



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

## Questions for CUPA-HR Blog from Webinar on 7-19-2022

### General Questions

#### **1. What is the expected date that changes will need to be implemented within higher ed institutions?**

The regulatory process requires a notice and comment period that requires the agency to respond to all substantive comments. For the proposed 2022 regulations, the comment period ends on September 12, 2022. As an aside, in 2020, OCR received over 120,000 comments and took over a year to issue final Regulations. Therefore, we cannot imagine we will see the “final regulations” before (minimally) January 2023. Institutions will likely be instructed to implement the new regulations in or around August 2023 as we believe it would be unorthodox for the Department to require these changes to be implemented midway through an academic year.

#### **2. Is there any indication in the proposed rule that incidents from before the current rule went into effect (2020) will be able to be investigated, or any changes to the statute of limitations in general?**

Yes, we do think that the proposed rule allows for additional investigations, but it does not specifically speak to a statute of limitations. For example, 106.2 Definitions, expands upon the current definition of Complainant to mean: (1) a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or (2) a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the recipient’s education program or activity when the alleged sex discrimination occurred.

This seems to suggest that not only can third parties report, but that a report can be made after a complainant is no longer enrolled. This is a huge change from 2020, which required that a complainant be “participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed.”<sup>1</sup>

Finally, we do not believe the regulations will be retroactive.

#### **3. How should institutions best prepare during this transition period?**

First, take a breath and step back. Nothing is immediately occurring. That said, start reviewing your policies and procedures. And, as mentioned above, there are Resolution Agreements that are instructive as to sex discrimination and sex-based harassment.

Additionally, schools need to familiarize themselves with any state law(s) and/or caselaw that impacts the student conduct process, as those too will impact what process schools need to utilize when responding to reports of sex-based harassment. For example, for public institutions, the 6<sup>th</sup> circuit currently requires a live hearing with cross-

---

<sup>1</sup> 34 C.F.R. § 106.30(a) Formal Complaint <https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106/subpart-D>



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

examination<sup>2</sup> whereas the 1<sup>st</sup> circuit allows for questioning through a decision-maker<sup>3</sup>. State contractual law may also impact required processes, including for private institutions<sup>4</sup>.

#### **4. Is there a self-audit tool you can recommend ensuring current compliance before the 2022 regs are implemented?**

While we are not aware of any self-audit tools, we do recommend that people continue to educate themselves as to the requirements of 2020 and what is on the horizon for 2022. Institutions would be well served to ensure the current policies and procedures are accurately and thoroughly described not only in institution policies and procedures, but also publications such as the Annual Security Report.

However, we challenge institutions to think beyond just “checking a box” and instead to take a step back and reflect on how institutions can fulfil the spirit of the law, specifically, ensuring gender equity and prohibited sex discrimination. As discussed above, it is more important than ever.

### **Employment**

#### **1. For employees, how do the new proposed regs coordinate with existing FMLA laws?**

The proposed rule provides a much needed linguistic update concerning 106.57 “marital or parental status.” For example, this section has been renamed “Parental, family, or marital status; pregnancy or related conditions,” and the definition of “Parental status” found in 106.2 has been expanded to include “a biological parent, an adoptive parent, a foster parent, a stepparent, a legal custodian or guardian, in loco parentis with respect to such a person, or actively seeking legal custody, guardianship, visitation, or adoption of a person.” Similarly, there are specific requirements for lactation time and space, which were not provided for previously. These updates seem to be more in line with FMLA. However, the proposed language regarding “pregnancy leave,” is specific to “pregnancy or related condition,” and does not seem to include the other parental status examples.

#### **2. Regarding this "taking the hat on and off," can you give an example of when a confidential employee would have to report if they receive information outside the context of their role?**

The best example would be the Director of the Counseling Department, who during supervision, not direct client interaction, learns about an incident. There is confusion as to whether or not the Director would have to report this information to the Title IX Coordinator. NACCOP is raising these issues in response to the request for comments so they can be considered before the Department issues final regulations.

