans**

Senior Staff Attorney

Campus Advocates Project

Sanctuary For Families



Sanctuary for Families

# SANCTUARY FOR FAMILIES OVERVIEW



- Sanctuary for Families is a leading service provider and advocate for survivors of domestic violence, sexual violence, sex trafficking, and related forms of gender-based violence.
- The mission of the organization is to provide holistic services that support client's towards physical and emotional safety, economic self-sufficiency, and empowerment.



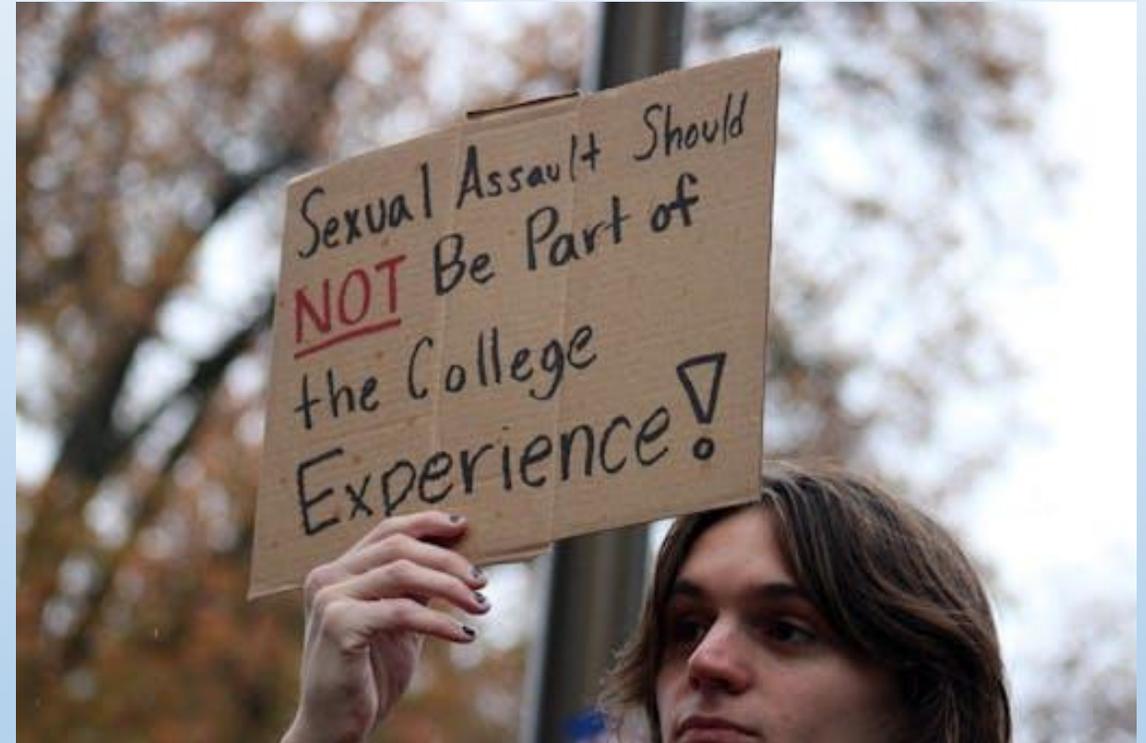


<b>Legal Services</b>	<b>Anti-Trafficking Initiative, Community Law Project, Courtroom Advocates Project, Campus Advocates Project</b> (Title IX, orders of protection), <b>Family Law Project</b> (child/spousal support, visitation, custody, and orders of protection), <b>Immigration Intervention Project, Incarcerated Gender Violence Survivor Initiative, Matrimonial/Economic Project</b> (housing, contested/uncontested divorce, public benefits advocacy), <b>Orthodox Jewish Matrimonial Initiative, Pro Bono Project</b>
<b>Clinical Services</b>	Sanctuary offers <b>individual and group counseling</b> to our clients, as well as <b>case management, crisis intervention</b> , and a <b>survivor leadership program</b> to help clients who are out of their abusive relationship and looking to be advocates and peer educators in their communities.
<b>Economic Empowerment</b>	Clients can enroll in a comprehensive curriculum that helps participants avoid low-wage, low-skill employment through a <b>career readiness workshop, office operations workshop</b> , and additional training including <b>internships, adult education courses, and mentoring</b> .
<b>Shelters</b>	Sanctuary has five crisis shelters for clients in immediate danger and one transitional shelter.
<b>Outreach and Trainings</b>	Sanctuary offers trainings to schools, law enforcement, attorneys, courts and judges, and other community groups.
<b>Advocacy</b>	Sanctuary staff advocates for legislation and policies that protect and advance the rights of survivors of gender-based violence at city, state, and national levels.

# CAMPUS ADVOCATES PROJECT



The Campus Advocates Project at Sanctuary for Families provides support and representation to students, faculty, and staff who are survivors of sexual assault and other forms of gender-based violence. We also work to get survivors on-campus accommodations, like housing and academic accommodations, and connect them with counseling services.



# THE SERVICES WE PROVIDE



- **Consultations**: expectation management and system mapping regarding the criminal, Title IX, and family court processes
- **Title IX Advocacy**: act as survivors' attorney-advisor in Title IX investigations and hearings as well as advocate for **academic accommodations** and student's safety on campus
- **Criminal Justice Advocacy**: assist students with their criminal cases and provide information about the criminal system
- **Family Court Orders of Protections**: assist students in obtaining orders of protection
- **Safety Planning and Additional Resources**: counseling, safety planning, and other advocacy through SFF
- **Know Your Rights Trainings**: awareness raising about victim's rights and SFF services



# AGENDA

- I. The Brain Science
  - a. Responses to traumatic events
  - b. Recalling traumatic events
  
