



D. STAFFORD
& ASSOCIATES

2020 Title IX Regulations Refresher Class

October 13, 2025

Presented by:

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Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.



TITLE IX

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ISSUANCE OF CERTIFICATES FOR COMPLETION

To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.



2020 TITLE IX REGULATIONS REFRESHER/UPDATE

AMERICAN CAREER COLLEGE AND WEST COAST UNIVERSITY
OCTOBER 13, 2025



AGENDA

- Title IX Law
- Title IX Regulations - Major Elements in Response
- Pregnancy Protections
- Policy and Procedure Review

TITLE IX LAW



FEDERAL LAW



Statutes

20 U.S.C.D.
§1681-1688



Regulatory Guidance

34 C.F.R. § 106



Sub-Regulatory Guidance

DCLs
Preamble to Regs
Executive Orders
OCR Website



Case Law

Circuit courts
District courts

TITLE IX, EDUCATION AMENDMENTS OF 1972, 20 U.S.C. § 1681

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

§ 1681(c) - “EDUCATIONAL INSTITUTION”

Any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

BEFORE WE BEGIN...

Sex Discrimination

§ 106.8(c)

- “grievance procedures that provide for the prompt and equitable resolution of student and employee complaints.”
- Any person may report sex discrimination to the Title IX Coordinator
- Must publish grievance procedures to address sex discrimination
- No requirement other than “prompt” and “equitable”

Sexual Harassment

§ 106.44 and § 106.45

Other Behaviors

Conduct codes

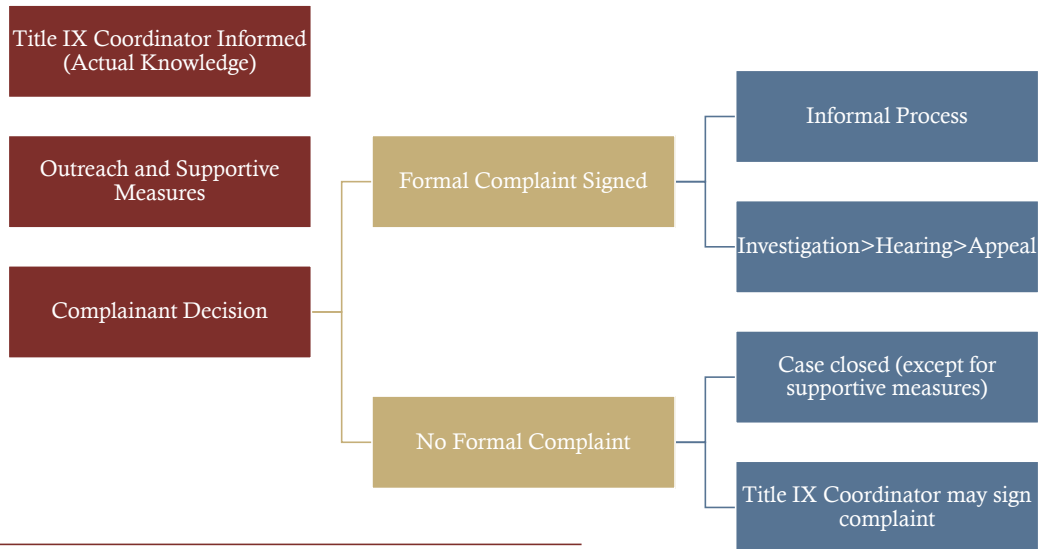
TO BE “IN” FOR TITLE IX

Prohibited
Conduct

Jurisdiction
of Persons

Jurisdiction
of Activity

2020 TITLE IX CASE FLOWCHART



SEX-BASED HARASSMENT



QUID PRO QUO HARASSMENT

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QUID PRO QUO HARASSMENT

An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct

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QUID PRO QUO INVESTIGATIONS

Respondent

- What is the respondent's status and authority?
- What is the relationship to the complainant?
- What, if any, perceived or actual power exists?

Aid, Benefit, or Service

- What was offered?
- How was it communicated?

Sexual Conduct

- What was the conduct requested?
- Was it sex-based?
- How was it communicated?
- How was it unwelcome?

