




# **Title IX Basic and Role Training for K-12 Administrators**

**October 30, 2020  
Presented by Jackie Gharapour Wernz**



1



# **Ask Questions**

2



# Why are we here?

3



# Know the Rules

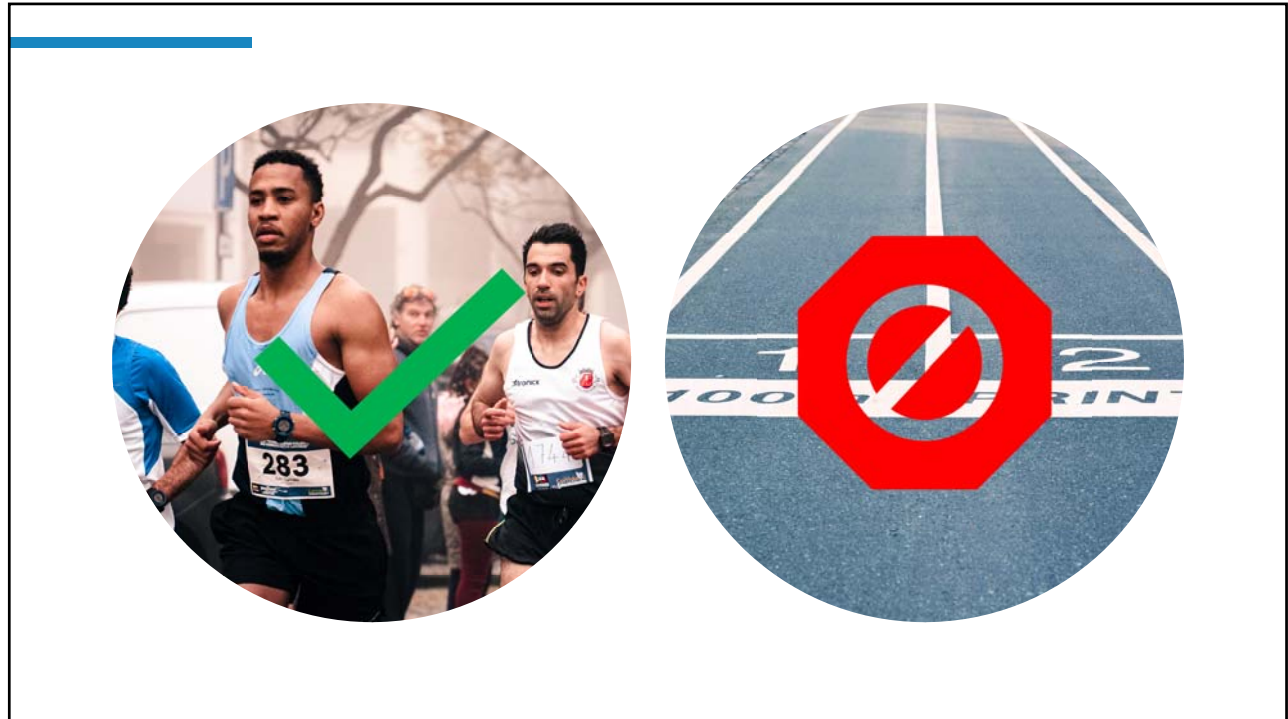
4



5



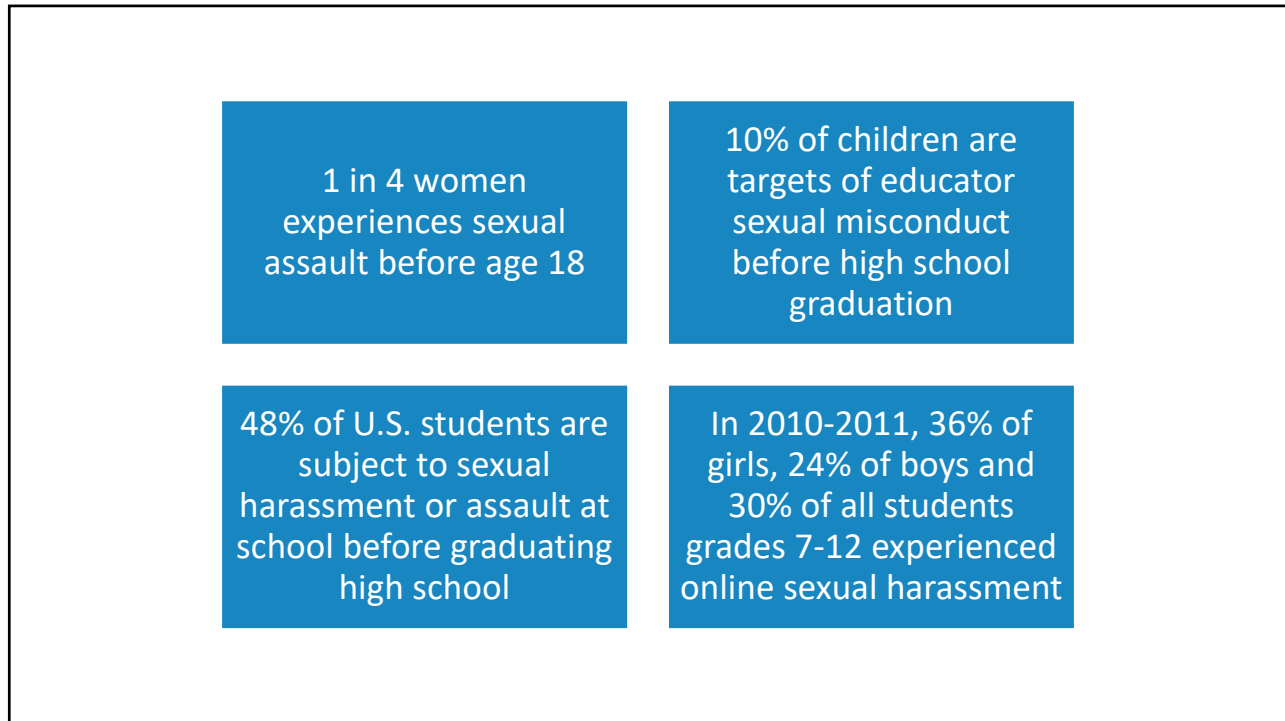
6



7



8



9

According to a **2017 report from the Justice Department**, only

**23 percent**

of all sexual assaults are reported to the police.

10



11

*Harassment  
and assault can have  
long lasting,  
detrimental effects on  
victims*

12

## Effects on Individuals

Poor performance in school

Stress Disengagement Fear

Distraction Anger Mistrust Conflict

Acting out Absenteeism Drop-out

Suicide ANXIETY PTSD

DEPRESSION

Lost Opportunities

13

## Effects on Teams

Decreased focus

Lost productivity

Withdrawal

Absenteeism Neglect

Lack of trust in leadership Malingering

Turnover



14

*Unfair processes can  
have  
long lasting,  
detrimental effects on  
the parties*

15

## Mattress Protest and Its Aftermath

Case of alleged rape at Columbia first yielded much sympathy for the accuser and protest, but ends with the university apologizing to the accused. The case has had on the discussion of sexual assault on campus.