- II. The Survivor's Experience with the Campus Process
  
- III. Trauma Informed Practices at Each Stage of the Campus Process

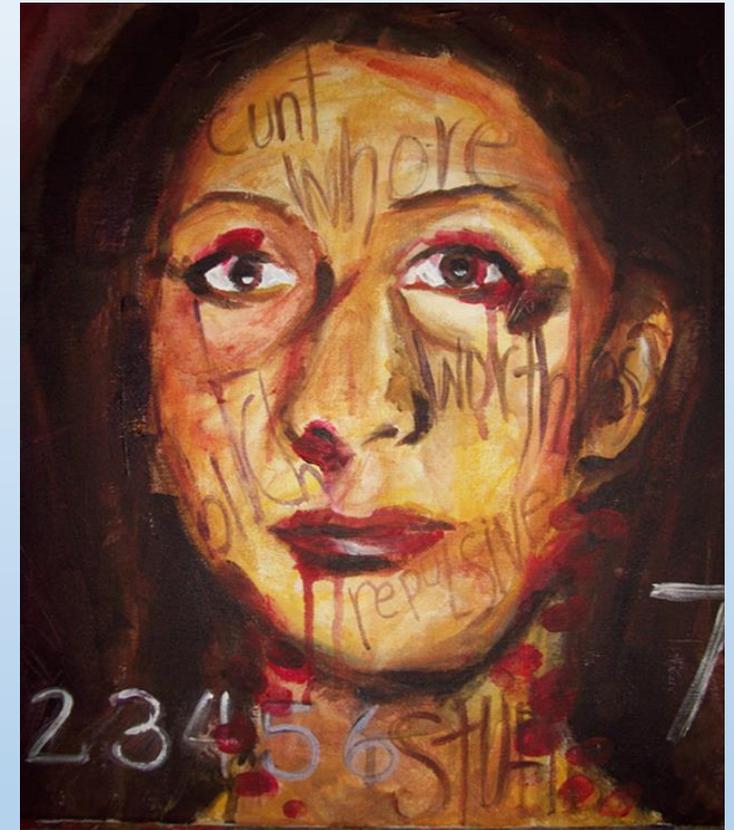


# THE BRAIN SCIENCE:

## THE NEUROBIOLOGY OF TRAUMA AND SEXUAL ASSAULT

# UNDERSTANDING TRAUMA

- **Trauma** refers to experiences that have caused intense physical and/or psychological stress reactions.
- Single event, multiple events, and/or a set of circumstances
- Systemic trauma can also impact how a person responds to a singular event (e.g., racism, sexism)



“Portrait of Terror” painted by a domestic violence survivor.





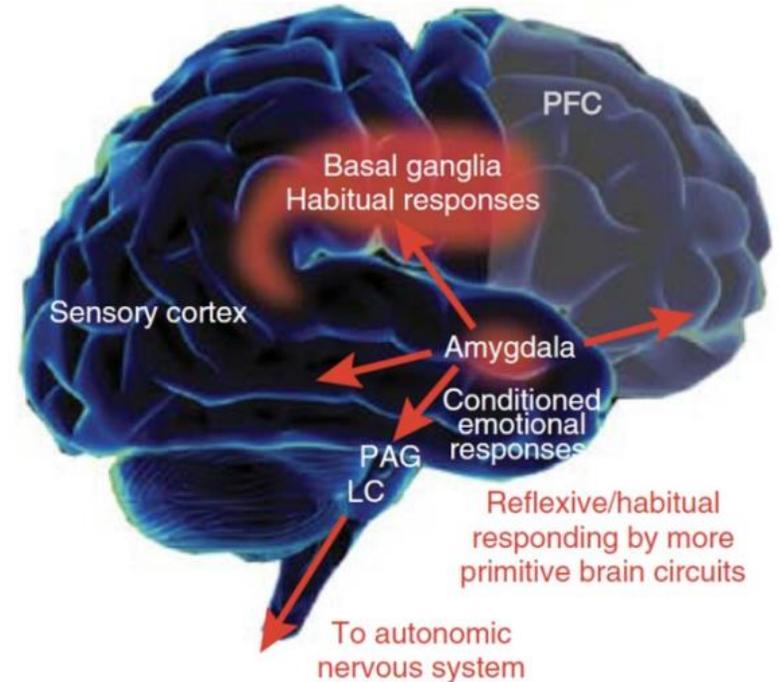
# RESPONSES TO TRAUMA

- Fight
- Flight
- Freeze – often the **most common** response and often the least expected by the survivor and those they report the assault to.

Of 298 women who visited an emergency clinic within one month of a sexual assault, **70% reported significant tonic immobility and 48% reported extreme tonic immobility.** (<https://obgyn.onlinelibrary.wiley.com/doi/10.1111/aogs.13174>)

# RESPONSES TO TRAUMA

- When we are in danger the brain shifts behavior to **reflexes** and **habits**.
- Freeze responses are a survival **reflex** we have learned over time.
- Passive or submissive responses are sometimes culturally derived **habits** that are involuntary.



With an impaired prefrontal cortex, only very simple thoughts arise, about reflex and habit responses that are extremely reactive or passive. (Image from Arnsten 2015; see references.)

# EXPECTATIONS VS. REALITY



Miram Haley (Harvey Weinstein Rape Victim):  
**“I’m being raped,” Ms. Haley recalled thinking. She added, “I was in so much shock at the time that I just checked out.”**

<https://www.nytimes.com/2020/01/27/nyregion/harvey-weinstein-trial-mimi-haleyi.html>

Natassia Malthe (Harvey Weinstein Rape Victim): **“I laid still and closed my eyes and just wanted it to end. I was like a dead person. Afterwards I lay there in complete disgust.”**

<https://www.latimes.com/business/hollywood/la-fi-ct-weinstein-natassia-malthe-20171025-story.html>

Taylor Swift: **“I ... was barely able to say ‘Thanks for coming,’ which is what I say to everybody. I was barely able to get the words out, and it was like somebody switched the lights off in my personality.”**

<https://www.denverpost.com/2016/11/12/taylor-swift-struggled-over-seeking-groping-charges/>

Female Raped During Military Exercise: **“I felt like I wanted to scream or yell or push him. And I don’t even know why, but my body just wouldn’t react.” . . . “It didn’t even feel like I could do anything. I was trying to scream... I wanted to scream. I was trying to scream, but it felt like I couldn’t.”**