HOSTILE ENVIRONMENT HARASSMENT



HOSTILE ENVIRONMENT HARASSMENT

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

HOSTILE ENVIRONMENT INVESTIGATIONS

Type, frequency, and
duration of the
conduct

Location of the
conduct and the
context

Parties' ages, roles,
previous
interactions, other
factors

Degree to which the
conduct affected
access to the
program or activity

Other sex-based
harassment in the
program or activity

SEXUAL ASSAULT

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CLERY DEFINITIONS OF SEXUAL ASSAULT USED BY TITLE IX

- **Rape** - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

34 CFR 668 Appendix A

NEW NIBRS LANGUAGE REPLACES FONDLING

OLD: *Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.*

NEW: *Criminal Sexual Contact: The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.*

SEXUAL ASSAULT INVESTIGATIONS

What was the sexual behavior?

Who was the initiator?

What, if any, were the words or actions to indicate consent?

- Is there an issue of incapacitation or force?

STALKING

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STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

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STALKING INVESTIGATIONS



What was the course of conduct?

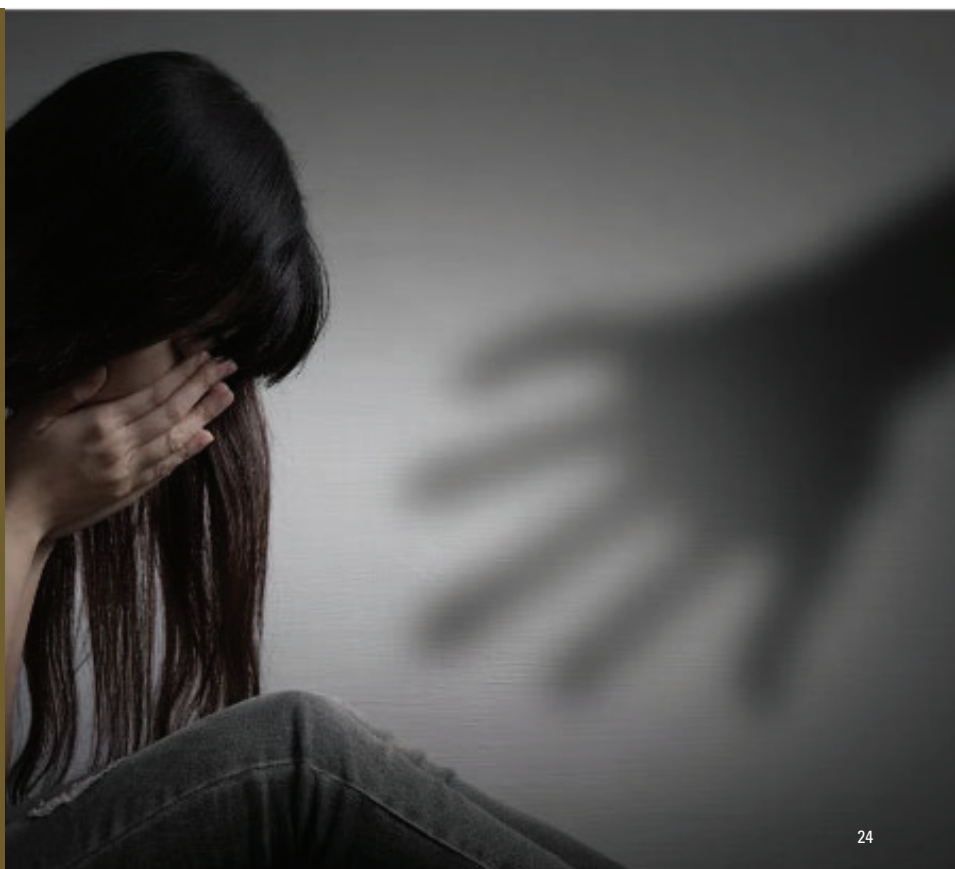


What was the frequency?



What was the impact?

INTIMATE PARTNER VIOLENCE



DATING VIOLENCE

Violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship.

§ 106.2

DOMESTIC VIOLENCE

The term “domestic violence” includes felony or misdemeanor crimes of violence committed

- by a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

INTIMATE PARTNER VIOLENCE INVESTIGATIONS

Parties

- Type of relationship
- Length of the relationship
- Frequency of interaction between the persons

Behaviors

- Type of violence
- Possible patterns of behaviors
- Other behaviors that may fall under other policy definitions

RECEIVING A REPORT





Report vs. Complaint

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What are some barriers to reporting?

