

Mandatory, Confidential, Responsible, Oh My!

Title IX Conference:
Higher Ed & K-12 Training
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Today's Panel



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"Notice," "Report," "Formal Complaint"

... what does it all mean?

Notice = When the educational institution is "on the hook" for responding

- 2020 = "Actual Knowledge"
- 2024 = "Knowledge"



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2020 Rule - Actual Knowledge

Whose actual knowledge? The Title IX Coordinator or any "official with authority" to institute corrective measures (unless the only person with actual knowledge is the person alleged to have engaged in sexual harassment)

Who is an "official with authority"?

- **In K-12** → *any employee*
- **In Higher Ed** → the educational institution must identify *officials with authority*

But remember in Idaho, the State Board requires all employees of public institutions to report sexual harassment to the Title IX Coordinator



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2024 Rule - Who Must Report “Knowledge”

K-12

- All employees who are **not confidential**
- Must notify T9 Coordinator*
- When they have any information about conduct that “reasonably may constitute” sex discrimination
- **Confidential employees must provide notice** of certain information to the Reporting Party

HIGHER ED

Role	Notify T9 Coordinator?	Provide Info?
Non-confidential employee with authority to institute corrective measures*	Yes	No
Non-confidential employee with administrative leadership, teaching, or advising role*	Yes	No
Confidential employee	No	Yes
All other employees*	Must Do One of These	

*UNLESS the only person with knowledge is the person alleged to have been subjected to sex discrimination

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2024 Rule

Confidential Employees (K-12 and Higher Ed)

When informed of conduct that could reasonably constitute sex discrimination, confidential employees must inform the person:

- About their status as confidential and what that means, and that they are *not* required to notify the TIXC
- How to contact the TIXC
- That the TIXC may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under the grievance procedures



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2024 Rule:**Non-Confidential Employees****For Higher Ed**

- Non-confidential employees with authority to institute corrective measures **and** non-confidential employees who have responsibility for administrative leadership, teaching, or advising
- **Must notify T9 Coordinator**
- When they have any information about conduct that "reasonably may constitute" sex discrimination

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2024 Rule:**Non-Confidential Employees****For Higher Ed**

Non-confidential employees **who are not required to report to the Title IX Coordinator must**, when they receive a report of information about conduct that reasonably may constitute sex discrimination **either**:

- Notify the Title IX Coordinator **or**
- Provide the Title IX Coordinator's contact information and information about how to make a complaint

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Idaho State Board of Education, Governing Policies and Procedures, Section I.T. – Title IX

Applies to: University of Idaho, Boise State University, Idaho State University, Lewis-Clark State College, College of Eastern Idaho, College of Southern Idaho, College of Western Idaho, and North Idaho College



"All employees who learn of an allegation of sexual harassment (and are not required by law to maintain the confidentiality of the disclosure, such as licensed medical professionals or counselors) are required to report it to the Title IX Coordinator within 24 hours."

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Idaho Code Section 16-1605 - Reporting of Abuse, Abandonment, or Neglect

Higher Ed and K-12 -
applies to everyone in
Idaho

Types of abuse reported:

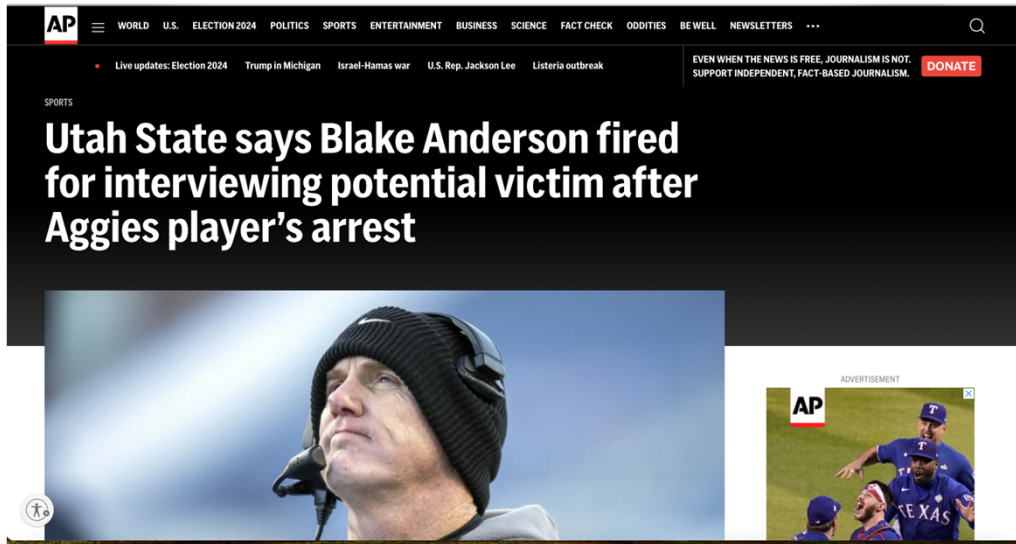
- Sexual abuse
- Physical abuse
- Neglect
- Witness to violence
- Drug endangerment

Only exception to
this: "duly ordained
minister of religion"

Can report
anonymously to IDHW

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Current Event Example



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Decision Time

Considerations when drafting policy and deciding how to classify employees:

- How many employees do you have?
- How many confidential resources do you have? (For K-12 should you have any?)
- How will you notify students and staff?
- How will you educate staff on their duties and responsibilities?
- How will you ensure people are following through on reporting?
- What kinds of safeguards do you have for reporting?
- What relationships are you building with your partners (i.e., Public Safety, Dean of Students, School Counselor, etc.)

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Additional Questions



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Question 1: What types of issues have you run into with mandatory reporting?



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Question 2:
What are you considering as you think about possible policy changes with the new regs? (Higher Ed)



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Question 3: Reporting often sounds scary to people. What are some ways you have helped coach employees at your school on this and how to talk about it?



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Question 4:
Reporting can get tricky when the victim is under the age of 18. How do you navigate those situations with parents, law enforcement, and Title IX?



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Question 5: What do you do when you find out someone did not report appropriately?



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Questions from Audience?

