

45th Annual

National Conference on Law & Higher Education

**March 6-10, 2024
Clearwater Beach, Florida**

**Post-Conference Title IX Workshop:
March 11**



**NO TURNING BACK:
2024, A Challenging Year in Higher
Education's Reformation Moment**



STETSON LAW



Peter F. Lake “Spirit of the Law” Award

A annual award named for an influential Stetson Law professor will reward students who go above and beyond in the field of higher education law and policy.

In Fall 2022 the Stetson Law community celebrated the full endowment of the award, the Peter F. Lake “Spirit of the Law” Endowed Annual Award.

Each year, the award will be given to a graduating Stetson Law student who has dedicated time and service to the advancement of higher education law and policy and who has exemplified the “spirit of the law” by promoting development of character, competence, and access to the law.

Nearly a dozen alumni and other members of the higher education community helped endow the award.

Among key contributors was alumnus and speaker at this year's conference, Jim Haggerty, J.D. '92, who has known and worked with Lake for many years. He said naming a scholarship after Lake is the perfect way to recognize his contributions.

"Professor Lake epitomizes everything that is good about Stetson Law – that unique combination of the academic and the practical," Haggerty said of Lake. "He thinks about both what the law is and what it should be. His reputation in higher education circles is well-deserved."

Would you like to donate?

Interested members of the higher education community can contribute a gift to this fund by visiting the Stetson Law donation page and specifying that they'd like to give to the Peter F. Lake "Spirit of the Law" Award.

Conference Information

Registration Desk

The registration desk will be open during the following times for check-in and materials pickup:

Wednesday, March 6	5:30 p.m. – 8:00 p.m.
Thursday, March 7	7:30 a.m. – 5:00 p.m.
Friday, March 8	7:30 a.m. – 5:00 p.m.
Saturday, March 9	7:30 a.m. – 5:00 p.m.
Sunday, March 10	7:30 a.m. – 3:30 p.m.

You will only sign in once to pick up your materials and name badge for the entire conference.

Those attending the post-conference session on Monday, March 11th (separate registration required), will need to check in on the third floor conference level near Sandpiper I/II. Check in begins at 7:30 a.m.

Name Badge

Attendees—wear your name badge to all sessions and conference events. Name badges are required for admittance to all conference events. Badges are available for pickup at registration.

Conference Leadership



Peter Lake, Director

Conference Chair

Professor of Law

Charles A. Dana Chair and Director

Center for Excellence in
Higher Education Law and Policy



Jody Shipper

Conference Honorary Co-Chair

Co-Founder & Managing Director,
Grand River Solutions



Grace Moseley

Center Coordinator

Center for Excellence in
Higher Education Law & Policy



Virginia Profeta

Center Fellow

Center for Excellence in
Higher Education Law & Policy

Wyndham Grand Clearwater Beach

100 Coronado Drive, Clearwater Beach, Florida 33767
(727) 401-3600 | wyndhamgrandclearwater.com

Hotel Amenities

- Concierge
- 24-hour room service
- Fitness center with weightlifting equipment, outdoor heated pool, and spa
- High speed internet access, copy service, wake-up calls, dry cleaning, laundry/valet, hospitality room, multilingual staff, and 24-hour security

Things to do in the area (less than 20 miles away)

- Pier 60 and Beach Walk Promenade
- Clearwater Beach Marina
- Clearwater Marine Aquarium
- Ruth Eckerd Hall (Clearwater)
- Westfield Countryside Mall (Clearwater)
- Tarpon Springs Sponge Docks (Tarpon Springs)
- The Dali Museum and Chihuly Collection (St. Petersburg)

Visit visitspeterclearwater.com for additional information

Stetson University College of Law | stetson.edu/law

Stetson University College of Law, Florida's first law school, has prepared lawyers and leaders since 1900. Today, Stetson leads the nation in blending legal doctrine with practical training, evidenced by its top-ranked programs in advocacy and legal writing. Through our academically rigorous curriculum and commitment to social responsibility, Stetson lawyers are ethical advocates ready to succeed in the legal profession.

Scan code for schedule, speakers and more



National Conference on Law & Higher Education

WEDNESDAY, MARCH 6

5:30 p.m. – 8:00 p.m. | Welcome: Meet Your Fellow Attendees, Speakers, and Conference Hosts

(Hotel Lobby)

5:30 p.m. – 8:00 p.m. | Registration (Dunes Foyer)

THURSDAY, MARCH 7

7:30 a.m. – 5:00 p.m. | Registration (Dunes Foyer)

8:00 a.m. – 9:00 a.m. | Continental Breakfast (Dunes Foyer)

9:00 a.m. – 10:15 a.m. (Pelican)

New Attendee Orientation: Welcome to the Beach!

Presenters: Jahanna Azarian and Timothy Kessler-Cleary

Welcome to the beach! The Annual National Conference on Law & Higher Education hosted by Stetson University's Center for Excellence in Higher Education Law and Policy is an experience like no other! It brings together professionals from a variety of fields that share a common goal. Join conference veterans Jahanna Azarian and Tim Kessler-Cleary for a "crash course" on how to optimize your experience at the conference and get tips for navigating the robust series of workshops and presentations offered at this year's event. You will also have the opportunity to get to know fellow new attendees and expand your professional network.

9:00 a.m. – 10:15 a.m. (Dunes IV/V)

Employment Law Update

Presenters: Dean Oren Griffin and Susan Deniker

Employment law issues in higher education continue to evolve, including new rules from the Supreme Court. Two highly experienced higher education employment lawyers and leaders return this year. Relying upon vast courtroom, consulting and decanal experience, they will discuss significant and relevant updates in employment law over the last year. Every higher education institution needs to know how to manage endemic risks in this area. The list of topics that will be covered is lengthy - free speech, discrimination, wage and hour rules, faculty contract issues, exercise of religious liberties, and more.

