

# University of Vermont Legal Issues in Higher Education 2024



Day	Room	Time	Title	Proposed Speaker	Description
<b>Day 1, Monday October 28, 2024</b>					
Day 1	Silver Maple	9:00 - 10:00	Welcome Plenary: Current Legal Trends	Eva Chatterjee-Sutton, B.S., M.A., Vice President of Student Life & Dean of Students, Washington and Jefferson / Jeffrey Nolan, J.D., Partner, Holland & Knight / Sharon Reich Paulsen, J.D., Vice President for Legal Affairs and General Counsel, & Senior Advisor to the President, Office of the General Counsel, University of Vermont	This session will introduce the major themes of this year's conference including Title IX, Campus Safety, Free Speech, Student Mental Health, ADA and other topics as determined by the panelists.
Day 1	Sugar Maple	10:15 - 11:30	The Current Environment of Fraternity & Sorority Life	Eva Chatterjee-Sutton, B.S., M.A., Vice President of Student Life & Dean of Students, Washington and Jefferson / Rasheed Ali Cromwell Esq., President, The Harbor Institute, FSLG Law Firm / Kim Novak, MPA, CEO, PIKE, Health & Safety Officer, Pi Kappa Alpha Fraternity; Novak Talks, LLC	Three senior professionals that have worked with fraternities and sororities for over 20 years on college campuses, as staff for an international organization, as legal counsel, and as advocates will provide insight into the current environment of fraternities and sororities. Participants will learn about legal landscape relevant to FSL communities and their host institutions, and the relevance of FSL to student academic objectives as well as the benefits of having a community at your institution. A brief overview of research, risk management, and personal development efforts currently being advanced by the member organizations and their association bodies will be provided as well as strategies for maximizing relationships and benefits with your FSL students, alumni, and inter/national partners. Come prepared to ask questions!
Day 1	Silver Maple	10:15- 11:30	Shared Ancestry & Title VI	Guilherme Costa, J.D., M.S., Vice President, General Counsel and Secretary of the Corporation, Bentley University / Janet Elie Faulkner, J.D., Founding Attorney, Faulkner Legal / Trenten D. Klingerman, J.D., Partner, Stuart & Branigan LLP	The civil rights laws enforced by the U.S. Department of Education's Office for Civil Rights (OCR) protect all students from discrimination on the basis of race, color, national origin, sex, disability, and age. None of the laws that OCR enforces expressly address religious discrimination. However, Title VI of the Civil Rights Act of 1964 (Title VI) protects students of any religion from discrimination, including harassment, based on a student's actual or perceived: shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity. For example, OCR can investigate complaints that students were subjected to ethnic or ancestral slurs; harassed for how they look, dress, or speak in ways linked to ethnicity or ancestry (e.g. skin color, religious attire, language spoken); or stereotyped based on perceived shared ethnic characteristics. Hindu, Jewish, Muslim, and Sikh students are examples of individuals who may be discriminated against based on shared ancestry or ethnic characteristics.
Day 1	Chittenden	10:15-11:30	You Can't Make This Stuff Up: Reining in Reality and Risk Management in Employee Relations	Anne Bilder, MBA, J.D., General Counsel, University of Northern Iowa / Daniel Kaufman, J.D., Partner, Michael Best & Friedrich LLP	This session is designed to be interactive. We would give scenarios -- some real based on actual cases and some made up. Then audience members will guess which ones are actual fact patterns. Drawn from the podcast, "Wait Wait... Don't Tell Me!," we would use this format to discuss how situations played out in litigation and what measures were taken, and could have been taken, to mitigate the risks of litigation. From the scenarios and audience input, we then would glean and discuss lessons learned and takeaways for the attendees.
