



2020 Title IX Regulations Advisor Training

Agenda

1:30 pm – 2:15 pm - Title IX Overview and Process

- Definitions
 - Sexual harassment
 - Sex
 - Educational program or activity
 - Recognized off-campus student organization
 - Misconduct outside educational program or activity
 - Formal complaint
 - Complainant
 - Respondent
 - No conflict of interest or bias
- Process
 - Written notice required
 - Reasonable prompt time frame
 - No gag order
 - Presumption of not responsible
 - Rights of Complainant and Respondents
- Informal Resolution
 - Not required
 - Role of Mediator
 - Who can be a Mediator
 - No conflict of interest or bias
- Formal Resolution
 - Burden of proof
 - Inspect and review evidence
 - Investigative report (preliminary) report
 - Investigative report (final) report
 - Non-disclosure Agreement
 - Live hearing
 - Appeal

2:15 pm – 3:00 pm

- Advisor Tips – Margaret Currin, J.D.,

3:00 pm – 3:30 pm

- Advisor Overview
 - Reviewed GICA CCP templates
 - Notice of Allegations
 - Rights of Complainant/Respondent
- Using Title IX specific scenario, attendees practiced:
 - How to assist Complainant and Respondent
 - Role at the Title IX hearing

Presenter: Margaret Currin, J.D.

Margaret is a team member of BartlettJames, an investigation and compliance firm in higher education matters. For more than 30 years, Margaret served the Campbell University School of Law in a myriad of capacities. She taught a wide variety of subjects with immediate relevance to clients of BartlettJames, while also serving as the Associate Dean for Academic, Student and Administrative Affairs, as an Assistant Dean for External Relations, and as the founding Director of Campbell's nationally recognized Externship Program.

Margaret has served as lead investigator in numerous Title IX investigations for numerous university clients. Likewise, she has presented Title IX educational programs to several higher education clients. She has also conducted specialized investigations into matters involving the sexual mistreatment of minors.

Of significant note, Margaret was appointed by the President, confirmed by the U.S. Senate, and served as the United States Attorney for the Eastern District of North Carolina for five years—a position as the chief federal attorney for civil and criminal matters in 44 out of the 100 counties in North Carolina. Subsequent to that position, she has continued her federal work by serving in the National Association of Former United States Attorneys (NAFUSA) for the past three decades, including several terms on its Board of Directors and all the offices in its leadership chain, culminating with President in 2003-2004.

In addition to her work in legal education and as a United States Attorney, Margaret has also served for the past ten years on the North Carolina Rules Review Commission, including stints as the Chairman and First Vice-Chairman. The Rules Review Commission is the state agency created by the General Assembly to review and approve rules adopted by State of North Carolina agencies. She further serves or has served on multiple Boards of Directors for the North Carolina Bar Association and the Wake County Bar Association/10th Judicial District Bar, while also serving on and chairing the Wake County Board of Elections. In recognition of her exemplary service to the State of North Carolina and her community, Margaret was awarded the Order of the Long Leaf Pine, the most prestigious award conferred by the Governor of North Carolina.

Presenter: Judith W. Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant and serves on the Board, Society for Corporate Compliance and Ethics. She is a Professor Emeritus, an attorney licensed in Kentucky, Ohio, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. Judy is the author of the first book on higher education compliance, *Higher Education Compliance: Blueprint for Success*. Judy is also the author of *Compliance Risk Assessments: An Introduction* published by the Society for Corporate Compliance and Ethics. Her third book, *Higher Education Compliance: What Governing Boards Really Need to Know* is available in paperback, Kindle, and audiobook.



2020 Title IX Regulations Appeal Officer Training

Agenda

1:30 pm – 2:15 pm - Title IX Overview and Process

- Definitions
 - Sexual harassment
 - Sex
 - Educational program or activity
 - Recognized off-campus student organization
 - Misconduct outside educational program or activity
 - Formal complaint
 - Complainant
 - Respondent
 - No conflict of interest or bias
- Process
 - Written notice required
 - Reasonable prompt time frame
 - No gag order
 - Presumption of not responsible
 - Rights of Complainant and Respondents
- Formal Resolution
 - Burden of proof
 - Inspect and review evidence
 - Investigative report (preliminary) report
 - Investigative report (final) report
 - Non-disclosure Agreement
 - Live hearing
 - Appeal

2:20 pm – 3:30 pm

- Role of Appeal Officer
- Review of grounds for appeal

- Review of GICA CCP template forms:
 - Appeal determination – appeal denied
 - Appeal determination – new evidence
 - Appeal determination – procedural error
 - Appeal determination – conflict of interest or bias
- Reviewed Title IX specific scenario forms:
 - Final Report including 7 exhibits
- Using Title IX specific scenario, attendees discussed:
 - Appeal determination and grounds for determination

Presenter: Judith W. Spain, J.D., CCEP

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2020 Title IX Regulations Decisionmaker Training

Agenda

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 - Misconduct outside educational program or activity
 - Formal complaint
 - Complainant
 - Respondent
 - No conflict of interest or bias
- **Process**
 - Written notice required
 - Reasonable prompt time frame
 - No gag order
 - Presumption of not responsible
 - Rights of Complainant and Respondents
- **Informal Resolution**
 - Not required
 - Role of Mediator
 - Who can be a Mediator
 - No conflict of interest or bias
- **Formal Resolution**
 - Burden of proof
 - Inspect and review evidence
 - Investigative report (preliminary) report
 - Investigative report (final) report
 - Non-disclosure Agreement
 - Live hearing
 - Appeal

- Interaction with Advisor

2:15 pm – 3:15 pm

- Decisionmaker Tips – Donna Wright, J.D.