9:00 a.m. – 11:45 a.m. / 1:45 p.m. – 4:30 p.m. (Dunes I/II)

DAY-LONG TITLE IX BOOTCAMP: Title IX and Beyond: Setting Your Campus Up for Success

Presenter: Jody Shipper

Here is an outline of your Bootcamp experience:

a. Forthcoming Title IX Regulations

The Title IX final regulations are aspirationally set for finalization in March 2024, and that includes both athletics and nondiscrimination on the basis of sex. The process for getting the regulations from 'draft' to 'issued' involves significant work with the Office of Management and Budget (OMB), including opportunities for DOE meetings with stakeholders. Inasmuch as final regulations have not been submitted to OMB as of the

date of February, experience with the prior 2019-2020 regulatory calendar makes it such that a March 2024 issuance date is highly unlikely. Join Honorary Conference Co-Chair Jody Shipper as she explains the practical relevance of this opportunity to look at your current practices, ensure you are using best and emerging practices-- while preparing for changes to come soon.

b. Take the Best, Leave the Rest

Streamline and align your equity response processes by embracing the best aspects of Title IX. Explore how Title IX aligns with other equal access statutes and how leveraging its strengths can enhance compliance with broader mandates. Attendees will hear how to integrate the effective components of Title IX into broader equity response frameworks, ensuring a cohesive and comprehensive approach.

c. Setting Up Title IX and Equity Offices for Success

This portion of the Bootcamp focuses on providing practical guidance and support for professionals tasked with overseeing Title IX compliance and equity initiatives within their institutions. Jody will dive into the crucial role of Title IX and equity officers, coordinators, and directors in promoting access, equity, and accountability on college campuses.

10:30 a.m. – 11:45 a.m. (Dunes IV/V)

Leveling the Playing Field or Introducing Unfair Competition?: Legal Updates on Collegiate Transgender Sports Issues

Presenters: Susan Deniker and Maggie Lohmann

In recent years, governing bodies in athletics and state legislatures have confronted questions about transgender individuals. One of the most prevalent topics has concerned the participation of transgender athletes in sports that match the identity to which they have transitioned—especially the participation of transgender females in women's sports. This presentation will cover the most recent changes to the National Collegiate Athletic Association's Transgender Student-Athlete Participation Policy, an overview of bills from state legislatures regarding transgender athletes, evolving science about this topic, and how colleges and universities can ensure they are complying with regulations from the NCAA and laws within their home states. Additionally, the presentation will address how these policies square with Title IX and other related laws.

10:30 a.m. – 11:45 a.m. (Pelican)

Fraternal Law Update

Presenter: Micah E. Kamrass

This session will explore the complicated legal relationships between universities and fraternities and sororities. This will include discussion of relationship agreements, Title IX, hazing, and due process in student conduct. Through this lens, the session will examine why certain universities and certain fraternities and sororities are choosing to sever their formal relationships with each other, and what that could mean for the future of Greek Life.

11:45 a.m. – 1:30 p.m. (Dunes III)

WELCOME LUNCHEON AND KEYNOTE

Opening Remarks: Conference Chair Peter Lake and Honorary Conference Co-Chair Jody Shipper

Keynote Speaker: Thomas Major, Jr., Associate General Counsel, Lumina Foundation

The Heart of the Matter: Reflections Along the Road to the New Normal

As we approach the end of the first quarter of 2024, ripples and aftershocks from three years of seismic change inside and outside of higher education are still being felt. Thoughts, questions, and even concerns about the present and future of higher education abound. In our opening keynote Thomas Major, Jr., Associate General Counsel of Lumina Foundation, will share his perspective on the dust that is still settling across the higher education ecosystem, and suggest a lens through which administrators, risk management professionals, faculty, and other stakeholders might look to see themselves—and prospects for future student success—more clearly.

1:45 p.m. – 4:30 p.m. (Dunes I/II)

DAY-LONG TITLE IX BOOTCAMP: Title IX and Beyond: Setting Your Campus Up for Success

Presenter: Jody Shipper

(Continued from the morning.)

1:45 p.m. – 4:30 p.m. (Dunes IV/V)

AI BOOTCAMP: How to Stop Worrying and Love AI

Presenters: Paul Greene and Timothy Menasco

Few things have campus administrators, faculty and legal teams more engaged at the moment than the explosion of Artificial Intelligence solutions, including generative AI, in higher education. Whether it be student use of generative AI, privacy concerns, developing an institutional approach to AI governance, or dealing with thorny challenges surrounding intellectual property and technology transfer, the issues surrounding AI are complex and challenging. This interactive workshop will introduce you to the developing world of AI governance and risk management and leave you with a set of core strategies to address AI challenges faced by your institution.

1:45 p.m. – 3:00 p.m. (Pelican)

Shared Governance and Tenure

Presenters: Dean Oren Griffin and Shannan Stamper

This session will review the concepts of shared governance and tenure, including current debates and proposals on what these concepts should look like as higher education continues to adapt to a 21st century society's needs. The session will also discuss how the tenure decision-making process itself can result in disputes wherein a faculty candidate may be denied tenure and asserts that the administrative process has been discriminatory or inequitable.

3:15 p.m. – 4:30 p.m. (Pelican)

Life on the Front Lines: Laws, Policy, and Operational Issues Connected with Modern Student Engagement

Presenters: Kristina Hartman, Timothy Kessler-Cleary, and Ko Kashiwazaki

In this session, 'front line' professionals discuss their perspectives on current battleground areas and issues in higher education, the impact these are having on students and staff, and the intersection of an ever-changing legal landscape with student affairs. Topics of discussion include student well-being and engagement, DEIB, the role of campus teams, student safety, staff burnout, and other emerging trends.

The session will feature a series of short presentations and roundtable discussions, allowing attendees and panelists the chance to share perspectives and to generate promising solutions to address today's challenging student engagement issues.

FRIDAY, MARCH 8

7:30 a.m. – 5:00 p.m. | Registration (Dunes Foyer)

8:00 a.m. – 9:00 a.m. | Continental Breakfast (Dunes Foyer)

9:00 a.m. – 10:15 a.m. (Dunes I/II)

THREE-PART SESSION: Academic Freedom, First Amendment, Free Speech, Free Expression, and Association: Challenges and Opportunities in Dynamic and Conflicted Times on Private and Public Campuses

PART 1: Campus Speech Law 101

Presenters: President Jonathan Alger, Dean Blake Morant, Neal Hutchens, William Thro, and Tyler Coward

This session will feature the nation's leading law and policy voices on many issues connected with Academic Freedom, First Amendment, Free Speech, Free Expression and Association. Part 1 will offer a primer for individuals wanting to learn more about or seeking a refresher on some of the fundamentals of campus speech law.

9:00 a.m. – 11:45 a.m. (Dunes IV/V)

HALF-DAY Title IX Investigator Training

Presenters: Jennifer Hammat and Kyle Griffis

This session is intended for Title IX coordinators, investigators, and any administrators who will be called upon to conduct a Title IX investigation (or for those to whom the Title IX coordinator reports). Training facilitators will cover how to prepare outreach documents, investigation interview orders, how to gather "the universe of information," and how to navigate what could be the final months of the 2020 regulatory mandates. Additionally, session facilitators will discuss the importance of framing and constructing a solid investigation report to provide the decision-maker with all that they need to have a compliant, and successful, hearing. This session will feature vibrant and lively discussion, including speculation on what the next round of regulatory changes may entail. A certificate of completion for this training will be available at the end of the session.