By **Jeremy Bauer-Wolf** // July 24, 2017



16





# Responding to Harassment

*Is required by the law*

17

## ED Office for Civil Rights (OCR)



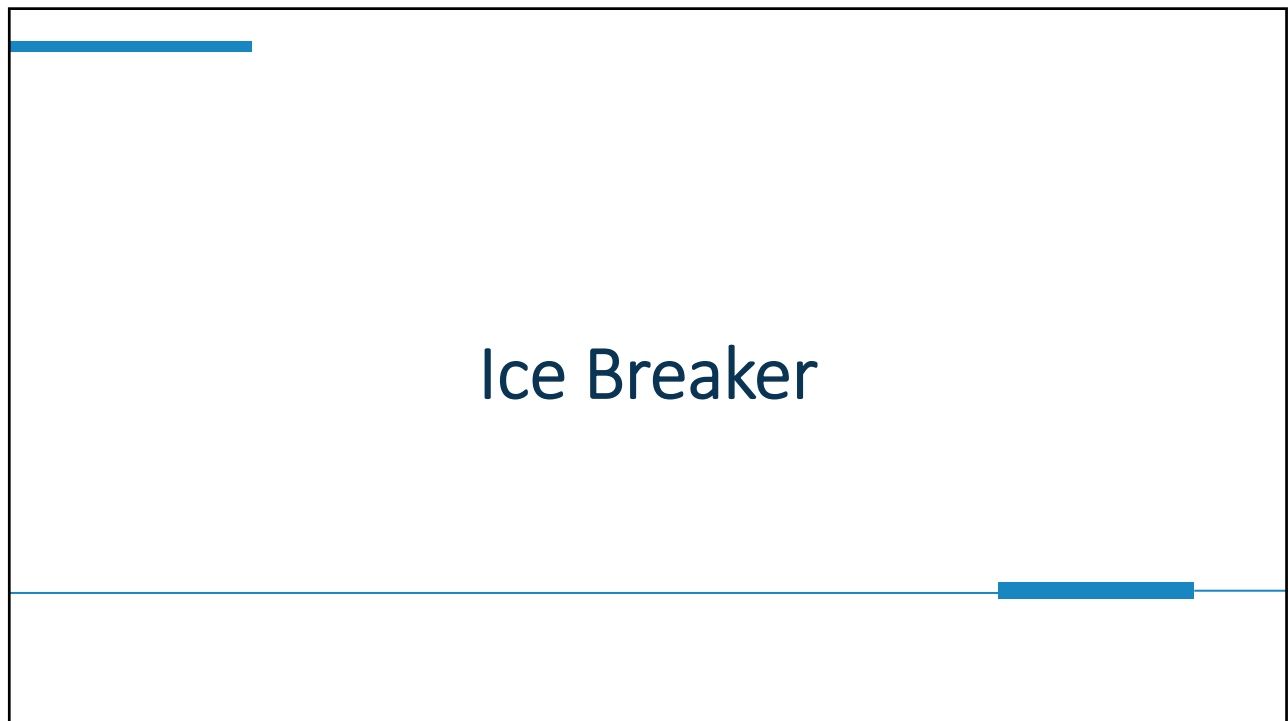
FRANCZEK

franczek.com

18



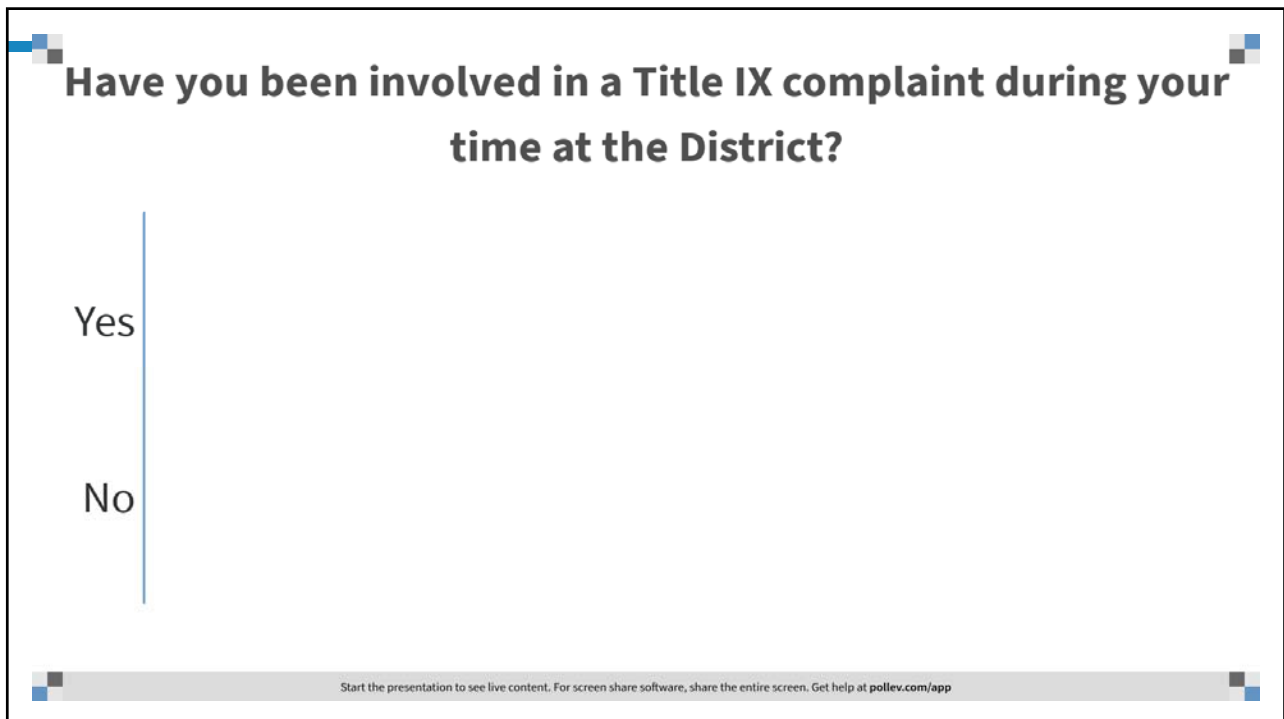
19



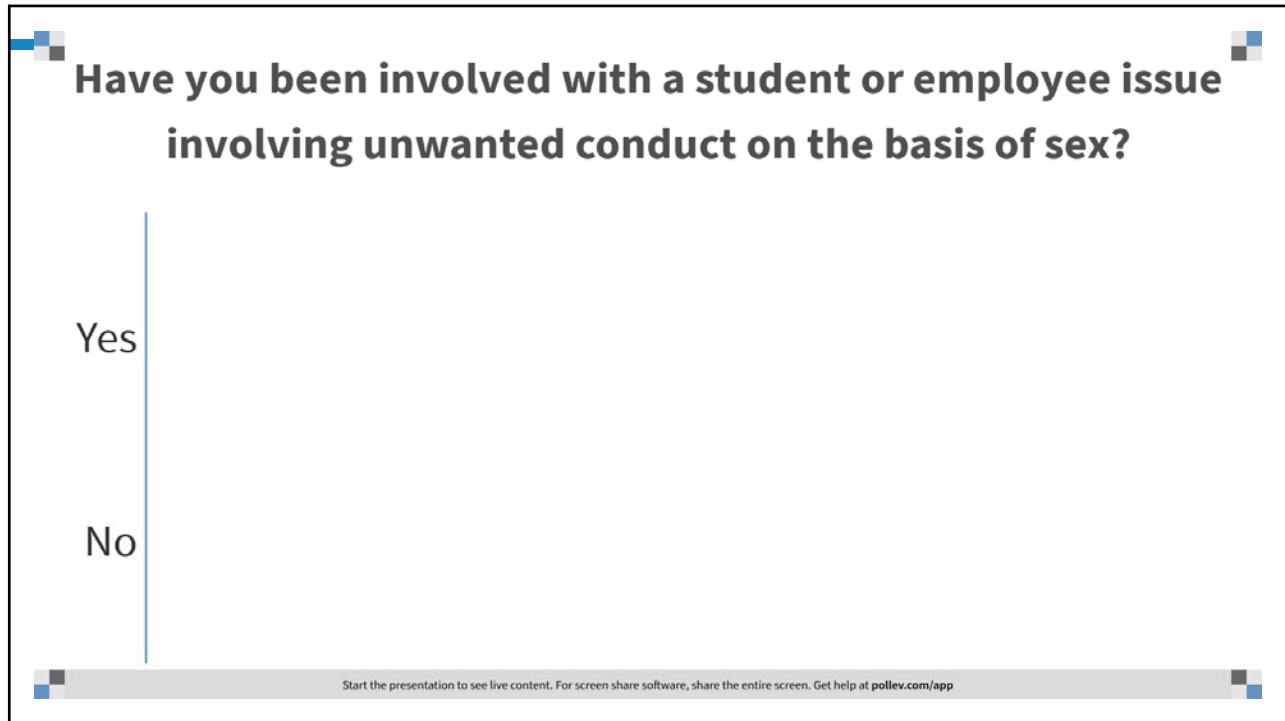
20



21



22



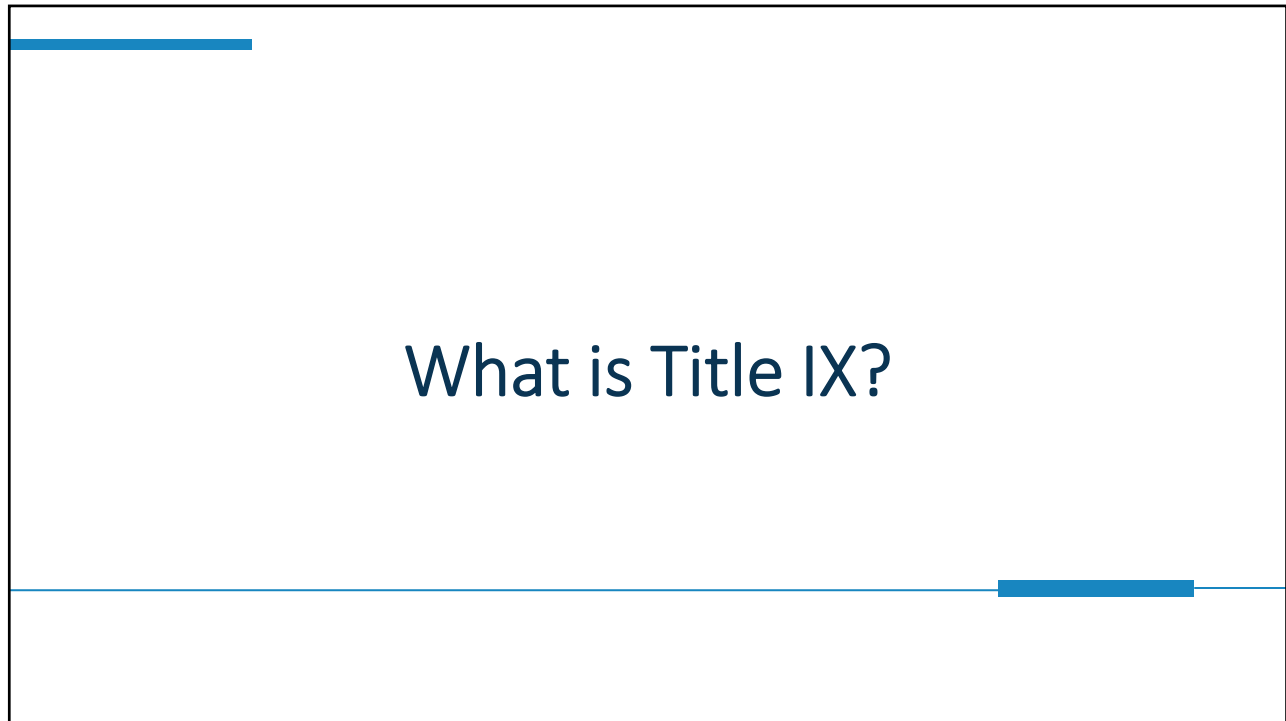
23

# In the Zoom Chat

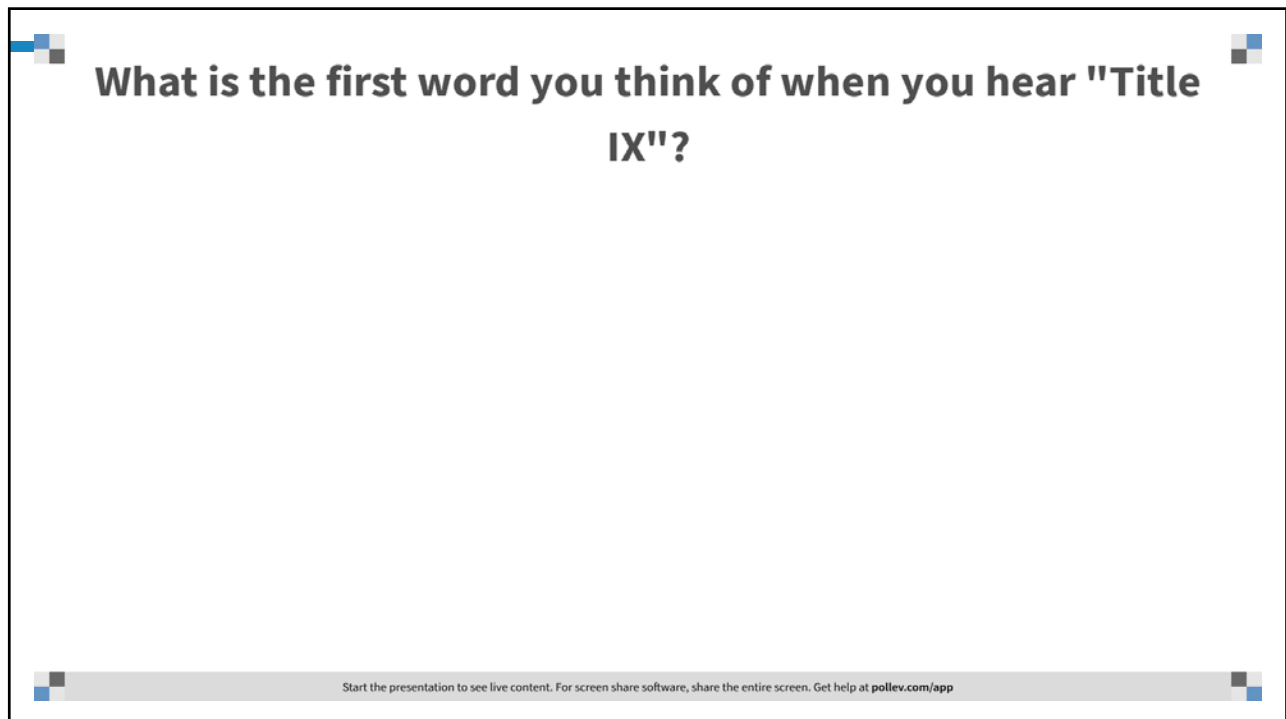
Name, Title

What is the most important question you would like answered today?

24



25



26



27

## Title IX Statute

(20 U.S.C. §§ 1681–1688)

"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."

FRANCZEK

franczek.com

28

## What falls under Title IX?

Recruitment, Admissions, and Counseling

Financial Assistance

Athletics

Sex-Based Harassment

Treatment of Pregnant & Parenting Students

Discipline

Single-Sex Education

Employment

Retaliation

FRANCZEK franczek.com

29

## Title IX Regulations

(34 C.F.R. Part 106 – Amended as of 8/14/2020)

- Prohibit discrimination on the basis of sex
- Establish procedural requirements
  - Policy + detailed grievance procedure
  - Designation of Title IX coordinator(s)
  - And many more requirements!

FRANCZEK franczek.com

30

# When Must the School Respond to Sexual Harassment?

31

**It Depends  
Who [Well,  
Which Law]  
You Ask**

## Employment

- State Civil/Human Rights Law
- Title VII
- Title IX

## Students

- State Civil/Human Rights Law
- Title IX

32



---

## When must a school respond to Title IX sexual harassment?

---

A school with actual knowledge of [Title IX] sexual harassment in an education program or activity against a person in the united States must respond

33

---

## When must a school respond to Title IX sexual harassment?

---


A school **with actual knowledge** of [Title IX] sexual harassment in an education program or activity against a person in the united States must respond