How do we address?

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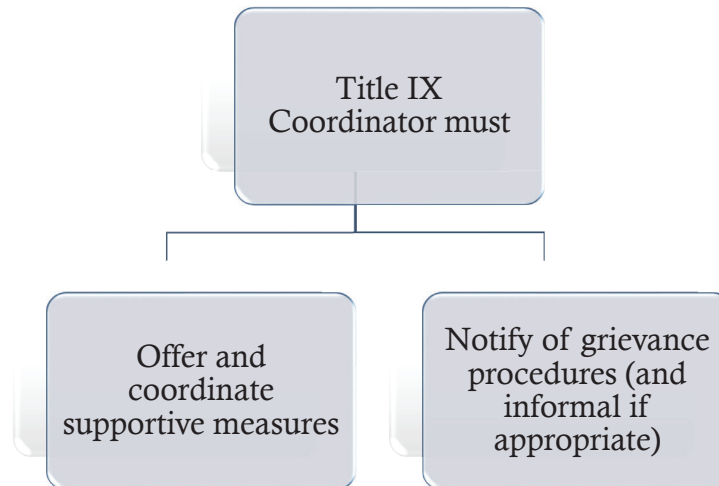
INTAKE MEETINGS



We do not make a determination as to whether the alleged violation occurred or not...that is the job of the Decision Maker at the consultation of the formal grievance process.



TITLE IX COORDINATOR OUTREACH DUTIES TO COMPLAINANT



WHAT SUPPORTIVE MEASURES ARE POSSIBLE?

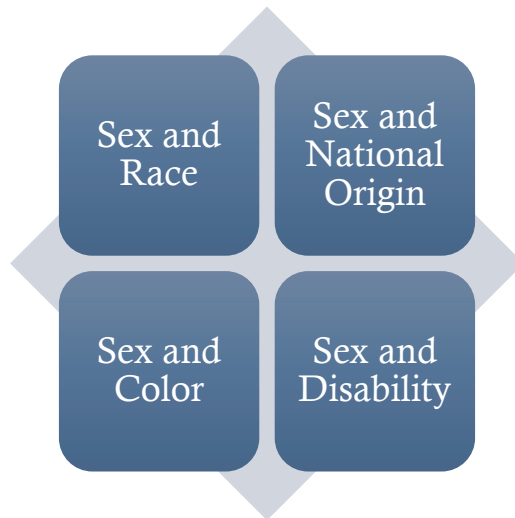
Follow Up Questions:

What if the Complainant is at a clinical site?

What if the Respondent is an Associate?



WHAT IF THE CONDUCT EXCEEDS SEX DISCRIMINATION- WHERE DOES IT GO?



Remember

Clery obligations!

- CSA duties
- Rights and options
- Who assesses for timely warning?



What do you
need for the
meeting?



Supportive Measures

What are your options?



Meeting Follow-up

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Take a temperature check



- What are the alleged violations?
- Should there be an emergency removal/administrative leave?
- What if it would not “reasonably constitute sex discrimination?”

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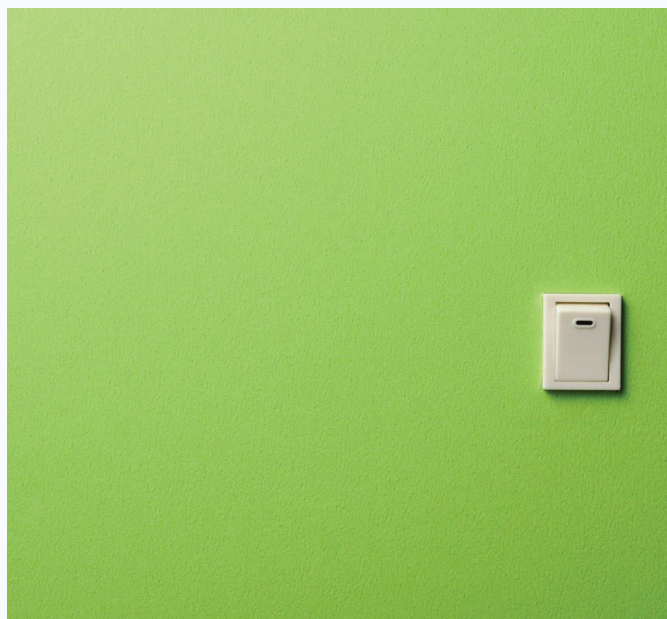
THE COMPLAINT



FORMAL COMPLAINT

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

TITLE IX- INITIATED COMPLAINTS



What if the
complainant doesn't
respond or doesn't
want to proceed?