9:00 a.m. – 10:15 a.m. (Pelican)

\$37 thousand or \$37 million? The New Cost of Clery Act Compliance (or Non-Compliance)—and How to Best Mitigate Now [REPEATS ON SATURDAY]

Presenters: Steven Healy and Kyle Norton

In the last year, the U.S. Department of Education has issued the largest fines against institutions in enforcement history. Simultaneously, the air

National Conference on Law & Higher Education

is raw with likely potential of several amendments and subsequent, updated regulations relating to the Clery Act and Title IX. In this session, practitioners and national experts come together to educate attendees about these changes, DOE's new approach to enforcement, and – most importantly – strategies to mitigate these risks.

10:30 a.m. – 11:45 a.m. (Dunes I/II)

THREE-PART SESSION: Academic Freedom, First Amendment, Free Speech, Free Expression, and Association: Challenges and Opportunities in Dynamic and Conflicted Times on Private and Public Campuses

PART 2: Where are we when it comes to campus free speech and expression?

Presenters: President Jonathan Alger, Dean Blake Morant, Neal Hutchens, William Thro, and Tyler Coward

This session will feature the nation's leading law and policy voices on many issues connected with Academic Freedom, First Amendment, Free Speech, Free Expression and Association. Using hypotheticals, Part 2 will allow participants the opportunity to engage in small and large group discussions dealing with some of the most compelling free speech and expression challenges confronting higher education.

10:30 a.m. – 11:45 a.m. (Pelican)

Character, Conflict, and Resolution: Rewriting the Story of Prevention to Better Align with the Values and Experiences of Today's Students

Presenter: Kimberly Timpf

Innovating to address issues of safety, well-being, and inclusion for today's students will require an honest examination of our current efforts. Some of the most widely used strategies have been in place for nearly three decades, more than a generation, but are often in conflict with what we know about today's students. This workshop will explore traditional prevention efforts within the context of the most recent findings on current generational attitudes, beliefs, and behaviors. It will introduce new frameworks and considerations to help reimagine our work to better meet the diverse needs and expectations of today's students.

11:45 a.m. – 1:30 p.m. (Dunes III/IV/V)

LUNCH SESSION: Crystal Ball Panel

Panelists: Adam Hark, David D'Agata, Dean Blake Morant, Thomas Major, Jr., David Rowe, James Haggerty, Jean Demchak, William Thro, Jay Dolmage, and Susan Deniker

Moderator: Conference Honorary Co-Chair Jody Shipper

Join our panel of visionaries as they take a mostly serious, but sometimes fun, look into the future of higher education law and policy. There may be an appearance from futurist "Whammo-the Magnificent", although in the future nothing is certain.

1:45 p.m. – 3:00 p.m. (Dunes I/II)

THREE-PART SESSION: Academic Freedom, First Amendment, Free Speech, Free Expression, and Association: Challenges and Opportunities in Dynamic and Conflicted Times on Private and Public Campuses

PART 3: Where are we headed with campus free speech and expression?

Presenters: President Jonathan Alger, Dean Blake Morant, Neal Hutchens, William Thro, and Tyler Coward

This session will feature the nation's leading law and policy voices on many issues connected with Academic Freedom, First Amendment, Free Speech, Free Expression and Association. Part 3 will provide discussion and opportunities for participant engagement to help generate strategies and options for colleges and universities to design and implement policies and practices that are legally compliant while also advancing important institutional imperatives related to engaged civil discourse and mutual respect.

1:45 p.m. – 3:00 p.m. (Dunes IV/V)

Pregnant and Parenting Students: Title IX Old and New in a Post-Dobbs Environment [REPEATS ON SUNDAY]

Presenter: Jody Shipper

This session is designed for professionals who want to learn more about best practices in supporting pregnant and parenting students. Grand River Solutions' experts will cover Office for Civil Rights resolution agreements regarding pregnant students and detangle what they mean for your institution. If you want to know what the longstanding Title IX regulations say about pregnant and parenting students, and what the new Title IX regulations say or may say (whether they are proposed or final at the time!), this session is not to be missed. Get your questions answered about the 'musts', the 'mays', and the 'shoulds' of meeting the needs of pregnant and parenting students and complying with the law. This presentation will acknowledge that the Supreme Court's decision in *Dobbs* has put student-facing professionals in a confusing place at times, particularly in certain states.

1:45 p.m. – 3:00 p.m. (Pelican)

NCAA Update

Presenters: Scott Bearby and James Haggerty

The world of intercollegiate athletics has never been more unsettled, with issues of student-athlete status, compensation and governance making news every day. Join NCAA General Counsel Scott Bearby and attorney and communications consultant Jim Haggerty of PRCG | *Sports* as they review the latest changes from both legal and public perception perspectives.

1:45 p.m. – 3:00 p.m. (Egret)

Florida Legislative and Legal Update

Presenters: Nathan Adams IV and Lacey Hofmeyer

All eyes have been on the many ways the law of preK-20 education has evolved in recent times in Florida. Join our expert session leaders to explore Florida legal changes in depth. The session will include treatment of recent Florida legislation, relevant court cases, and State Board of Education and Florida Board of Governors regulations. This session will be of interest to both public and private institutions and complements other sessions at the event including those treating inclusivity and academic freedom.

3:15 p.m. – 4:30 p.m. (Dunes I/II)

The Future of Inclusivity Programs in Higher Education

Presenters: Dean Blake Morant and Carmen Johnson

As inclusivity programs and initiatives continue to face legislative bans and other challenges, campus communities across the country are navigating a complicated landscape of staying in compliance while also supporting the needs of their students, personnel, and institutional goals/mission. This session will focus on the future of inclusivity programs in higher education based on recent and anticipated developments, and practical strategies for practitioners, campus leaders, and advisors to consider as we work to strike the right balance in this ever-changing landscape.

3:15 p.m. – 4:30 p.m. (Pelican)

Crisis Management

Presenter: James Haggerty

Campus protests. Security incidents. Laws and regulations. Cyber crime and ransomware attacks. Higher educational institutions face a variety of issues and crisis... and very often they're unprepared. In this session, attorney, author and crisis communications consultant James F. Haggerty will lay out best practices in crisis communications: the structure and leadership essential to responding effectively to all manner of sensitive issues and events.

3:15 p.m. – 4:00 p.m. (Egret)

Meet and Greet/Learn About Stetson's New Master's Program in Higher Education Administration and Supervision

Presenters: Lou Sabina and Anna Peters

Come learn more about Stetson University's new and emerging degree-granting program! The last decade has seen a major evolution in higher education. Increased use of technology and infrastructure has seen course structures and modalities change to be more flexible for more diverse learners. The population of students attending higher education has changed to include more second-career professionals and first-generation students. New and different majors have become more prominent in the post-higher education career field. A Master of Science in Higher Education Administration and Supervision from Stetson University will prepare students to be leading professionals among the changes and evolutions within higher education.

