CERTIFICATE

PROUDLY PRESENTED TO

Erin Sutton

Title IX Regulations

Jul 16, 2024

Date of Completion

Christal Carson

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CERTIFICATE

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Stephenie Dugan

Title IX Regulations

Jul 16, 2024

Date of Completion

Christal Carson

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An Overview of the New Title IX Regulations

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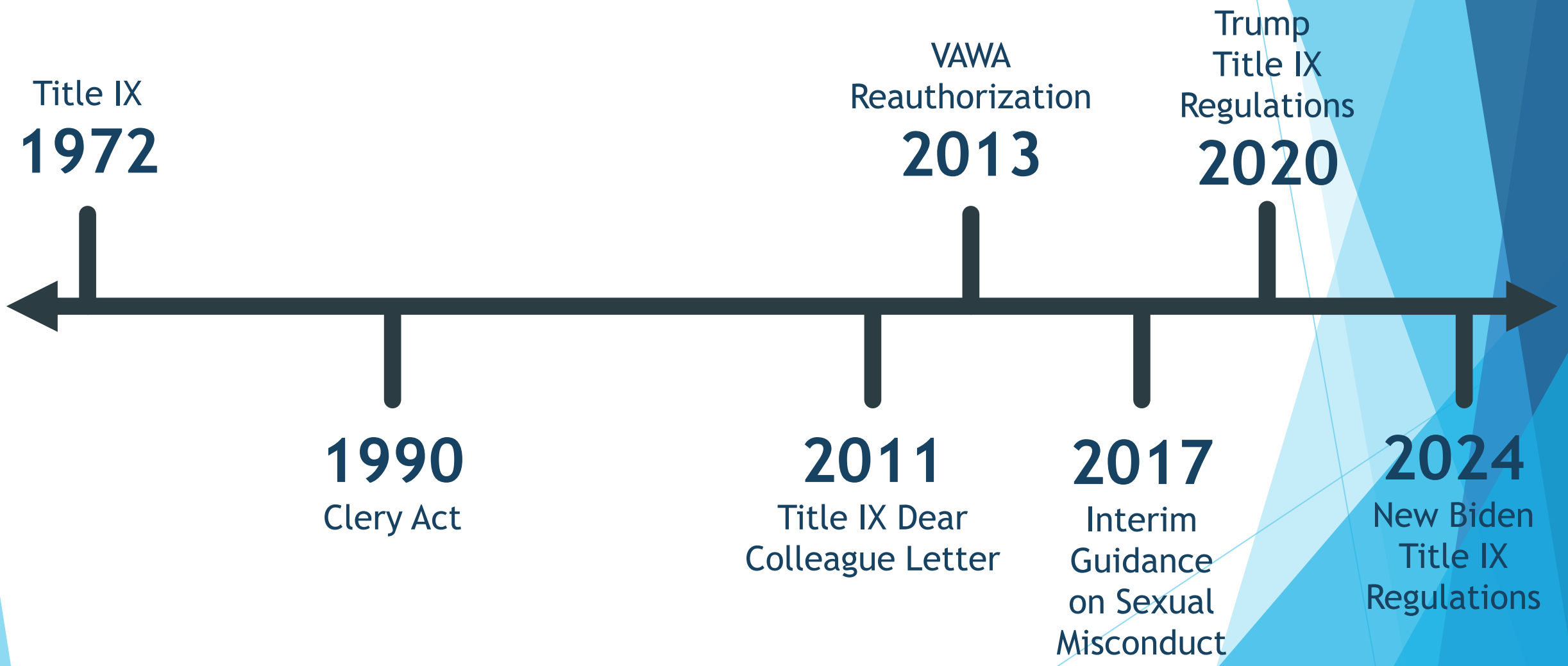
Title IX of the Education Amendments of 1972

Prohibits sex discrimination in education programs that receive federal funding.

- Sexual harassment, including sexual assault, is a type of sex discrimination that is banned by Title IX.

Title IX Timeline



Challenges – Non-Traditional Higher Education

Title IX & the Clery Act/VAWA requirements present particular challenges to postsecondary trade and career schools.

- These schools typically do not have on-campus police or dedicated security forces to respond to allegations of sexual harassment or sexual misconduct.
- The Title IX coordinator at these schools is often the director or another administrator whose primary job functions pertain to school operations.
- Given the size of the student body, lack of residential student housing, and limited school-sponsored extracurricular activities, incidents of sexual misconduct may be infrequent at these types of institutes.

