

# Perform a Title IX Self-Audit Before the Auditors Come!



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# Overview for Today's Discussion

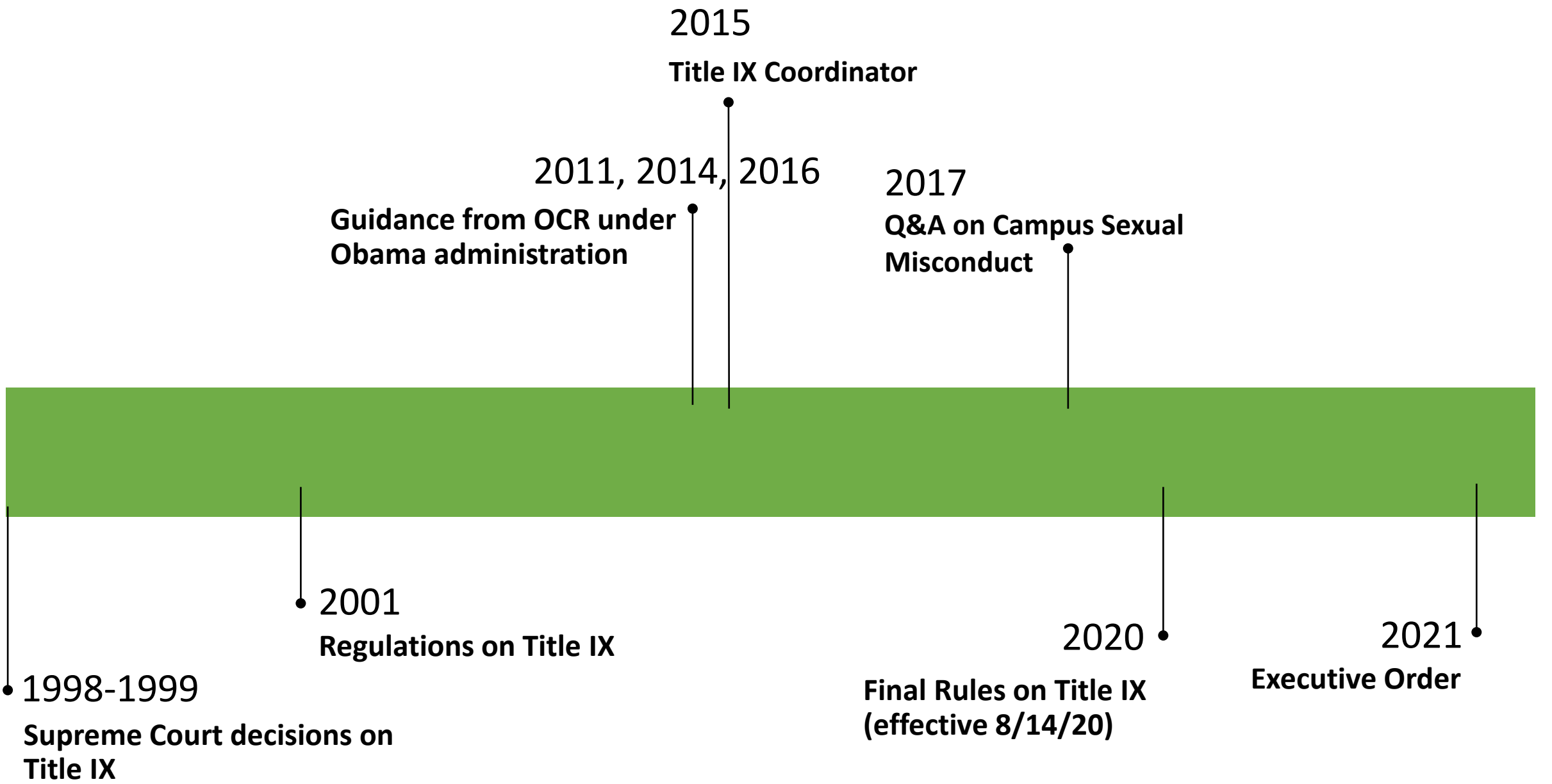
- Reasons to perform a self-audit
- Specific areas for review
  - Scope of Title IX
  - Community information
  - Policies
  - Procedures and process
  - Training
  - File review
- Other evaluation techniques to consider