<https://www.nytimes.com/2023/08/22/magazine/immobility-rape-trauma-freeze.html>

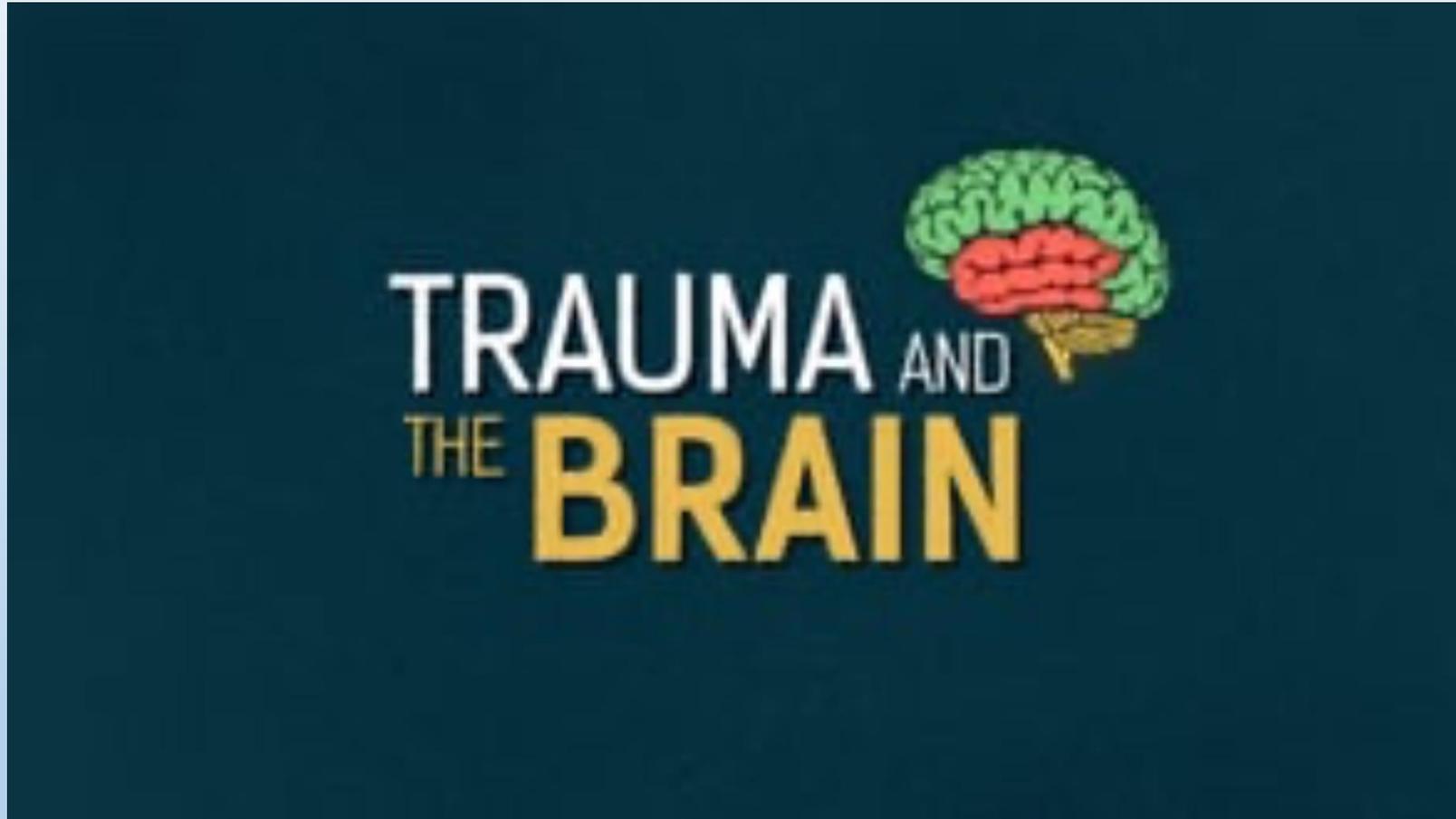
Brooke Shields: **“I just absolutely froze” while being raped.**

(From documentary: “Pretty Baby”)

Lady Gaga: **“I just froze” while being raped at 19.** (From documentary: “The Me You Can’t See”)



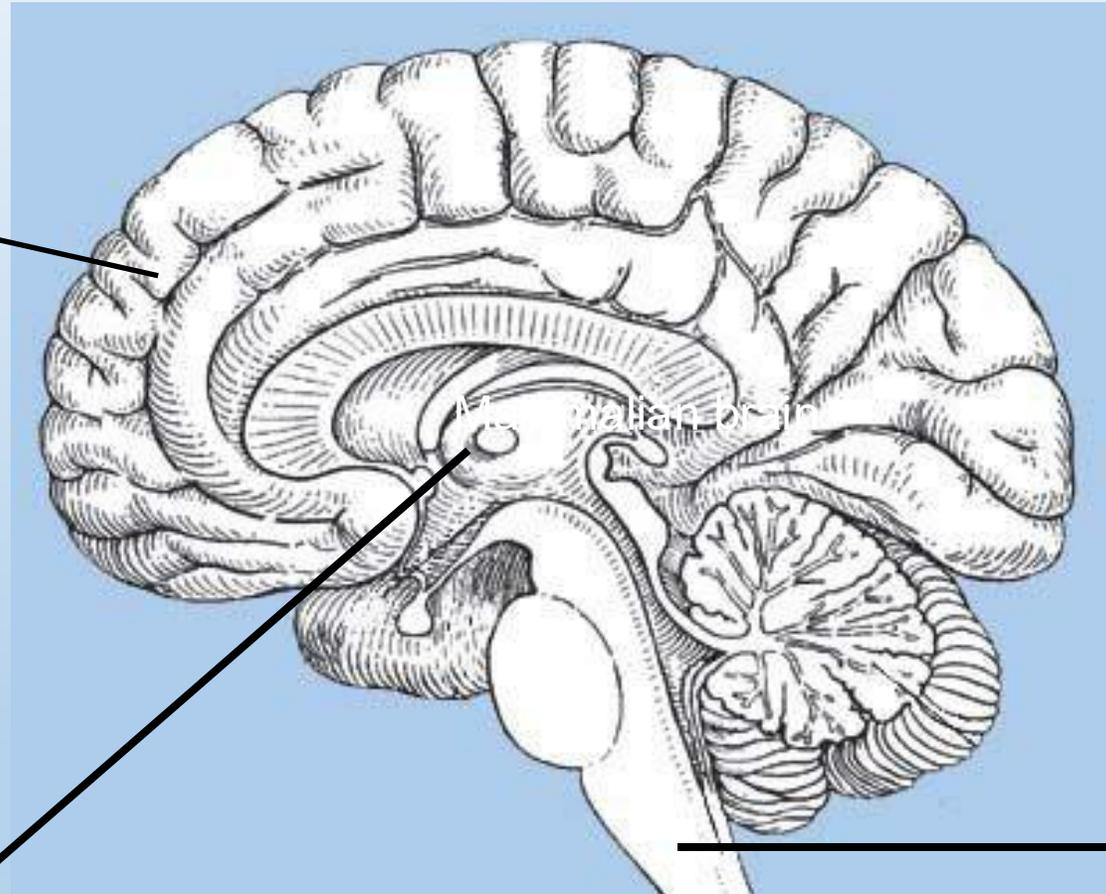
# RECALLING TRAUMATIC EVENTS



(See <https://vimeo.com/118541908?share=copy>)



# NEUROBIOLOGY OF TRAUMA



## Frontal Cortex

Thoughts

- *Executive functioning*
- *Language*
- *Adaptive learning*

## Limbic System

(Mammalian brain)

Emotions

- *Non-verbal*
- *Relational experiences*
- *Images*

## Brainstem (Reptilian brain)

Instincts

- *Heart rate*
- *Breathing*
- *Impulses*





# TRAUMATIC MEMORIES

- Traumatic memories are not stored in the “thinking” part of the brain (frontal lobe), they are stored in the **limbic system**
  - “Fight, flight, or freeze” part of the brain
  - Farthest region from speech/language production
  - Responsible for non-verbal emotion
  - Sensory imprints