Challenges – Non-Traditional Higher Education

Commenters have noted the significant compliance burden that the regulations place on small institutions.

- For example, commenters have referenced the requirement for institutional disciplinary proceedings in the case of alleged sex-based harassment (including dating violence, domestic violence, sexual assault, or stalking under VAWA).
- In response, the Department has noted that institutions are not making determinations of criminal responsibility but are determining whether the institution's own rules have been violated.
- The Department further noted that students at smaller institutions should have the same protections as their counterparts at larger institutions.

Challenges in Creating Title IX Regulations

Then-U.S. Secretary of Education Betsy DeVos' Press Release on May 6, 2020, upon the publication of the Trump Administration's Title IX Regulations:

"This new regulation requires schools to act in meaningful ways to support survivors of sexual misconduct, without sacrificing important safeguards to ensure a fair and transparent process. We can and must continue to fight sexual misconduct in our nation's schools, and this rule makes certain that fight continues."

New Title IX Regulations (scheduled effective August 1, 2024)

A little background …

- ***August 2020*** – Title IX Regulations promulgated under the Trump Administration became effective
- ***April 2021:*** U.S Department of Education Office for Civil Rights (OCR) undertook a comprehensive review of the Department's existing regulations, orders, guidance, policies, and any other similar agency actions, including the 2020 Rules
  - Public hearings held June 7 to 11, 2021 (ED received over 30,000 written comments)
- ***July 12, 2022 – ED released NPRM.***
  - ***240,085*** public comments received by ED
    - 2020 Title IX regulations – Over 140,000 public comments
  - ED originally said final regulations may be published in May 2023
- ***FINAL REGULATIONS PUBLISHED APRIL 19, 2024 (scheduled effective August 1, 2024)***

New Title IX Rule Released 4/19/24

- The unofficial version of the final regulations is available here (1,577 pages)
- In addition, the Department has released:
  - a fact sheet,
  - a summary of the major provisions of the final regulations, and
  - a resource for drafting Title IX policies & procedures

- Official version published in the Federal Register on April 29, 2024
  - Official version available here

Scheduled Effective Date 8/1/24

General Response to Sexual Harassment (2020 Rules)

A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent.

- **A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances**

General Response to Sexual Harassment (2024 Rules)

A recipient with knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity must respond promptly and effectively

Legal Challenges to New Title IX Rules

- There are at least seven lawsuits involving 26 states seeking to block the new Title IX rules
  - Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, & Wyoming
- Most vocal challenges have been to new rules on sexual orientation and gender identity, but also challenging the definition of sex-based harassment and procedural safeguards for accused students.
- NOTE: Federal district courts have upheld legal challenges to 2020 Title IX regulations, with minor modification

Legal Challenges to New Title IX Rules

- Preliminary injunctions have been issued in four separate cases covering 15 states
- ED Statement regarding the New Rules:

  As of July 2, 2024, the Department is currently enjoined by federal court orders from enforcing the 2024 Title IX regulations in the states of Alaska, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Montana, Ohio, Tennessee, Utah, Virginia, West Virginia, and Wyoming, and ***the regulations and these resources therefore do not currently apply in those states****.*

  (Injunction covering Texas has since been added.)

Legal Challenges to New Title IX Rules

- While 26 states have challenged the new Title IX regulations, other states are supporting the new rules
- ED is appealing injunction rulings
  - Argue that even if injunction related to sexual orientation and sexual identity provisions allowed to stand, the rest of the regulations should be allowed to go into effect on August 1st
- Where does this leave schools?
  - Will ED prevail on appeal?
  - Will we have two sets of rules in place on August 1st?
  - Will one of the courts issue a nationwide injunction?
  - Will ED voluntarily choose to defer effective date until court issues resolved?

Definition of Sexual Harassment

Common Elements of 2020 & 2024 Rules Definition of Sexual Harassment

Definition of sex-based harassment includes:

- Quid Pro Quo harassment (*no change from 2020 Rules*)
- VAWA Offenses (*no change from 2020 Rules*)
  - Domestic Violence
  - Dating Violence
  - Sexual Assault
  - Stalking

2024 Title IX Rules – Definition of Sexual Harassment

- ***Hostile environment harassment***
  - Hostile Environment: unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity

2024 Title IX Rules
Hostile Environment

- Regulations apply to every recipient and to all sex discrimination occurring under a recipient's education program or activity in the United States. This includes:
  - Conduct that occurs in a building owned or controlled by approved student organization
  - Conduct subject to recipient's disciplinary authority

A recipient has an obligation to address a sex-based ***hostile environment*** under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the recipient's education program or activity or outside the United States.

