

Santa Clara County Assessment re: Sex- and Gender-based Harassment and Violence

Presented By:

The Institutional Response Group | Cozen O'Connor

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Santa Clara County

May 2023 Introductory Meetings



Agenda for Today

- Introductions
 - County Representative
 - Cozen O'Connor
 - Participants
- Purpose and Goals of Review
- Approach and Context
- Overview of Specific Steps in Review
 - Actions to date
 - Next steps
- District and School Engagement

Purpose and Goals of Review

- Conduct a comprehensive assessment of K-12 and post-secondary institutions on their **infrastructure, written policies and protocols, and legal compliance** related to sex- and gender-based harassment and sexual assault under Title IX, the Clery Act, and the California Education Code, and related authority

Purpose and Goals of Review

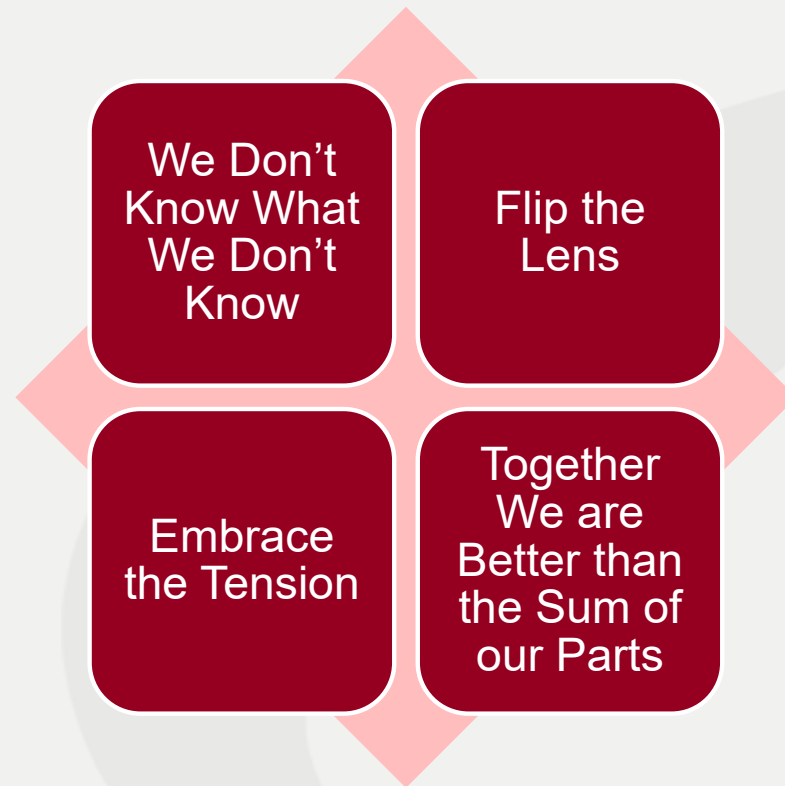
- Design and implement **trauma-informed community engagement strategies and methods** to gather information and feedback from participants (complainants and respondents), stakeholders and administrative leadership within the educational institutions to identify strengths and challenges

Purpose and Goals of Review

- Recommend areas for further development of a **legally compliant and effective** Title IX program