3:30 pm – 4:30 pm

- Decisionmaker overview:
 - Reviewed GICA CCP template forms:
 - Live hearing notification
 - Panel logistics
 - Hearing panel information
 - Live hearing format
 - Hearing panel manual
 - Hearing panel determination
 - Prior violations – open after responsibility determination
- Reviewed Title IX specific scenario forms:
 - Final Report including 7 exhibits
- Using Title IX specific scenario, attendees practiced:
 - Asking questions of the Complainant, Respondent, and witnesses
 - Responding to questions by the Complainant’s Advisor and Respondent’s Advisor

Presenter, Donna Wright, J.D.

Donna is a team member of BarlettJames, an investigation and compliance firm in higher education matters. Donna trains and oversees the BartlettJames team of retired judges who provide hearing assistance around the nation. Donna’s enviable 35-year career as an attorney and Military Judge marks her as one of the true leaders of our organization. She is superbly experienced in administrative, environmental, personnel, and contract law. Donna is based in Florida.

Donna served on active duty with the U.S. Army as a Judge Advocate for over twenty years, including 11 years on the bench as a trial judge, presiding over a thousand courts-martial. She presided over innumerable cases involving murder, sexual assault, drug trafficking, larceny and a wide variety of felonies. Earlier in her career, she served as both a prosecutor and a defense counsel. In the latter capacity, she was often requested by name by female service members who appreciated the sensitivity and skill she brought to her position. Donna has been published extensively on the practice of military justice and developed pattern jury instructions for other military judges to use. She was hand-picked to conduct a sensitive pretrial hearing into sexual assault allegations against the highest-ranking enlisted Soldier in Europe, a case with wide-spread media attention.

Donna retired from the Army as a Colonel and went on to advise the Army as a civilian attorney in several positions, culminating in her role as the Division Counsel for a regional headquarters for the U.S. Army Corps of Engineers. Through her background as a litigator, she has developed outstanding interviewing skills and has been trained to relate to special victims, such as women and children in sexual assault situations. Donna has also worked extensively with underrepresented minority groups during her career.

Donna was in the first class of women to graduate from the U.S. Military Academy at West Point, NY in 1980. That experience has given her a unique perspective on gender dynamics, especially as they relate to women facing a challenging and hostile environment. She later graduated from Villanova University School of Law, with Honors, and subsequently she earned an LL.M. in Military Law, with a Criminal Law Specialty, from The Judge Advocate General's School, U.S. Army, in Charlottesville, Virginia and an MBA from Hawaii Pacific University.

Presenter: Judith W. Spain, J.D., CCEP

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2020 Title IX Regulations Informal Resolution Mediator Training

Agenda

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 - No gag order
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 - Rights of Complainant and Respondents
- Formal Resolution
 - Burden of proof
 - Inspect and review evidence
 - Investigative report (preliminary) report
 - Investigative report (final) report
 - Non-disclosure Agreement
 - Live hearing
 - Appeal
- Interaction with Advisor
 - Advisor of choice
 - Who would be a good Advisor?
 - Restrictions?

- No gag order
- Practical tips - communication

2:15 pm – 3:00 pm

- Informal Resolution Tips and Techniques – Bruce Ambrose, J.D.

3:00 pm – 3:30 pm

- Informal Resolution Overview
 - Reviewed GICA CCP template forms:
 - Informal Resolution Agreement
 - Informal Resolution Outcome
 - Reviewed Title IX specific scenario forms:
 - Notice of Allegations
 - Rights of Respondent/Complainant
- Using Title IX specific scenario, attendees practiced and discussed:
 - Facilitating exchanges between Complainant and Respondent to resolve the matter
 - Appropriate measures to resolve the matter

Presenter: Bruce Ambrose, J.D.

Bruce is a team member with BarlettJames, an investigation and compliance firm in higher education matters. He is a highly experienced Title IX Decision Maker and informal resolution mediator. His talents as an investigator and analyst were honed over the course of his distinguished 38-year career as an Assistant United States Attorney, an Assistant State Attorney General in North Carolina, and as a highly regarded Judge Advocate in the United States Air Force. Bruce is based in Florida, serving local courts as a volunteer Supreme Court certified mediator.