# Reasons for a Self-Audit

- Keep pace with Title IX regulations that are ever-changing
- Public request for review
- Concerns in specific areas/programs raised by community members
- Scrutiny of similar institutions
- Audit by local entity (i.e. Santa Clara County in CA)



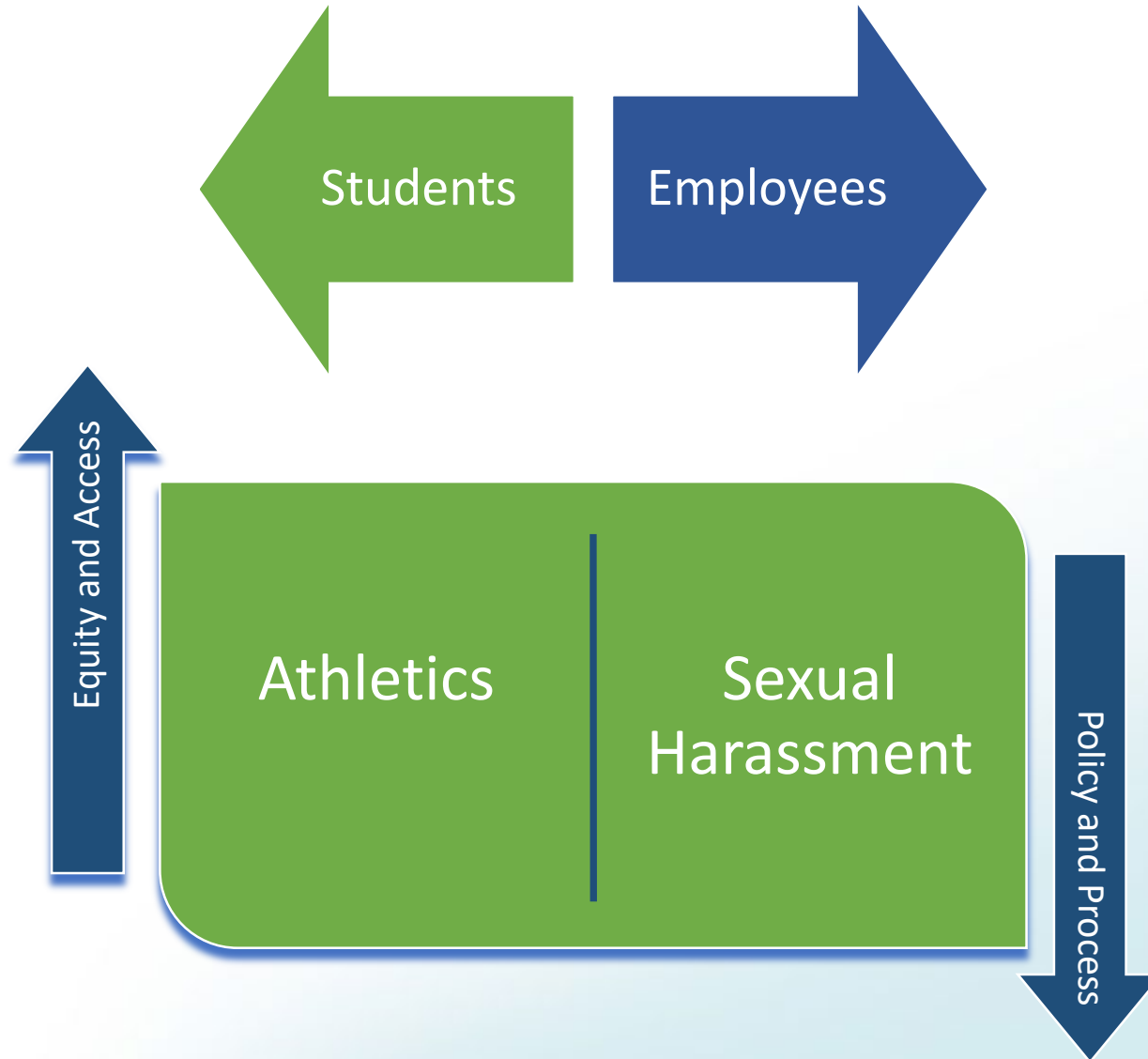


# Title IX Basics

- Identify Title IX Coordinator
- Provide contact information
- Disseminate information to the relevant audiences
- Prominently display information and on website