Day 1	Silver	12:00-1:30	Keynote Address: Sexual Citizens	Jennifer Hirsch, A.B., Ph.D., Professor of Sociomedical Sciences, Mailman School of Public Health, Columbia University Irving Medical School	Drawing on research presented in Sexual Citizens: Sex, Power, and Assault on Campus (an NPR best book of the year, coauthored with Shamus Khan), Columbia professor Jennifer S. Hirsch will articulate an expansive, empirically-grounded vision for campus sexual assault prevention. Grounding her talk in stories of assaults experienced by students -- most of which were never reported -- Hirsch will present powerful concepts that render visible the forces in young people's sexual lives: sexual projects (the various motives college students have for pursuing sex), sexual citizenship (the possession of one's sexual agency, and the respect for another's), and sexual geographies (the landscapes, both physical and social, that shape the power dynamics and contexts of sex). With empathy and compassion for the many struggles that young people face, this session approaches sexual assault as a public health problem and explain it by setting out a broader understanding of how sex is organized and what it means to young people in college.
Day 1	Sugar	1:00-2:15	Navigate in the Anti-DEI Movement Environment	Rasheed Ali Cromwell, Esq., President, The Harbor Institute, FSLG Law Firm	Session frames how to navigate in the anti DEI movement environment -- legal perspective how we got to where we are and provide examples of ... if I am on campus and this is how I handle it
Day 1	CHITTENDEN ROOM	1:00-2:15	Not so Grimm: Tales from FERPAland	Steven J. McDonald, J.D., General Counsel (ret.), Rhode Island School of Design	Using case studies and scenarios drawn from common, real-life situations, this session will provide a solid grounding in FERPA's most important requirements and exceptions, as well as practical steps and solutions for dealing with common FERPA issues.
Day 1	Silver	1:00-2:15	Recent Clery Act Campus Crime Program Reviews: Lessons Learned for Implementation	Leslie Gomez, J.D., Vice Chair, Institutional Response Group, Cozen O'Connor / Kyle Norton, M.Ed., Director for Regulatory Compliance, The Healy Group / Ashley Reich, M.A., Ed.S., Senior Vice President of University Compliance, Liberty University	Panelists will discuss the U.S. Department of Education, Clery Compliance Division's recent resolutions, including the negotiated resolution at Liberty University. The panel will identify key takeaways in Clery enforcement priorities, lessons learned in responding to a Clery Act campus crime program review, finding approaches, and more!
Day 1	Sugar	2:30-3:45	New Season of Everyone's Favorite Education Reality Show...Keeping Up with the Regulators: Everything Besides the 2024 Title IX Sexual Misconduct Regulations	Andrea Stagg, J.D., Director of Consulting Services, Grand River Solutions / Joseph Storch, MPP, J.D., Senior Director, Compliance and Innovation, Grand River Solutions	The new season of the smash hit education reality show: Keeping Up with the Regulators is now streaming direct to your campus. On top of the new Title IX Regulations, Title VI considerations, and the slew of other higher ed challenges, legislation, regulations, and government initiatives at the federal and state level are accelerating. In this session of a show that's certainly an acquired taste, we will discuss what happens when regulatory requirements stop being polite and start getting real. We'll offer a first impression rose to the: <ul style="list-style-type: none"> <li>Title IX Expected Athletics and Sexual Misconduct Litigation Challenges</li> <li>VAWA Climate Survey Requirements</li> <li>CHIPS and Science Harassment and Misconduct Reporting Requirements</li> <li>Overlap of the PUMP Act, Pregnant Workers Fairness Act, and Title IX</li> <li>The State of the States on Harassment and Misconduct Legislation (or Red Title IX; Blue Title IX)</li> </ul> This session will have you in attendance for the right reasons. Even if you're not here to make friends, you might form an alliance with a few (and learn how to make it work while you're here). Puh-lease, no one's being voted off, and all colleagues are welcome to join our veteran presenters Andrea Stagg and Joseph Storch for this thorough, drama free,* and, potentially, lightly humorous** exploration of some of the critical changes coming our way in 2024-2025. And who knows, at the end of the day, we might end up taking your questions.** The speakers will provide additional references and reading on each of the topics discussed.
