

Back to School Webinar

Higher Ed/Fall 2026

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WELCOME

Preparing for the 2026–2027 School Year



Introductions



Learning objectives



Practical



Preparing your school/institution
before students return



COMPLIANCE IN 2026–2027

More Complex Than Ever

Schools are navigating:

- ✓ Title IX
- ✓ Title VI
- ✓ ADA/Section 504
- ✓ Athletics
- ✓ Pregnancy accommodations
- ✓ AI and digital evidence
- ✓ State laws
- ✓ Increased litigation



THE CIVIL RIGHTS ENFORCEMENT LANDSCAPE IS CHANGING

Enforcement Is Evolving, Not Disappearing

- Changes in federal priorities
- OCR staffing and enforcement trends
- Increased DOJ involvement
- State enforcement activity
- Growing private litigation and state enforcement

The question is no longer: *"Will OCR investigate?"*

The better question is: *"Could we confidently defend our decisions regardless of who reviews them?"*

THE NEW INTERAGENCY AGREEMENTS (IAAS)



- Information sharing
- Coordinated enforcement
- Cross-agency referrals
- Broader institutional accountability



OCR'S K-12 INITIATIVE

- National initiative focused on adult sexual misconduct in K-12 schools
- Directed investigations of selected districts
- Focus on institutional response, not just employee misconduct



OCR'S K-12 INITIATIVE

OCR reminded schools that...

- A criminal investigation does not replace a school's independent civil rights responsibilities.

OCR'S UNIFIED REGULATORY AGENDA

Proposed Areas of Rulemaking	
Title IX	Title VI
• Proposed regulatory revisions • Definition of "sex" • OCR investigation procedures	• Race • National origin • DEI-related programming



Recent removal of disparate-impact provisions from OCR's Title VI regulations (July 2026)

**BIG TAKEAWAY:
COMPLIANCE IS NO
LONGER JUST
ABOUT OCR**

SUPREME COURT UPDATE



Supreme Court is Shaping Compliance in New Ways

- Court is deciding fewer traditional merits cases
- Court is increasingly influencing policy through the emergency ("shadow") docket



DESPITE ALL OF THESE DEVELOPMENTS, WHAT HAS NOT CHANGED?

- ✓ Respond promptly
- ✓ Support students and employees
- ✓ Document decisions
- ✓ Follow policy
- ✓ Train personnel
- ✓ Coordinate across departments

LEADERSHIP CONSIDERATIONS

Questions institutional leaders should ask:

- Are compliance responsibilities clearly assigned?
- Does the Title IX/VI Coordinator have adequate authority and resources?
- Are departments communicating effectively?
- Are investigations timely?
- Are decisions well documented?
- Would leadership know how to respond if contacted by OCR, DOJ, or legal counsel?



Back to School Readiness



THE BACK-TO-SCHOOL COMPLIANCE CHECKLIST

Five readiness pillars:

- Governance
- People
- Processes
- Documentation
- Training



GOVERNANCE



Review:

- Policies
- Annual notices
- Website information
- Coordinator contact information
- Reporting forms
- Procedures
- Templates

PEOPLE

Confirm roles:

- Coordinator
- Deputy Coordinator
- Investigators
- Decision-makers
- Appeals
- HR
- Student Affairs
- Athletics
- Disability Services



TRAINING

Who should receive training before students return?

- Coordinators
- Investigators
- Decision-makers
- Advisors
- HR
- Supervisors
- Athletics
- Student-facing employees



Title IX



INTAKE & TRIAGE

- Receiving reports
- Initial outreach
- Jurisdiction
- Emergency concerns
- Supportive measures
- Documentation



SUPPORTIVE MEASURES

Review:

- Early intervention
- Individualized measures
- Ongoing review
- Documentation
- Coordination with other offices



INVESTIGATIONS

Back-to-school reminders:

- Timelines
- Notice requirements
- Interview planning
- Electronic evidence
- Documentation
- Communication



DOCUMENTATION MATTERS MORE THAN EVER

- Reports
- Outreach
- Meetings
- Supportive measures
- Decisions
- Follow-up
- Communications

If it isn't documented, assume someone reviewing the file later won't know it occurred.