---

<sup>2</sup> Doe v. Baum, 903 F.3d 575, 578, 589 (6th Cir. 2018).

<sup>3</sup> Haidak Univ. of Mass.-Amherst, No. 18-1248, 23 (1st Cir. Aug. 6, 2019).

<sup>4</sup> Doe v. Trs. of Boston College 942 F.3d 527 (1<sup>st</sup> Cir. 2019) and Doe v. University of the Sciences, No. 19-2966 (3d Cir. May 31, 2020)



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

### 3. Would contractors working for extended time periods need training?

106.8(d) of the proposed regulations require increased training requirements for all employees. However, as “employee” is not defined, it is unclear where contractors may fall. Some argue that, under the spirit of the law, it would be wise to treat contractors as employees for training purposes and require that they complete the required training respective to their role. For example, if an institution contracts with a facilitator for informal resolution, it is suggested that that person be trained in the institution’s “obligations to address sex discrimination,” as well as “the rules and practices associated with the recipient’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.” Others believe that contractors have not been traditionally viewed as employees in higher education and simply placing language in the contract with their employer (the person who is paying their wages) regarding the institution’s obligations is sufficient. Additional guidance is needed from OCR and NACCOP is raising these issues in response to the request for comments so they can be considered before the Department issues final regulations.

### 4. How is “employee” defined in the draft regs?

“Employee” is not currently defined. While no definition exists in the draft regulations, it is important to note that the Department has noted that in the 2022 proposed regulations that “an employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient’s education program or activity” falls under the scope of the regulations. For example, a volunteer who has alleged to engage in quid pro quo harassment would fall under the proposed Title IX obligations. This is a shift from the 2020 regulations, which did not include unpaid persons as “employees” for purposes of Title IX.

### 5. Do you think the leave provisions regarding pregnancy and related conditions apply to extensions of the tenure clock?

106.57(b) states that a school cannot “discriminate against or exclude from employment any employee or applicant for employment on the basis of current, potential, or past pregnancy or related condition.” This expanded language may help address extensions of the tenure clock, but additional clarification may be needed.

### 6. Is there any specific language of how often all employees need to be trained or is it just once?

106.8(d) Training is silent as to the frequency of required trainings. However, NACCOP is raising these issues in response to the request for comments so they can be considered before the Department issues final regulations. That said, the Clery Act requires that certain individuals receive *annual* training.

## Clery Act Implications

### 1. What potential changes do you foresee impacting Clery, given what we know from the NPRM?

We suspect that the definition of “domestic violence” *may* be updated in future Clery Act implementing regulations to align the current definition of “domestic violence” that appears in the Clery Act implementing regulations with the proposed definition in the NPRM (assuming the proposed definition of “domestic violence” appears verbatim in the



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

final rule). Notably, the proposed definition of “domestic violence” for Title IX purposes incorporates *relevant* portions of the VAWA (2022) definition when defining “domestic violence” for Title IX purposes. However, the proposed definition for Title IX purposes is not substantively different from the existing definition of “domestic violence” as contained in the Clery Act implementing regulations, so we do not view the proposed definition of “domestic violence” for Title IX purposes as being out of sync with the definition of “domestic violence” that already exists in the Clery Act implementing regulations.<sup>5</sup>