Day 1	Sugar	2:30-3:45	Managing Title IX Investigation and Students with Disabilities -- Complying with the 2024 Title IX Requirement to Connect with Disability Services	Caitlin Babcock, M.Ed., Assistant Director of Sexual Misconduct & Student Conduct Investigator, The College of New Jersey / Megan Farrell, J.D., MBA, Founder, Title IX Consult, LLC / Juan M. Hernandez, M.P.P., Ed.D., Vice President of Diversity, Equity and Belonging, Curry College	This session will explore the new 2024 Title IX Regulations that require the Title IX Office to connect and liaison with Disability Services when the students involved in a Title IX matter have reported disabilities. We will discuss how to connect these two offices, how to explore the potential accommodation/alternations to the Title IX investigation process, and how to continue to protect student privacy concerns in the process. Our speakers will discuss case examples, best practices, and plans for a successful 2024-25 school year. Join us to learn what your campus should be doing to ensure compliance.
Day 1	Silver	2:30 - 3:45	Empowering Higher Education with AI: Insights on Conduct, Employment, and Ethical Practices	Jessica Copeland, Bond Schoeneck & King Attorneys / Seth Gilbertson, Bond Schoeneck & King Attorneys / Roger V. Skalbeck, J.D., M.L.I.S., Professor of Law, Associate Dean for Library and Information Systems, University of Richmond School of Law	This session will explore the changing role of AI in higher education, emphasizing AI literacy, compliance, and policy. It will offer insights on how AI can help institutions manage student conduct, employment practices, and research integrity within existing and new policies. Discover ways to align AI tools with compliance needs, improve policy enforcement, and tackle ethical issues to ensure responsible AI integration in your institutional operations.
Day 1	Silver Maple	4:00 - 5:00	Keynote Address: Academic Freedom and Free Speech: Faculty and Staff Rights and Responsibilities	Barbara A. Lee, J.D., Ph.D., Distinguished Professor of Human Resource Management & Law, Rutgers University	Barbara A. Lee, Distinguished Professor of Human Resource Management at Rutgers University, keynote talk will address the similarities, and the differences, between academic freedom and free speech. What are the implications of these for public institutions versus private institutions?

**Day 2, Tuesday October 29, 2024**

Day 2	Silver	9:00-10:15	Intersection of Title IX Regulation and Litigation	Joshua W. B. Richards, J.D., Partner, Saul Ewing Arnstein & Lehr LLP / Gina Maisto Smith, J.D., Chair, Institutional Response Group, Cozen O'Connor	In this session, we review key provisions of the 2024 Title IX regulations and provide an update on the federal injunction landscape and OCR enforcement. We will consider institutional obligations and implementation challenges, as well as the impact of discretionary decisions on potential litigation when shifting from the 2020 to 2024 Title IX regulations. After a Title IX litigation update, we will discuss key takeaways and effective practices.
Day 2	Chittenden	9:00-10:15	Securing Knowledge: Cybersecurity and Data Privacy in the Higher Ed Landscape	Jessica Copeland, Bond, Schoeneck & King Attorneys PLLC / Emma Bahner, Associate, XL Law and Consulting P.A.	This session will explore the unique challenges and legal considerations facing higher education institutions in protecting sensitive information. Attendees will gain insights into the latest regulatory developments, compliance best practices, and strategies to mitigate risks from cyberattacks and data breaches. Covering key topics like the intersection of FERPA, GDPR, and other privacy laws, incident response, and cybersecurity governance, this presentation will equip higher education professionals with the knowledge to enhance their institution's data security and safeguard its reputation.
Day 2	Sugar	9:00 - 10:15	Compliance Programs in Higher Education	Nedra Abbruzzese-Werting, J.D., Associate Vice President for Compliance Services, Boston University / Tessa Lucey, MHA, CHC, CHCP, Director of Compliance and Chief Privacy Officer, University of Vermont	This session will provide attendees with an understanding of compliance programs in higher education, what they are designed to do, why they are important, and how to make sure that your program is effective.