34

## Notice

ACTUAL knowledge


To Title IX  
Coordinator or  
"official with  
authority" (all K-12  
employees)



FRANCZEK franczek.com

35


## Official with Authority



- Title IX Coordinator
- Any other officials who have been given authority to institute corrective measures by the school district
- K-12: All employees

FRANCZEK franczek.com

36



**Actual Knowledge**

1. Sense
2. Report

37

**Reporting Sexual Harassment:  
Who, How and When?**

- Any person may report sex discrimination, regardless of whether the person is the alleged victim of the reported conduct
- Reports can be made by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator
- Or by any means that results in the Title IX Coordinator receiving the person's report
- Such a report may be made at any time, including during non business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator

38

## Key Word: "Allegation"

Once a school has notice of an **allegation** that, **if true**, would constitute Title IX Sexual Harassment, it must respond

"Well, we didn't believe there was enough evidence it happened" does not get you past your responsibility to use your Title IX Sexual Harassment grievance process

FRANCZEK

franczek.com

39

## Issue Spotting

**Order of protection:** Principal served with order of protection requiring student to have no contact with another student due to alleged sexual assault

FRANCZEK

franczek.com

40

**Does the Principal have "actual knowledge" of the sexual assault claim?**

---

Yes No

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [polllev.com/app](https://polllev.com/app)

41

**What is Sexual Harassment?**

42

**It Depends  
Who [Well,  
Which Law]  
You Ask**

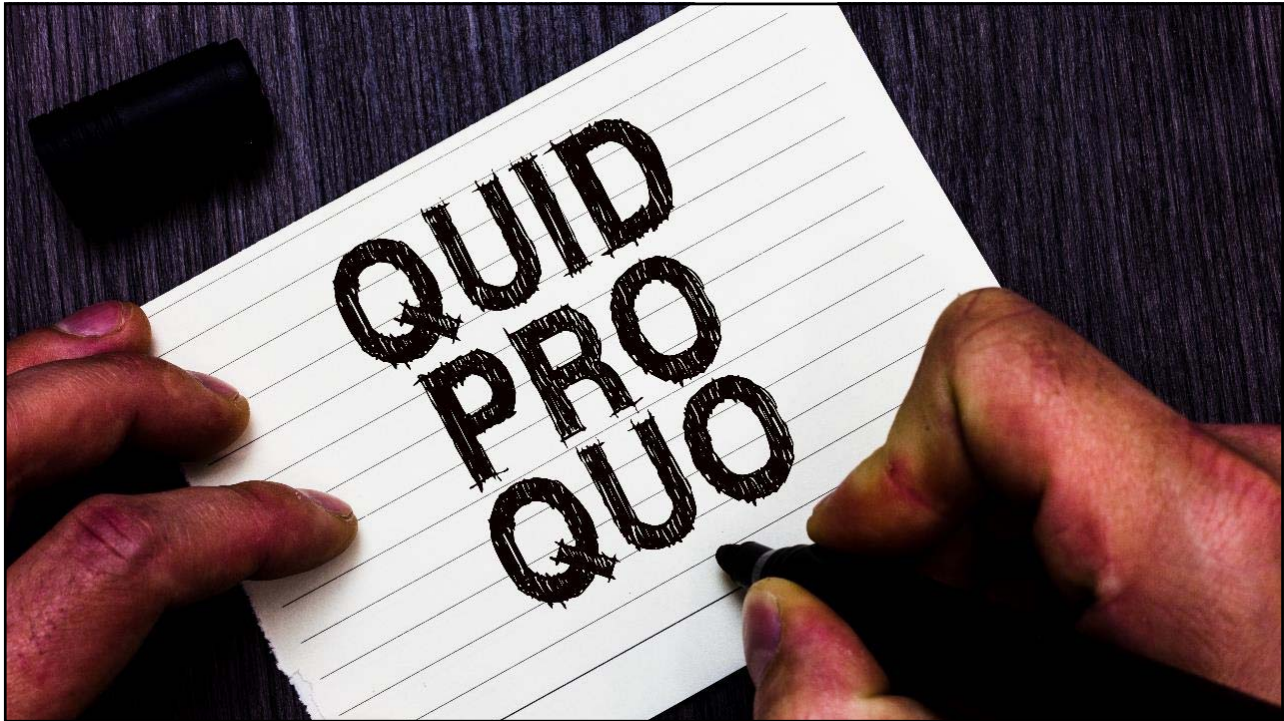
- Employment**
  - State Civil/Human Rights Law
  - Title VII
  - Title IX
- Students**
  - State Civil/Human Law
  - Title IX