SATURDAY, MARCH 9

7:30 a.m. – 5:00 p.m. | Registration (Dunes Foyer)

8:00 a.m. – 9:00 a.m. | Continental Breakfast
(Dunes Foyer)

9:00 a.m. – 10:15 a.m. (Dunes I/II)

Dissecting the *Fair Admissions v. Harvard* Decision: Legal Analysis of the Landmark Case on Race-Conscious Admissions [REPEATS SATURDAY AFTERNOON]

Presenters: President Jonathan Alger, William Thro, and Dean Blake Morant

This session will engage in deep legal analysis of the *Harvard* case. The session will help participants understand the holding of the case and its legal mandates to the field, including implications beyond its impact on selective admissions. What does the *Harvard* case portend for future litigation? What can we learn from dissenting and concurring opinions? How does the *Harvard* case relate to the Court's prior rulings in previous cases in front of SCOTUS dealing with race conscious admissions? What are the implications for institutional academic freedom from this case?

Join our expert panel to discuss critical questions raised by the *Harvard* case.

9:00 a.m. – 10:15 a.m. (Dunes IV/V)

Title IX Litigation Update

Presenter: Jacob Sapp

Join Jacob Sapp as he leads the Conference's presentation on Title IX Litigation Updates for the fourth consecutive year. This session will provide an overview of Title IX's evolution in the federal system and prioritize practical takeaways from recent litigation and OCR resolutions.

9:00 a.m. – 10:15 a.m. (Pelican)

\$37 thousand or \$37 million? The New Cost of Clery Act Compliance (or Non-Compliance)—and How to Best Mitigate Now

Presenters: Steven Healy and Kyle Norton

In the last year, the U.S. Department of Education has issued the largest fines against institutions in enforcement history. Simultaneously, the air is raw with likely potential of several amendments and subsequent, updated regulations relating to the Clery Act and Title IX. In this session, practitioners and national experts come together to educate attendees about these changes, DOE's new approach to enforcement, and – most importantly – strategies to mitigate these risks.

10:30 a.m. – 11:45 a.m. (Dunes I/II)

Operationalizing the Ruling in *Fair Admissions v. Harvard*: Holistic Review, Recruitment, and Other Considerations

Presenters: Laura Rothstein and Carmen Johnson

The Department of Justice and Department of Education and numerous policymakers and commentators have focused on a number of strategies for promoting inclusivity without using race as a specific factor in admissions. This session will draw on the experience of two leading experts who have extensive experience in implementing programs in admissions and in student life, aiming for greater inclusion.

10:30 a.m. – 11:45 a.m. (Dunes IV/V)

Rethinking College Adjudication Systems: Embracing Informal Resolution and Mediation

Presenters: Nathan Perry and Kristine Goodwin

In this presentation, the speakers will delve into the often-overlooked challenges within college adjudication systems, particularly those modeled after traditional court systems. While these structures

were designed with the intention of promoting fairness and justice, they often fall short, leading to inefficiencies and dissatisfaction among students and administrators alike. Drawing upon real-world examples and case studies, the speakers will highlight the limitations of adversarial systems and their impact on campus culture. Moreover, the speakers will advocate for a paradigm shift towards informal resolution processes and mediation. By prioritizing dialogue, collaboration, and empathy, these alternative approaches offer a more holistic and sustainable means of resolving conflicts within educational institutions. Join the speakers as they envision a future where colleges and universities prioritize community-building and education over punitive measures, creating safer and more inclusive learning environments for all.

10:30 a.m. – 11:45 a.m. (Pelican)

Managing the Risks of a Digital Environment

Presenters: Jean Demchak and Paul Greene

In the most recent Global Risk Report, academia identified misinformation/disinformation and cyber insecurity as the top ten risks for the near and long term. Management of risk plays a key role in approaching the insurance marketplace, mitigation efforts and how claims activity inform the use of insurance coverage when it matters the most. This session will provide insight on these areas that address transfer of risk through insurance and mitigation.

10:30 a.m. – 11:45 a.m. (Egret)

Voices of Vigilance: A Comprehensive Inquiry into Student Perceptions of Campus Safety

Presenters: Diedrick Graham and Steven Healy

This session presents an in-depth analysis of a multi-institutional study, revealing the candid perspectives of students on campus safety. Distilled from a rich blend of quantitative data and qualitative narratives, the findings illuminate the realities and expectations of the student body pertaining to campus safety.

11:45 a.m. – 1:30 p.m. (Dunes III/IV/V)

AWARDS LUNCHEON AND KEYNOTE

Remarks: President Christopher Roellke, Stetson University

Awards Presentation: Conference Honorary Co-Chair Jody Shipper and Chair of the Center for Excellence in Higher Education Law & Policy Conference Awards Committee Blaze Bowers

Keynote Speaker: Craig McAllister, Assistant Vice President, Risk Management, University of Miami; President, URMIA Board of Directors

ERM in Higher Education: Identifying Risk and Recognizing Opportunity

What impacts an institution's ability to meet their strategic goals? Is it truly a black swan event or a gray rhino incident? Enterprise Risk Management is a tool that can help mitigate negative outcomes and institutions should use these lessons to enhance the probability of successfully meeting their plans. Mr. McAllister will provide examples and commentary on how ERM can bring additional success to an institution of higher education.

1:45 p.m. – 3:00 p.m. (Dunes I/II)

Dissecting the *Fair Admissions v. Harvard Decision*: Legal Analysis of the Landmark Case on Race-Conscious Admissions

Presenters: President Jonathan Alger, William Thro, and Dean Blake Morant

This session will engage in deep legal analysis of the *Harvard* case. The session will help participants understand the holding of the case and its legal mandates to the field, including implications beyond its impact on selective admissions. What does the *Harvard* case portend for future litigation? What can we learn from dissenting and concurring opinions? How does the *Harvard* case relate to the Court's prior rulings in previous cases in front of SCOTUS dealing with race conscious admissions? What are the implications for institutional academic freedom from this case?

Join our expert panel to discuss critical questions raised by the *Harvard* case.

1:45 p.m. – 3:00 p.m. (Dunes IV/V)

Behavioral Threat Assessment and Management on Campus—Time for a Reset: Lessons for the Field

Presenters: Steven Healy, Andrea Stagg, and Kay Heidbreder

This session will focus on campus behavioral threat assessment and management, including how to set up a team, how to manage threats on campus, and emerging trends, among others. Attendees will hear from experts in the field on lessons learned over the years and have the opportunity to engage in practical case studies.

