

Monday, October 14, 2019 - Day One Legal Issues in Higher Education

TIME	SESSION	TITLE	PRESENTER(S)	Moderator	ROOM
8:30am - 10:00am	Welcome and Opening Plenary	Opening Panel - Current Legal Trends	Eva Chatterjee-Sutton, Jeffrey Nolan and Denzil Suite		Silver Maple Ballroom
10:15am - 11:45am	Concurrent Sessions	<p>Speech on Campus: Current Issues <i>This session will focus on current issues of significance related to the First Amendment and free speech on campus. Issues discussed will include the defamation verdict against Oberlin College, recent litigation related to student codes and "bias response teams," new decisions applying the Garcetti standard in the higher education employment context, and lawsuits that have recently been brought over the application of non-discrimination policies to student organizations.</i></p>	Len Niehoff	Karl Brevitz	Silver Maple Ballroom
		<p>ABCs of OCRs – About the Office and How to Handle a Civil Rights Complaint <i>This session will review the role of the Office of Civil Rights and provide information on recent developments and the current priorities within OCR. This session will also discuss the anatomy of an OCR response from three perspectives (client, former OCR and counsel), with a focus on how campus clients can work collaboratively with their counsel's office when responding.</i></p>	Seth Gilbertson, Debbie Osgood and Gemma Rinefield	Tamla Lewis	Livak Ballroom

10:15am - 11:45am	Concurrent Sessions	<p>The Campus Safety Ecosystem <i>In response to tragic acts of violence around the country, we recognize many institutions are struggling to identify current “best practices” and understand how to best plan for and respond to every day security challenges and emergencies while balancing priorities and finite resources. This session will discuss how the interconnected relationships of school policies, physical security systems, threat assessment, and other programs combined with emerging options-based training and first responders shape the campus safety ecosystem. Additionally, we will discuss the intersections with the implementation of Title IX and the procedural elements of Clery (VAWA). This session is designed to provide you with cutting-edge information that will encourage you to envision safety and security in a holistic way and to identify reasonable and actionable opportunities to immediately increase security and emergency response practices at your institution.</i></p>	Steven Healy, Christi Hurt, and Daniel Pascale		Sugar Maple Ballroom
		<p>Copyright Essentials for Educators <i>Copyright law certainly can seem arcane, confusing, overly restrictive, and frustrating. To be sure, there are a number of “gray areas” in copyright, but the law actually allows much more than you may think. This session will focus on educators' copy rights—the many things you can do without infringing copyright or risking liability, along with the basic principles governing ownership. You’ll leave equipped to make intelligent decisions about the use of copyrighted materials in your teaching.</i></p>	Steven McDonald		Jost Foundation Room
1:15pm - 2:45pm	Concurrent Sessions	Title IX Litigation & Due Process	Joshua Richards and Joe Storch	Karl Brevitz	Silver Maple Ballroom

1:15pm - 2:45pm	Concurrent Sessions	<p>Challenges in the Trends of Online Education <i>This panel will discuss the positive and negatives of online education. The policies you must have in place when implementing courses online, from electronic signature processes to academic integrity standards. Web Accessibility could also be put into this topic.</i></p>	Leah Heinecke-Krumhus		Livak Ballroom
		<p>Navigating Student Affairs in Study Abroad <i>Presentation and discussion on policies, staff training, and practices to help colleges and universities plan and provide safe and compliant study abroad programs. Topics will include ADA, Title IX, mental health, privacy, and conduct issues that arise in the context of international study.</i></p>	William Hoye	Seth Gilbertson	Sugar Maple Ballroom
		<p>The Annual Labor and Employment Law Update <i>A summary of the key regulatory, case law, and other legal developments over the past year impacting colleges and universities.</i></p>	Scott Schneider		Jost Foundation Room
3:00pm - 4:30pm	Concurrent Sessions	New Title IX Regulations	Chantelle Cleary, Marjory Fisher and Jeffrey Nolan		Silver Maple Ballroom
		<p>Transgender Students: Strategies To Use While the Dust Settles <i>The legal issues relating to transgender students continue to percolate in the federal courts and federal agencies, with a major decision due from the U.S. Supreme Court in the upcoming term. This session will provide an update on the latest legal developments and guidance on the practical steps institutions can take now relating to issues such as insurance, housing, facilities, records and athletics.</i></p>	Debbie Osgood and Joshua Whitlock	Tamla Lewis	Livak Ballroom
		Expert Panel One	Megan Farrell, Steven Healy, Scott Schneider, William Stackman, and Susan Wheeler	Thomas Mercurio	Sugar Maple Ballroom