43

**Title IX Sexual  
Harassment**

- Employee quid pro quo
- Hostile environment (newly defined)
- Clery/VAWA "Big 4"

44



45

**Quid Pro Quo**

---

Quid = Something

---

Pro = For

---

Quo = Something

FRANCZEK franczek.com

46

## Title IX Quid Pro Quo

**Definition:** An employee of the educational institution conditioning an aid, service, or benefit of the educational institution on participation in unwelcome sexual conduct

**New:** Only an employee (not a volunteer, another student, etc.)

**Codified:** Severity and harm presumed

FRANCZEK

franczek.com

47

## VAWA "Big Four"

Sexual Assault 20 U.S.C. 1092(f)(6)(A)(v)

Domestic Violence 34 U.S.C. 12291(a)(8)

Dating Violence 34 U.S.C. 12291(a)(10)

Stalking 34 U.S.C. 12291(a)(30)

FRANCZEK

franczek.com

48





49

## Title IX – What is a Hostile Environment

<p><b>Old Definition</b></p> <p>Unwelcome conduct determined by a reasonable person to be <b>severe, pervasive or persistent as to interfere with or limit a student's ability to participate in or benefit from school services, activities, or opportunities</b></p>	<p><b>New Definition (8/14)</b></p> <p>Unwelcome conduct determined by a reasonable person to be <b>so severe, pervasive, and objectively offensive that it effectively denies a person's equal access to the school's education program or activity</b></p>
--	--

50

## Unwelcome Conduct

- Not **Consent**
- Not **Participation**
- Not **Silence**
- Age Matters
- Intoxication Matters
- Culture Matters
- Ability Matters

\*\*subjective + reasonable person

FRANCZEK



51

## What is the first word you think of when you hear "severe"?

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

52

## Severe

- Something more than juvenile behavior
- Something more than antagonistic, non-consensual, and crass conduct
- Simple acts of teasing and name-calling are not enough, even when comments are based on sex
- It is not enough to show that a student has been teased or called offensive names

FRANCZEK

franczek.com

53

**What is the first word you think of when you hear  
"pervasive"?**

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

54

## Pervasive

- Systemic or widespread
- Multiple incidents of harassment
- One incident is not enough, even if very severe

FRANCZEK

franczek.com

55

**What is the first word you think of when you hear  
"objectively offensive"?**

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

56

## Objectively Offensive

- Behavior that would be offensive to a reasonable person under the circumstances
- Not just offensive to the victim, personally or subjectively
- Consider ages, numbers, relationships

FRANCZEK

franczek.com

57



Constellation of surrounding circumstances, expectations, and relationships

58

## Hostile Environment Factors

Context, Nature, Scope, Frequency,  
Duration, and Location of the Incidents

Identity, Number, Ages, and  
Relationships of the Persons involved

FRANCZEK

franczek.com

59



60

# Yes or No?

Is this "Title IX Sexual Harassment"?

61

**A student makes multiple insensitive jokes to another student?**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

62

**A teacher makes a sexually inappropriate comment to a student in class?**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

63

**One student grabs another student's breasts during a soccer game.**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

64



**A student "uses tongue" during an acting scene without the other student's permission.**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

65

**A group of students (one sex) make a Facebook post rating students (another sex) by attractiveness and share with school community**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

66

**A teacher (one sex) tells a student (another sex) to trade a back rub in the classroom for a good grade on a test**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

67

**Students incessantly mock a female student for not wearing makeup saying she looks "like a boy"**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

68

**A student sends a completely nude picture to the student's significant other (another student)**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

69

**The recipient student forwards the photo to 20 classmates**

Yes

No

Need more information

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

70

---

## When must a school respond to Title IX sexual harassment?

---

A school with actual knowledge of [Title IX] sexual harassment in an education program or activity against a person in the united States must respond

71


---

## When must a school respond to Title IX sexual harassment?

---

A school with actual knowledge of [Title IX] sexual harassment in an education program or activity against a person in the united States must respond

72



Title IX Sexual  
Harassment  
Must Be “In a  
Program or  
Activity”

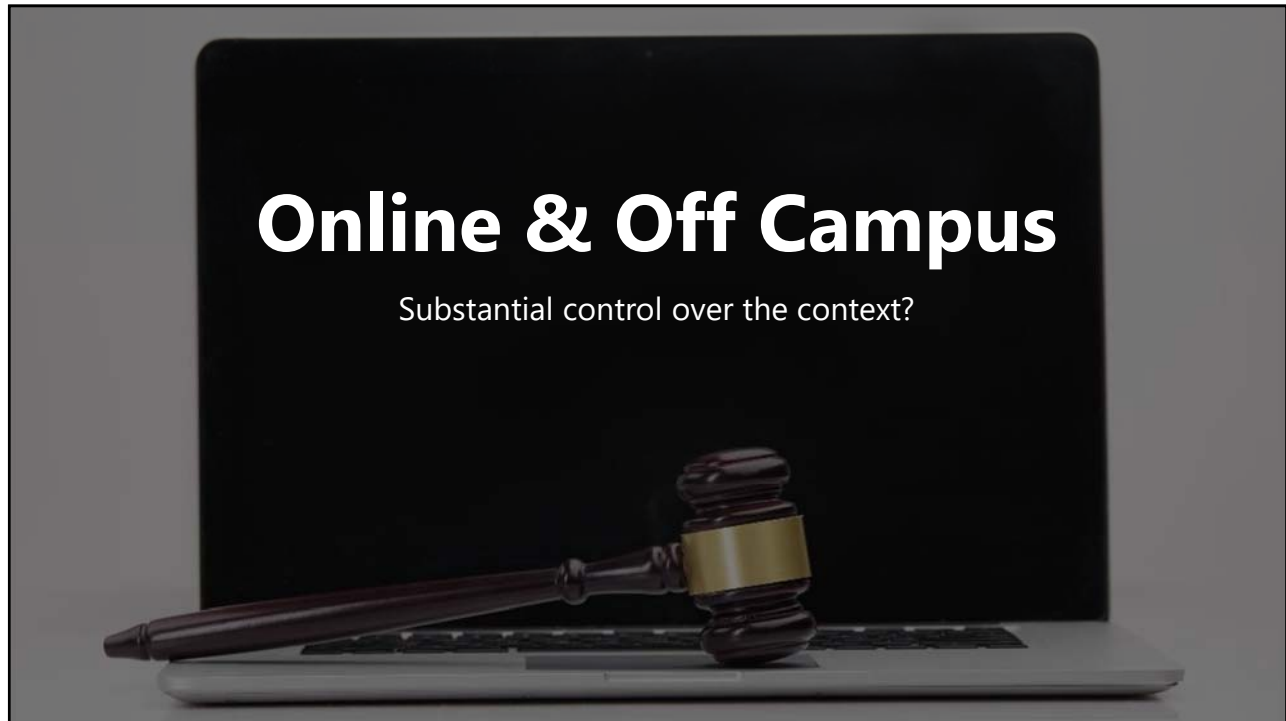
---

73



**Program or Activity:** Any location, events, or circumstance over which the school exhibits substantial control over both the alleged harasser and the “context” in which the harassment occurred