# Title IX Scope



# Athletics - Gender Equity

- Program accommodates the interests and abilities of the students as a whole
- Athletes are treated as valued members of program, regardless of income generation and/or popularity
- Review other funding sources - booster clubs, alumni support



# Athletics - Review Areas

- Athletic equipment and supplies
- Locker rooms and practice/competition facilities
- Allocation of travel/transportation/per diem benefits
- Years of experience, quality and salaries of coaches
- Institutional housing/dining facilities and services
- Game/practice times
- Scheduling
- Facilities for and access to training and medical services
- Academic tutoring services for student-athletes
- Institutional support services
- Recruiting resources provided to student-athletes





# Sexual Harassment - Legal Standard for Response

**Educational institution must respond in a manner that isn't deliberately indifferent when it has actual knowledge of sexual harassment occurring in the institution's education program or activity against a person in the United States.**



# Sexual Harassment - Important Definitions

- Sexual Harassment
  - Quid pro quo
  - Hostile environment
  - Sexual assault, dating/domestic violations, and stalking
- Definitions
  - Must occur in education program or activity in the United States
  - Location where institution has substantial control over both:
    - Respondent
    - Context in which harassment occurred



# Sexual Harassment - Policies for Review

- Title IX
- Sexual Harassment/Misconduct
- Employee Sexual Harassment
- Process and Procedures for managing sexual harassment claims
  
- Review state law requirements and/or policies to determine
  - Definitions
  - Interaction of process
  - Potential dismissal of Title IX matters and next steps



# Sexual Harassment - Grievance Process

- Evidence will be reviewed objectively
- Standard of evidence and burden of proof
- Supportive measures
  - Removal process
- Offer of formal process
  - Title IX Coordinator initiated process
- Confidentiality
- Elimination of conflict of interest or bias
  - How to allege violations?
- Adopt reasonable time frames
- Advisors
- Title IX Coordinator, Investigator and Decision-maker roles
  - Hearing panel
- Appeal



# Sexual Harassment - Informal Grievance Process

- After formal complaint is filed
- Sharing of allegations
- Both parties agree
- Written description of process
- Never used when complainant is a student and respondent is an employee



# Title IX New Rule - Post Training Materials

- Title IX Coordinator
- Title IX Investigator
- Title IX Decision-Maker
- Title IX Appeal Officer
- Informal Resolution Officer
- Advisor



# Sexual Harassment - File Review Overview

- Notice of incident
- Outreach to complainant
- Offer of supportive measures to complainant
- Offer of formal complaint process
- Notice of Allegations
- Offer of supportive measures to respondent
- Investigation file
  - Information sharing
- Decision-maker process
  - Information sharing
- Outcome letters
- Appeal



# State Law





# Example: State Law Requirements (California)

- Sex Equity in Education Act, Ed Code 221.8
- The right to receive equitable treatment and benefits in the provision services
- How to file under Title IX, including:
  - Statute of limitations and filing beyond
  - How complaint will be investigated
  - How to pursue complaint with US Department of Education
  - Provide link to the US Department of Education complaint form, contact info for office (phone number and email)
- Annual notice



# Sexual Harassment - State Law Process

- Concurrent investigations
- Sequential investigations



# Other Policies/Procedures to Review

- Employee policies on sexual harassment
- Nondiscrimination policies
- Disability services



# Other Audit Tools - Community Engagement

- Community surveys and/or sessions to gather information:
  - Identify systemic challenges and gaps
  - Identify barriers that individuals face when reporting their experiences
  - Provide a safe space for individuals to provide feedback on Title IX process





# QUESTIONS?

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**Thank you for  
your participation!**

*Keenan*

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