TITLE IX-INITIATED COMPLAINTS

The Title IX Coordinator can initiate a complaint. The Title IX Coordinator is not considered the complainant or a party.

EIGHT FACTORS TO CONSIDER

Complainant's
request

Safety
concerns

Risk of
additional acts

Severity of
allegation

Age and
relationship

Scope and
pattern

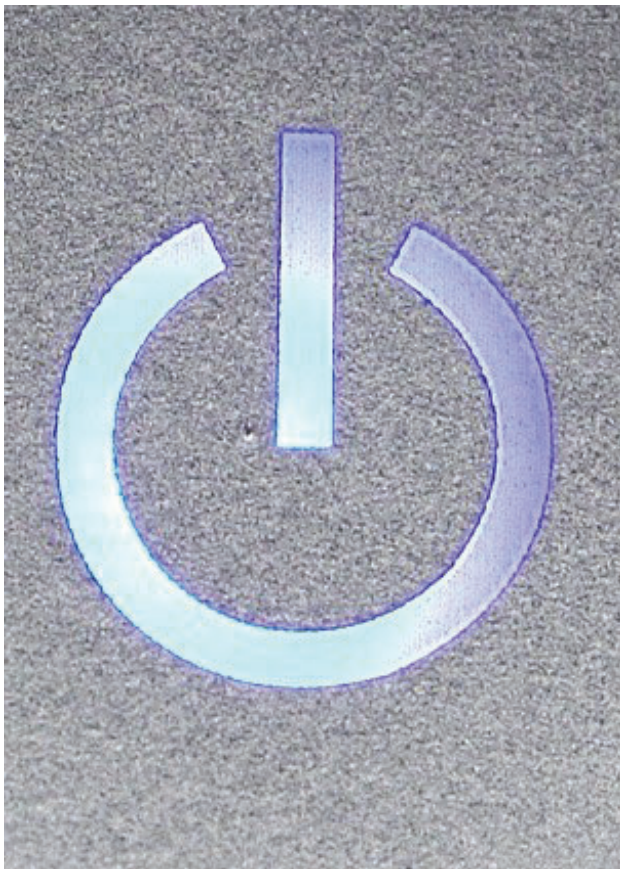
Evidence

Alternatives to
resolve

What circumstances may warrant the Title IX Coordinator to initiate a complaint?

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IF TITLE IX INITIATES A COMPLAINT...

Notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

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EMERGENCY REMOVAL & LEAVE



LEAVE OPTIONS



Emergency removal



Administrative leave

EMERGENCY REMOVAL



Immediate threat to the physical health or safety of any student or other individual