# TRAUMATIC MEMORIES

## *What does that mean?*

- Survivors recall their reactions to the traumatic event—images, sensations, fear, stress
- Difficult to verbalize the memories
- Difficult to contextualize the trauma within the past, present and future
- Difficult to accurately recall details like names, dates, times, places



# MANIFESTATIONS OF TRAUMA

## Physical, Relational, Psychological

<b>Flooding / Flashbacks</b>	<b>Minimization</b>	<b>Dissociation</b>
Difficulty trusting others	Shame and embarrassment	Lack of trust in one's own judgement
Depression, anxiety, and/or low self-esteem	Self-blaming	Anger
Nightmares/lack of sleep	<b>Trauma-bonding</b>	Drug and alcohol use



# FLOODING/FLASHBACKS

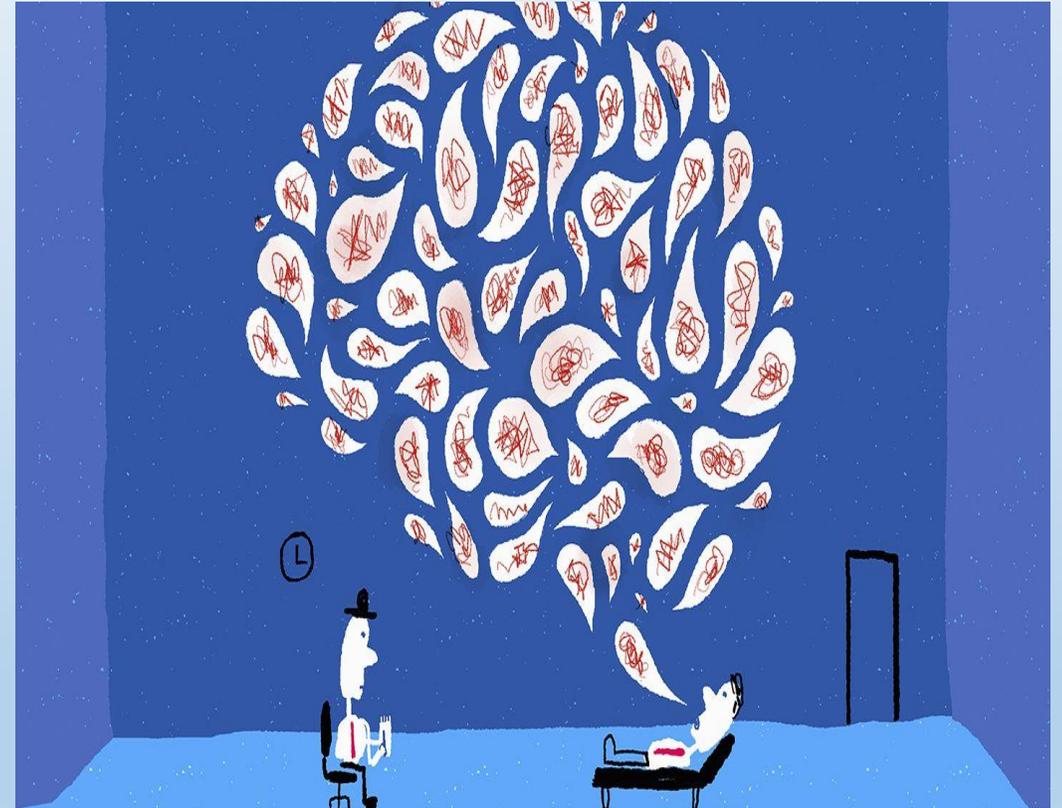


## *Flooding/Flashbacks*

- Memories flood all at once
- Unable to stop themselves from talking

## *Result*

- Client moves back and forth between different traumatic experiences
- Can't construct a chronological narrative
- Possible flashbacks



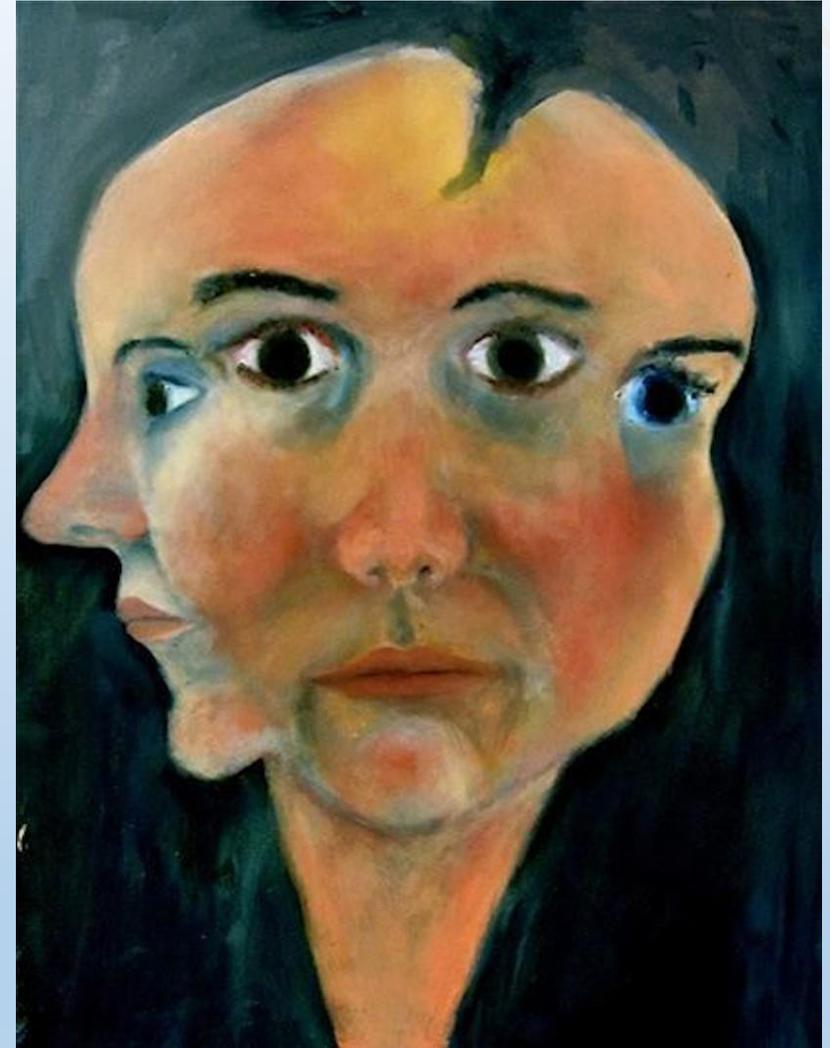
# DISSOCIATION

## *Dissociation*

- Survival mechanism
- Process of disconnecting from the present (the thoughts and feelings coming up in the interview) to diminish pain

