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Training for South Suburban College Title IX Personnel

August 11th-12th, 2020

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Training for South Suburban College Title IX Personnel

Presented By: Emily P. Bothfeld and Kevin P. Noll

August 11-12, 2020

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Background on
New Title IX
Regulations



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Background

- September 22, 2017: U.S. Department of Education released a Dear Colleague Letter formally withdrawing two key Obama-era guidance documents:
 - 2011 Dear Colleague Letter on Sexual Violence
 - 2014 Q&A on Title IX and Sexual Violence

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Current Status

- Proposed Title IX Regulations released in November 2018
 - 60-day public comment period yielded over 120,000 comments
- Proposed Final Rules released on May 6, 2020 and published in Federal Register on May 19, 2020
- Effective date: August 14, 2020 

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Impact on Higher Education Institutions

- The new Regulations require:
 - Revisions to institutional policies and procedures
 - Staffing determinations
 - Training for all personnel involved in an institution's investigation and grievance process, including:
 - Title IX Coordinator(s),
 - Investigators
 - Decision-makers
 - Appellate decision-makers
 - Informal resolution facilitators
 - Publishing of information and training materials on the institution's website

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Overview of Relevant Laws



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Relevant Laws

- The below federal and state laws pertain to sex-based misconduct in higher education:
 - Title IX of the Education Amendments of 1972 ("Title IX")
 - Title VII of the Civil Rights Act of 1964 ("Title VII")
 - Preventing Sexual Violence in Higher Education Act ("PSVHEA")
 - Illinois Human Rights Act ("IHRA")
 - Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act")
 - Violence Against Women Act ("VAWA")

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Relevant Laws

- **Title IX:** Prohibits sex-based discrimination, including sexual harassment, in educational programs and activities receiving federal financial assistance.
- **Title VII:** Prohibits discrimination, including discrimination based on sex, in employment.

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Relevant Laws

- **Preventing Sexual Violence in Higher Education Act:** Requires Illinois higher education institutions to adopt comprehensive policies concerning sexual violence, domestic violence, dating violence and stalking.
- **Illinois Human Rights Act:**
 - Prohibits discrimination in Illinois, including in employment.
 - Also prohibits sexual harassment in elementary, secondary and higher education.



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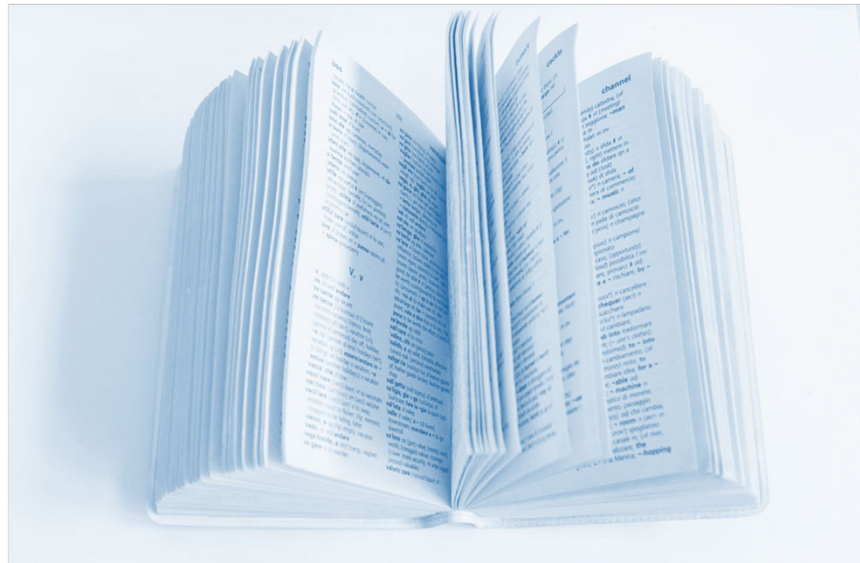
Relevant Laws

- **Clery Act:** Requires institutions to maintain and disclose crime statistics and security information.
- **Violence Against Women Act:** Expands the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking.