74



75

**When must a school respond to Title IX sexual harassment?**

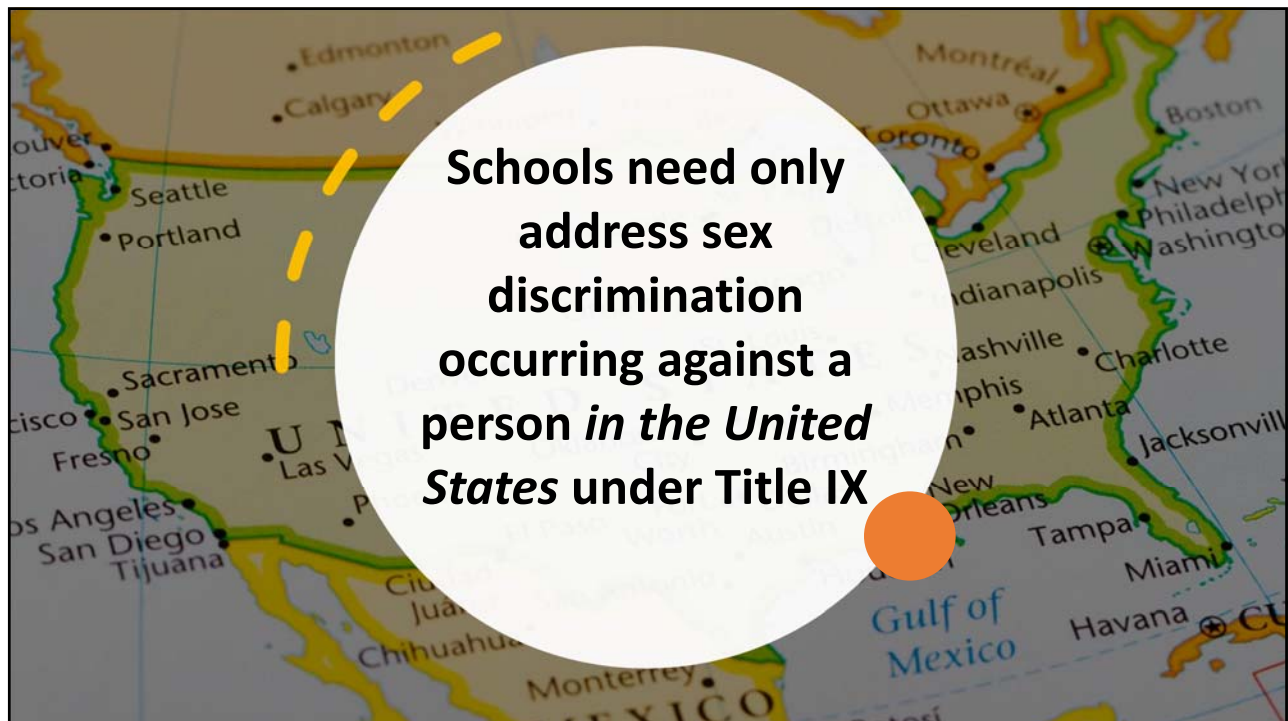
A school with actual knowledge of [Title IX] sexual harassment **in an education program or activity** against a person in the united States must respond

76

**When must a school respond to Title IX sexual harassment?**

A school with actual knowledge of [Title IX] sexual harassment in an education program or activity **against a person in the United States** must respond

77

A map of the United States is shown in the background. A white circular callout bubble with a dashed orange border is centered over the map. Inside the bubble, the text reads: "Schools need only address sex discrimination occurring against a person *in the United States* under Title IX". An orange circle is positioned at the bottom right edge of the bubble.

**Schools need only address sex discrimination occurring against a person *in the United States* under Title IX**

78



## DISMISSALS

**Mandatory if conduct alleged:**

Not Title IX Sexual Harassment  
Did not occur in the school's program or activity  
Did not occur in the United States

\*\*can still address under non-Title IX policy

**Permissive if:**

Complainant requests to withdraw in writing  
Respondent's enrollment or employment ends  
Specific circumstances prevent school from gathering evidence sufficient to reach a determine (e.g., passage of time, lack of cooperation by complainant)

79



## How Must You Respond?

80



## Board Policies on Harassment

Option 1: Title IX Sexual Harassment Procedure

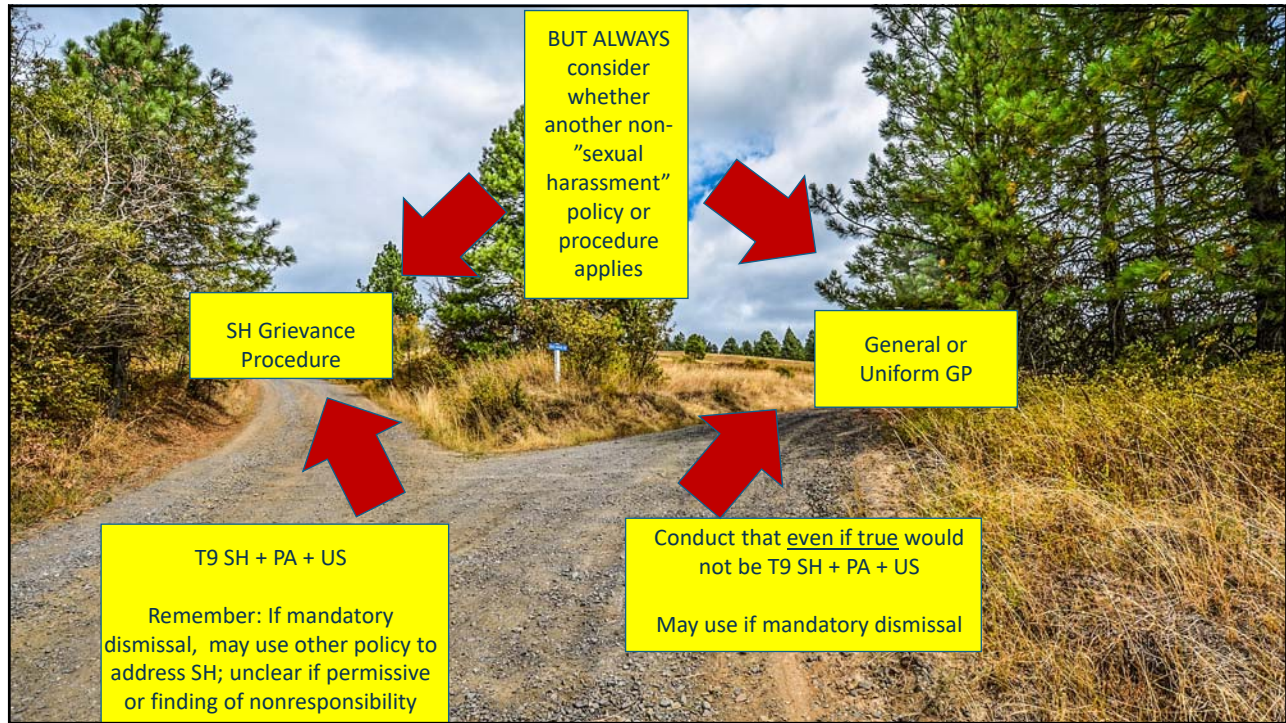
Option 2: Uniform or General Grievance  
Procedure (violation of law, violation of board  
policy)