- Under 2020 Rules, sexual harassment must have occurred within the school's education programs or activities

2024 Title IX Rules
Hostile Environment

Factors in considering whether a Hostile Environment exists:

i. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;

ii. The type, frequency, and duration of the conduct;

iii. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

iv. The location of the conduct and the context in which the conduct occurred; and

v. Other sex-based harassment in the recipient's education program or activity

2020 Title IX Rules – Definition of Sexual Harassment

2020 Title IX Regulations §106.30 Definitions. ***Sexual harassment*** includes:

> *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*

> *Note: 2024 Rules use the standard of "****limits or denies****"*

Administrative Requirements Under New Title IX Regulations

Title IX Administrative Requirements

- Designate Title IX Coordinator
- Adopt, publish, and implement nondiscrimination policy
  - Sample Policy: [ABC School] does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.
- Recordkeeping - must maintain for seven years:
  - Documentation of each complaint
  - Documentation of actions school took to respond to notices of sex discrimination
  - Title IX training materials
    - Must be made available upon request
    - 2020 Rules – materials must be posted on school website

Notice of Non-Discrimination

Provide Notice of Non-Discrimination to students, applicants, etc. Must include:

a) Statement school does not discriminate on basis of sex and prohibits sex discrimination
b) Statement than inquiries about Title IX can be made to Title IX Coordinator, OCR, or both
c) Contact information for Title IX Coordinator
d) How to locate nondiscrimination policy & grievance procedures
e) How to report and make complaints of sex discrimination

Notice of non-discrimination must be included on school's website, handbook, catalog, announcement, bulletin, & application forms

Title IX Training Requirements

- ***All employees*** must be trained on school's obligation to address sex discrimination and the scope of conduct that constitutes sex discrimination
- ***Investigators, decisionmakers, etc.*** must also be trained on school's grievance procedures, how serve impartially and w/o bias, and understanding meanings of "relevant" evidence and types of impermissible evidence
- ***Facilitators of informal resolutions*** must be trained on school's informal resolution process and how to serve impartially w/o bias
- ***Title IX Coordinators*** must be trained in understanding their responsibilities as Title IX coordinators, school's recordkeeping policies & obligations, and any other training necessary for their role

All must receive training related to their responsibilities promptly upon hiring or change of position, and ***annually*** *thereafter.*

VAWA (Clery Act) Training Requirements

Institutional disciplinary hearings must be:

> "conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the victims and promotes accountability"
>
> *20 USC 1092(f)(8)(iv)(I)(bb)*

Responding to Complaint

Ensuring Schools Learn of Possible Sex Discrimination:

- Employees at a postsecondary institutions who either have authority to take corrective action on behalf of the school or have responsibility for administrative leadership, teaching, or advising are obligated to notify the Title IX Coordinator.
- ***All others*** are obligated to either notify the Title IX Coordinator or provide the contact information of the Title IX Coordinator and information about how to make a complaint
- Title IX Coordinator must monitor the school's program or activity for barriers to reporting and take steps reasonably calculated to address such barriers

The 2020 Rule required a school to respond only when it has "actual knowledge" of allegations of "sexual harassment," and only in a manner that is not deliberately indifferent.

Title IX Coordinator Response to Sex Discrimination

- Treat the complainant and respondent equitably
- Offer and coordinate supportive measures, as appropriate, for the complainant.
- Notify the complainant, or if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and the informal resolution process, if available and appropriate.
- If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process (if applicable)
- In response to a complaint, initiate the school's grievance procedures or informal resolution process
- In the absence of a complaint or a withdrawal, make a fact-specific determination that, based on factors listed in the regulation, the Title IX Coordinator may/should initiate a complaint
- If the Title IX Coordinator 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.
- Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps to ensure that sex discrimination does not continue, in addition to providing remedies to an individual complainant

Emergency Removal

Recipient may remove a respondent from the recipient's education program or activity on an emergency basis, provided that:

- the recipient undertakes an individualized safety and risk analysis,
- determines that an imminent and serious threat to the physical health or safety of any student or other individual arising from the allegations of sex discrimination justifies removal, and
- provides the respondent with notice and opportunity to challenge the decision immediately following the removal.