Day 2	Sugar	10:30-11:45	Mergers, Acquisitions, and Closures: Tips from the Trenches on How-To and How Not-To	Joshua Grubman, Associate General Counsel, Dartmouth College, Paul Lannon, J.D., Partner, Holland & Knight LLP	Over the past decade, hundreds of colleges and universities have closed, and many more have combined with other institutions. This session will provide a practical overview of the key issues, the legal and financial drivers, and effective strategies for successful outcomes. The panel will discuss regulatory processes, due-diligence steps, timelines (spoiler alert: they start earlier and go later than you probably think), and some creative alternative approaches.
Day 2	Chittenden	10:30-11:45	Web Accessibility Does Not Apply to Me, Does It?	Judith Risch, J.D., Ph.D., Title IX & Equity Access Services Special Advisor, Grand River Solutions	Currently, there are vague Section 504 and Americans with Disability Act (Title II and Title III) requirements for digital accessibility. In less than 2 years, there will be specific requirements for all public higher education institutions; they will need to comply with new digital accessibility regulations tied to the Americans with Disabilities Act (Title II), and higher education institutions with medical schools or hospital affiliations will need to comply with new Section 504 regulations that also cover digital accessibility. Get up to speed with an expert in the regulatory space for accessibility in higher ed. Hear about who and what will be impacted by the new regulations across universities, colleges, community colleges, and medical schools. Learn more about how institutions will be impacted by these new regulations and what future regulatory changes are anticipated, including those that will impact private colleges.
Day 2	Silver	10:30-11:45	The Intersection of Title IX Pregnancy Modifications or Adjustments and Section 504 Disability Accommodations: Which Lane Is Your Lane?	Jody Shipper, J.D., Managing Director, Grand River Solutions / Andrea Stagg, J.D., Director of Consulting Services, Grand River Solutions	Come join this session to work through a complex hypothetical involving a student who may need modifications or adjustments due to pregnancy and then later will need accommodations for a disability. We'll discuss best practices to ensure coordinated decision-making, the different types of documentation and record-keeping requirements, and ways to adjust to evolving student needs.
Day 2	Sugar	1:00-2:15	Diving into Clery Compliance	Gina Maisto Smith, J.D., Chair, Institutional Response Group, Cozen O'Connor / James Moore, Senior Advisor for Clery Act Compliance and Campus Safety Operations, U.S. Department of Education	Dive into a candid conversation with the Senior Advisor for Clery Act Compliance and Campus Safety Operations during this session. Get the latest updates on anti-hazing litigation, Clery Act enforcement, protection against minors, and all things FSA. Come prepared with your questions for the Department!
Day 2	Silver	1:00-2:15	Managing Risk in College Athletics	Eva Chatterjee-Sutton, B.S., M.A., Vice President of Student Life & Dean of Students, Washington and Jefferson / Sarah Feysherm, Ed.D., Vice President for Student Affairs, Washington College / Kristen J. Thorstess, Esq., Counsel, Bond, Schoeneck & King PLLC	The landscape in collegiate athletics is changing rapidly. New opportunities for collegiate athletes (in all divisions), coupled with potential changes in the NCAA challenge campuses around issues of compliance and, in some cases, sustainability. This session will explore many of those issues to promote an understanding of the implications regarding managing risks in collegiate athletics.
Day 2	Chittenden	1:00-2:15	AI: Uses in Employment Decisions and by Employees – The Legal Landscape, Promising Practices, and Policy Development	Janet Elie Faulkner, J.D., Founding Attorney, Faulkner Legal / Heather Sakko, J.D., Manager of Risk Research, United Educators Insurance	We plan to speak on artificial intelligence in employment matters. This includes recruiting, and other ways colleges may / may not be using AI in employment decisions, employee relations, etc. We also are working together to stay on top of this fast-moving issue. We are excited about our topic and already have begun working on our plan.
Day 2	Chittenden	2:30-3:45	May You Educate in Interesting Times: Claim Trends and Top Risks in Higher Ed	Katie Haining, CPCU, ARM, AIC, ARe, Director, Risk Management, University of Vermont / A.J. Kornblith, J.D., Senior Resolutions Counsel, United Educators Insurance	In a higher education environment filled with uncertainty, this presentation will explore United Educators' deep reservoir of data on claims against higher education to shed light on what we know about the current landscape of education claims and how that landscape has changed over the past several years. This includes looking at the most frequent and severe categories of claims and some of the broader factors that have made it more difficult and costly for colleges and universities to defend themselves across the board. Beyond claims, the presentation will also share some of the insights that UE is hearing from its members about the issues that they see as the top categories of risk for the coming year.