EMERGING INVESTIGATION CHALLENGES

- AI-generated images
- Deepfakes
- Social media evidence
- Anonymous reporting
- Electronic communications
- Off-campus conduct



Beyond Title IX Sexual Harassment



ATHLETICS



- Equal treatment
- Participation
- Retaliation
- Communication
- Documentation

SUPREME COURT UPDATE



Transgender Participation in Athletics *West Virginia v. B.P.J.*



Court held that states may limit participation on girls' and women's athletic teams based on biological sex without violating Title IX or the equal protection clause. This decision provides legal certainty for states with similar laws.



Court did not answer the opposite question - whether allowing transgender students to participate consistent with their gender identity violates Title IX.



TITLE VI



Important!

- Harassment
- National origin
- Religion and antisemitism
- Shared institutional responsibility
- Documentation

ADA/SECTION 504



- Interactive process
- Mental health
- Temporary impairments
- Pregnancy overlap
- Documentation

STOP CAMPUS HAZING ACT



- Hazing is now a reportable Clery Act crime
- Must maintain and publish Campus Hazing Transparency Report identifying organizations found responsible for hazing
- Report updated 2x a year
- Must include hazing policies and prevention programming in ASR
- First ASR containing 2025 stats due October 1, 2026

Reducing Risk/Elevating Response



COMMON COMPLIANCE GAPS

Examples:

- Delayed intake
- Poor documentation
- Policies not matching practice
- Inconsistent supportive measures
- Lack of communication
- Training gaps
- Leadership disengagement



COMPLIANCE IS A TEAM SPORT

Illustrate collaboration among:

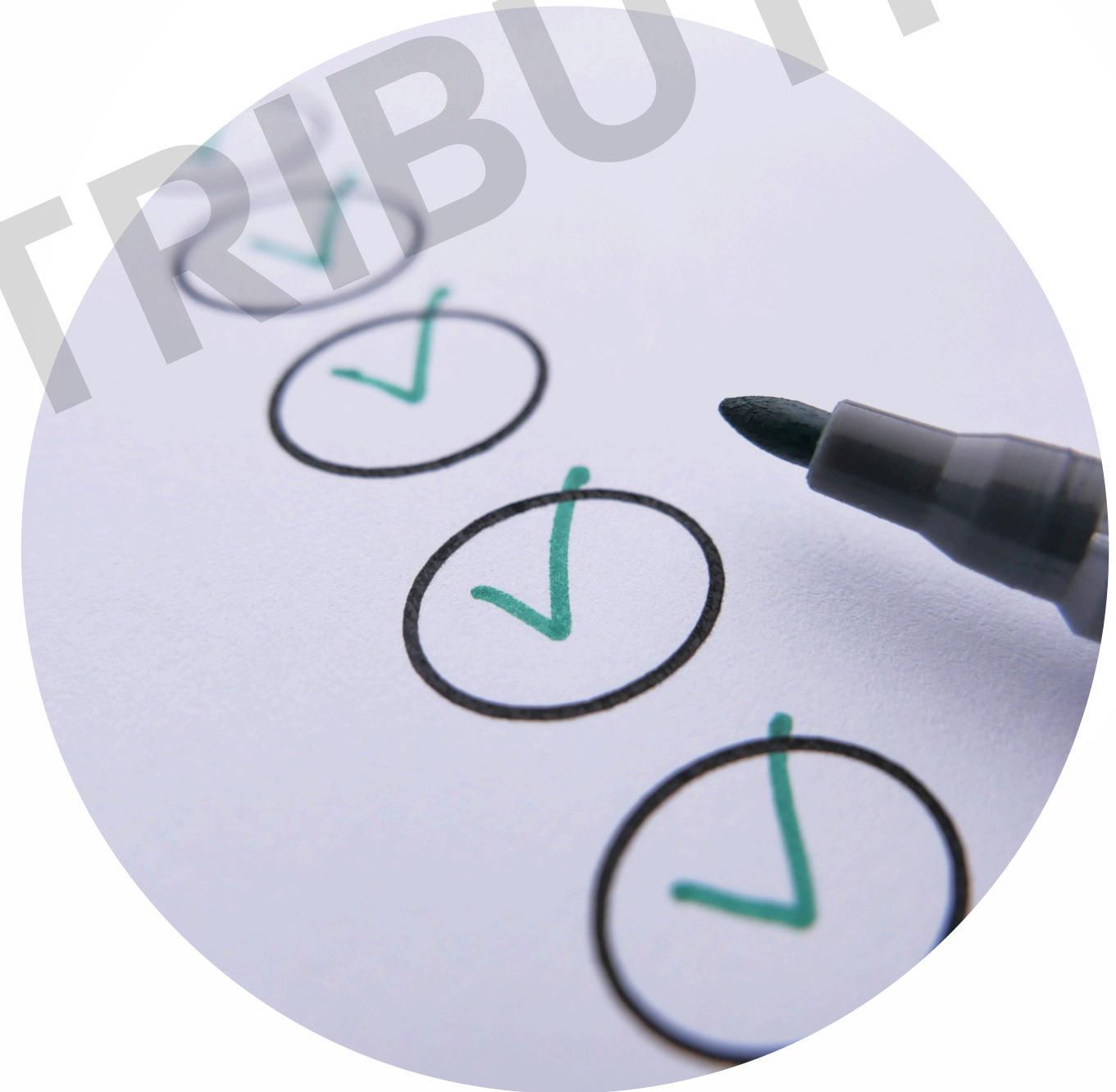
- Title IX
- HR
- Student Affairs
- Disability Services
- Athletics
- General Counsel
- School Safety
- Leadership