1:45 p.m. – 3:00 p.m. (Pelican)

AI CONDENSED BOOTCAMP: How to Stop Worrying and Love AI

Presenter: Paul Greene

Couldn't make the AI Bootcamp on Thursday? Consider attending this condensed version.

Few things have campus administrators, faculty and legal teams more engaged at the moment than the explosion of Artificial Intelligence solutions, including generative AI, in higher education. Whether it be student use of generative AI, privacy concerns, developing an institutional approach to AI governance, or dealing with thorny challenges surrounding intellectual property and technology transfer, the issues surrounding AI are complex and challenging. This interactive workshop will introduce you to the developing world of AI governance and risk management and leave you with a set of core strategies to address AI challenges faced by your institution.

1:45 p.m. – 3:00 p.m. (Egret)

Deal or No Deal: Leadership, Governance, and Strategy in the Era of Mergers and Partnerships

Presenters: David Rowe and Anthony Barbar

Boards and presidents find themselves in new roles, often investigating, negotiating, and navigating complex agreements with complementary organizations and peer institutions. This session will help participants better understand the perspectives of board chairs and presidents as they evaluate potential opportunities and navigate the internal and external processes necessary to bring a 'deal' to

a close. Join former university trustee and board chair Anthony Barbar and former college and seminary president David Rowe to learn what factors can lead to success, what realities can lead to derailment, and how to best advance the missions of institutions while protecting their interests.

3:15 p.m. – 4:45 p.m. (Dunes I/II)

Leadership Panel

Panelists: President Jonathan Alger, President Christopher Roellke, Dean Blake Morant, and Fredrick Lawrence

Moderator/Contributor: David Rowe

Attendees clamor for an opportunity to hear directly from higher education's most senior leaders on the issues that keep them up at night—and even more so their vision for the future of the field. Are we at a historic inflection point in higher education? What makes a great leader in these challenging times? Please join our esteemed panelists for a lively and informative discussion of how to navigate higher education through turbulent and exciting times.

3:15 p.m. – 4:30 p.m. (Dunes IV/V)

Innovative Approaches for Equitable Admissions: The Urgency of Simplicity

Presenters: Thomas Major, Jr., and Melanie Heath

The landscape of college admissions is quickly changing. The SCOTUS decision banning race-conscious admissions practices, the pandemic-driven pivot to test optional admissions, and the pending enrollment cliff all represent fundamental shifts in how colleges must think about recruiting, admitting, and onboarding students. Yet amidst this upheaval, there is a unique opportunity to fundamentally transform admissions processes to be more equitable and innovative than ever before. To do this requires simplification, which means making these processes as automated, proactive, and transparent as possible. Yet making processes simple for students can represent a significant challenge for institutions.

In this session Melanie Heath, Strategy Director for Participation at Lumina Foundation, and Thomas Major, Jr., Associate General Counsel at Lumina, will present an overview of the Foundation's approach to supporting innovation in admissions in today's turbulent admissions environment. They will also share the outcome of Lumina's Great Admissions Redesign challenge, which sought to find the most exciting ideas on how to fundamentally transform admissions processes toward simplification for students. Session participants will learn how the admissions field is shifting, what implications may exist for their institutions, and what tangible steps they can take back to campus to change their own admissions processes for the better.

3:15 p.m. – 4:30 p.m. (Pelican)

The Response to Bias Response: Is There a Divergence Between Student Affairs and the Courts?

Presenter: Adam Hark

In recent years, more courts have weighed in on the legality around bias response and intervention on American college campuses. Even as some questions remain unsettled, including ones currently knocking on the door of the U.S. Supreme Court, a clearer picture of

the limits on an institution's bias response efforts is coming into view. This session explores the emerging legal landscape alongside the aims of student affairs practitioners and seeks to first, determine their compatibility, and second, posit a glimpse at how the near future of bias response might look.

3:15 p.m. – 4:30 p.m. (Egret)

I Can't Get No . . . Regulations

Presenter: Andrea Stagg

We've been talking about new proposed Title IX regulations since 2022. The ED regulatory agenda includes other updates. In this session, we'll discuss what's slated for 2024 from the Department of Education, understanding that these dates are tentative. The schedule includes:

- A proposed rule on Section 504, nondiscrimination on the basis of disability— this was scheduled for November 2023 but has not been released;
- Final Title IX regulations for both the 2022 proposed regulations on nondiscrimination on the basis of sex and the 2023 proposed rules on sex separated athletics teams;
- A proposed rule on FERPA; and
- A proposed rule on Title VI

SUNDAY, MARCH 10

7:30 a.m. – 3:30 p.m. | Registration (Dunes Foyer)

8:00 a.m. – 9:00 a.m. | Continental Breakfast
(Dunes Foyer)

9:00 a.m. – 10:15 a.m. (Dunes I/II)

Disability Law Updates

Presenter: Laura Rothstein

The presentation will focus on some of the current issues under Section 504/ADA that higher education is addressing. The session will highlight the importance of a proactive approach by leaders and attorneys in ensuring not just compliance with the requirements, but how to go about establishing policies, practices, and procedures that address what MUST be done (legal requirements), what CAN be done (beyond what may be legally mandated), and what SHOULD be done (to ensure fairness and balance in light of shrinking resources). Primary attention will be given to post-COVID issues (particularly attendance and remote work), dual enrollment or high school students with disabilities, mental health issues, and neurodiversity. Other issues to be addressed include documentation of disabilities, technology issues, and having an ADA Coordinator to address these issues.

9:00 a.m. – 10:15 a.m. (Dunes IV/V)

FERPA Workshop Part 1

Presenter: Melissa Carleton

What is new in the world of FERPA? The session will provide a legal update including recent cases, explore the relationship between FERPA and AI, and check in on recent information from DOE.

9:00 a.m. – 10:15 a.m. (Pelican)

Inside the Beltway: Significant Recent Higher Education Legal, Regulatory and Policy Developments

Presenters: Jonathan Tarnow and John Przypyszny

This session will review major legal, regulatory and policy activities at the Federal level with impacts on higher education, including multiple recent U.S. Department of Education rulemakings and guidance, Supreme Court cases pertinent to the Department's scope of regulatory authority, Congressional developments, and issues regarding accreditation.