Administrative leave: Recipient may place an employee on administrative leave during the pendency of a grievance process.

Prohibited Disclosures of Personally Identifiable Information

A recipient must not disclose personally identifiable information obtained in the course of complying with Title IX except in the following circumstances:

- When the recipient has obtained prior written consent
- When the information is disclosed to a parent, guardian, or other authorized legal representative
- To carry out the purposes Title IX
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX or this part, when required by State or local law or when permitted under FERPA

Informal Resolution

The final regulations permit a recipient to offer an informal resolution process if appropriate whenever it receives a complaint of sex discrimination or has information about conduct that reasonably may constitute sex discrimination.

- Participation in informal resolution must be voluntary.
- Informal resolution is not permitted in situations in which an employee allegedly engaged in sex-based harassment of an elementary school or secondary school student or if such a process would conflict with Federal, State, or local law

Grievance Procedures

Grievance Procedures for All Sex Discrimination Complaints:

- General requirements:
  - Equitable treatment of complainants and respondents
  - Title IX Coordinator, investigators, and decisionmakers must not have conflicts of interest or bias.
    - ***a decisionmaker may be the same person as the Title IX Coordinator or investigator***
  - Presumption that respondent is not responsible for the alleged conduct until a final determination is made
  - Reasonably prompt timeframes for all major stages.
  - Reasonable steps to protect privacy of parties and witnesses
  - Objective evaluation of all relevant and not otherwise impermissible evidence
  - Exclusion of certain types of evidence (privileged, medical, past sexual history)

Grievance Procedures

Grievance Procedures for All Sex Discrimination Complaints:

- Notice of allegations to the parties
- Dismissals permitted in certain circumstances as long as the recipient offers an appeal and, as appropriate, supportive measures and remedial steps
- Consolidation permitted for complaints arising out of the same facts or circumstances
- *A process that enables the decisionmaker to question parties and witnesses to adequately assess credibility*
- Clear processes for the determination of whether sex discrimination occurred
- Use of preponderance of evidence standard, unless other standard used in comparable proceedings
- An appeal process
- Parties permitted to participate in an informal resolution process if school has one
- Describe range of possible supportive measures and disciplinary sanctions & remedies

Notice of Allegations

Upon initiation of the recipient's grievance procedures, a recipient must provide notice of the allegations to the parties. The notice must include:

- The recipient's grievance procedures and any informal resolution process;
- Sufficient information to allow the parties to respond to the allegations. Sufficient information includes the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- A statement that retaliation is prohibited; and
- A statement that the parties are entitled to an equal opportunity to access evidence or an accurate description of this evidence
  - if the recipient provides a description of the evidence, the parties are entitled to an equal opportunity to access the evidence upon request.

Dismissal of a Complaint

A recipient may dismiss a complaint of sex discrimination for any of the following reasons:

- The recipient is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the recipient's education program or activity and is not employed by the recipient;
- The complainant voluntarily withdraws the complaint, the Title IX Coordinator declines to initiate a complaint, and the recipient determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The recipient determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX or this part.

Grievance Procedures

Investigation Requirements

- Burden on the recipient to gather evidence and decide what is relevant or impermissible
- Equal opportunity for the parties to present fact witnesses and other evidence.
- Equal opportunity for the parties to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence; a reasonable opportunity to respond; and a requirement that the recipient take reasonable steps to prevent and address unauthorized disclosures

Grievance Procedures

Additional Requirements for Grievance Procedures Involving Postsecondary Students:

- Written notice of allegations, dismissals, delays, meetings, and proceedings
- Equal opportunity to have an advisor of the party's choice at any meeting or proceeding
- Same opportunities, if any, to have persons other than the advisor present at any meeting or proceeding.
- Permitting, but not requiring, an institution to allow expert witnesses, as long as the determination applies equally to the parties
- Reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the parties, including the reason for the delay

Grievance Procedures

Additional Requirements for Grievance Procedures Involving Postsecondary Students:

- Equal opportunity to access relevant and not otherwise impermissible evidence or a written report summarizing the evidence
- *A process enabling the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility when credibility is in dispute and relevant*
- *Permitting, but not requiring, a live hearing*
- Permitting a decisionmaker to weigh the credibility of a party or witness, including when party or witness refuses to respond
- Simultaneous written notice of determination to parties
- Appeal opportunity

Assessing Credibility & Due Process

- 2020 Regulations require live hearings with advisor-conducted cross-examination
- **New regulations provide greater flexibility and options for schools to consider:**
  - Single-investigator model with no live hearing
    - Still need process for evaluating credibility of witnesses and parties
  - Live hearing with questioning from decisionmaker
  - Live hearing with questioning by an advisor
  - Combination of different methods based on circumstances described in school's grievance procedures

Assessing Credibility & Due Process

If a postsecondary institution chooses not to conduct a live hearing:

- Must allow the investigator or decisionmaker to ask questions during individual meetings with a party or witness;
- Must allow each party to propose questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker or investigator during individual meetings, including follow-up meetings; and
- Must provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions

Assessing Credibility & Due Process

If a postsecondary institution chooses to conduct a live hearing:

- Must allow the decisionmaker to ask questions during the live hearing
- Must allow each party to propose questions that the party wants asked of any party or witness and have those questions asked during the live hearing by the decisionmaker or allow an advisor for each party to ask questions of other parties and any witnesses during the live hearing
- Must allow the parties, on request, to participate from separate locations using technology and create an audio or audiovisual recording, or transcript of any live hearing and make it available to the parties

Assessing Credibility & Due Process

Notwithstanding the flexibility provided in the new Title IX regulations, there are still some questions about whether the use of a single-investigator model satisfies Due Process.

United States Sixth Circuit Court of Appeals held that colleges and universities must allow for some form of live questioning in front of a neutral fact-finder. *Doe v. Baum, et al.*, Case No. 17-2213 (6th Cir. Sept. 7, 2018)

- Court said that written statements cannot substitute for cross-examination
- Court also said that an accused student does not have the right to personally confront their accuser or other witnesses (Advisor conducted questioning OK)

USDOE maintains that 2024 Title IX rules are consistent with Due Process requirements

- However, *Baum* decision calls into question the single-investigator model, at least for public schools in the Sixth Circuit (Michigan, Ohio, Kentucky, & Tennessee)
- Single-investigator model challenged in pending lawsuits
- Unclear whether a live hearing with questions from decisionmaker (rather than party advisors) would satisfy Due Process under *Baum*

Adjudication Procedures

Evidentiary Standard:

- In evaluating the parties' evidence, a school must use the preponderance of the evidence standard of proof unless the school uses the clear and convincing evidence standard in all other comparable proceedings.
  - **Clear and convincing evidence** means that the party must present evidence that leaves one with a firm belief or conviction that it is highly probable that the factual contentions of the claim or defense are true.
  - **Preponderance of the evidence** is a lower standard of proof, which means that a panel must find based on the evidence that the respondent is more likely than not to have violated school policy.

Adjudication Procedures

- The standard of proof in criminal proceedings is higher than the standard of proof used in campus disciplinary proceedings.
  - In criminal proceedings, there must be evidence that proves beyond a reasonable doubt that unlawful sexual activity took place.
  - In contrast, campus disciplinary proceedings will use a preponderance of the evidence (unless the clear and convincing evidence standard is used in other comparable proceedings).

Written Determination

The postsecondary institution must provide the determination whether sex-based harassment occurred in writing to the parties simultaneously. The written determination must include:

i. A description of the alleged sex-based harassment;
ii. Information about the policies and procedures that the postsecondary institution used to evaluate the allegations;
iii. The decisionmaker's evaluation of the evidence and determination whether sex-based harassment occurred;
iv. When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the postsecondary institution will impose on the respondent and whether other remedies will be provided to the complainant and any other affected students; and
v. The postsecondary institution's appeal procedures

Appeals

A recipient must offer both parties an appeal from a determination whether sex-based harassment occurred, and from a recipient's dismissal of a complaint or any allegations therein, on the following bases:

- Procedural irregularity that affected the outcome;
- New evidence that would change the outcome and that was not reasonably available at the time the determination was made; and
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias that would change the outcome.