Day 2	Silver	2:30-3:45	The Use of Restorative Practices to Address Campus Conflict: A Model for Addressing Individual Cases and Broader Community Harms	Fabio Ayala, Amherst College / Suzanne "Susie" Belleci, Director Center for Restorative Practices, Amherst College / Patricia Hamill, J.D., Partner, Clark Hill / Maureen Holland, Esq., Member Institutional Response Group, Cozen O'Connor	In this session, the presenters will provide an overview of Restorative Justice and Restorative Practices, including examples of uses in the College and University context. The presenters will provide a model for how Restorative Practices have been used to address individual harms (in matters involving student sexual assault, for example) and community harms (conflict between campus communities with divergent views on October 7, 2023, and its aftermath). The presenters will answer frequently asked questions, including how to create and support a Restorative Justice program on campus, how to determine when Restorative Practices are appropriate to address reported conduct, and where to find more resources on Restorative Justice
Day 2	Sugar	2:30-3:45	Planning for Study Abroad and Other International Programs: Dealing with the Legal Issues, Managing the Risks, and Responding When Things Go Wrong	Joshua Grubman, Associate General Counsel, Dartmouth College / Jennifer Howley, B.A., Director of Risk & Emergency Management, Rhode Island School of Design / Xinning Shirley Liu, J.D., President, XL Law and Consulting P.A.	Working with others to present risk management, health, safety and security concerns around international travel, as well as a case we had involving an international program and the lessons learned
Day 2	Silver	4:00-5:15	Critical Issues in Campus Safety & Policing	Eva Chatterjee-Sutton, B.S., M.A., Vice President of Student Life & Dean of Students, Washington and Jefferson / Janet Elie Faulkner, J.D., Founding Attorney, Faulkner Legal / Jonathan Rosnick, M.P.S., Associate Vice President for Public Safety and Chief of Police, Franklin & Marshall College / Michael Schirling, M.Ed., Chief Safety & Compliance Officer, University of Vermont	Needs on campus are at times in contrast with the challenges facing Campus Police and law enforcement. In this session we will explore critical and timely issues facing campus safety. Attendees will benefit from both a topical discussion, as well as advice and perspective from practitioners
Day 2	Sugar	4:00-5:15	Enhancing Your Student Conduct Process: Practical Solutions and Realistic Approaches from a Dedicated Advocacy Team	Savannah Olsen, MPA, Student Advocacy Program Coordinator, University of Oregon / Kristi Patricius, J.D., Student Advocacy Program Attorney, University of Oregon	In this session, we aim to provide innovative, and potentially controversial, solutions for enhancing the student conduct process. These solutions and approaches stem from our collective experience as student conduct professionals who transitioned into a one-of-a-kind student advocacy program. In our advocacy work, we only represent student respondents and work closely with these students as they navigate the conduct process. Our unique perspective allows us to address the challenges and frustrations students face, while providing you with strategies to improve their experience and your effectiveness. Our goal is not to burden you with additional tasks, but to offer actionable insights that can make a significant impact with relatively low impact on your existing resources. Join us to explore realistic approaches that acknowledge your realities and aim to make your work easier and more impactful.
Day 2	Chittenden	4:00-5:15	Not Just Extended Time – Student and Employee Accommodations and Modifications	Seth Gilbertson, J.D., Senior Counsel, Bond, Schoeneck & King Attorneys PLLC / Alexis Martinez, J.D., Ed.D., Executive Director, Equity & Compliance Programs, Interim Title IX Coordinator, Georgia Institute of Technology	As regulatory requirements evolve, the world of accommodations and modifications for students and employees in higher education continues to change and challenge institutions. In this session, participants will be provided with an overview of different accommodations and/or modifications required under laws including the ADA, Fair Housing Act, Title IX, and Pregnant Workers Fairness Act. Through an interactive discussion, attendees will better understand best practices & policies, who is responsible for review & decision making, and what other procedural requirements are needed to be in place for students and employees requesting modifications/accommodations.