The NPRM notes that “The definition of “sexual assault” in the Clery Act remains unchanged.”<sup>6</sup> This was relevant for the Department to note because the Clery Act implementing regulations direct institutions to utilize some crime definitions from the FBI’s Summary Reporting System (SRS) – including the definition of “Rape” – whereas other definitions are borrowed from the National Incident-Based Reporting System (NIBRS) – including the definitions of Fondling, Incest, and Statutory Rape. The SRS has been retired by the FBI, so law enforcement agencies who participate in the FBI’s Uniform Crime Reporting system now exclusively classify and report crimes using the NIBRS framework. However, for Clery Act purposes, the definitions published in the Clery Act implementing regulations (specifically those contained in [34 CFR part 668, subpart D, appendix A](#)) require use of both NIBRS and SRS definitions and have not been affected by the retirement of SRS – yet. Institutions should continue to use the definitions contained in [34 CFR part 668, subpart D, appendix A](#) unless and until the Department advises otherwise through guidance and/or the definitions in the Clery Act implementing regulations are updated to eliminate references to SRS definitions. The Department has not yet signaled that, for Clery Act purposes, the definition of Rape (or other crimes that rely on the SRS definition for Clery Act purposes) will be changing, but we encourage institutions to monitor ED guidance and regulatory actions for updates.

Notwithstanding any future guidance or changes that directly relate to the Clery Act, we hope the Department offers more definitive clarification in the final rule about the definition of “sexual assault” that should be used for Title IX purposes. In the proposed rule, the Department incorporates (into the Title IX regulations) the statutory definition of “sexual assault” from the Clery Act. The Clery Act statutory definition of “sexual assault” references categories of “forcible” and “non-forcible” sex offenses. These categories are no longer used by the FBI, and the definition of “sexual assault” that appears in the Clery Act implementing regulation omits this terminology. Instead, the Clery Act implementing regulations name, in the definition of “sexual assault,” the specific crimes of rape, fondling, incest,

---

<sup>5</sup> The differences between the Clery Act implementing regulations and the proposed definition under Title IX is more form than substance, especially since the Department declined to incorporate (for Title IX purposes) the complete “domestic violence” definition from VAWA 2022. Instead, the Department only included “the specific portions of the VAWA 2022 definition of ‘domestic violence’ that are applicable to Title IX.” (87 FR 41418). The Department specifically stopped short of including the following provisions from VAWA 2022 into the definition of “domestic violence” that would be used for Title IX purposes: “...in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any coercive behavior committed, enables or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior.” Therefore, unless the Department signals otherwise in future rulemaking or guidance documents, we do not currently expect the Department to integrate, for Clery Act purposes, the components of “domestic violence” from the VAWA 2022 definition that were specifically omitted from the definition of “domestic violence” for Title IX purposes.

<sup>6</sup> 87 FR 41418



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

and statutory rape and directs institutions to utilize the definitions of those crimes as they appear in [34 CFR part 668, subpart D, appendix A](#).

In the NPRM, the Department stated the definition of “sexual assault” contained in the Clery Act implementing regulations “remain[s] in effect and may be useful for recipients to consult.”<sup>7</sup> However, by encouraging institutions to “consult” the implementing regulations while incorporating the statutory text into the definition of “sexual assault” for Title IX purposes, the Department failed in its attempt to “dispel...confusion” about which definitions to use. We hope the Department will clarify its position in the final rule.

The proposed Title IX regulations would create a wider web of personnel who must notify the Title IX Coordinator of suspected sex-based harassment. Because the Title IX Coordinator is a Campus Security Authority (CSA) under the Clery Act, requiring more personnel to notify the Title IX Coordinator of sex-based harassment could result in more reports of potential Clery Act crimes being forwarded to the Title IX Coordinator, especially when the reports relate to sexual assault, dating violence, domestic violence, and/or stalking. When such information is brought to the attention of the Title IX Coordinator, the Title IX Coordinator is required to promptly forward relevant information to the reporting structure of the institution (typically the campus police or public safety department) to initiate a review of the report for Clery Act purposes. To the extent there are more officials on a given campus who have reporting obligations under the new Title IX regulations, especially if such officials were not previously identified as Campus Security Authorities, there could be an increase in Clery-related disclosures that result from this expansion of mandated reporters.