## *Result*

- Client may not be able to access traumatic material for a number of interview sessions
- Client may dissociate during interview and not remember content of discussion in later interviews





# MINIMIZATION

## *Minimization*

- Survival mechanism
- Diminish or deny the intensity of traumatic events
- Disconnects emotional response from content

## *Result*

- Minimize harm (“not as bad as it could be”) or omit important traumatic events
- Flat affect; no emotion, no tears



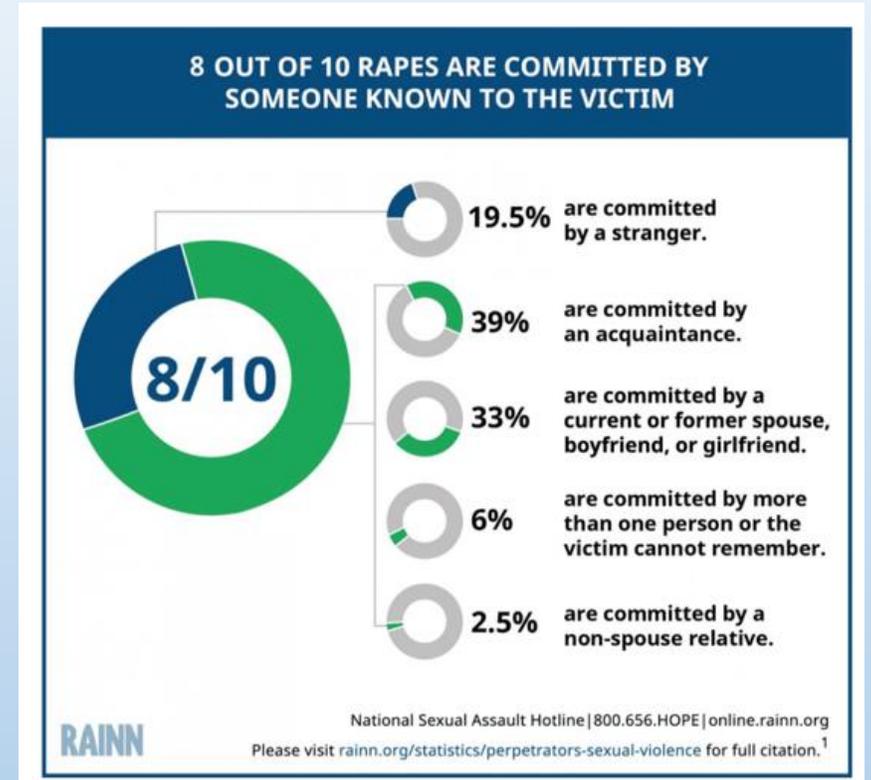
# TRAUMA BONDING

## *Trauma Bonding*

- Feel emotionally attached to assailant

## *Result*

- Difficult to speak negatively about assailant
- Difficult to recognize abuse and separate from abuser
- May take time and multiple attempts to leave a relationship





# SURVIVOR EXPERIENCE

BEFORE FILING A COMPLAINT



# REASONS NOT TO REPORT

- Will I be believed
- Will I be blamed for not running away or fighting back
- Will there be backlash from my friends or the school community
- Will I be retaliated against
- Will I be judged for dressing a certain way, ignoring a warning sign, etc.





# REASONS FOR SELF-BLAME

- How could I let this happen to me
- How could my friend do this to me
- I thought I knew this person
- Am I really a survivor – was this *really* rape
- What will my family think





# SURVIVOR EXPERIENCE

AFTER FILING A COMPLAINT



# THE INVESTIGATION EXPERIENCE

- *“This case has taken an enormous emotional toll on me, I feel completely drained. The recent changes, including the fact that they directly forwarded messages from the respondent in previous emails have only made things more overwhelming. It's been over a year since the initial harassment occurred, but the trauma never seems to step away.”*
- *“There were numerous instances during the interview process that re-triggered me and were very harmful to my mental health. Knowing I am sharing a deeply personal story and experience with people who may not understand how I felt and feel is particularly difficult.”*
- *“I pushed myself as hard as I could, even while I was in significant pain, and I can hardly imagine how someone in my position could keep going.”*
- *“This experience has only deepened my feeling of vulnerability and lack of protection throughout the process. I am deeply disappointed and traumatized.”*
- **Hospitalizations after receiving an evidence file**
- **Hospitalizations prior to first attorney meeting in preparation for the investigatory interview**





# THE HEARING EXPERIENCE

- *“The hearing process has made it feel like only the physical things that happened to me matter, when the emotional impact was just as, if not more, painful. This has been incredibly invalidating. I understand that legal definitions require looking at the physical aspect of what happened, and yes, the experience was a physical one, but it is the trauma and emotional pain that led me to file this case, because I do not want anyone else to experience what I have gone through.”*
- *“This experience has only deepened my feeling of vulnerability and lack of protection throughout the process. I am deeply disappointed and traumatized.”*
- *“Engaging in the Title IX process has only delayed my ability to have the space to fully heal and move on from the worst experience of my life.”*
- **Hearing delayed due to hospitalizations**