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Key Definitions



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Title IX Sexual Harassment

Sexual harassment includes:

1. **Quid pro quo** harassment by a college employee
2. Unwelcome conduct that a reasonable person would find **so severe, pervasive and objectively offensive** that it **denies** a person equal educational access
3. Any instance of **sexual assault, dating violence, domestic violence or stalking** (as defined in Clery Act/VAWA)

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Title IX Sexual Harassment: Quid Pro Quo

- When an employee of the college conditions aid, benefits, pay, a position or other opportunities for advancement on an individual's submission to unwelcome sexual conduct.

- Example: Professor Jones promises his student, Jane, that he will give her an A on her midterm if she engages in sexual conduct in his office after class.

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Title IX Sexual Harassment: "Hostile Environment"

- Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access

- Severe and pervasive and offensive
- Denial of equal educational access

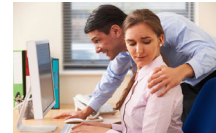
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Title IX Sexual Harassment: "Hostile Environment"

- Compare with Title VII definition for workplace hostile environment claims:

- Unwelcome sexual advances and other conduct of a sexual nature having the purpose or effect of **interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.**



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Title IX Sexual Harassment: "Hostile Environment"

- Compare with IHRA definition:

- Any conduct of a sexual nature exhibited by an education representative toward a student, when such conduct has the purpose of **substantially interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment.**

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Title IX Sexual Harassment: Other Categories

• Title IX's definition of sexual harassment also includes:

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

As defined under Clery Act/VAWA

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Sexual Assault, Dating Violence, & Stalking

Sexual Assault:

- An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program.

Dating Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.

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Domestic Violence

- A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected.

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Key Definitions: Hypothetical

- You receive a report of a student being sexually assaulted by another student on campus.
- Do you need to evaluate the severity, pervasiveness, and offensiveness of the sexual assault?



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Key
Definitions:
Hypothetical

- You have been assigned to investigate a formal complaint alleging that a student was sexually harassed by his sociology instructor.
- What types of evidence/information would be relevant to determining whether the alleged harassment was severe, pervasive and objectively offensive?

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Jurisdiction



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Jurisdiction Under Title IX

- Institutions must respond when sexual harassment occurs “in the institution’s education program or activity, against a person in the United States.”

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Title IX Jurisdiction: Scope of College’s Education Program or Activity

- Includes:
 - Locations, events, or circumstances over which the institution exercised substantial control over both the respondent and the context in which the sexual harassment occurred; and
 - Any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

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**Title IX
Jurisdiction:
Scope of
College's
Education
Program or
Activity**

- South Suburban College examples for discussion:
 - Kindig Performing Arts Center
 - Local hospital where students are participating in clinical rotations?
 - Faculty member's home?
 - Social media?

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**Jurisdiction:
"... in the
United States"**

- To fall under Title IX, the alleged misconduct must have occurred in the United States.
- If not, look to other applicable laws (e.g., PSVHEA)
- Example: sexual assault that occurs during study abroad program?

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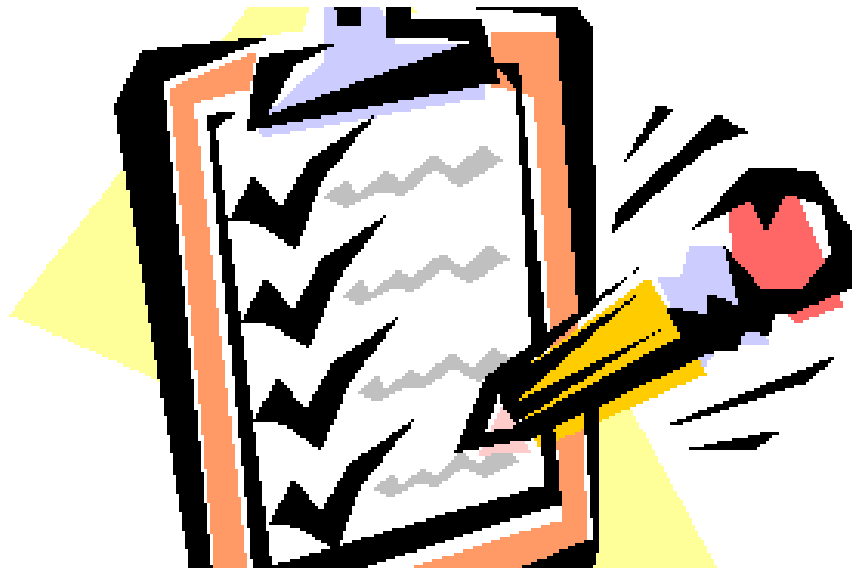
Jurisdiction: Hypothetical

- Compare:
 - A student athlete allegedly sexually assaults another student athlete while off-campus at a sporting event with their team and coach
 - A student athlete allegedly sexually assaults another student athlete while at a friend's off-campus apartment
- Which type of alleged misconduct falls under Title IX?
- What are the College's response obligations with regard to each type of alleged misconduct?