For example, an employee who is responsible for administrative leadership, teaching, or advising must tell the Title IX Coordinator when there is a report involving a student, and if there is a report involving an employee, either tell the Title IX Coordinator or provide the Title IX Coordinator’s contact information. Not all employees who are responsible for administrative leadership, teaching, or advising are Campus Security Authorities under the Clery Act. However, when employees who are responsible for administrative leadership, teaching, or advising make a report of sexual assault, dating violence, domestic violence, or stalking to the Title IX Coordinator, this means that a “report” has been made to a CSA, thus obligating the Title IX Coordinator to forward relevant information to the reporting structure of the institution for Clery Act purposes. The sharing of this information by the Title IX Coordinator positions the institution to determine whether the report constitutes a crime that must be included in the annual disclosure of crime statistics, to include the report as an entry on the institution’s Daily Crime Log (if the institution is required to maintain one), and to determine if there is a serious or continuing threat about which the institution must issue a Timely Warning. In other words, the down-the-line effects of more people reporting to the Title IX Coordinator could increase the workload of relevant personnel with Clery Act responsibilities. Further, all reports of VAWA offenses reported to the Title IX Coordinator (or any other CSA), regardless of the location of the reported offense, trigger the institution’s obligation to provide the victim/complainant with a written explanation of their rights and options, which has substantive requirements under the Clery Act. If a student or employee reports to an official with reporting responsibilities under Title IX, and this causes more reports to be made to a Campus Security Authority (such as the Title IX Coordinator), then more students and employees who are victims/complainants in

---

<sup>7</sup> Ibid.



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

cases of sexual assault, dating violence, domestic violence, and/or stalking will be required to receive a written notice of their rights and options.

Lastly, we also believe that an institution's process for resolving employee sexual harassment poses intersectional challenges for institutions with regard to the Clery Act. For example, while 106.46 affords an opportunity for the party to have an advisor of choice, no such right is afforded to employees under 106.45. What this means is that incidents of sexual assault, dating violence, domestic violence, and stalking that are employee on employee complaints will need to take into account not only the requirements found in the final Title IX regulations when published, but also ensure that the Clery Act requirements are also addressed. This will be crucial as many institutions tend to follow the Title IX regulatory requirements and forget that if an offense is also a VAWA offense, that regardless of if Title IX has jurisdiction to respond, that an institution must fulfill its' Clery Act responsibilities.

## **Title IX Process Questions**

### **1. What are the major changes to the investigation process under the proposed regs?**

There are some significant changes here, most notably that there are two separate processes proposed – one to address sex-based harassment involving student complainants or student respondents (106.46) and one to address all other instances of sex discrimination (106.45). Listed below are some of the biggest changes:

- i. Formal complaint is no longer needed – an oral report can initiate the process;
- ii. Updated definition for what is considered “relevant” and “impermissible;”
- iii. Supportive measures have been expanded to include those that burden the Respondent;
- iv. The option to use a single investigator model is back (at least tentatively and not allowed in several states);
- v. Both processes spell out that the decision-maker and the investigator can be the same person;
- vi. Live hearings, as well as cross-examination, are no longer required;
- vii. Mandatory dismissals are no longer required;
- viii. 106.45: the notice of allegations does not have to be in writing, there is no longer a 10-day review process; investigators do not have to provide an investigation report and only have to provide a description of the evidence and access to the evidence; the notice of outcome does not have to be in writing; an appeal is not required; there is no right to an advisor of choice; evidence can be limited; and
- ix. 106.46: The institution must provide the same opportunities, if any, for students to have persons other than the advisor of the parties choice at any meeting or proceeding; an investigative report is not required; live hearings are not required; cross-examination is not required; failure to participate will result in the decision-maker being unable to rely on prior statements that supported that party's position; the written determination only has to include the description of the harassment, information about the policies, an evaluation of relevant evidence, sanctions, and how to appeal; appeals are required, but the threshold for appeals is much lower (“would change” not “affect”).