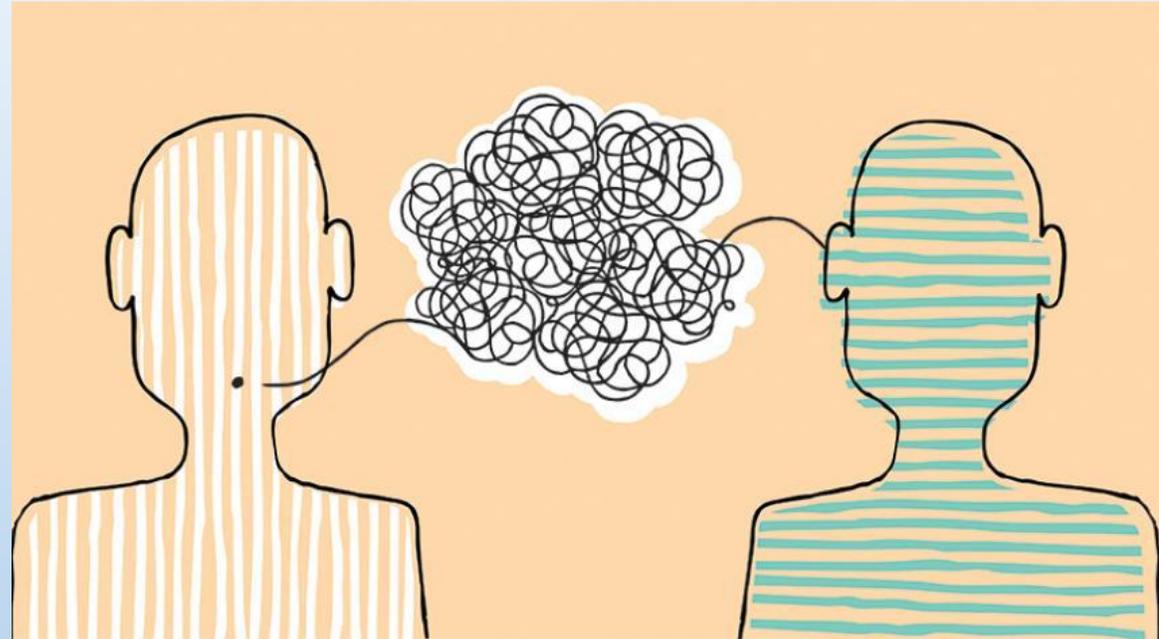
# TRAUMA INFORMED PRACTICES AT EACH STAGE OF THE CAMPUS PROCESS

# TRAUMA-INFORMED



- What is trauma-informed?

- Individualized approach
- Informed by student's trauma
- Flexible
- Supportive
- Strives to avoid re-traumatization
- Critical to ensuring competent and successful work with trauma victims
- Provide dignified, respectful and compassionate support
- Empowerment





# TRAUMA-INFORMED

- Personal trauma triggers
- Unconscious bias
- Unfair expectations
- Over-identification with client
- Cultural differences
- Power differential



# PRE-INVESTIGATION PHASE



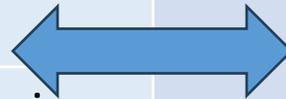
## Title IX Coordinator / Investigator

- Consider creative academic accommodations. (i.e. specific pathways to class, assigned seats, staggered departure and arrival, etc.)
- Implement support measures that are consistent with other court orders. (i.e. unilateral NCO)
- Connect students with outside counsel prior to filing a complaint.
- Remember many survivors are coming to you because they have experienced a situation where their power and agency were taken away – empower them with knowledge and choices!
- System map without requiring a retelling of their story. (i.e. family court and criminal court systems)
- Establish internal procedures regarding the formal complaint.



# INITIAL INTERVIEW PREPARATIONS

Title IX Attorney Advisor	Title IX Coordinator / Investigator
<ul style="list-style-type: none"><li>• Conduct several interview prep sessions.</li></ul>	<ul style="list-style-type: none"><li>• Know every survivor's response to trauma and processing time will be different.</li><li>• Understand the importance of connecting students with quality mental health support.</li></ul>
<ul style="list-style-type: none"><li>• Gather and review all evidence with client prior to initial interview.</li></ul>	
<ul style="list-style-type: none"><li>• Develop a comfort plan. Discuss fidget tools and comfort items – hairbands; special drink; grounding techniques; etc.</li></ul>	
<ul style="list-style-type: none"><li>• Discuss support plan for when the interview concludes.</li></ul>	



# THE INITIAL INTERVIEW



Title IX Attorney Advisor	Title IX Coordinator / Investigator
<ul style="list-style-type: none"><li>• Be on the lookout for fatigue, dissociation, and missing information in their narrative – take breaks to regroup, recharge, and reschedule if needed!</li></ul>	<ul style="list-style-type: none"><li>• Plan and initiate breaks – it feels different to have a scheduled break vs. making the student ask for a break. You are enough and you are doing enough vs. you are failing and can't handle this.</li></ul>
<ul style="list-style-type: none"><li>• Check-in with the client immediately after the interview concludes. Discuss support systems in place and their plan for the rest of the day.</li></ul>	<ul style="list-style-type: none"><li>• Set a 2.5 to 3 hour window; stick to that timeframe; try to avoid class time; and schedule the next session before ending the meeting. For some students, every email from the Title IX office is triggering.</li></ul>
	<ul style="list-style-type: none"><li>• Be mindful of how you are phrasing questions (i.e. blaming questions).</li></ul>
	<ul style="list-style-type: none"><li>• Be on the lookout for answers that make assumptions and ask follow-up questions to clarify. Don't assume you know what they mean.</li></ul>



# THE INITIAL INTERVIEW CONT'D



## Title IX Coordinator / Investigator

- Remember not ALL victim's respond the same to trauma.
- Be aware of your own unconscious biases about the “perfect victim” or the “perfect response.”
- Consider cultural differences, power differentials, trauma bonding.
- Be cognizant of physical safety when considering time and place of the interview (self harm and harm by abuser).
- Send summary email with evidence and witness list requests.
- Implement procedures for dealing with sensitive evidence. Be clear about **who will see** the evidence.



# FOLLOW-UP INTERVIEW(S)

## Title IX Coordinator / Investigator

- Be clear when scheduling a follow-up interview vs. a short conversation. Let students know how long a meeting will take.
- Be selective when choosing to meet vs. email. Each meeting with investigators can produce anxiety for students for days in advance. On the other hand, some meetings are important.
- If a student is going to learn about what the Respondent said, let them know that ahead of time.
- When communicating what Respondent or witnesses said be clear in your questions where the information is coming from (i.e. Respondent's assertion vs. the investigator's belief).

# EVIDENCE / INVESTIGATORY REPORT REVIEW



Title IX Attorney Advisor	Title IX Coordinator / Investigator
<ul style="list-style-type: none"><li>• Manage expectations around timing of the case and discuss client's wishes for attorney communication during investigatory lulls.</li></ul>	<ul style="list-style-type: none"><li>• Try to communicate realistic timelines whenever possible and be in communication if those timelines are no longer realistic.</li></ul>
	<ul style="list-style-type: none"><li>• Be honest about what communication a student can and should expect throughout investigation lulls.</li></ul>
<ul style="list-style-type: none"><li>• Be aware of the emotional toll of the evidence review stage of the investigatory process. Schedule several shorter meetings if needed.</li></ul>	<ul style="list-style-type: none"><li>• Let students know a few days prior to receiving the evidence file or investigative report when it will be coming so they can have support in place.</li></ul>



# HEARING AND APPEAL

## Title IX Coordinator / Investigator

- Be aware of the traumatic impact of seeing and being seen by a Respondent. Consider accommodations.
- Block off more than enough time for a hearing, well in advance.
- Have a panel of decision makers.
- Inform students who will be at the hearing.
- Check-in on timing and place of hearing. (i.e. time zone considerations; reserving private study room on campus)
- Let students know a few days prior to receiving the decision when it will be coming so they can have support in place. Consider if safety planning is necessary.
- Have a written decision that addresses the substance of the case.