Key Grievance Procedure Differences From 2020 Title IX Rules

- Complainant must file a formal written complaint if the complainant wants the school to conduct an investigation
- Investigation separate from adjudication process
  - Parties must receive written investigation report at least 10 days prior to live hearing
- Requires a live-hearing for postsecondary institutions
  - Cannot use a single-investigator model
  - Decisionmaker must be someone other than Title IX Coordinator and investigator
    - Title IX Coordinator allowed to be the investigator under 2020 Rules
  - Live cross-examination required
    - Party advisors conduct cross-examination
    - Parties not allowed to personally cross-examine each other

Recordkeeping Requirements

Institutions must retain records for seven years:

- Documentation of each complaint
- Documentation of actions school took to respond to notices of sex discrimination
- Title IX training materials
  - Must be made available upon request
  - NOTE: 2020 Title IX Rules require schools to post their Title IX training materials on their websites

Retaliation Prohibited

- ***Retaliation*** is defined as intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or the regulations, or because the person has reported possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in a recipient's Title IX process.
- ***Peer retaliation***, which is defined as retaliation by one student against another student, is also prohibited

2020 Rule prohibited retaliation but did not define it.

Other Changes Under 2024 Title IX Rules

Pregnancy & Related Conditions

Schools must:

- Provide reasonable modifications for students
- Allow student a voluntary LOA for the medically necessary time and reinstatement upon return
- Ensure access to clean, private space for lactation

- Must also provide employees with reasonable break time for lactation and ensure they can access a clean and private lactation space

Transgender Students

Joint Dear Colleague Letter issued by DOJ & ED on 5/13/16

- Treated a student's gender identity as the student's sex for Title IX purposes
- School could not treat a transgender student differently from the way it treated other students of the same gender identity
- A school's failure to treat students consistent with their gender identity may have created or contributed to a hostile environment in violation of Title IX

JOINT DOJ & ED LETTER WITHDRAWN BY TRUMP ADMINISTRATION 2/17/17

EXECUTIVE ORDER 14021, 86 Fed. Reg. 13,803 (March 11, 2021)

[A]ll students should be guaranteed an educational environment free from discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity.

Transgender Students

OCR Notice of Interpretation – Published in Federal Register June 22, 2021

In 2020, the Supreme Court in *Bostock v. Clayton County*, 140 S. Ct. 1731, 590 U.S. 644 (2020), concluded that discrimination based on sexual orientation and discrimination based on gender identity inherently involve treating individuals differently because of their sex.

- It reached this conclusion in the context of Title VII of the Civil Rights Act, which prohibits sex discrimination in employment.

The Department issued this Interpretation to make clear that the Department interprets Title IX's prohibition on sex discrimination to encompass discrimination based on sexual orientation and gender identity.

Sexual Orientation & Gender

Final regulations prohibit separating or treating any person differently based on sex in a manner that subjects that person to more than de minimis harm (except in very limited circumstances)

Final regulations clarify that policies and practices that prevent a student from participating in a school's education program or activity consistent with their gender identity impose more than de minimis harm on that student on the basis of sex, and therefore generally violate Title IX's nondiscrimination mandate.

New Title IX Rules
Scheduled Effective Date: August 1, 2024

- Legislation introduced under the Congressional Review Act to overturn the new Title IX Rules
  - Realistically – unlikely to get signed into law even if it passes both houses
- At least 26 states suing the federal government over the final rules
  - USDOE has warned schools that they must comply with Title IX regulations as a condition of receiving federal funds
  - Federal District Courts covering 15 states have already issued injunctions
- The Supreme Court's decision to overturn the *Chevron* doctrine could change everything

New Title IX Rules
Scheduled Effective Date: August 1, 2024

Things to Consider:

- Review Non-Discrimination Policy
- Update Notice of Non-Discrimination
  - Publication in catalog, website, applications, etc.
- Training
  - All need some, some need more
- Update Grievance Policies & Procedures
  - Consider VAWA overlap

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Chris has over 30 years of experience providing legal, financial, and management services to owners and career school operators. In addition to being a licensed attorney, Chris is a Certified Public Accountant (inactive). He spent nine years as in-house legal counsel and CFO for a multi-state cosmetology school group, overseeing Title IV compliance and accreditation. A frequent speaker on higher education issues, he served as the alternate negotiator representing for-profit schools at the U.S. Department of Education's negotiated rule making sessions regarding the borrower defense to repayment regulations.