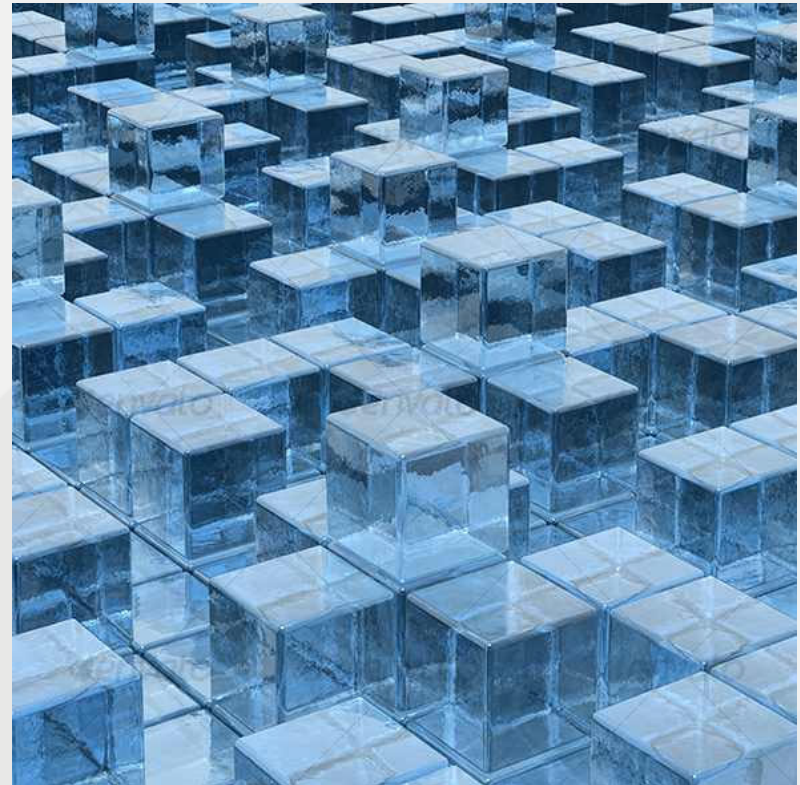
Our Approach to a Title IX Audit

- Humility
- Empathy
- Accountability
- Collaboration



The Context

- Regulatory Framework
- Dynamics of Trauma & Sexual and Gender-Based Harassment and Violence
- Individual Culture, Climate, History, Resources, Policies, Procedures, Personnel and Values of the Institution



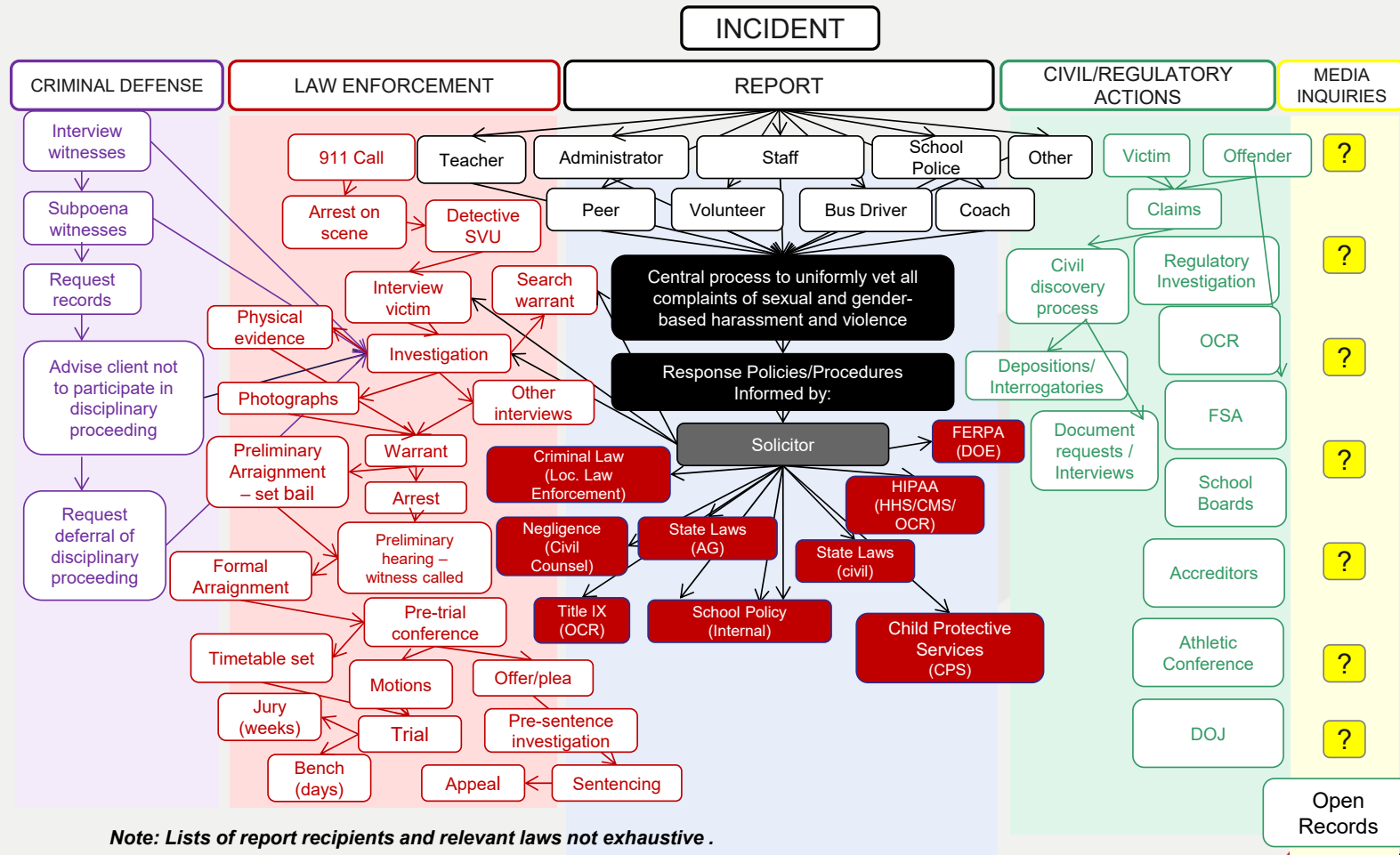
The Elementary and Secondary School Context