# INFORMAL RESOLUTION

## Title IX Coordinator / Investigator

- Maintain a student driven process.
- Consider why the client is requesting IR and if you can accommodate it.
- Allow for case specific, tailored solutions.
- Use a third-party mediator when possible.
- Allow counsel to be involved.



# QUESTIONS? How to REACH US!

*Visit Our Website*

<https://sanctuaryforfamilies.org/gender-violence/campus-gender-violence/>

*Email the Team*

Campus Advocates Project  
[campusadvocates@sffny.org](mailto:campusadvocates@sffny.org)

**Caroline Grosshans**

Senior Staff Attorney

Campus Advocates Project

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**Sanctuary for Families**



# Panel Discussion by Title IX Practitioners

# Speakers



## Dan Schorr

### President

Dan Schorr is a former criminal prosecutor and municipal inspector general with more than 25 years of legal and investigative experience. He manages a variety of complex assignments, including investigations into sexual misconduct, Civil Rights, and fraud allegations at educational institutions, corporations, and government entities.

# Speakers



## Jessica Morak

**Executive Director of Institutional Equity/Chief Diversity Officer/Title IX Coordinator**

Jessica Morak is the Executive Director of Institutional Equity, Chief Diversity Officer, Title IX Coordinator, and Ethics Officer at the Graduate Center. She previously served as an Associate General Counsel in the Litigation, Employment, and Student Affairs Unit (LESA) in CUNY's Office of the General Counsel. In addition to her other duties, Jessica spent a significant amount of time training on, implementing, updating, and consulting on CUNY's Policy on Sexual Misconduct.



# 2025 Legal Update

# What We Will Cover:

- Executive Action and Agency Enforcement
- Notable 2024 Caselaw
- What's Next?

# Executive Action and Agency Enforcement

- Title IX Regulations: 2020 Final Rule
  - On January 9, 2025, the Eastern District of Kentucky permanently blocked implementation of the 2024 Final Rule.
  - This ruling in *Tennessee v. Cardona*, blocked implementation of the 2024 Final Rule nationwide.

# Executive Action and Agency Enforcement (Cont.)

- On January 31, 2025 – OCR’s Dear Colleague Letter formally stated that the 2020 Title IX Rule is back in effect following the ruling in *Tennessee v Cardona*.
- Dear Colleague Letter:
  - “Open Title IX investigations under the 2024 Title IX Rule *should be immediately reoriented to comport fully with the requirements of the 2020 Title IX Rule*”
  - Directed that institutional policies must be consistent with President Trump’s Executive Order that directed all executive branch agencies and departments to enforce and recognize only two sexes and reject the concept of gender identity.
- On February 4, 2025 – OCR issued a revised DCL.

# Executive Action and Agency Enforcement (Cont.)

## Scope of Title IX - “Based on sex”

- The Administration will interpret Title IX’s prohibition of discrimination “based on sex” to mean sex assigned at birth.
- OCR will take a similarly limited approach to the definition of Title IX Sexual Harassment.
  - The 2020 Regs define Title IX Sexual Harassment as - **Conduct based on sex**, that occurs in the institution’s education program or activity against a person in the United States and that satisfies one or more of the following:
    - (1) An employee conditioning the provision of an aid, benefit or service of the institution on an individual’s participation in unwelcome sexual conduct;
    - (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offense that it effectively denies a person equal access to the institution’s education program or activity; or
    - (2) Sexual Assault, Dating Violence, Domestic Violence or Stalking.

# Executive Action and Agency Enforcement (Cont.)

## Scope of Title IX - “Based on sex” (Cont.)

- At the time when 2020 compliant policies were first being drafted, many institutions interpreted “based on sex” to include sexual orientation, gender, gender expression and gender identity, including transgender status.
- This was based on the 2020 SCOTUS decision *Bostock v. Clayton County* .
- However now, the Administration has explicitly rejected the extension of *Bostock* to other federal civil rights laws, such as Title IX.
- In addition, OCR has expressly indicated that it will interpret and enforce Title IX as prohibiting discrimination based on biological sex.

# Executive Action and Agency Enforcement (Cont.)

## Scope of Title IX - “Based on sex” (Cont.)

- **State Law** - How expansive is your state law when it comes sex discrimination on the basis of sexual orientation and gender identity?

# Executive Action and Agency Enforcement (Cont.)

- In addition to hearings, Remember a few nuances of the 2020 Rule:
  - Institutions are required to post trainings online – this was previously an enforcement focus of OCR under the 2020 rule.
  - Allegations of Title IX Sexual Harassment brought by a student against an employee cannot be resolved through informal resolution.

# Executive Order - Transgender Female Athletes

- On February 5, 2025, President Donald Trump issued an Executive Order impacting athletics participation of transgender women on college and university campuses (the “Order”).
- **What does the Order say?** The Order asserts that allowing transgender women to participate in women’s sports violates women’s Title IX equal opportunity protections, warns that any educational program that deprives women of these opportunities will lose federal funding, and broadly directs the United States to oppose “male participation” in women’s sports.
- **What does the Order do?** The Order directs the U.S. Secretary of Education, in coordination with the Attorney General, to prioritize enforcement of Title IX against educational institutions and athletic associations that require female athletes to compete against or share locker rooms with transgender women. Executive agencies are directed to review grants and rescind funding for programs that fail to comply with the Order.

# Executive Action – Title IX Special Investigations Team

- On April 4, 2025, the USDOE and DOJ jointly announced the creation of the Title IX Special Investigations Team (“SIT”).
- According to the DOE and DOJ, the SIT aims to address the “staggering volume of Title IX complaints” and “ensure timely, consistent resolutions to protect students, and especially female athletes, from the pernicious effects of gender ideology in school programs and activities.”
- “Combining Resources” – the SIT includes investigators and attorneys drawn from DOE, DOJ and other agencies.

# Agency Enforcement – Maine Department of Education (MSDOE)

- DOE recently issued a Letter of Finding of Noncompliance to the Maine Department of Education (“MDOE”), in which it found that MDOE was in violation of Title IX by permitting transgender females to participate in female athletics throughout the state and permitting transgender females to access “female-only locker rooms and bathrooms.”
- On March 31, 2025, DOE announced that it had issued its “final warning” to MDOE before referring the matter to DOJ for enforcement.
- On April 16, 2025, DOJ announced that it had filed a civil lawsuit against Maine

# Agency Enforcement – UPenn

- Lia Thomas was a student at UPenn, where she graduated from in 2022. She competed and won the Ivy League Championship hosted at Harvard University, in several categories.
- Following the vacatur of the 2024 Rules, the Trump administration passed an Executive Order allowing federal funding to be withheld from recipients who do not abide by the 2020 Title IX Rules.
- The Administration suspended \$175 million to UPenn in federal funding from the Department of Defense and Department and Health and Human Services, for alleged violations of Title IX by UPenn based on Thomas's competition in the 2022 Championship.