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Proposed Discrimination and Sexual Harassment Policy



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Proposed Discrimination and Sexual Harassment Policy

- Prohibits both sex discrimination and sexual harassment by members of the College community, including but not limited to administrators, faculty, employees and students.
- Provides that any such persons will be subject to disciplinary action for violation of the proposed Policy up to and including suspension or dismissal, as may be appropriate.

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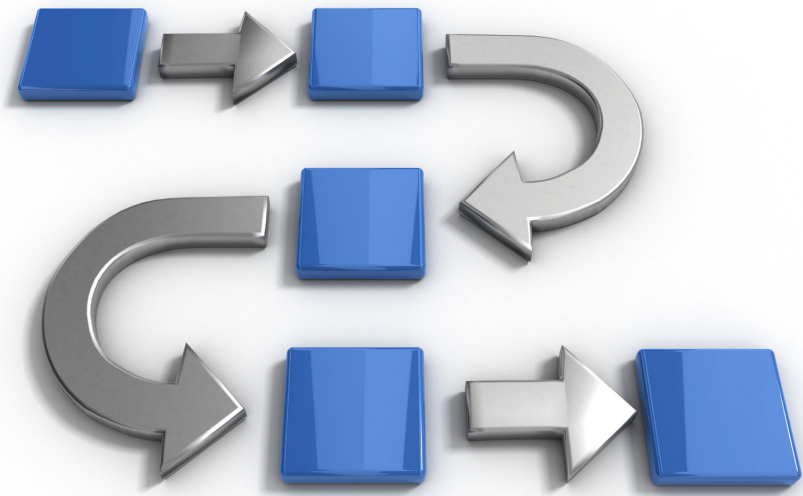
Proposed Discrimination and Sexual Harassment Policy

- Establishes procedures for filing complaints alleging (1) discrimination and (2) sexual harassment.

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Title IX Sexual Harassment Procedures



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Purpose of Procedures

- Implement the College's proposed Discrimination and Sexual Harassment Policy.
- Ensure a safe and healthy educational and employment environment.
- Meet relevant legal requirements.

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Jurisdiction

- Allegations of sexual harassment may be based on conduct that occurs on College property, off College property, or outside a College education program or activity if the alleged behavior affects the College environment or likelihood of student or employee success.
- Broader than Title IX jurisdiction

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Role of Title IX Coordinator

- Coordinate College's compliance with Title IX and related laws.
- Oversee College's response to all reports of alleged sexual harassment.
- Analyze reports to determine appropriate method for processing and reviewing.
- Oversee grievance process for formal Title IX complaints.
- Coordinate the provision of supportive measures and implementation of remedies.
- Ensure adherence to policies/procedures.
- Ensure appropriate training is provided to students, faculty and staff.

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Reporting Alleged Sexual Harassment



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Reporting Alleged Sexual Harassment

- Who can report under Title IX?
 - Anyone – including students, employees and community members
 - Need not be the person who is alleged to be the victim of the misconduct
- To whom should reports be made?
 - Title IX Coordinator
 - Other College officials with authority to institute corrective measures

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College Response to Reports of Alleged Sexual Harassment



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“Deliberate Indifference Standard” Under Title IX

- College must respond to allegations of Title IX sexual harassment:
 - Promptly
 - In a manner that is not “clearly unreasonable in light of the known circumstances”

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College Response: Definitions

Complainant:

- Individual who is alleged to be the victim of alleged sex-based misconduct

Respondent:

- Individual who is reported to be the perpetrator of alleged sex-based misconduct

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Overview of College Response Process

1. Analyze report to determine the appropriate method for processing/reviewing it.
2. For any report alleging Title IX sexual harassment, promptly contact the complainant.
3. Discuss and offer supportive measures.
4. Explain the process for filing a formal complaint.