Option 3: Other rules or policies not related to  
SH

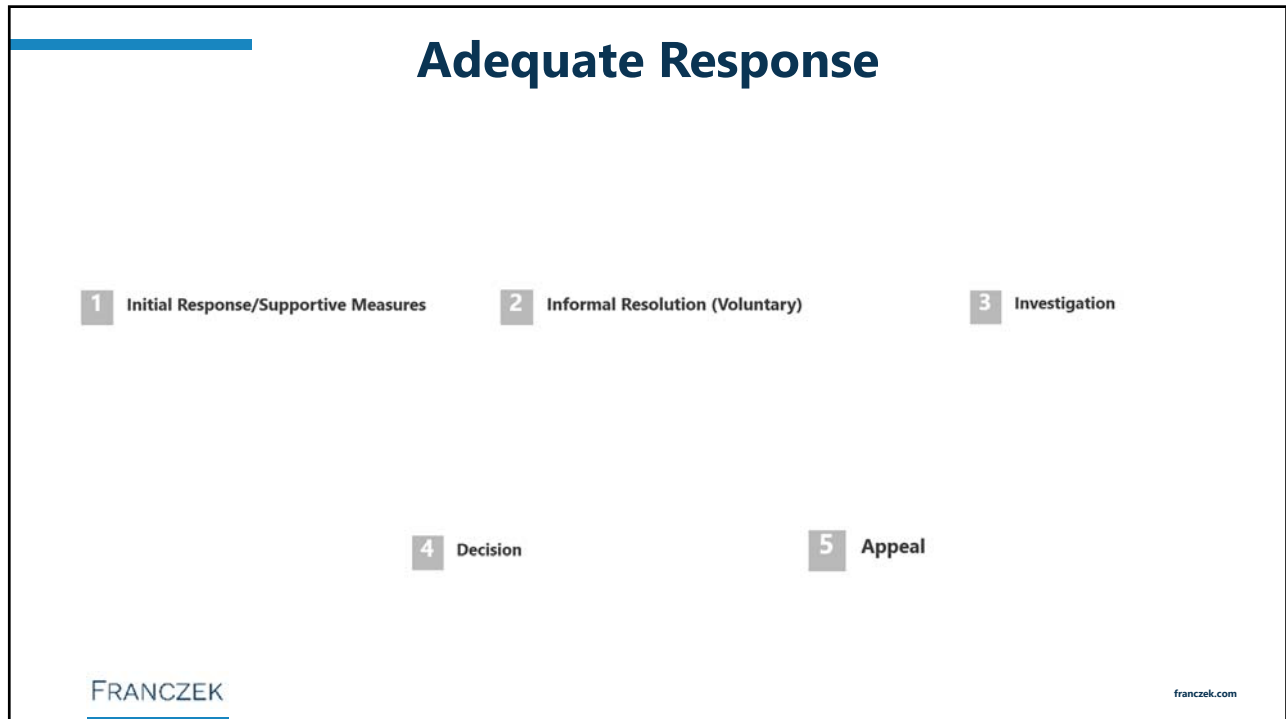
81



82



83



84

# 1

## Initial Response/Supportive Measures

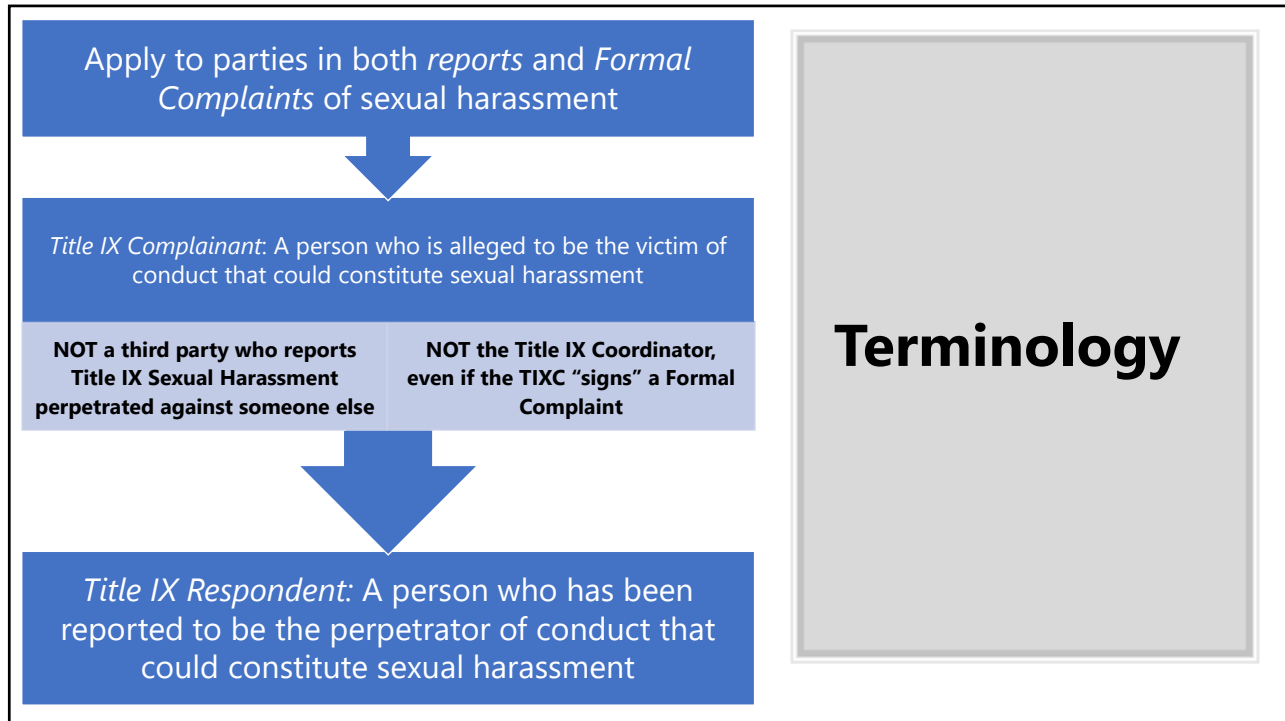
85

## Title IX Coordinator

- Must be called Title IX Coordinator
- Must meet with alleged victims of sexual harassment (the Title IX Complainant)  
*upon actual knowledge of TIX SH even if no formal complaint filed*
- Can delegate responsibilities

FRANCZEK

86



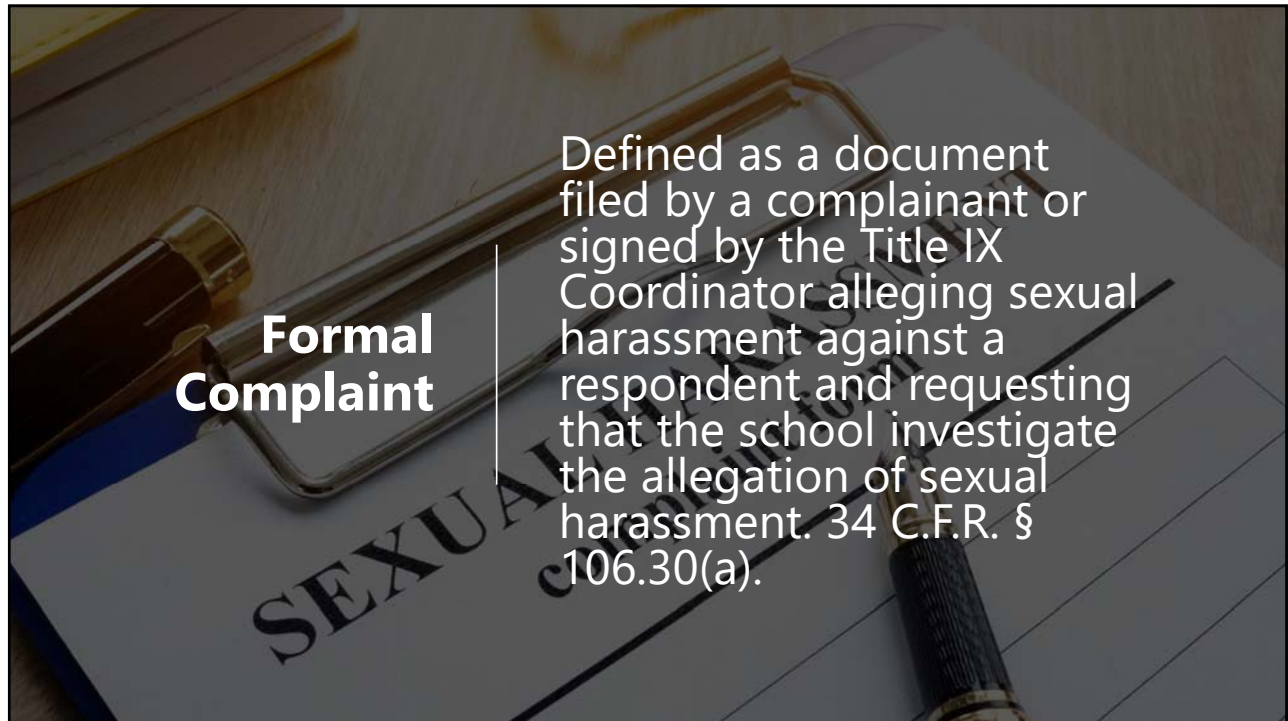
87

Title IX Coordinator (or designee) must promptly, **even if no Formal Complaint is filed**:

- Contact the Title IX Complainant to discuss the availability of "supportive measures"
- Consider the Title IX Complainant's wishes with respect to supportive measures
- Inform the Title IX Complainant of the availability of supportive measures with or without the filing of a formal complaint
- Explain the process for filing a Formal Complaint

**New:  
Initial  
Response**

88



89



90

<p><b>Supportive Measures</b></p> <p><b>What Changed?</b></p>	<p><b>OLD TERM (OCR Guidance)</b></p> <ul style="list-style-type: none"><li>• Used terms such as “interim measures” or “interim steps” to describe measures to help a complainant maintain equal educational access</li><li>• Implied only available during pendency of investigation, did not mandate offering them, not clear if could be punitive or disciplinary, and did not clarify if available to respondents</li></ul>	<p><b>NEW TERM (Final Rule)</b></p> <ul style="list-style-type: none"><li>• <b>Non-punitive</b>, individualized services, offered as appropriate and without charge to a complainant or a respondent before or after the filing of a formal complaint, or where no complaint has been filed (34. C.F.R.106.30(a)).</li><li>• <b>Should be designed to restore or preserve equal access to the education program or activity without “unreasonably” burdening the other party</b></li><li>• <b>Should be confidential</b></li></ul>
---	---	--

91

<p><b>Emergency Removal/ Admin Leave</b></p>	
<p><b>Immediate emergency removal</b> (34 C.F.R. 106.44(c))</p> <ul style="list-style-type: none"><li>• Based on an individualized safety and risk analysis</li><li>• Necessary to protect a student or other individual from <b>immediate threat to physical health or safety</b></li><li>• <b>Notice, opportunity to challenge</b> provided “immediately” provided the removal</li><li>• Consider other laws, e.g., expulsion laws, “change in placement” under IDEA or 504</li></ul>	<p><b>Employee administrative leave</b> (34 C.F.R. 106.44(d))</p> <ul style="list-style-type: none"><li>• Not prohibited</li><li>• Consider state law, board policy, handbooks, and bargaining agreements</li></ul>

92

# 2 Informal Resolution (Voluntary)

93

## Informal Resolution

INFORMAL RESOLUTION IS NOT PERMITTED UNDER THE FOLLOWING CONDITIONS:	INFORMAL RESOLUTION MAY MOVE FORWARD UNDER THE FOLLOWING CONDITIONS:
<ul style="list-style-type: none"><li>• Cannot condition enrollment, employment, or any right on waiver of right to investigation and adjudication of formal complaints under grievance procedure</li><li>• Cannot require use of informal resolution process</li><li>• Cannot offer informal resolution process until formal complaint is filed</li><li>• Not available to resolve allegations that employee sexually harassed a student</li></ul>	<ul style="list-style-type: none"><li>• Any time prior to reaching a determination, either party may request informal resolution</li><li>• Requires voluntary, written consent from both parties</li><li>• Any party has a right to withdraw prior to agreement</li></ul>

FRANCZEK

94



## Informal Resolution Facilitators

- We do not recommend using the Title IX Coordinator or investigator(s) or decisionmakers (complaint and appeal)

95

3

## Investigation

96



---

## New: Formal Complaint Response

---

34 C.F.R. 106.45(b)

- Requires a number of specific steps for investigating
- Major shift from previous, more deferential stance toward specific policies and practices for complaint resolution

97



### Who should investigate?

- Can be the Title IX Coordinator
- But should it?