Arises from the allegations



Provide notice and opportunity to challenge immediately following the removal



Cannot modify any rights under IDEA, Section 504, or the ADA

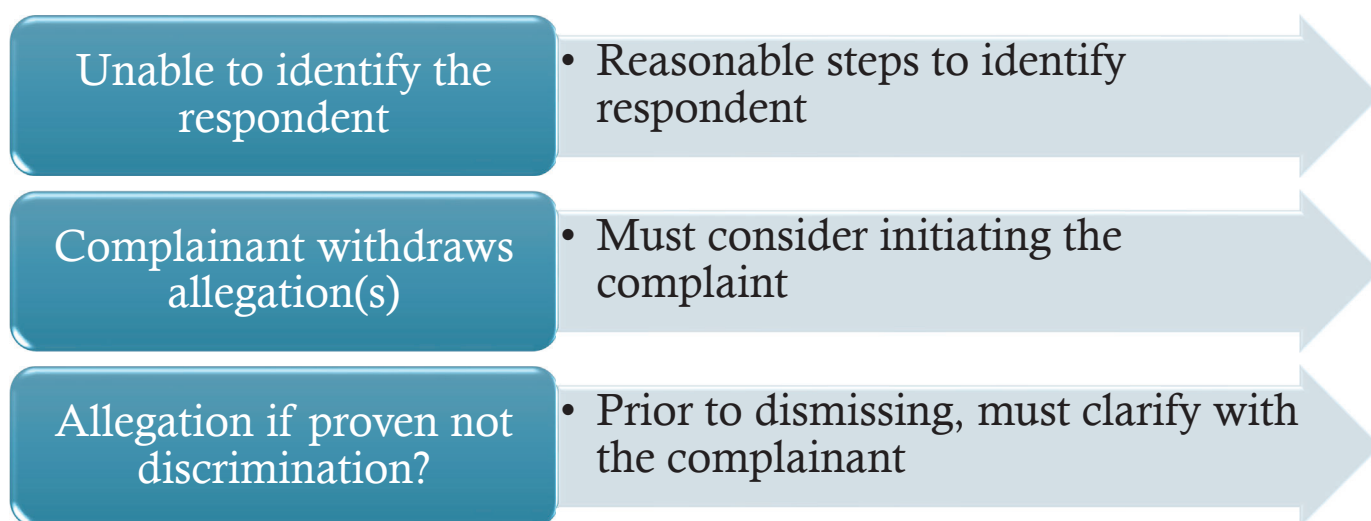
DISMISSALS



DISMISSALS

- Must
 - The formal complaint, on its face, does not constitute sexual harassment
 - Not in educational program or activity
 - Not in the United States
- May
 - Complainant withdraws complaint
 - Respondent no longer enrolled
 - Prevented from gathering evidence

SUGGESTED DUTIES BEFORE DISMISSAL



INVESTIGATIONS "MUSTS"



Provide notice of meetings, time to prepare



Provide an opportunity for the parties to present evidence, including fact witnesses



Allow advisor of choice



Allow reasonable extensions of time



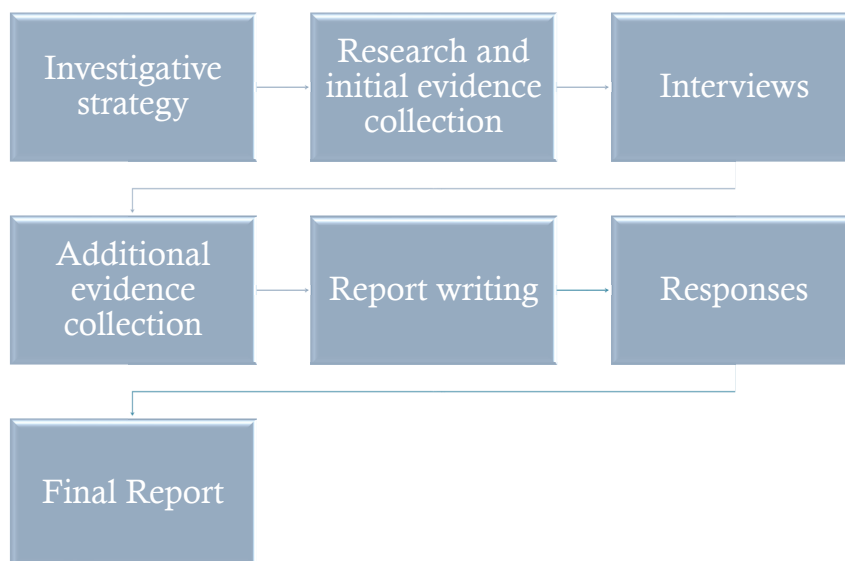
Provide party and advisor access to evidence (2020 - any, 2024 - relevant)



Create an investigative report that summarizes relevant evidence



INVESTIGATION ROAD MAP



THE HEARING



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BASES FOR APPEAL OF DISMISSAL