- Educate students at a wide range of ages and developmental levels, with different degrees of understanding of sexuality, communication abilities, and understanding of the impact of their actions on others
- Students often feel deep trust and connection with their teachers and other administrators, which enriches the educational experience but also creates risks and vulnerabilities in light of the differentials in power and authority

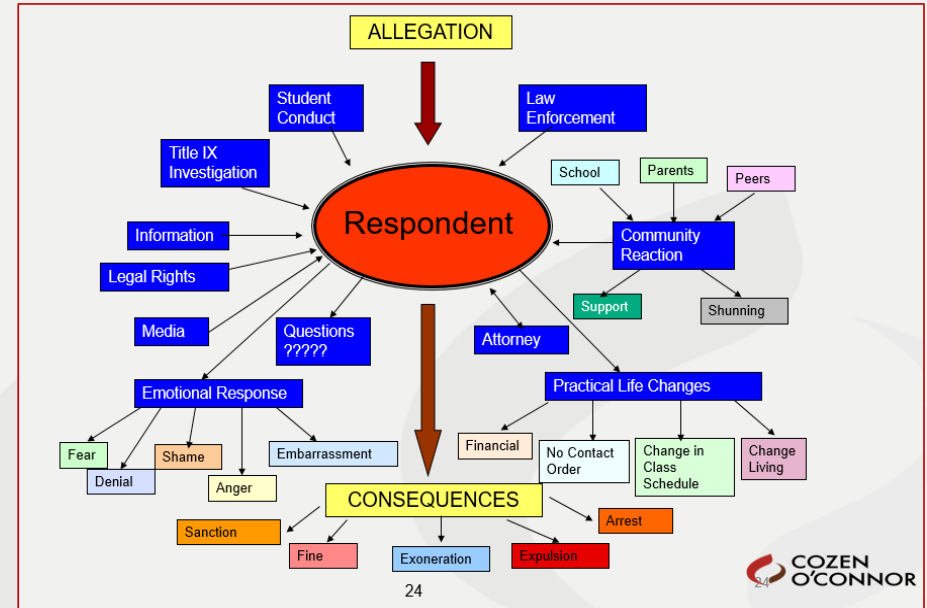
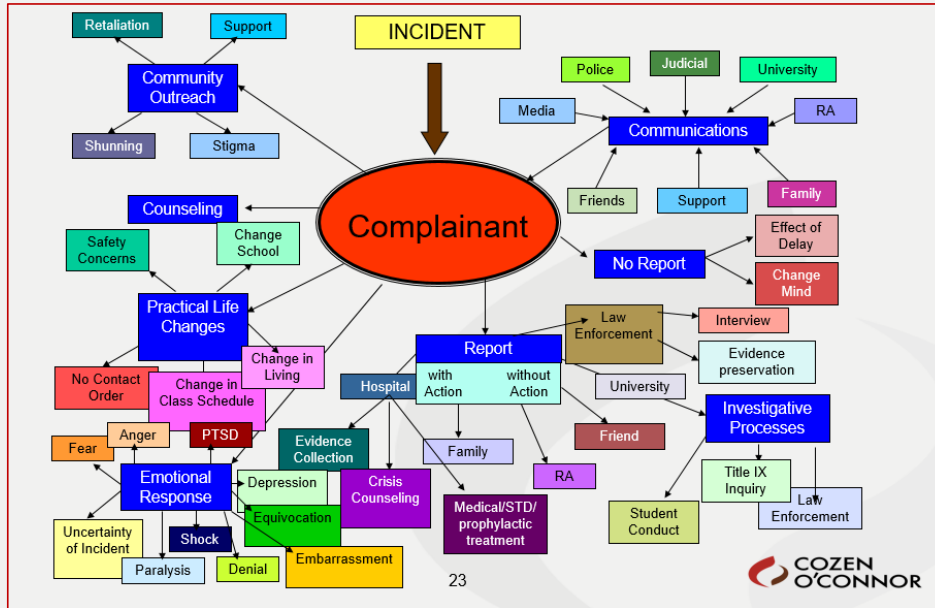
The Elementary and Secondary School Context