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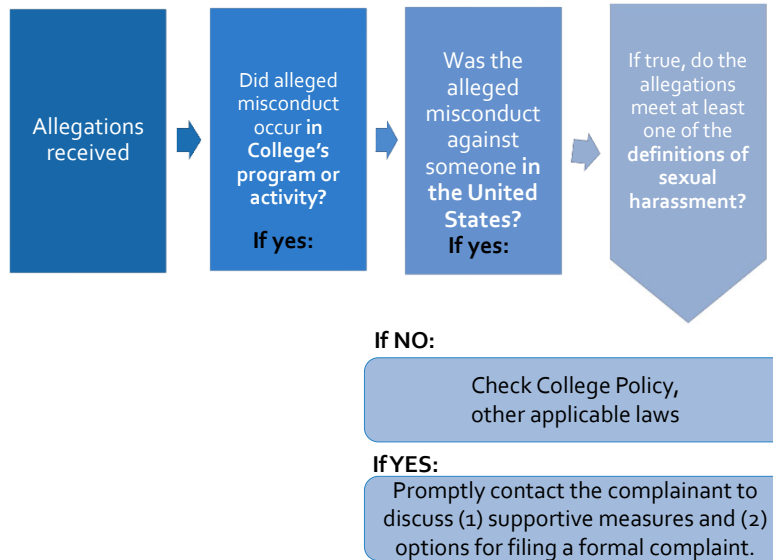
College Response Process

- Step 1: Analyze the Report.
 - Does Title IX apply?

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Title IX: Jurisdiction Analysis



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College Response Process

- Step 2: Contact the complainant.
 - “Complainant” is defined as the individual who is alleged to be the victim of alleged sex-based misconduct



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College Response Process

- Step 3: Discuss and offer supportive measures.
 - Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party
 - Designed to ensure equal educational access, protect safety, or deter sexual harassment

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College Response Process

- Step 4: Explain to the complainant the process for filing a formal complaint.

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Hypothetical

Andy (a faculty member) tells his secretary, Brad, that Andy has been receiving sexually explicit photos from fellow faculty member Jane. Andy has asked Jane to stop, but she has not.

- Is the College on notice of a Title IX violation?

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Hypothetical

Same scenario, but Brad urges Andy to contact the HR department. Andy takes Brad's advice and reports to the HR Director.

- What steps should HR take after receiving this report from Andy?
- If the Title IX Coordinator determines that the allegations, if true, would not constitute sexual harassment under Title IX, can the College still investigate Andy's allegations? How?

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Questions?



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Grievance
Process for
Formal
Complaints



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Grievance
Process for
Formal
Complaints

Formal complaint:

- Document filed by a complainant or signed by Title IX Coordinator alleging sexual harassment in violation of Title IX
- At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the College's education programs or activities, (either as a student or an employee).

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Formal Complaint Hypothetical

A student graduates in June. In mid-July, the student contacts the Title IX Coordinator to report that she was sexually harassed by another student the previous February. The student indicates that she would like to file a formal complaint.

- Can the student file a formal complaint?
- What if the student is working as a research assistant for the summer?
- In the event the complainant cannot file a formal complaint, what options does the College have?

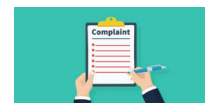
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Grievance Process: Notice of Allegations

- Must be sent **simultaneously** to both parties after Title IX Coordinator's receipt of formal complaint.
- Informs the parties of:
 - The grievance process, including informal resolution options
 - The allegations
 - The presumption of non-responsibility on the part of the respondent
 - The parties' right to an advisor
 - The parties' right to inspect and review evidence
 - The Code of Conduct provisions prohibiting knowingly furnishing false information during the grievance process.

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Grievance Process: Emergency Removals and Administrative Leave

- Prior to initiating or completing the grievance process in response to a formal complaint, the College may remove a respondent from its education program or activity on an emergency basis.
 - Only permitted where the College has determined, based on an individualized safety and risk analysis, that an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment justifies removal.
- College must provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.

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Grievance Process: Emergency Removals and Administrative Leave

- The College may place an employee on administrative leave during the pendency of the grievance process in response to a formal complaint.