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

## **2. Oral or written request for complaint - Would that be determined based on what is written in the school policy OR do you read the regs to mean we can require either/or?**

106.2 defines complaint as “oral or written request to the recipient to initiate the recipient’s grievance procedures.” The preamble also explains that this change is to ensure that a school “receives all complaints that would alert it to possible sex discrimination.” Based on the proposed definition and the explanatory language in the preamble, we would not recommend a school require that a complaint be made in writing before the school will act on the complaint.

## **3. Can Title IX Coordinator serve as informal resolution facilitator?**

106.44(k)(4) states that the “facilitator for the informal resolution process must not be the same person as the investigator or the decision-maker in the recipient’s grievance procedure.” It is silent on the role of the Title IX Coordinator. However, the Title IX Coordinator sometimes serves in these roles. NACCOP has requested additional guidance in the preamble to clarify if facilitators are always prohibited from serving in these additional roles, or if this prohibition only occurs if the facilitator has served in this capacity during this particular incident. That said, there are different schools of thought to if the facilitator should be completely separate from the process, to provide for an additional layer of protection against claims of conflict of interest or bias.

## **4. If the incident is with a federal work study student as part of their student employment, is it under .45 or .46?**

106.46(b) Student employees requires that an institution make a fact-specific inquiry, including whether the party’s relationship is that of a student, and “whether the alleged sex-based harassment occurred while the party was performing employment related work.” We read this to mean that a school must look to the role that the person was in at the time of the alleged conduct. For example, if a student worker in the financial aid office made sexually inappropriate comments while they were at work, the institution should proceed under 106.45. However, if this same student makes the same comments in the residence halls or in class, it should proceed under 106.46.

## **5. What is the timeline of the investigation to the summary given to the complainant?**

As stated in 106.45(b), a basic requirement of a grievance procedure for both 106.45 and 106.46 requires that an institution “establish reasonably prompt timeframes or the major stages of the grievance procedures,” and major stages include: the determination of whether to dismiss or investigate; an investigation; determination and appeal, if any. Therefore, schools are required to provide their own “reasonable” timeframes for each of these stages. For example, a school may allow for 5 days to make a determination regarding moving forward; 30 business days to investigate, including providing a summary to the parties; 15 days to make a determination; and 10 days after receipt of an appeal, to reach a final determination. As long as the timeframes are reasonable, that timeline can be whatever the individual institution has created. Institutions should, when the final regulations are published and take effect, review the procedures in the Annual Security Report to ensure the timeframes and procedures published in the institution’s Sexual Harassment/Misconduct Policy match the timeframes and procedures published in the Annual Security Report.



# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

## **6. Will an off-campus activity not sponsored by the institution be considered as a reportable activity should a complaint arise? (What constitutes an activity?)**

106.11 Application provides that “conduct that occurs under a recipient’s education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by a postsecondary institution, and conduct that is subject to the recipient’s disciplinary authority. A recipient has an obligation to address a sex-based hostile environment under its education program or activity, even if sex-based harassment contributing to the hostile environment occurred outside the recipient’s education program or activity or outside the United States.”

Therefore, it may be dependent upon what was the off-campus activity. If the incident was at a fraternity house that was officially recognized, then it will likely fall under the institution’s jurisdiction. However, even if the incident falls outside of a school’s jurisdiction, if a hostile environment is created because of that incident, the school must respond and address the hostile environment. NACCOP has requested additional guidance on this issue, including an incident that occurs off-campus and involves two students, as the examples provided in the preamble do not address this scenario.

## **7. 106.45 - Who is the Decision maker?**

Unlike 2020, there is no definition of Decision-maker or a requirement that the Decision-maker be someone separate from the Title IX Coordinator or investigator. The only requirement is that this person receive specific training. Additionally, the preamble suggests that the Decision-maker may be the same person as the investigator, resulting in the (potential) return of the option of a single-investigator model.