- School systems are decentralized organizations where management and oversight are often diffuse, making it harder to maintain complex accountability mechanisms and consistent behavioral norms
- Must consider interplay of federally-mandated processes with mandatory child abuse reporting laws and other state educational laws and licensing regulations
- Resources and staffing challenges

The Challenge of the Context – K-12

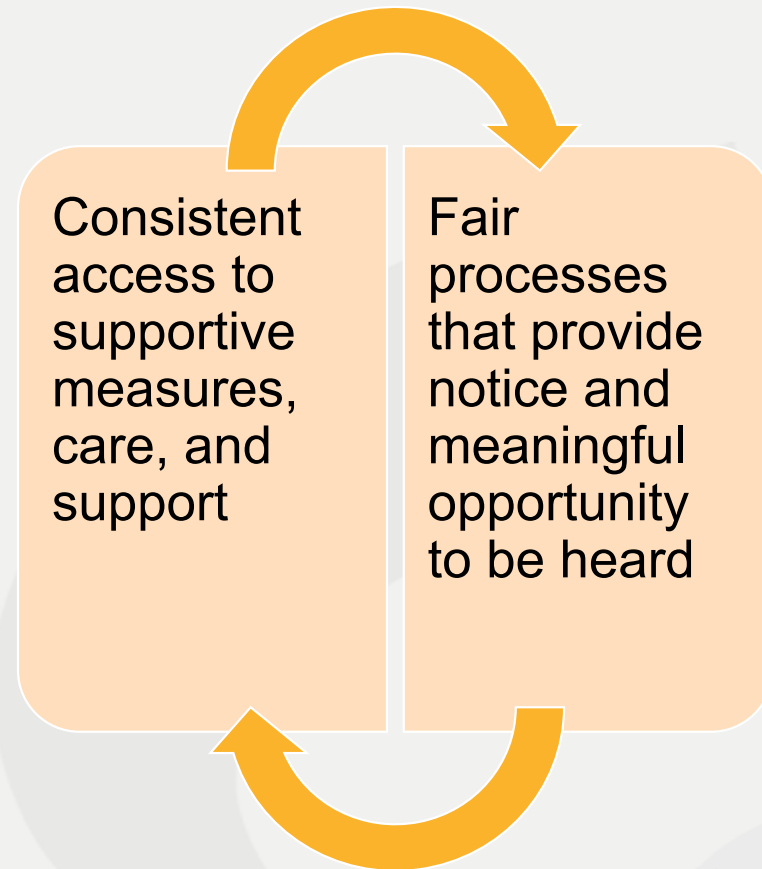


Informed Care for the Individual



Care-Compliance Continuum

- Every compliance element can be tied to a duty of care
- Effective practices incorporate an understanding of the impacts of trauma on individuals and communities



Evolution of Federal Legislation and Guidance

Title IX passed as part of the Education Amendments of 1972

Clery Act passed requiring institutions of higher education to enhance campus safety efforts

2001 Revised Sexual Harassment Guidance

March 7, 2013: Violence Against Women Reauthorization Act of 2013 (VAWA) amended **Clery Act**

April 2015: Title IX Coordinator Guidance and Resource Guide

August 14, 2020: deadline for schools' implementation of new regulations

June 2016: Revised Clery Handbook released

November 2018: Notice of Proposed Rulemaking

1972

1975

1990

1997

2001

2011

2012

2013

2014

2015

2016

2017

2018

2019

2020

2021/22

Title IX Implementing Regulations published

1997 Sexual Harassment Guidance published

April 4, 2011: Office for Civil Rights (OCR) releases its "Dear Colleague Letter" (DCL) ushering in a new era of federal enforcement

October 20, 2014: Department of Education issues final negotiated rules implementing VAWA; effective July 1, 2015

April 29, 2014: OCR releases Questions and Answers on Title IX and Sexual Violence

- **Change in Federal Enforcement Approach**
- **September 22, 2017:** 2011 DCL and 2014 Q&A Rescinded
- 2017 Q&A released

- **Change in Federal Enforcement Approach**
- 2021 Q&A released
- **June 23, 2022:** NPRM Released