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Informal Resolution



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Informal Resolution

- Fully discretionary: Requires complainant and respondent's **voluntary, written consent**
- May occur at any time after the parties receive the initial notice of allegations and prior to a determination regarding responsibility being reached.
- May not be required as condition of:
 - Enrollment/continuing enrollment,
 - Employment or continuing employment,
 - Enjoyment of any right, or
 - Waiver of the right to a formal investigation/adjudication

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Informal Resolution

- Party may **withdraw** at any time prior to a resolution
 - Withdrawal triggers resumption of grievance process.
- May include:
 - Mediation
 - Restorative justice
- Not permitted in allegations of **employee** sexual misconduct toward a **student**

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Consolidation and Dismissal of Formal Complaints



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Consolidation of Formal Complaints

- Title IX Coordinator may consolidate formal complaints where the allegations of sex-based misconduct arise out of the same facts or circumstances.

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Dismissal of Formal Complaints

Mandatory dismissal:

- Title IX Coordinator or designated investigator determines that conduct alleged in the formal complaint does not meet
 - (a) Title IX's definition of sexual harassment and/or
 - (b) Title IX's jurisdictional requirements.
- *Dismissal does not preclude action altogether – just for purposes of Title IX.*

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Dismissal of Formal Complaints

Discretionary dismissal if:

- Complainant gives written notification of desire to withdraw formal complaint or certain allegations;
 - Respondent is no longer enrolled in or employed by the College; or
 - Specific circumstances prevent the College from gathering evidence sufficient to reach a determination.
- A party may appeal a decision to dismiss a formal complaint or allegations therein.

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Investigation of Formal Complaints



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Investigations: Written Notice

- Written notice required to both parties:
 - Allegations (upon receipt of a formal complaint)
 - Investigative interviews, meetings, or hearings
 - Mandatory or discretionary dismissal

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Investigations: Evidence

- Equal opportunity for parties to provide:
 - Fact witnesses
 - Expert witnesses
 - Inculpatory and exculpatory evidence
- No gag orders

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Investigations: Advisors

- Both parties may select an advisor of their choosing
 - May, but need not be, an attorney
- Consider establishing parameters regarding the role of advisors.



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Investigation: Access to Evidence

- Both parties must have equal access to inspect and review all evidence that is directly related to the complaint allegations.
 - Be mindful of FERPA and student privacy considerations.
 - Consider whether redactions are necessary
 - Notify parties of parameters/limitations on re-disclosure of records and evidence.

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Investigation: Access to Evidence

- At the conclusion of the investigation and prior to the completion of the investigator's report, the investigator must send both parties a copy of all relevant evidence.
- The parties must have at least 10 days to submit a written response to the evidence, which the investigator must consider prior to completion of his/her investigative report.

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Investigation: Preparation of Investigation Report

- After receiving/reviewing the parties written responses, the investigator must create an investigative report that fairly summarizes the relevant evidence.
- Upon completion of the investigation report, the College will schedule a hearing.



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Investigation: Preparation of Investigation Report

- At least 10 days prior to the hearing, the College will:
 - Provide both parties with written notice of the hearing date, time, location, participants and purpose of the hearing; and
 - Send to each party (and advisors) the investigative report.
 - Allow parties 10 days to submit a written response to the report.

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Live Hearings



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Live Hearings: Process

- Conducted by designated Decision-Maker
 - Assigned by Title IX Coordinator

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Live Hearings: Process

- Upon request, parties can be separated – requires appropriate technology



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Live Hearings: Technology

- Technology considerations:
 - Parties must be able to hear and see each other.
 - Parties and Decision-Maker must be able to view evidence being presented.
 - Consider screen-sharing and/or sending documents electronically in advance.
 - Parties should have ability to communicate with their respective advisors in private.
 - Consider “breakout rooms.”

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Live Hearings: Advisors

- If a party does not have an advisor at the hearing to conduct cross-examination, the College must appoint one.

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Issues for Hearing

- Decision-Maker's role is to determine:
 - Whether facts presented establish that the alleged conduct occurred;
 - Whether that conduct constitutes Title IX sexual harassment; and
 - If the answers to the above are "yes," which sanctions (if any) and remedies are appropriate.
- The evidence presented must be **relevant** to one or more of the issues above.