## **8. For appeals, could disproportionate sanctioning be considered a procedural error? Or would we keep that as a separate ground for appeal?**

The proposed rule (106.46(i)) provides three grounds for appeal – procedural irregularity, new evidence, and conflict of interest and bias. The preamble of 2020 clarified that disproportionate sanction was not a procedural issue and would require a separate ground for appeal. That said, the rule allows for schools to offer additional basis for appeal. If a school elects to provide an additional basis for appeal that relates to a claim of disproportionate sanctioning, we recommend strict perimeters are provided about what “disproportionate sanctioning” might entail.





# D. STAFFORD & ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)

## Sex-Discrimination

### **1. Considering the proposed changes to Title IX, are faculty required to use the preferred pronouns of their students?**

106.10 Scope (a brand-new section) states “discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.” This echoes the Office for Civil Rights “Notice of Interpretation” from June of 2021 which prohibited discrimination on the basis of gender identity and sexual orientation. This Notice was issued following the *Bostock* decision,<sup>8</sup> which determined that the definition of sex included gender identity and sexual orientation.

However, *Bostock* punted on the religious exception issue, but hinted that deference would be given to those who stated belief is that sex is defined at birth. Similarly, a federal judge has blocked this Interpretation, ruling that such guidance must go through a formal rule-making process. As such, 20 states do not have to adhere to this Interpretation, although, schools may continue to adopt their own policies.

Additionally, recent legal decisions have held that there is a 1<sup>st</sup> Amendment right not to use pronouns because of religion. For example, the 6<sup>th</sup> circuit says that faculty do not have to use preferred pronouns and the school as required to pay \$400K<sup>9</sup>. Similarly, a teacher in Virginia was reinstated after he was fired for his refusal to use a student’s pronouns<sup>10</sup>. That said, tread lightly on this issue, and seek guidance from counsel prior to implementing or negating any pronoun usage requirements.

---

<sup>8</sup> *Bostock v. Clayton County*, 590 U.S. \_ (2020)

<sup>9</sup> 6<sup>th</sup> circuit Affirms First Amendment Protections for University Professor Refusing to Use Transgender Pronouns, <https://www.natlawreview.com/article/sixth-circuit-affirms-first-amendment-protections-university-professor-refusing-to>

<sup>10</sup> Judge Orders Reinstatement of Virginia Teacher After Comments on Transgender Students,

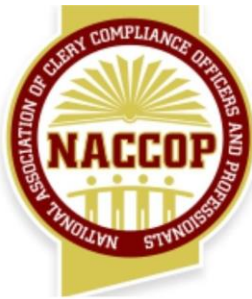
<https://www.nbcwashington.com/news/local/byron-tanner-cross-reinstated-transgender-pronouns-virginia/2695040/>



**D. STAFFORD**  
& ASSOCIATES



179 Rehoboth Avenue, #1121/#1131 • Rehoboth Beach, DE 19971  
NACCOP Phone: (302) 344-1068 • [dolores@dstaffordandassociates.com](mailto:dolores@dstaffordandassociates.com)  
DSA Phone: (302) 344-5809 • [dstafford@naccop.org](mailto:dstafford@naccop.org)



## 2ND ANNUAL VIRTUAL MID-YEAR CONFERENCE JANUARY 11-12, 2023

Offering both Clery Act and Title IX tracks

Special rate for your Clery and Title IX Coordinator  
to attend as a team

### FEATURED SESSIONS!

The conference will feature leaders from the U.S. Department of Education's Clery Compliance Team as well as the Office for Civil Rights:

- Suzanne B. Goldberg, Acting Asst. Secretary and Deputy Asst. Secretary for Strategic Operations and Outreach, U.S. Department of Education, Office for Civil Rights
- James Moore, Senior Advisor for Clery Act Compliance and Campus Safety, Clery Compliance Team, U.S. Department of Education

### DISCOUNT FOR NACCOP MEMBERS

For more information and to register, go to  
<https://www.naccop.org/mid-year-virtual-conference>

**REGISTER BEFORE OCTOBER 31ST  
FOR THE EARLY BIRD RATE**