Procedural Irregularity

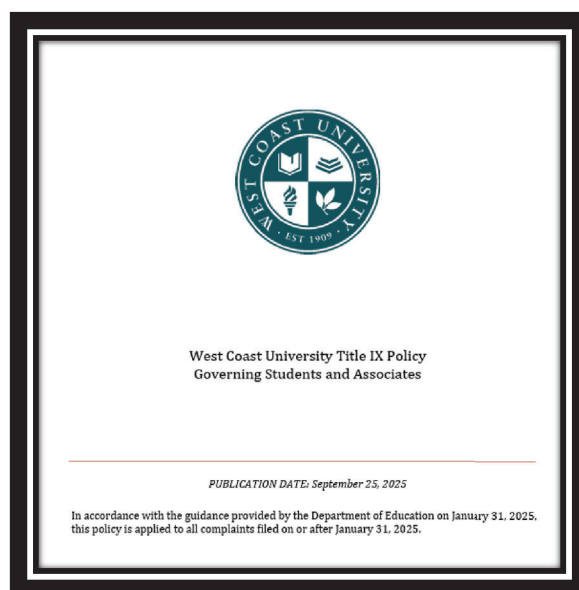
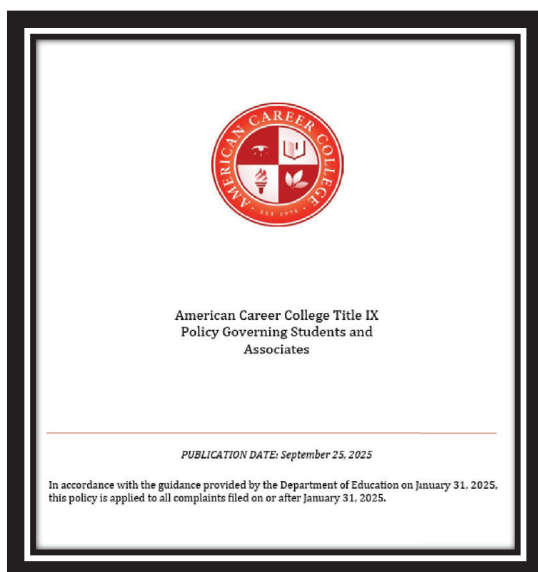


New Evidence



Bias or Conflict of
Interest

POLICY REFRESH



PREGNANCY AND TITLE IX



Discrimination or harassment on the basis of pregnancy or related conditions is illegal.

It's also not new! It has been a part of Title IX since its passing.

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§106.40(a) STATUS GENERALLY

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.

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§106.40(b) - PREGNANCY AND RELATED CONDITIONS



Voluntary
participation in a
comparable
program



Documentation
only if applied for
other conditions



Treated in the
same manner as
other temporary
disabilities



Justification for a
leave of absence



VOLUNTARY PARTICIPATION

A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.

§106.40(b)(1)

PREGNANT LEARNER

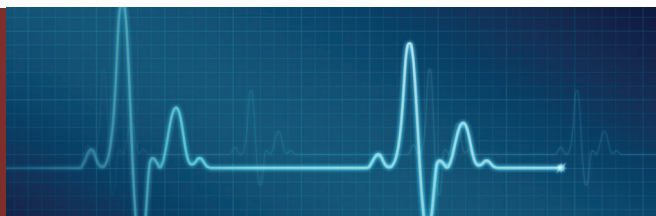
A 22-year-old learner in the allied health program at American Career College notifies her program coordinator that she is pregnant at 12 weeks and will need routine prenatal appointments and a brief medical leave later in the semester.

The program director informs her that clinical placements require full, continuous attendance and that the program cannot accommodate leaves or modified schedules.

Shortly afterward the learner is told she cannot continue the clinical placement and is removed from her cohort.

Is this discrimination on the basis of pregnancy?

KEY LEGAL ISSUES & REMEDIES



Pregnancy discrimination under Title IX : denying access, expelling, or excluding a learner because of pregnancy, childbirth, or related medical conditions can violate federal law unless the institution can show non-discriminatory justification and reasonable accommodations were considered.

Failure to engage in an individualized assessment: blanket policies that bar pregnant learners from clinicals or require leave without exploring reasonable accommodations risk unlawful discrimination.

Retaliation risk: adverse actions taken after disclosure can trigger retaliation claims if the learner sought protected accommodations or raised concerns.

Recommended institutional remedies and steps

Immediately reinstate learner to her cohort or an equivalent placement while assessing reasonable accommodations.

Offer individualized accommodations: temporary modified schedules, make-up clinical hours, flexible leave options, remote coursework where clinically appropriate, and assignment of an academic case manager.