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Considering Evidence

- Relevant documents may include, but are not limited to:
 - The formal complaint
 - The initial written notice of the allegations
 - Written statement(s) and responses by the parties and/or witnesses
 - The investigation report
 - Police reports, photographs and/or video footage (if any)
 - Prior discipline records
 - Only relevant to issue of appropriate sanction



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Preponderance of the Evidence Standard

- “More likely than not”
- Whether the facts supporting the allegations have greater weight/strength than the facts presented in denial of the allegations
- If 50/50, no violation.

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Live Hearings: Cross-Examination

- Advisors are permitted to ask opposing party and witnesses all **relevant** questions and follow-up questions.
 - Relevance determined by Decision-Maker.

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Live Hearings: Rape Shield Protections

- Questions about sexual pre-disposition or prior sexual behavior are not permitted unless:
 - Offered to prove that someone other than the respondent committed the alleged conduct; or
 - Questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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Post-Hearing Procedure



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Written Determination

- Issued to both parties simultaneously upon conclusion of the hearing.

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Written Determination

Must include:

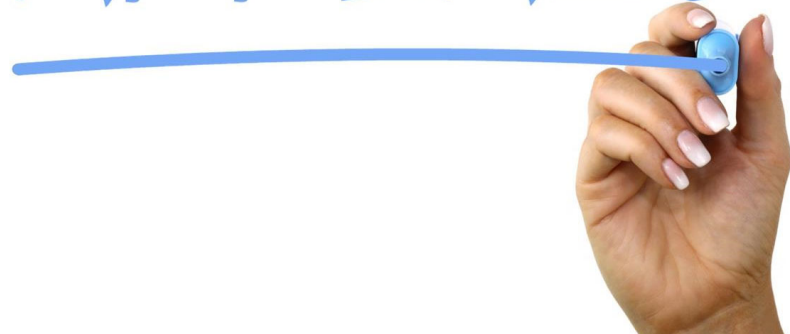
- Identification of allegations
- Description of procedural steps taken
- Findings of fact supporting determination
- Conclusions regarding application of conduct standards
- Statement & rationale for result of each allegation, including:
 - Determination of responsibility
 - Disciplinary sanctions being imposed
 - Whether any remedies will be provided to the complainant
- Procedures and permissible bases for complainant and respondent to appeal

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Appeals

APPEALS



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Appeals

- Both parties have right to appeal any determination regarding:
 - Responsibility
 - Dismissal of any formal complaint or allegations therein
- Party must submit written appeal request to Title IX Coordinator within 10 days of the date of the written determination

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Appeals: Grounds to Appeal

- a) Procedural irregularity occurred that affected the outcome of the matter
- b) Newly discovered evidence exists that could affect the outcome of the matter
- c) Conflict of interest or bias which affected the outcome of the matter, amongst:
 - Title IX Coordinator;
 - Investigator; or
 - Decision-Maker

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Appeals: Process

- Appeals are reviewed by the President or designee.
- President or designee must afford both parties the opportunity to submit a statement
- Written decision issued to both parties simultaneously upon conclusion of the review
 - Describes outcome and rationale
- Includes statement that **decision is final**

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Conflicts of Interest & Bias



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Conflict of Interest & Bias

Conflict of interest:

- "A situation in which the concerns or aims of two different parties or people are incompatible."
 - Not: "I know both parties."

Bias:

- "Prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair."

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How to Address Implicit Bias

- Check your implicit bias here: [Harvard Implicit Bias Test](#)
- More deliberate or conscious thinking
 - Sometimes called “Staring” (as opposed to “Blinking”)
 - This involves allowing yourself time to fully think through a scenario before coming to a decision/conclusion

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How to Address Bias: Create a Checklist

- Create a checklist beforehand
 - For ex: A pre-made checklist of allegations to be proven/disproven
- Decision-making checklists can encourage less biased decisions; they provide an objective framework to assess your thinking¹
- Can be effective in overcoming stereotypes²
- Helps reduce the attention given to biased characteristics that may influence decision-making³

1. Arkes, Hal R. Arkes & Victoria A. Shaffer, Should We Use Decision Aids or Gut Feelings? in G. GIGERENZER & C. ENGEL, EDS., HEURISTICS AND THE LAW (2004).
2. Isaac, Carol Isaac, Barbara Lee & Molly Carnes, Interventions That Reduce Implicit Bias in Hiring: A Systematic Review, 84 Academic Medicine 1440 (2009).
3. Uhlmann, Eric Luis Uhlmann & Geoffrey L. Cohen, Constructed Criteria: Redefining When to Justify Discrimination, 16 PSYCHOL. SCI. 474 (2005).
All materials compiled by the ABA Implicit Bias Toolkit, which can be found here: <https://www.americanbar.org/groups/diversity/resources/implicit-bias/>

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Questions?