98

- Written notice to known parties “upon receipt of written complaint”
- In sufficient time to allow respondent to prepare a response before any **initial** interview
- Must include:
  - Notice of grievance process, including any informal resolution process
  - Notice of allegations, in sufficient detail to allow respondent to prepare a response (names of known parties, conduct alleged, date and location of conduct, if known)

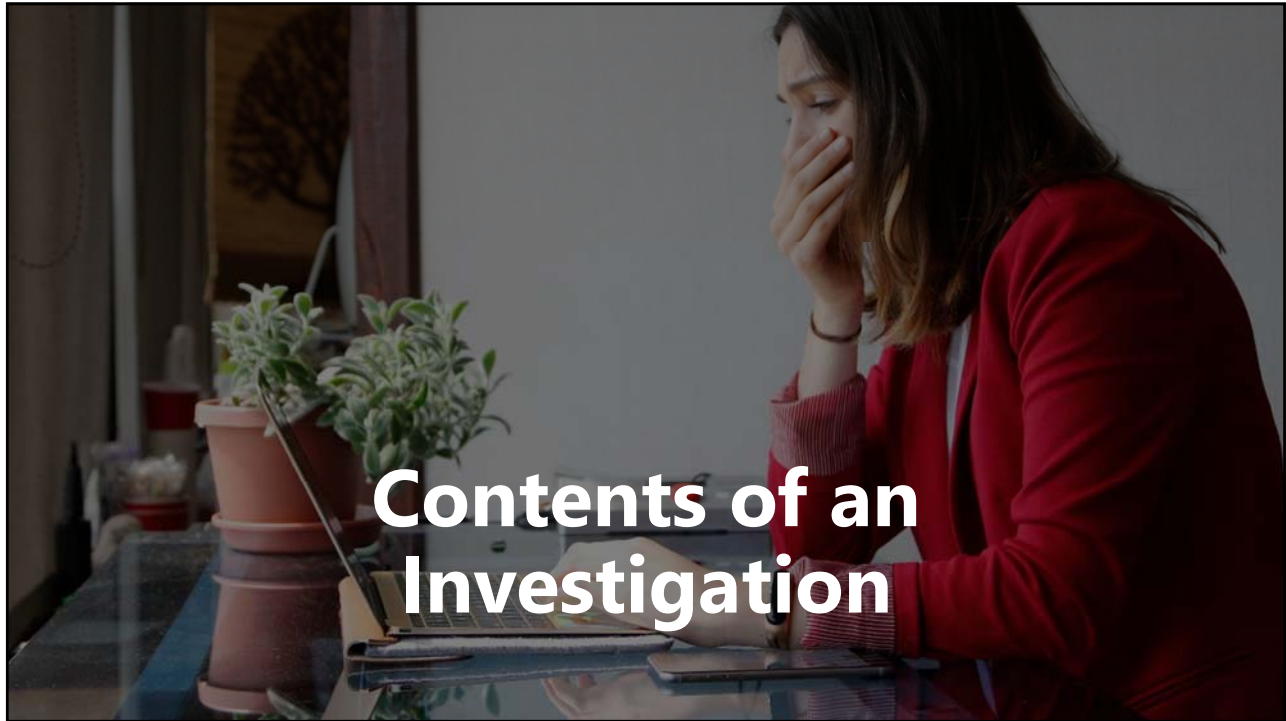
## More Steps: Written Notice

99

- Must include:
  - Statement that respondent presumed not responsible and that responsibility determined at conclusion of grievance process
  - Notice of parties’ rights to have an attorney or non-attorney advisor and to inspect and review evidence
  - Notice of any provision in the code of conduct that prohibits knowingly making false statements or providing false evidence during the grievance process
- Must be supplemented if new allegations opened for investigation

## More Steps: Written Notice

100



101

A person wearing a white protective suit and a mask is shown in a dark, dimly lit environment, possibly a forensic investigation site. The person is leaning forward, looking at the ground. The text "Investigation 34 C.F.R. 106.45(b)(5)" is overlaid in white font on the left side of the image. To the right of the image is a list of bullet points.

**Investigation**  
**34 C.F.R.**  
**106.45(b)(5)**

- Burden of proof on school
- Certain treatment records cannot be obtained without voluntary, written consent
- No restriction of rights of parties to discuss allegations or gather or present evidence
- Same opportunities for others present during interviews or related proceedings (e.g., attorney or non-attorney advisor)
- Written notice to parties of date, time, participants, purpose, and location of each investigative interview with sufficient time to prepare
- All directly related evidence provided to parties and their advisors with 10 days to respond before report
- Written investigative report "fairly summarizes the relevant evidence" provided to parties and advisors at least 10 days before hearing or other determination of responsibility

102

## Investigation Plans Aren't Static

Reassess plan for  
investigation  
frequently



FRANCZEK

103

A 3D white figure wearing a brown checkered hat, holding a magnifying glass and pointing at footprints on the ground. The figure is standing on a white surface with several black footprints scattered around it. The text "Gathering Other Evidence" is written in blue below the figure.

Gathering Other Evidence

104

## Warning! Hands off

- Rape shield (for CP)
  - Unless
    1. Used to prove someone other than respondent committed the conduct or
    2. Specific incidents related to the RP to show consent
- Medical records (treatment)
- Privileged information

FRANCZEK

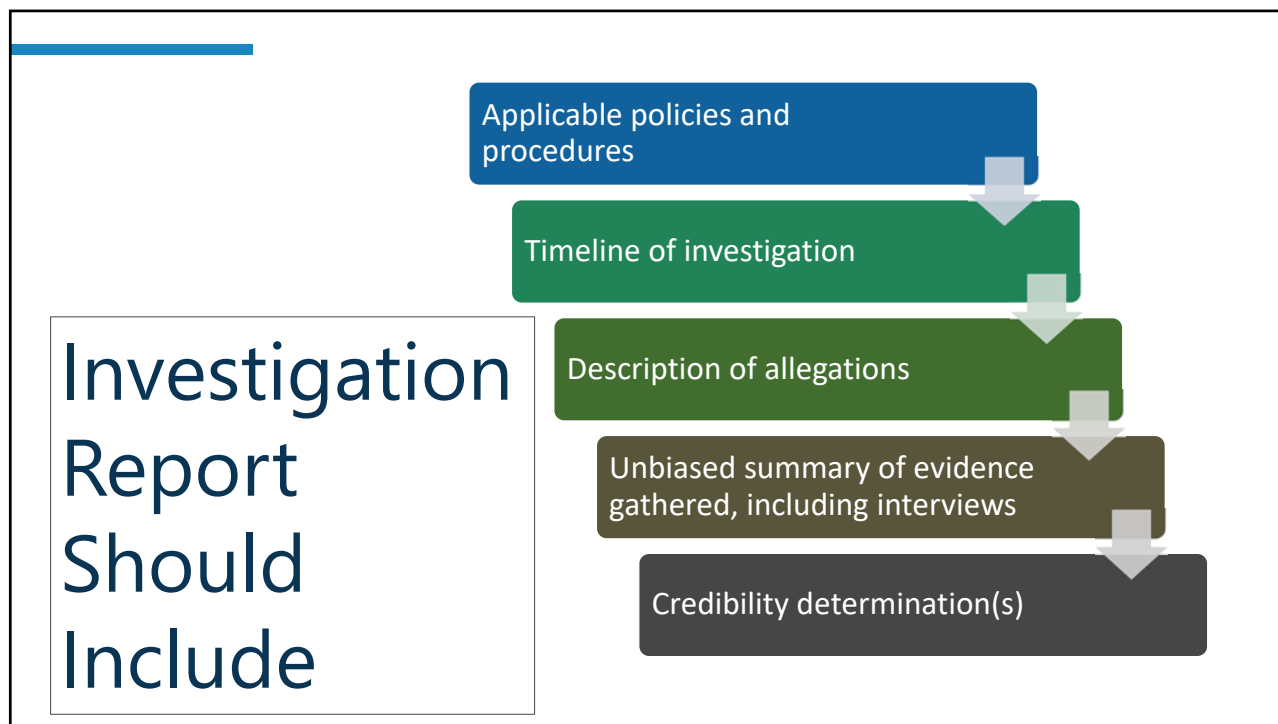
105

## Opportunity to Review Evidence

- Before the investigatory report is completed, evidence relating to the allegations must be sent to each party and advisor and should include all directly related evidence (including that which the school does not intend to rely upon and exculpatory and inculpatory evidence)
- Parties have 10 days to provide a written response

FRANCZEK

106



107

## Investigation Report Writing

- Fairly summarizes all relevant evidence
- Provide the report to the parties and their advisors, if any, for their review and written response, at least 10 days before a hearing or other determination of responsibility

FRANCZEK

108

## 4 Decision

109



### **Decisionmaker(s) (Complaint)**

- Cannot be the Title IX Coordinator or the investigator(s)

110

## Determinations of Responsibility 34 C.F.R. 106.45(b)(6)

- Live hearing with live cross by party advisors required for higher ed, **not K-12**; Hearings permitted for K-12
- Each party allowed to submit written, **relevant** questions to be asked of another party or witness to the decisionmaker, who will provide each party with the answers and the opportunity for follow-up questions