Provide academic and financial supports: counseling, disability or leave paperwork assistance, pro-rated tuition adjustments if removed in error, and referral to campus/student services.

Conduct prompt review of the program's attendance and accommodation policies; suspend any blanket exclusion based on pregnancy.

Train staff and faculty on pregnancy discrimination protections and the requirement to engage in individualized, documented accommodation processes.

Document all communications, accommodations offered, and the institution's reasoned determinations to show compliance.



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VOLUNTARY PARTICIPATION

A recipient which operates a portion of its education program or activity separately for pregnant students, admittance to which is completely voluntary on the part of the student as provided in paragraph (b)(1) of this section shall ensure that the separate portion is comparable to that offered to non-pregnant students.

§106.40(b)(3)

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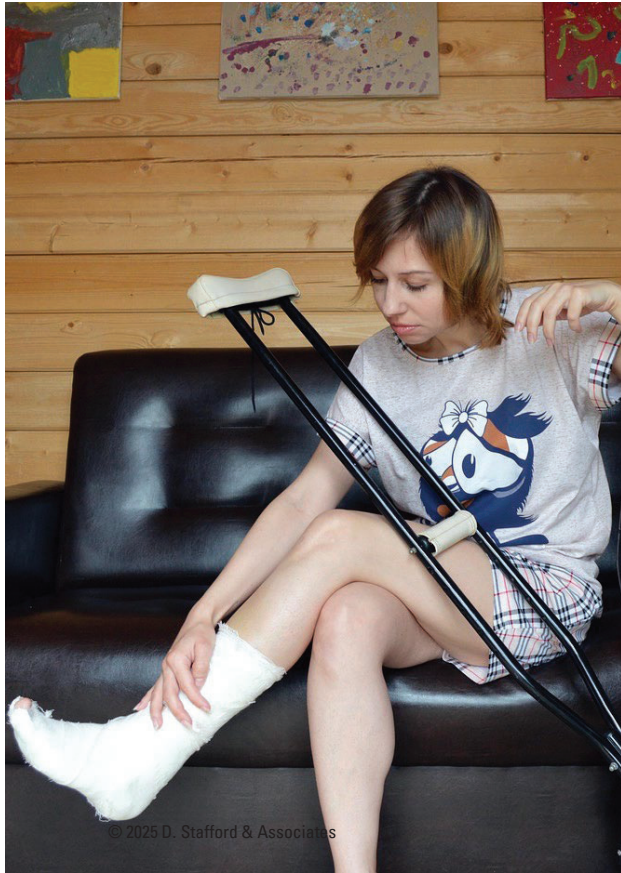
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DOCUMENTATION

A recipient may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.

§106.40(b)(2)

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TREATED IN THE SAME MANNER AS OTHER TEMPORARY DISABILITIES

A recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan or policy which such recipient administers, operates, offers, or participates in with respect to students admitted to the recipient's educational program or activity.

§106.40(b)(4)

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JUSTIFICATION FOR LEAVE OF ABSENCE

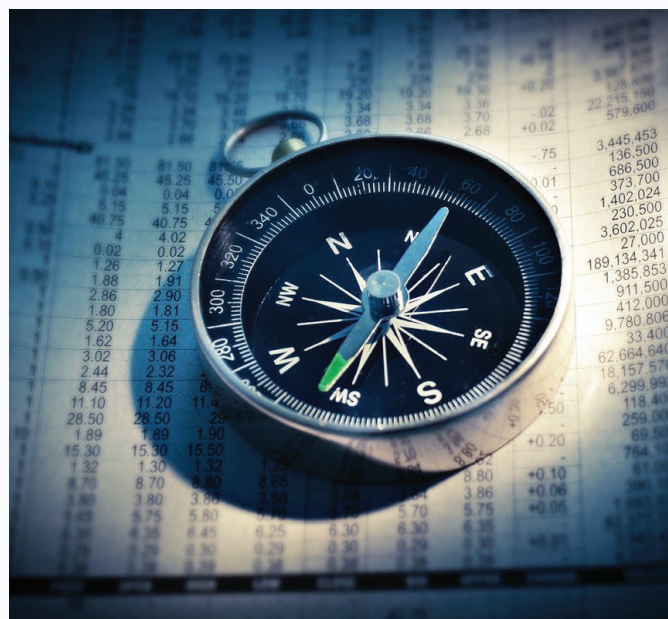
In the case of a recipient which does not maintain a leave policy for its students, or in the case of a student who does not otherwise qualify for leave under such a policy, a recipient shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence for so long a period of time as is deemed medically necessary by the student's physician, at the conclusion of which the student shall be reinstated to the status which she held when the leave began.