**Day 3, Wednesday October 30, 2024**

Day 3	Silver	9:00-10:15	Title IX: Beyond the Regs	Marjory Fisher, J.D., Title IX Coordinator, Columbia University / Nicole M. Merhill, J.D., Director, Office for Gender Equity & Title IX Coordinator, Harvard University / Jeffrey Nolan, J.D., Partner, Holland & Knight	<p>Over the past several months, colleges and universities across the country have been laser focused on familiarizing themselves with the new requirements set forth in the 2024 Title IX regulations. With injunctions placing many colleges and universities in limbo, this session will go beyond Title IX requirements and examine other legal obligations pursuant to state and federal law, as well as best practices and opportunities in light of lessons learned over the past four years. Whatever the status of the regulations in your state, this session will offer practical guidance to help you advance your practice and better support your community.</p> <p>Specific areas of focus will include:  Capitalizing on the advantages and avoiding the pitfalls of whatever investigation/resolution process you use  Training requirements – VAWA, NCAA, state law, and best practices  Pregnancy and related conditions – PWFA, the PUMP Act, state law, and best practices  Expanding definitions of prohibited conduct – other misconduct policies, state law, and best practices</p>
Day 3	Silver	9:00-10:15	Navigating Free Speech and Campus Speakers, Protests, and Demonstrations	Linda Baughman, M.C., M.Ed., Dean of Students, University of St. Thomas / Michelle Deutchman, J.D., Executive Director, National Center for Free Speech and Civic Engagement / Tamia Lewis, J.D., M.Ed., Associate General Counsel, The Pennsylvania State University; Danny Shaha, Ed.D., Assistant Vice President for Student Affairs, The Pennsylvania State University	<p>Panelists will provide a basic legal foundation of the first amendment on campus and will share the ways in which their campuses have worked to navigate related issues connected with speakers, demonstrations, and protests. Topics will include relevant policies on free expression, communication strategies with various University and community populations, and lessons learned.</p>
Day 3	Chittenden	9:00-10:15	Shifting from Hazing Awareness to Hazing Prevention	Kim Novak, MPA, CEO, PIKE, Health & Safety Officer, Pi Kappa Alpha Fraternity; Novak Talks, LLC	<p>The Stop Campus Hazing Act is on its way to the House floor and may actually have been voted on by the time we gather in Vermont. This Federal law will require colleges and universities to instruct students about the dangers of hazing and hold organizations that engage in this harmful behavior accountable. – The Students at New Mexico State University, as well as students in Wyoming, Tennessee, and several other states are working on state legislation that will address hazing. State laws against hazing have passed in Ohio, Georgia, Florida, Texas, and several other states. Education, prevention, investigation, and adjudication for the behavior of hazing continues to be a challenge for colleges and university professionals as well as staff working with social and professional fraternal organizations. Join Kim &amp; Charlie for a dialogue about how legislative mandates, state laws, and liability impact the work we need to be doing with our communities and leave the conversation better prepared to prevent and address hazing.</p>
Day 3	Silver	10:30-11:45	Closing Session: Title VI and OCR: A UVM Case Study	Jennifer L. Papilio, J.D., LL.M., Associate General Counsel, University of Vermont / Nick Stanton, Director, UVM Office of Affirmative Action and Equal Opportunity, University of Vermont / Trenten D. Klingerman, J.D., Partner, Stuart & Branigan LLP	<p>Take a walk through OCR's approach to Title VI compliance with those who lived it! We aim to make this a highly interactive and practical conversation that includes how you can best serve your own campuses and clients using UVM's own experience as an educational tool. We will discuss UVM's initial receipt of notice, response to data requests, interviews with key personnel, crafting of a voluntary resolution agreement, the announcement of that agreement, and on-going implementation and monitoring from a multi-disciplinary perspective.</p>