



2020 Title IX Regulations Investigator Training

Agenda

9:00 am – 10:45 am - 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
- 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

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. Judy presently serves on the Board for the Society for Corporate Compliance and Ethics.