10:30 a.m. – 11:45 a.m. (Dunes I/II)

Universal Design

Presenter: Laura Rothstein

"Universal Design" can be a valuable tool in ensuring access not only for those with disabilities, but for everyone. The presentation does not provide all the ways of ensuring access for all individuals in all settings. Instead, it provides a starting place for implementing universal design principles for a wide range of settings – students, faculty, staff, public programming (including sports) and a wide range of disabilities. The session will suggest means for higher education institutions to ensure some level of continuity and transparency for evolving accessibility policies (including universal design) and practices as things change. The session will also address prioritization of issues and offer a basic toolkit of resources. The presentation will clarify how "accommodation" requirements differ from universal access as well.

10:30 a.m. – 11:45 a.m. (Dunes IV/V)

FERPA Workshop Part 2

Presenter: Melissa Carleton

Who doesn't love a good FERPA conundrum (or ten)? This segment of the Workshop will tackle a complex and very real-world hypothetical involving NIL deals and public records requests, a resulting Title IX gender equity lawsuit, and an NLRB petition by suddenly wealthy student athletes to sort through how FERPA guides us through all of these challenges.

10:30 a.m. – 11:45 a.m. (Pelican)

Title IX: What's in a Name and Why it Matters: Officials with Authority/ Responsible Employees/ Mandatory Reporters

Presenter: Jody Shipper

Title IX compliance remains a cornerstone of ensuring equal access in higher education institutions. However, understanding reporting structures, the role of responsible employees, and identifying mandatory reporters can be rocky terrain to navigate.

Join Conference Honorary Co-Chair Jody Shipper in this practical session as she unpacks the intricacies of Title IX reporting. Participants will delve into the components of reporting structures, gaining insights into the roles and duties of responsible employees and mandatory reporters. Attendees will hear how to effectively identify incidents that trigger reporting obligations and understand the nuances of reporting.

Key session topics include:

- Roles, duties, and definitions
- Pertinent laws, regulations, and policies and often overlapping reporting obligations
- Reporting: Who, What, How, When, Where
- Responding to disclosures in a trauma-informed manner
- Balancing the obligations to a complainant, with support of the accused

11:45 a.m. – 1:30 p.m. (Dunes III)

CLOSING KEYNOTE LUNCHEON

Remarks: Provost Elizabeth Skomp, Stetson University

Keynote Speaker: Jay Dolmage, Chair, Department of English, University of Waterloo

Academic Ableism and Its Alternatives

We have a crisis of help-seeking around disability on our college and university campuses. The vast majority of disabled students will leave our campuses without ever seeking help. There are a variety of possible reasons for this crisis, but most of them are related to the ableism that has always been a part of the structure and identity of higher education. Yet we have had an opportunity, over the last four years, to redesign higher education in ways we never have before. In this keynote presentation, some possibilities for building a more accessible classroom and campus will be suggested and explored. Come and share your own experiences, ideas, challenges and questions with Professor Dolmage, who will be present throughout the Conference.

1:45 p.m. – 3:00 p.m. (Egret)

The Reformation of the Religion Clauses Comes to Campus

Presenter: William Thro

In recent years, the Supreme Court has undertaken a Reformation of the Religion Clauses. Just as the Protestant Reformation and the Catholic Counter-Reformation forever changed western society, the Reformation of the Religion Clause is changing the relationship between people of faith and their government. Because college campuses are a microcosm of the larger society, the Reformation of the Religion Clauses has major implications for colleges and universities.

1:45 p.m. – 3:00 p.m. (Dunes IV/V)

Advancing Student Mental Health: Navigating Institutional Costs and Opportunities

Presenters: Thomas Major, Jr., and Zainab Okolo

Addressing the urgent need for comprehensive mental health support on college campuses, this presentation explores the diverse challenges and opportunities facing higher education institutions today. Dr. Zainab Okolo, Senior Vice President of Policy, Advocacy, and Government Relations at The Jed Foundation, and Thomas Major, Jr., Associate General Counsel for Lumina Foundation for Education, will offer insights into the Jed Foundation's approach to fostering cultures of care on campuses. The presentation begins with an introduction to a foundational conceptual framework, followed by an exploration of five key opportunities for campus

administrators to enhance mental health support.

Throughout the session, Dr. Okolo and Mr. Major will also discuss the unique role of campus lawyers in proactively implementing “student-ready” mental health policies and practices. They will delve into strategies for leveraging legal expertise to promote mental health initiatives, manage risk, align institutional priorities with student well-being, along with sharing current data on the cost of doing business. The presentation aims to equip attendees with actionable insights to support their campuses in creating environments that prioritize mental health and well-being.

Key Discussion Points:

1. The impact of JED’s partnership with educational institutions in fostering a culture of caring and safeguarding student mental health.
2. Strategies for enhancing social connectedness, improving access to mental health services, and strengthening crisis management procedures on college campuses.
3. Opportunities for campus lawyers to collaborate with stakeholders and advocate for policies that prioritize student well-being while managing legal risks effectively.
4. Managing risks and opportunities in engaging school-based Medicaid towards increasing access for students.

By addressing these critical issues and exploring collaborative solutions, attendees will gain valuable insights into the complexities of supporting student mental health and the role of campus lawyers in advancing these initiatives.

1:45 p.m. – 3:00 p.m. (Pelican)

Prevailing Judicial Attitudes: Judges’ Views of Higher Education

Presenter: Glen Stewart

Are you curious how judges view higher education? Join Glen Stewart from the National Judicial College for this session focusing on judicial discretion in two areas. First the session will explore recent rulings on Academic Freedom in religious and other speech issues and, second, attendees will have the opportunity to discuss recent rulings on admission policies. This is an opportunity to explore how much discretion is allowed in each area with a trainer of judicial decision-makers.

1:45 p.m. – 3:00 p.m. (Dunes I/II)

Pregnant and Parenting Students: Title IX Old and New in a Post-Dobbs Environment

Presenter: Andrea Stagg

This session is for professionals who want to learn more about best practices in supporting pregnant and parenting students. Grand River Solutions’ SMEs will cover the Office for Civil Rights resolution agreements about pregnant students, and what they mean for your institution. If you want to know what the longstanding Title IX regulations say about pregnant and parenting students, and what the new regulations say (whether they are proposed or final at the time!), this session is the one. Get your questions answered about the ‘musts’, the ‘mays’, and the ‘shoulds’ of meeting the needs of pregnant and parenting students. This presentation will acknowledge that the Supreme Court’s decision in *Dobbs* has put student-facing professionals in a confusing place at times, particularly in certain states.