Steps to Date

- Draft overview of the legal requirements under federal and state law
- Identify the relevant educational institutions
- Catalogue and review publicly available information from each institution as to core compliance requirements under state and federal law
- Draft a survey to be shared with school districts and school personnel

Immediate Next Steps

- Disseminate the survey to all institutions to gather key information regarding compliance elements
- Review written policies and other available documents through the lens of legal compliance and effective practices
- To the extent possible, interview key implementers to aid in understanding campus responses, gaps, and challenges
- Solicit community feedback through various mechanisms for input

Final Steps

- Integrate all available information to prepare district/campus based feedback
- Identify schools that may need more substantive intervention
- Develop model policy, templates and training materials to share with schools at the completion of the process
- Provide training and/or train the trainer opportunities

District and School Engagement

- Expectations for engagement by educational institutions
 - Complete a written survey regarding structure, resources, and metrics
 - Share written documents upon request
 - 3 to 5 administrators participate in a one-hour interview (each) to aid in understanding campus responses, gaps, and challenges
 - Disseminate correspondence to community members to encourage participation in community engagement efforts

Survey Overview

- School information
- Type of school
- Grades served
- Enrollment
- Title IX Coordinator information
- Other job titles or responsibilities
- Longevity
- Reporting structure
- Other individuals within Title IX
- Scope of Title IX Coordinator's role
- Employees
- Students
- Other involved personnel
- Case management software
- Confidential victim advocacy resources
- Advisor/advocate for complainant
- Advisor/advocate for respondent
- Open, vacant or temp positions
- Online Title IX website and resources
- Written Title IX resources
- Title IX policy
- Notice of non-discrimination or policy
- Nature and number of reports
- Nature and number of formal complaints
- Outcomes/sanctions
- Open cases
- Closed investigations
- Prevention and education programming

Benefits of Engagement

- Opportunity to have external review with recommendations for improvement
- Opportunity to learn effective practices through engagement and recommendations
- Access to written overview of federal and state legal framework
- Individual policy review with feedback about compliance elements
- Advice about structure, systems design, documentation
- Access to model policy, template communications, and training materials
- Opportunity to attend Title IX training (gratis)

Community Engagement Overview

- Open email address:
SantaClaraCountyTitleIXReview@cozen.com
- Written survey to be disseminated by educational institution to constituents
- Open focus groups (to track organization of kickoff calls)
- Open office hours (likely by Zoom to facilitate access)

Timeline: K-12 Schools

Phase	Public and Private K-12 Schools/Districts	Start Date	End Date
2	<ul style="list-style-type: none"> • Catalogue and Review of Publicly Available Information from Each Institution as to Core Compliance Requirements Under State and Federal Law • Dissemination of a Survey to All Campuses to Gather Key Metrics Regarding Compliance Elements • Interviews with Key Stakeholders to Build Understanding of Campus Responses, Gaps • Identification of Schools Needing More Substantive Intervention 	February 1, 2023	August 1, 2023 to November 1, 2023 [with an understanding that this time frame may be adjusted based on the number of schools, volume of information, and other factors outside of Contractor's control]

Timeline: Post-Secondary Institutions

Phase	Universities, Community Colleges, and Post-Secondary Institutions	Start Date	End Date
3	<ul style="list-style-type: none">• Catalogue and Review of Publicly Available Information from Each Institution as to Core Compliance Requirements Under State and Federal Law• Dissemination of a Survey to All Campuses to Gather Key Metrics Regarding Compliance Elements• Interviews with Key Stakeholders to Build Understanding of Campus Responses, Gaps• Identification of Schools Needing More Substantive Intervention	June 1, 2023	December 1, 2023 to March 1, 2024 [with an understanding that this time frame may be adjusted based on the number of schools, volume of information, and other factors outside of Contractor's control]

Timeline: Final Report/Deliverables

Phase	Task	Start Date	End Date
4	Final Report	August 1, 2023	March 1, 2024 [or June 1, 2024 depending on completion of Phase 3]
5	Development of Model Policies, Templates, and Training Materials to Share with Schools at the Completion of the Process	December 1, 2023	March 1, 2024 [or June 1, 2024 depending on completion of Phase 3]
	Training	To be scheduled based upon mutual agreement between County, Contractor, and if appropriate, Schools	

Questions

- What questions do you have for us?
- How do we identify who we should meet with on your campus?
- What level of staffing will be available during the summer months?
- Who should we work with on your campus to facilitate community engagement?

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