3:00pm - 4:30pm	Concurrent Sessions	College Admissions <i>This session will discuss criminal matters involving college admissions from a legal perspective and a college perspective. The session will also lead a discussion of non-criminal practices involving influence on college admissions decisions, and it will probe into why these practices have been developing, and how college staff members can address questions which may arise. The session will finish with a discussion of Harvard admissions lawsuit: update on case status (decision issued by date of conference); similar cases in other courts.</i>	Janet Faulkner		Jost Foundation Room
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Tuesday, October 15, 2019 - Day Two Legal Issues in Higher Education

TIME	SESSION	TITLE	PRESENTER(S)	Moderator	ROOM
8:30am - 10:00am	Second Day Plenary	<p>Investigating Student Misconduct: Navigating a Challenging Process <i>The session will examine several important issues regarding the internal investigation process and what lessons colleges and universities can learn from several high profile investigations as well as the strategic issues that confront student affairs administrators managing internal investigations.</i></p>	Oren Griffin	Deborah Hunter	Silver Maple Ballroom
10:15am - 11:45am	Concurrent Sessions	<p>Mental Health and Student Life <i>Our goal for this session is to provide participants with a nuanced and applicable understanding of the current mental health landscape on our campuses, and an opportunity to discuss practical approaches to a range of related challenges. We will review the data and basic etiology of the psychiatric conditions most often seen on college campuses, and explore the historical and societal context for current trends. We will discuss some of the more complex questions that arise in the context of the day-to-day work of campus clinicians and student affairs professionals. We will consider the range of institutions in the session to insure that there's something for everyone.</i></p>	Adam Jussel and William Stackman		Silver Maple Ballroom
		<p>On-Campus Accommodations for Students with Disabilities <i>This session will cover accommodations in on-campus settings, addressing issues regarding housing, meals, classrooms and campus based activities, for students with physical, mental and emotional disabilities.</i></p>	Jeffrey Nolan and Susan Wheeler		Livak Ballroom

<p>10:15am - 11:45am</p>	<p>Concurrent Sessions</p>	<p>Protection of Minors in Higher Education: Conducting a Self-Guided Audit to Inform Policies, Procedures and Practices <i>In the aftermath of several high profile examples of serial predation by a college employee, colleges and universities across the country are asking the questions: Could this happen here? And how do we prevent this from occurring again? To answer those questions, this session will explore the myriad ways minors intersect with higher education programs and activities and will assess federal and state laws that impact institutional responsibilities for the protection of children. This session will further explore effective policies, procedures and practices related to inventories, background checks, mandatory reporting, supervision, safety protocols, and training. This session will further outline the audits of a self-guided audit to inform effective policies, procedures and practices.</i></p>	<p>Leslie Gomez and Gina Smith</p>		<p>Sugar Maple Ballroom</p>
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<p>10:15am - 11:45am</p>	<p>Concurrent Sessions</p>	<p>Student Conduct, Due Process, and Some Creative Solutions to Common Problems <i>A faculty member needs to restore order in a classroom and orders a disruptive student to leave for the rest of the semester; a student with a communications disorder stalks a faculty member but had intended to deliver a letter reflecting the student's need for accommodations; a student poses a potential threat to campus and is removed, pending investigation. Does a faculty member's need to have control of a classroom trigger due process requirements? How is a school to handle student code violations that are not necessarily caused by a manifestation of the disorder? Where are the lines for interim suspension of a student who may pose a threat? And were there some practical solutions that a school in any of these situations might have considered? This session will discuss the sometimes conflict goals inherent in the student conduct process, as campuses balance student growth and development against the preservation and safety of the educational environment.</i></p>	<p>Cheri Jack and Jody Shipper</p>	<p>Tamla Lewis</p>	<p>Jost Foundation Room</p>
<p>1:15pm - 2:45pm</p>	<p>Concurrent Sessions</p>	<p>Working with Self-Harming Students in 2019 <i>This session will be focused on practical guidance for handling difficult cases, including best practices for individualized assessments, mandatory leaves, and conditions for return.</i></p>	<p>Hannah Ross</p>		<p>Silver Maple Ballroom</p>
		<p>Clery Act</p>	<p>Jeffrey Nolan and Joe Storch</p>		<p>Livak Ballroom</p>