111

## Warning! Hands off

- Rape shield (for CP)
  - Unless
    1. Used to prove someone other than respondent committed the conduct or
    2. Specific incidents related to the RP to show consent
- Medical records (treatment)
- Privileged information

FRANCZEK

112



## Rulings on Relevance in Written “Cross”

- Provide reasoning for irrelevance
- Admit and consider all relevant evidence
- Questions must be appropriate
- Identify exceptions

FRANCZEK

113




The Decision

114

## Written Determination

Identify	Identify the allegations
Describe	Describe procedural steps taken
Cite	Cite potential policy violations
Summarize	Fairly summarize all relevant evidence
Provide	Provide statement of result, with rationale, for each allegation
Appeal	Appeal procedures

115



**Remember the  
Standard of  
Proof**

---

**Preponderance  
of the Evidence**

116

# Remedies

---

- Can be punitive/disciplinary
- Can be supportive measures or similar actions as well
- Can address individuals or larger community

117

## 5 Appeal

118

## Appeal Process

- Available to both parties
- Can appeal determination regarding responsibility or dismissal
- Three bases for appeal (must impact outcome):
  - Procedural issue;
  - New evidence not reasonably available; or
  - Conflict of interest or bias

FRANCZEK

119

## Appeal Process

- Notify party of appeal in writing
- Apply procedures equally for both parties
- Opportunity to submit written statement
- Issue written decision to both parties

FRANCZEK

120



**Decisionmaker(s)  
(Appeal)**

Cannot be the Title IX  
Coordinator or the  
investigator(s) or the  
decisionmaker (complaint)

121

**Bias, Conflicts of Interest,  
and Other Fairness  
Concerns**

122

## Bias, Conflict, Prejudgment

The Title IX Coordinator, investigator, decision-maker, or informal resolution facilitator must not have a conflict of interest or bias for or against Complainants or Respondents generally or for or against any individual Complainant or Respondent. And that they not prejudge any matter before them.

FRANCZEK

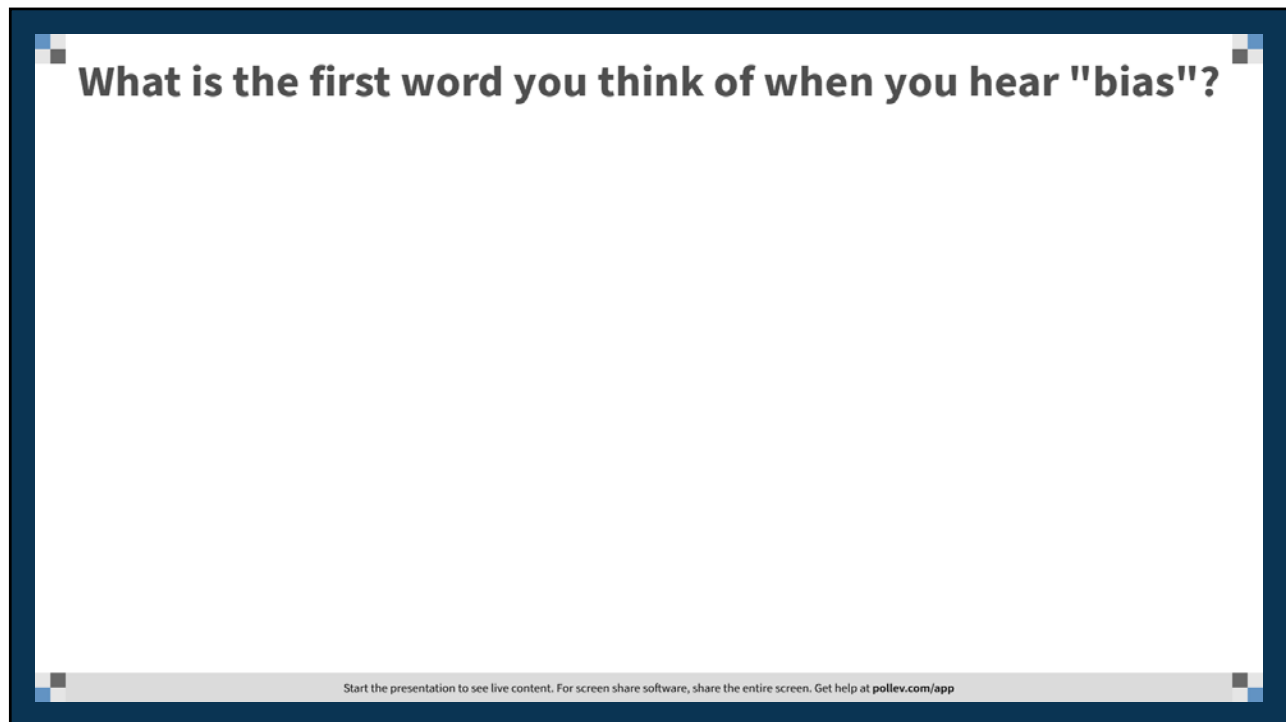
123

## Bias, Conflict, Prejudgment

- Consider perceptions, not just reality
  - Institution bias
  - Your friendship or other relationship with the accused or their family
  - Your personal characteristics
  - Your personal conflicts (even if just perceived)
  - Personality conflicts

FRANCZEK

124



**What is the first word you think of when you hear "bias"?**

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

125



**What is the first word you think of when you hear "conflict of interest"?**

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

126

**What is the first word you think of when you hear  
"prejudgment"?**

Start the presentation to see live content. For screen share software, share the entire screen. Get help at [pollev.com/app](https://pollev.com/app)

127

128

# Go Back and Think

What steps can you take to avoid:

- Prejudgment*
- Conflict of Interest*
- Bias*

128



# Recordkeeping

129



## Written Notice: Required

- To both parties
- In writing
- Allegations
- Requirements of informal resolution process (including circumstances under which the party cannot resume a formal complaint arising from the allegations)
- Resulting consequences of participating (e.g., records)

130



## Written Notice: Required

- Informal resolution notice
- Notice at start of investigation
- Dismissal notice
- Interview notices
- Report
- Notice why proposed questions not asked on cross and why
- Written determination and notice of appeal rights

131



## Written Notice: Recommended

- Document information to complainant at initial meeting, including supportive measures requested/provided
- Document that review of evidence provided to both parties
- Document opportunity to ask questions, answers, follow-up questions, etc.

132

## Recordkeeping

Must maintain the following for 7 years:

- Sexual harassment investigation documents, including:
  - Determination regarding responsibility
  - Recordings or transcripts of live hearing
  - Disciplinary sanctions imposed on Respondent
  - Remedies provided to Complainant
- Appeal and result
- Informal resolution and result
- Actions taken in response to a report of sexual harassment
- Actions taken in response to a formal complaint of sexual harassment

FRANCZEK

133

## Recordkeeping

Responses to formal and informal complaints and actions taken in response should include:

- The basis for the school's conclusion that its response was not deliberately indifferent
- Documentation that it has taken measures designed to restore or preserve equal access to the school's education program or activity
- Supportive measures or if no supportive measures are provided, document the reasons why such a response was not clearly unreasonable in light of the known circumstances

FRANCZEK

134

# Questions



FRANCZEK

© Franczek P.C. 2020. These materials are not legal advice. These materials are subject to a LIMITED LICENSE AND COPYRIGHT. These materials are proprietary and are owned and copyrighted by Franczek P.C. As training materials used to train Title IX personnel, these materials must be posted publicly by any organization or entity that purchased training for its Title IX personnel using these materials on that organization or entity's website or, if it has no website, must be made available by any such organization or entity for inspection and review at its offices. Accordingly, Franczek P.C. has granted a LIMITED LICENSE to the organization or entity that lawfully purchased training using these materials (the "LICENSEE") to post these materials on its website or otherwise make them available as required by 34 C.F.R. 106.45(B)(10). The LICENSEE and any party who in any way receives and/or uses these materials agree to accept all terms and conditions and to abide by all provisions of this LIMITED LICENSE. Only the LICENSEE may post these materials on its website, and the materials may be posted only for purposes of review/inspection by the public; they may not be displayed, posted, shared, published, or used for any other purpose. Franczek P.C. does not authorize any other public display, sharing, posting, or publication of these materials by the LICENSEE or any other party and does not authorize any use whatsoever by any party other than the LICENSEE. No party, including the LICENSEE, is authorized to copy, adapt, or otherwise use these materials without explicit written permission from Franczek P.C. No party, including the LICENSEE, is authorized to remove this LIMITED LICENSE AND COPYRIGHT language from any version of these materials or any copy thereof. Should any party, including the LICENSEE, display, post, share, publish, or otherwise use these materials in any manner other than that authorized by this LIMITED LICENSE, Franczek P.C. will exercise all available legal rights and seek all available legal remedies including, but not limited to, directing the party to immediately remove any improperly posted content, cease and desist any unauthorized use, and compensate Franczek P.C. for any unauthorized use to the extent authorized by copyright and other law. These materials may not be used by any party, including the LICENSEE, for any commercial purpose unless expressly authorized in writing by Franczek P.C. No other rights are provided, and all other rights are reserved.