# 2024 Caselaw Updates

- **Tirrell and Turmelle v. Edelblut (D. N.H. Feb. 12, 2025)**

- New Hampshire Statute 1205 defined “sex” as a student’s biological sex at birth and mandated that “[a]thletic teams or sports designated for females, women, or girls shall not be open to students of the male sex,” thereby excluding transgender females from participation in women’s sports
- Transgender female athletes are challenging the law as violative of Title IX
- Female Athletes United has sought to intervene
- 25 other states have similar laws
- This is “one to watch”

# 2024 Caselaw Updates (Cont.)

- **Zhornitsky v. Yale Sch. of Med. (D. Conn. Nov. 25, 2024)**
  - This District Court decision out of the District of Connecticut demonstrates the intricate challenges that Title IX investigations can present – particularly when University staff regularly interact in the workplace with non University employees.
    - Plaintiff – Male doctor employed by Yale University’s School of Medicine; jointly employed by Connecticut Mental Health Center (“CMHC”)
    - Accused by a colleague – employee of the CMHC – of sexual harassment
  - Yale commenced a total of four separate Title IX investigations to investigate the reporting individual’s complaints against Plaintiff.
  - Plaintiff filed a complaint of discrimination with Connecticut’s Commission on Human Rights – one day after Yale was notified of his complaint, it initiated a fourth Title IX investigation against him – it was this investigation that led to him being found responsible for sexual harassment and led to his suspension.
  - Plaintiff sought to file a cross complaint against the reporting individual, but Yale declined to permit him to do so because she was neither a Yale employee or student

# 2024 Caselaw Updates (Cont.)

- **Zhornitsky v. Yale Sch. of Med. (D. Conn. Nov. 25, 2024) (Con.)**
  - **Plaintiff’s claims against CMHC were dismissed** – the Court found that it did not fall within the definition of an educational institution under Title IX and did not meet the definition of a joint employer under Title VII.
  - **Plaintiff’s claims against Yale:** Plaintiff brought Title VII and Title IX claims against Yale
    - **Gender Discrimination** - The District Court permitted plaintiff’s gender discrimination claims – under both Title VII and Title IX to proceed.
      - The Court found that there were sufficient factual allegations to give rise to a discriminatory intent on Yale’s part
        - Yale did not permit plaintiff to file a cross complaint
        - Procedural irregularities
        - “Non-neutral weighing of evidence”
    - **Due Process** - The Court rejected plaintiff’s Title IX due process argument
    - **Retaliation** - The District Court allowed this claim to proceed
      - Based on the timing of Yale initiating the fourth investigation

## 2024 Caselaw Updates (Cont.)

- **Does Title IX provide an implied right of action for sex discrimination in employment? (Circuit Split)**
- **Joseph v. Bd. of Regents of the Univ. Sys. of Ga. (11th Cir. Nov. 7, 2024)**
  - Joining the conversation on an increasing Circuit Split, the 11th Circuit answered – No
    - Title IX does not provide a provide right of action for sex discrimination in employment
  - Ultimately, the Court reasoned that Congress would not have intended to Title VII and Title IX to provide for overlapping remedies

# 2024 Caselaw Updates (Cont.)

- **Joseph v. Bd. of Regents of the Univ. Sys. of Ga. (11th Cir. Nov. 7, 2024) (Con.)**
- **Facts: This was a consolidated case of two appeals**
  - **Thomas Crowther**
    - Art Professor from Augusta University
    - Several students alleged that he sexually harassed them – after an investigation – he was suspended for one semester
    - Crowther brought a Title IX retaliation claim – the protected activity he claimed was the basis of the retaliation was his participation (defending himself) in his Title IX investigation
    - **Ruling** - Title IX does not provide a private right of action for employees under Title IX

# 2024 Caselaw Updates (Cont.)

- **Joseph v. Bd. of Regents of the Univ. Sys. of Ga. (11th Cir. Nov. 7, 2024) (Con.)**
- **Facts: This was a consolidated case of two appeals**
  - **MaChelle Joseph**
    - Head women’s basketball coach at Georgia Tech from 2003-2019
    - *Complaints by Joseph:*
      - During her tenure as coach, Joseph had raised complaints alleging funding disparities between the women and men’s basketball programs
      - She also alleged differential treatment of herself as a female coach
    - *Complaints against Joseph:*
      - Georgia Tech also received complaints that Joseph created a toxic environment for student athletes – Georgia Tech investigated and substantiated those claims and she was fired
  - **Ruling** - Title IX does not provide a private right of action for employees under Title IX
  - **Ruling** - Title VII does not provide Joseph a cause of action for the associational discrimination she alleged (for advocating on behalf of the women’s basketball team)

# Stop Campus Hazing Act

- **Passed unanimously by Congress and signed into law by President Biden on December 23, 2025** (Public Law 118-173, 118th Congress)
- **What does the Act Do?** Amends the Higher Education Act of 1965 (USC 1092(f)(1)(F), Section 485(f)(1)(F)) to require institutions of higher education to disclose hazing incidents in their Annual Security Reports and to publish Campus Hazing Transparency Reports.
- **What Is Required?**
  - Adopt a Hazing Policy
  - Implement hazing prevention programs
  - Document Violations and Collect Hazing Statistics
  - Publish a Campus Hazing Transparency Report
  - Include Hazing Statistics in ASR

# Is My Institution Impacted? Almost Certainly, Yes!

- **Hazing** is defined as “any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury....”

# Is My Institution Impacted? Almost Certainly, Yes!

- **Student Organization** is defined as “an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.”

# Summary of Requirements and Implementation Deadlines

Requirement	Details	Implementation Deadline
<b>Begin Collecting Hazing Statistics</b>	Institutions must begin collecting hazing statistics to include in the Annual Security Report.	January 1, 2025
<b>Hazing Policies Must be in Place</b>	Institutions must publish their hazing policies and prevention programs.	June 23, 2025
<b>Documenting Violations of Institutional Standards</b>	Institutions must have a process for documenting violations of their anti-hazing policies. Any violations will be included in the institutions' Campus Hazing Transparency Report.	July 1, 2025
<b>The Campus Hazing Transparency Report</b>	Institutions must make the Campus Hazing Transparency Report publicly available, documenting violations occurring since July 1, 2025.	December 23, 2025
<b>Inclusion of Hazing Statistics in Annual Security Report</b>	Institutions must include 2025 hazing statistics in their 2026 Annual Security Report.	October 1, 2026



Thank you.

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