After law school, Bruce prosecuted cases in the Mercer County Prosecuting Attorney's Office in Princeton, West Virginia for four years. Bruce left West Virginia to join the U.S. Air Force as a Judge Advocate, where he served on active duty for eight years, including a tour as a Circuit Counsel prosecuting dozens of courts-martial at over 20 bases in multiple states. After leaving active duty, Bruce served five years as an Assistant Attorney General for the State of North Carolina, assigned to the Mental Health Section of the Division of Health and Human Services. While there he represented the state in state and federal courts in contested personnel cases and in alleged civil rights violations and whistleblower retaliation allegations, among many complaints. Bruce then joined the U.S. Attorney's office in Orlando, Florida, where he served as an Assistant U.S. Attorney for 16 years prior to retirement. While there, among many complex cases, he led a multi-agency task force that prosecuted a Ponzi scheme operator who bilked thousands of investors out of more than \$200 million dollars and convicted 42 members of a multi-level cocaine smuggling conspiracy. He also successfully prosecuted two federal correctional officers for bribing a federal inmate to assault another inmate, resulting in the latter's death.

After leaving active duty in the Air Force and concurrent with his civilian career, Bruce continued to serve as a Judge Advocate in the U.S. Air Force Reserve. He was an instructor and featured lecturer at the Air Force Judge Advocate General's School for over a decade in the 1990s, teaching basic and advanced litigation courses each year, and he served a tour as a military judge. He also earned extensive management experience while serving as the Senior Reserve Judge Advocate in three major commands (Special Operations Command, Space Command, and Air Combat Command) where he supervised scores of junior military attorneys at bases throughout the country. In 2012, Bruce was hand-picked to serve as the Chief of Staff and Staff Judge Advocate at U.S. Central Command's Office of the Defense Representative for Pakistan, located in the U.S. Embassy, Islamabad, Pakistan. While there, Bruce was the leader of a U.S. inter-agency team negotiating an agreement with the Government of Pakistan to permit the transit of U.S. and NATO supplies into and out of Afghanistan across Pakistan territory. For his significant accomplishments during this last tour, the Secretary of Defense awarded Bruce the Defense Superior Service Medal, the second highest peace-time award in the Department of Defense.

Bruce graduated from Duke University with a Bachelor of Arts degree, with Honors, majoring in Political Science and History. He is a graduate of West Virginia University College of Law.

Presenter: Judith W. Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant and serves on the Board, Society for Corporate Compliance and Ethics. She is a Professor Emeritus, an attorney licensed in Kentucky, Ohio, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. Judy is the author of the first book on higher education compliance, *Higher Education Compliance: Blueprint for Success*. Judy is also the author of *Compliance Risk Assessments: An Introduction* published by the Society for Corporate Compliance and Ethics. Her third book, *Higher Education Compliance: What Governing Boards Really Need to Know* is available in paperback, Kindle, and audiobook.



2020 Title IX Regulations Investigator Training

Agenda

9:00 am – 10:45 am - Title IX Overview and Process

- **Definitions**
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 - Sex
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- **Process**
 - Written notice required
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 - No gag order
 - Presumption of not responsible
 - Rights of Complainant and Respondents
- **Informal Resolution**
 - Not required
 - Role of Mediator
 - Who can be a Mediator
 - No conflict of interest or bias
- **Formal Resolution**
 - Burden of proof
 - Inspect and review evidence
 - Investigative report (preliminary) report
 - Investigative report (final) report
 - Non-disclosure Agreement
 - Live hearing

- Appeal
- Interaction with Advisor
 - Advisor of choice
 - Who would be a good Advisor?
 - Restrictions?
 - No gag order
 - Practical tips - communication
- Role of Responsible Employees/Mandated Reporters
- Emergency Removal and Administrative Leave
 - Emergency removal
 - OCR deference
 - Administrative leave

11:00 am – 12:00 pm

- Investigator Tips and Techniques – Laurel Wilkerson, J.D.

1:00 pm to 4:00 pm

- Using Title IX specific scenario, attendees practiced:
 - Interviewing Complainant, Respondent, and witnesses
 - Writing case summary for Preliminary and Final Report

Presenter: Laurel Wilkerson, J.D.

Laurel is presently employed by BartlettJames, an investigation and compliance firm in higher education matters. She is a highly experienced Title IX investigator and serves as a Title IX Decisionmaker. Her legal career spanned 21 years in the United States Army Judge Advocate General's Corps, where she served as a Special Assistant U.S. Attorney, a criminal prosecutor, and in various other positions in administrative law, family law, and on the Army staff in policy positions at the Pentagon. Laurel served as a legal advisor to Department of Defense School Boards and as the Chief of Recruiting for Army lawyers at law schools throughout the United States.

After retiring from the military, Laurel proved herself an astute and highly successful business professional. She served as an Area Representative for a national franchise and purchased and co-owned the Oklahoma and Northern Texas territories and the rights to develop Marco's Pizza Franchises in those areas. Laurel was responsible for opening/selling 40 stores in the area in five years. She owned/operated seven Marco's Pizza Franchise Stores with annual sales exceeding \$6 million dollars in revenue with 285 employees and supervised 12 other franchisees operating within the market. Laurel was named: Best AR/Franchisee of the Year – 3 three years, Top Sales in Franchise – two years, and Top Veteran Franchise Owner in the U.S. -- one year.

Laurel earned her business degree and law degree at the University of Georgia. She also holds an L.L.M. and an M.A. in national security and strategic studies.

Presenter: Judith W. Spain, J.D., CCEP

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