IF SOMEONE REVIEWED YOUR INSTITUTION TOMORROW...

Could you confidently answer:

- Who receives reports?
- How are supportive measures documented?
- Who investigates?
- Are records centralized?
- Is training current?
- Are policies reflected in practice?



Looking Ahead

WHAT WE'RE WATCHING THIS SCHOOL YEAR

Federal

- Implementation of the IAAs
- OCR enforcement activity
- DOJ civil rights initiatives

Courts

- Supreme Court shadow docket developments
- Title IX and athletics litigation
- Disability litigation

States

- New legislation
- Enforcement trends

Institutions

- AI
- Documentation
- Cross-functional compliance



YOUR FIRST 30- DAY ACTION PLAN



Week One

- Review policies
- Verify Coordinator information
- Test reporting systems



Weeks Two–Four

- Complete training
- Meet with campus stakeholders
- Review templates
- Audit documentation



This Semester

- Conduct a tabletop exercise
- Evaluate lessons learned
- Identify improvement opportunities



Join ICS for more Training and Connection



OTHER WAYS TO RECEIVE UPDATES:



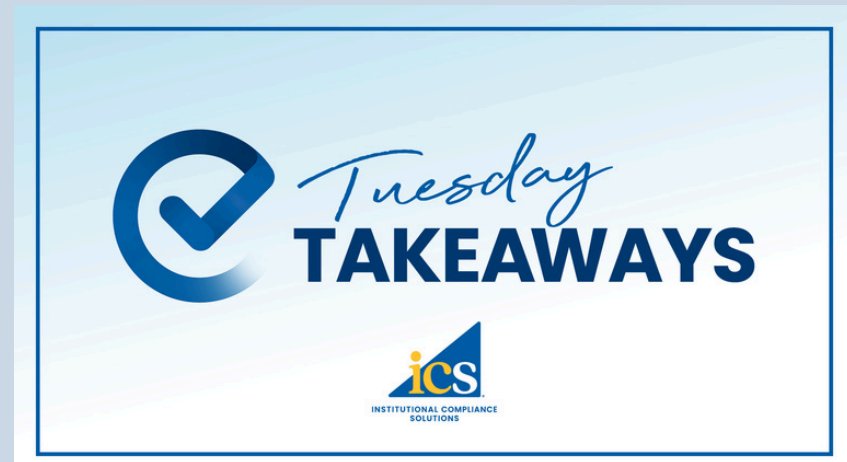
LAW & EDUCATION
PODCAST



LIVING TITLE IX



BLOG



TUESDAY TAKEAWAYS

QUESTIONS?