<p>1:15pm - 2:45pm</p>	<p>Concurrent Sessions</p>	<p>Restorative Justice in Student Matters <i>Restorative Justice has its roots in the criminal justice system, and many of the concepts and practices translate well to addressing student matters on campus – both simple and complex. Join this discussion for an overview of restorative justice, how it is used on campuses, and when it is appropriate/inappropriate in student conduct matters. The discussion will explore case studies in RJ methods from simple discipline and complex student matters, including Title IX. Our discussion will conclude with steps a campus can take to initiate using RJ methods to address student concerns.</i></p>	<p>Megan Farrell and William Stackman</p>		<p>Sugar Maple Ballroom</p>
		<p>Digital Equality: Protecting the Institution and Empowering All Users <i>Colleges and universities are increasingly relying on technology to provide their programs and services to students and other stakeholders. This shift carries with it a legal obligation to support an accessible web and electronic environment. The presenters will provide an overview of the relevant statutory framework, technical standards and accessibility principles then discuss how to translate this framework into workable policy and implementation solutions. Attendees will learn about accessibility requirements and come away more prepared to proactively support ability-and-functionally diverse people on their own campuses.</i></p>	<p>Phil Cantanzano and Nazely Kurkjian</p>	<p>Seth Gilbertson</p>	<p>Jost Foundation Room</p>
<p>3:00pm - 4:30pm</p>	<p>Concurrent Sessions</p>	<p>New Title IX Regulations vs. Best Practices <i>Taking it back to the old school: Opportunities (with some risk) in the new Title IX regulations to return to a mission-driven process for adjudicating sexual assault allegations.</i></p>	<p>Joshua Richards</p>	<p>Steven McDonald</p>	<p>Silver Maple Ballroom</p>

3:00pm - 4:30pm	Concurrent Sessions	<p>Hot Topics on Disability Discrimination Law <i>This session will assume a basic understanding of the key provisions of the Americans with Disabilities Act and Section 504 and the private and federal enforcement mechanisms. The session will highlight some of the most significant and important recent developments that should be given a high priority by higher education administrators and policymakers. The “hot” topics under the ADA will be highlighted primarily because they have received recent high profile attention or because they are probably going to. In addition, this session will briefly address new enforcement issues resulting from a very different federal government administrative approach to funding, enforcement, and regulatory guidance.</i></p>	Laura Rothstein		Livak Ballroom
		<p>Expert Panel Two</p>	Leslie Gomez, Adam Jussel, Debbie Osgood, Hannah Ross, Jody Shipper, Joe Storch, and Josh Whitlock	Karl Brevitz	Sugar Maple Ballroom
		<p>Confronting Challenging Disability Issues Outside the Classroom <i>As a companion to <u>On-campus Accommodations for Students with Disabilities</u> this presentation will provide background on the ADA, its purpose and effect, then discuss some of the most common areas where colleges and universities must provide disabled students with accommodations in nontraditional settings. Areas of nontraditional ADA application discussed will include experiential education, recreation/athletics, international programs, and pre-admissions programing.</i></p>	Seth Gilbertson and Leah Heinecke-Krumhus		Jost Foundation Room

Wednesday, October 16, 2019 - Day Three Legal Issues in Higher Education

TIME	SESSION	TITLE	PRESENTER(S)	Moderator	ROOM
8:30am - 10:00am	Concurrent Sessions	<p>Leading in Times of Crisis – Crisis Care and Communication <i>Campus crisis is no longer a matter of if, but when. This session will engage campus leaders in a learning conversation about the crises that seem to occur more and more frequently in our profession. Participants will explore the impact on themselves and others when leading through challenging times. The presenters will help participants to identify strategies to strengthen themselves and others prior to, during, and after traumatic incidents in the campus community.</i></p>	Kevin Jackson and Katie Treadwell		Silver Maple Ballroom
		Threat Assessment	Jeffrey Nolan and Denzil Suite		Livak Ballroom
		<p>Managing a Productive Student Organization Misconduct Process <i>“It’s Monday and you get a call from your university police chief about a student organization involved in an incident off campus” ... what is your role, how do you respond? This session will cover best practices in the area of coordinated student organization investigation procedures, working with inter/national organizations, and analyzing the importance of a fundamentally fair accountability process for student organizations while navigating individual student accountability processes (recognizing rights and responsibilities of individual students). Presenters will share several models and tools to assist in the formulation of an institutional protocol in order to respond, collaborate with parent organizations, and manage the adjudication process while designing effective sanctions for a campus community.</i></p>	Ann Goodman and Kimberly Novak		Sugar Maple Ballroom

<p>10:15am - 11:45am</p>	<p>Closing Plenary</p>	<p>Twenty Years of Crisis Response: Reflections on the 1999 Texas A&M University Bonfire Collapse <i>In 1999, the Texas A&M University Bonfire collapse killed 12 students and injured dozens. Response to this event involved more than 3,000 people from at least 50 different agencies across the state and led to the emergence of new risk management standards. As the 20th anniversary of the Bonfire collapse approaches, campus leaders who experienced the tragedy will share reflections on the crisis and insights for a new generation of student affairs professionals. The panel builds upon a recent research study that analyzed personal experiences and lessons learned from 15 leaders who led the crisis response and recovery.</i></p>	<p>Ann Goodman, Kevin Jackson, Kimberly Novak, and Eugene Zdziarski</p>	<p>Katie Treadwell</p>	<p>Silver Maple Ballroom</p>
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