MONDAY, MARCH 11

Post Conference Workshop: Separate Registration Required

7:30 a.m. – 12:30 p.m. | Registration

(Third Floor Foyer)

8:00 a.m. – 9:00 a.m. | Breakfast

(Third Floor Foyer)

9:00 a.m. – 11:45 a.m. (Sandpiper I/II)

Building Trust in Your Process: Strategies for Title IX and Equity Officers, Coordinators, and Directors

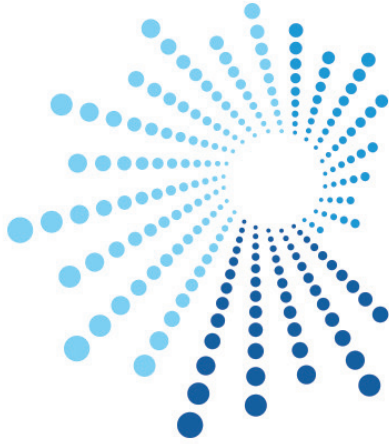
Presenters: Andrea Stagg and Kelly Gallagher

Join Andrea Stagg and Kelly Gallagher, Grand River Solutions legal and practice experts, for a session on building trust in Title IX and equity processes. This session is designed to equip attendees with the tools and techniques needed to foster transparency, engagement, and confidence in Title IX and equity processes.

An outline of the agenda includes:

- Understanding OCR Guidance—Stay informed about the latest guidance and expectations from the Office for Civil Rights (OCR) regarding Title IX compliance and equity in higher education.
- Campus Communication—Explore best practices for communicating Title IX policies, procedures, and resources to the campus community, including students, faculty, staff, and administrators.
- Party Communication—Learn how to effectively communicate with parties involved in Title IX proceedings, including providing notice letters, explaining rights and responsibilities, and ensuring clear and accessible communication channels.
- Communication Protocols—Develop communication protocols and guidelines to ensure consistency, clarity, and timeliness in all communications related to Title IX and equity matters.
- Gathering Meaningful Data—Discover strategies for collecting and analyzing data to assess the effectiveness of Title IX and equity initiatives, identify trends, and inform decision-making processes.

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Jahanna Azarian, Director of Marketing, Grand River Solutions

Anthony Barbar, President and CEO, Barbar & Associates

Scott Bearby, Senior Vice President of Legal Affairs and General Counsel, NCAA

Melissa Carleton, Senior Consultant, INCompliance Consulting; Partner and Higher Education Chair, Bricker Graydon

Tyler Coward, Lead Counsel, Government Affairs, FIRE

David D'Agata, General Counsel, Florida Virtual School and FlexPoint

Jean Demchak, Global Education Leader, Marsh McLennan

Susan Llewellyn Deniker, Member/Executive Committee, Steptoe & Johnson PLLC

Jay Dolmage, Chair, Department of English, University of Waterloo

Kelly Gallagher, Title IX Coordinator Services, The River Connect & Innovations Product Manager, Grand River Solutions

Kristine Goodwin, Vice President and Chief Experience Officer, Western New England University

Diedrick Graham, Vice President for Culture and Strategy, The Healy+ Group

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Kyle Griffis, Associate General Counsel, Florida State University

James Haggerty, President and CEO, PRCG | Haggerty LLC and PRCG | Sports

Jennifer Hammat, Associate Vice President for Student Engagement, Division of Student Success & Enrollment Management, Florida Gulf Coast University

Adam Hark, Legal Counsel, Maxient LLC

Kristina Hartman, Associate University Legal Counsel, Virginia Tech

Steven Healy, Co-Founder and Chief Executive Officer, The Healy+ Group

Melanie Heath, Strategy Director for Participation, Lumina Foundation

Kay Heidbreder, University Legal Counsel, Virginia Tech

Lacey Hofmeyer, The Law Offices of Lacey Hofmeyer, PLLC; Chair, Florida Bar Education Law Committee

Neal Hutchens, Professor and Chair, Department of Educational Policy Studies and Evaluation, University of Kentucky

Carmen Johnson, Executive Officer for Institutional Inclusive Excellence, Stetson University

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Peter F. Lake, Professor of Law, Charles A. Dana Chair and Director, Center for Excellence in Higher Education Law and Policy, Stetson University College of Law

Frederick M. Lawrence, Distinguished Lecturer, Georgetown Law Center; Secretary and CEO, Phi Beta Kappa Society

Maggie Lohmann, Associate, Steptoe & Johnson PLLC

Thomas Major, Jr., Associate General Counsel, Lumina Foundation

Craig McAllister, Assistant Vice President, Risk Management, University of Miami; President, URMIA Board of Directors

Timothy W. Menasco, Chair, Intellectual Property, Harter Secrest & Emery

Blake Morant, Robert Kramer Research Professor of Law and Former Dean, George Washington University Law School

Kyle Norton, Director for Regulatory Compliance, The Healy+ Group

Zainab Okolo, Senior Vice President of Policy, Advocacy & Government Relations, The JED Foundation

Nathan Perry, Supportive Measures/ Informal Resolution Manager, Vanderbilt University

Anna Peters, Adjunct Faculty, Stetson University

John Przypyszny, Partner, Faegre Drinker Biddle & Reath LLP

Christopher Roellke, President, Stetson University

Laura Rothstein, Emerita Professor of Law and Distinguished University Scholar, University of Louisville

David Rowe, Founder and President, The Windermere Group, LLC

Lou Sabina, Associate Professor and Chair for Graduate Education Studies; Program Director, Educational Specialist and Higher Education Administration and Supervision, Stetson University

Jacob Sapp, Assistant State Attorney, 4th Judicial Circuit of Florida

Jody Shipper, Co-Founder & Managing Director, Grand River Solutions

Elizabeth Skomp, Provost, Vice President of Academic Affairs and Professor of World Languages and Cultures (Russian), Stetson University