§106.40(b)(5)

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- A learner in a second-year nursing course informs her instructor she is pregnant and will need occasional medical appointments and a short leave later in the term. The instructor responds by requiring a doctor's note verifying the pregnancy and justification for any absences.
- An instructor marks a pregnant learner's missed assignments as zeros for medical appointments, lowering her final grade and jeopardizing program standing.
- After a learner announces her pregnancy in class, several peers make repeated jokes and comments about her capability as a future caregiver, exclude her from group work, and the instructor does not intervene.
- A 26-year-old learner in a diagnostic medical sonography program notifies clinical staff at American Career College that her physician has prescribed a temporary lifting restriction of no more than 20 pounds due to pregnancy. Before this notice, she completed identical clinical rotations without incident. After the restriction is reported, clinical supervisors tell her she cannot return to patient care because the program's clinical tasks "require lifting" and there is no alternative assignment; she is removed from her rotation and told she must withdraw for the semester.

TITLE IX GUIDANCE



2022



U.S. Department of Education

Office for Civil Rights

October 2022

Discrimination Based on Pregnancy and Related Conditions

A Resource for Students and Schools

2013 (FIRST PUBLISHED IN JULY 1991)



U.S. DEPARTMENT OF EDUCATION

Supporting the Academic Success of Pregnant and Parenting Students

Under *Title IX* of the
Education Amendments of 1972

MAY A SCHOOL REQUIRE A PREGNANT STUDENT TO PARTICIPATE IN A SEPARATE PROGRAM FOR PREGNANT STUDENTS?

MAY A SCHOOL REQUIRE A PREGNANT STUDENT TO OBTAIN A DOCTOR'S PERMISSION BEFORE ALLOWING HER TO ATTEND SCHOOL LATE IN HER PREGNANCY IF THE SCHOOL IS WORRIED ABOUT THE STUDENT'S HEALTH OR SAFETY?

CAN HARASSING A STUDENT BECAUSE OF PREGNANCY VIOLATE TITLE IX?

WHAT TYPES OF ASSISTANCE MUST A SCHOOL PROVIDE TO A PREGNANT STUDENT AT SCHOOL?

IN ADDITION TO ALLOWING A PREGNANT STUDENT TO ATTEND CLASSES, DOES A SCHOOL NEED TO ALLOW HER TO PARTICIPATE IN SCHOOL CLUBS, CLASS ACTIVITIES, INTERSCHOLASTIC SPORTS, AND OTHER SCHOOL-SPONSORED ORGANIZATIONS?

DOES A SCHOOL HAVE TO EXCUSE A STUDENT'S ABSENCE DUE TO PREGNANCY OR CHILDBIRTH?

DOES A SCHOOL NEED TO PROVIDE SPECIAL SERVICES TO A PREGNANT STUDENT?

WHAT IF SOME TEACHERS AT A SCHOOL HAVE THEIR OWN POLICIES ABOUT CLASS ATTENDANCE AND MAKE-UP WORK?

WHAT PROCEDURES MUST A SCHOOL HAVE IN PLACE RELATED TO DISCRIMINATION ON THE BASIS OF SEX, INCLUDING DISCRIMINATION RELATED TO PREGNANCY AND PARENTAL STATUS?

HOW CAN A STUDENT OR EMPLOYEE ENFORCE THEIR RIGHTS UNDER TITLE IX?





NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
 - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
- **A 50% discount on the Title IX Notice Document Library developed by NACCOP's Partner Organization, D. Stafford & Associates (a \$335 value)**

Join the Alliance

Eligible individuals must have Institutional, Professional, or Committee Membership with NACCOP.

Cost: \$425 for 1 year subscription

(The first year of enrollment will be pro-rated to match the NACCOP membership expiration date.)

Request to Join: <https://naccop.memberclicks.net/join-the-alliance>

Questions? Contact us at info@naccop.org or 302-344-1068.