Andrea Stagg, Director of Consulting Services, Grand River Solutions

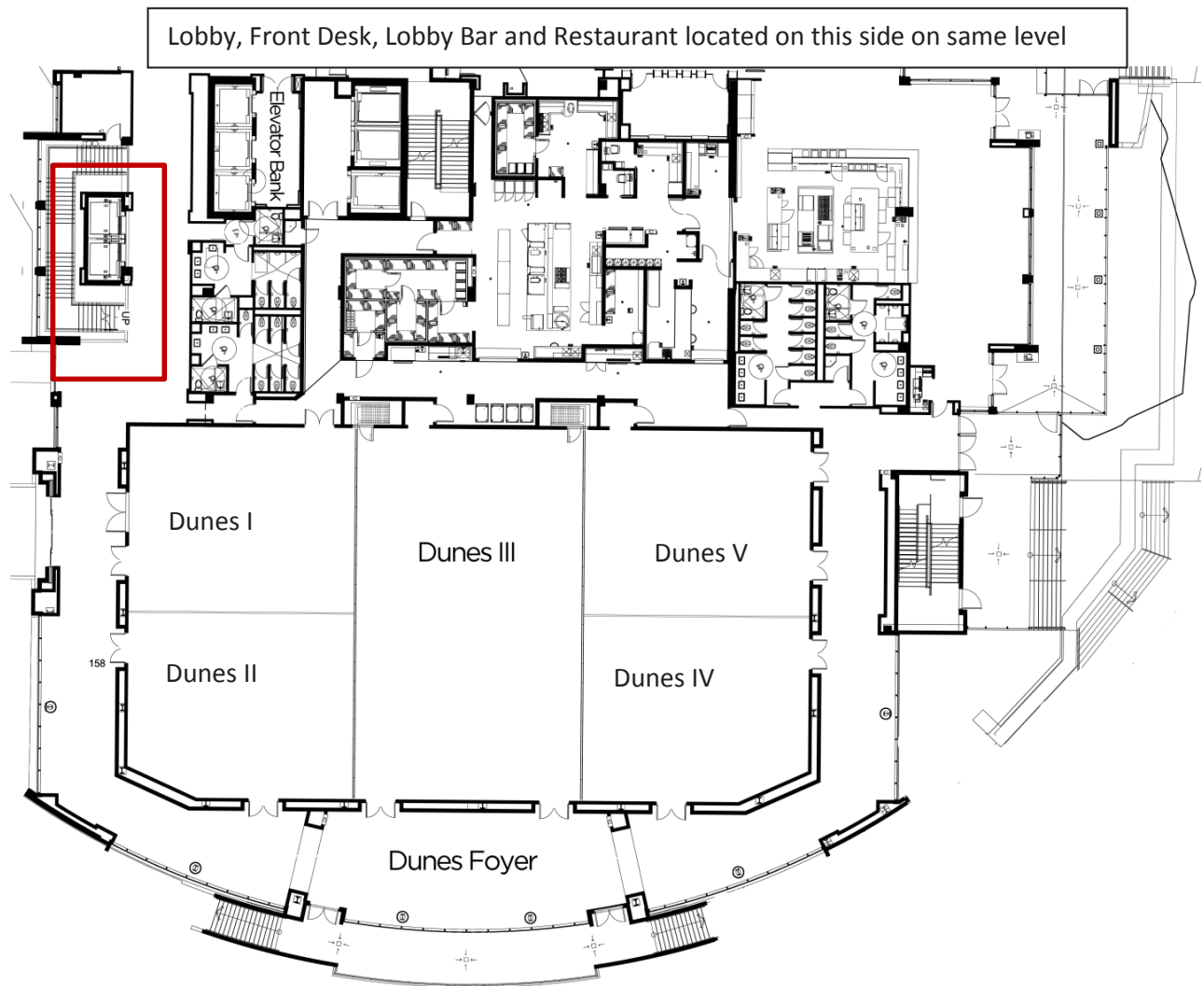
Shannan Stamper, Deputy General Counsel, University of Kentucky

Glen Stewart, Program Attorney, National Judicial College; Employee Resolution Specialist, Hillsborough Association of School Administrators

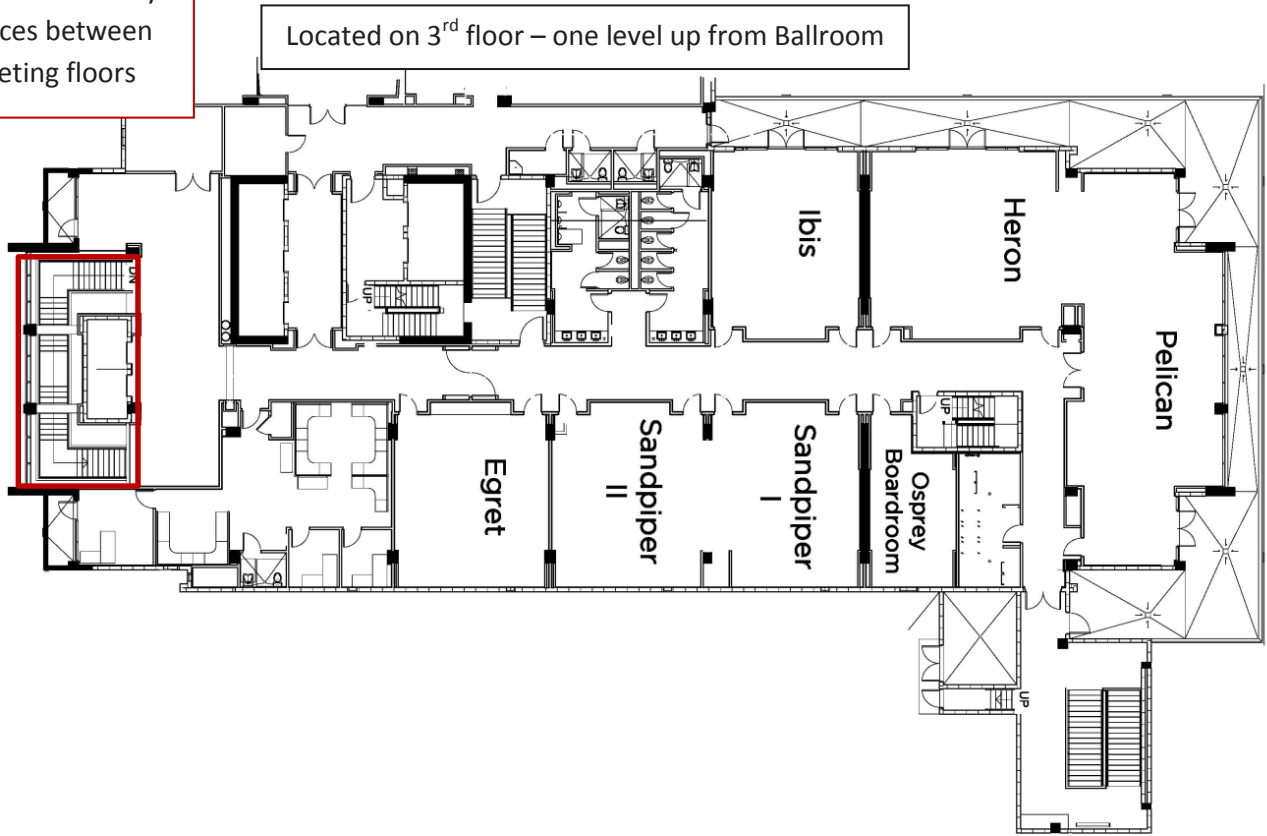
Jonathan Tarnow, Partner, Faegre Drinker Biddle & Reath, LLP

William "Bill" Thro, General Counsel, University of Kentucky

Kimberley Timpf, Education Strategy Lead, Vector Solutions



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