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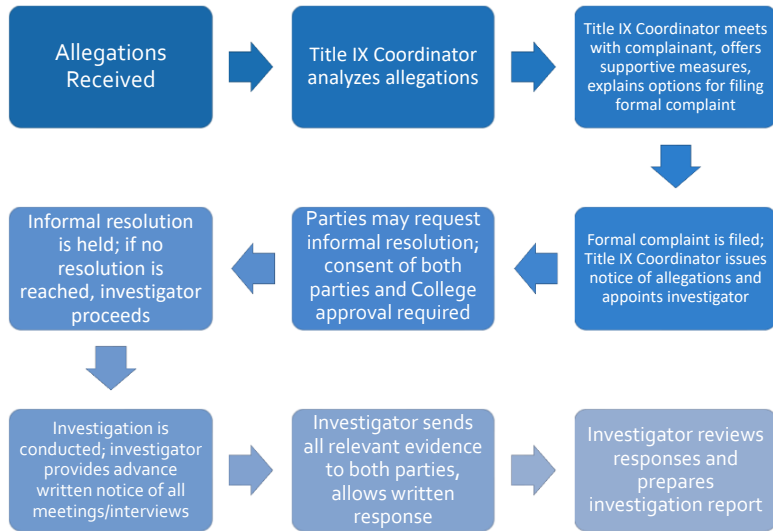
Final Review
and
Hypothetical



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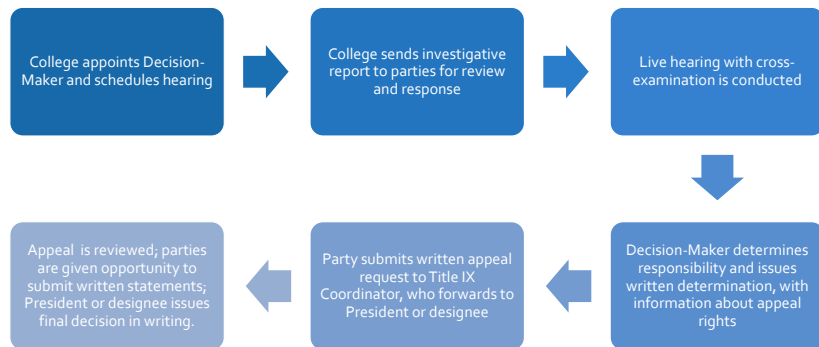
Final Review of Grievance Process (Pre-Hearing)



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Final Review of Grievance Process (Hearing + Appeals)



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Hypothetical 1

- Jen, a student, reports to her College advisor that a classmate, Steve, has been making inappropriate sexual jokes and innuendos.
 - She and Steve both attended the same virtual summer school course.
 - They were assigned to work on a project together, much of which was to be done on their own time, over Zoom, and required the exchange of personal contact information.
 - After the project was complete, Steve allegedly called Jen and asked her out. Jen said no.
 - Jen states that Steve began teasing her on social media and telling all of their mutual friends that Jen “is a prude.”

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Hypothetical 1

- The teasing became increasingly more offensive, and he allegedly began making false statements that:
 - Jen is homosexual,
 - She is afraid to date because she is a hermaphrodite, and
 - That Jen sent him sexually explicit photos.
- Jen alleges that Steve’s comments took place over the course of the summer, at various off-campus social distanced class gatherings where the instructor and other students were present.
- Most recently, Steve and Jen both attended the same party at a house owned by the College’s Theater Club, of which Jen is a member.
- At the party, Steve (who is 21) was drinking. He tried to pressure Jen (who is 19) into drinking as well. Jen reports that Steve stated, “Some alcohol will allow you to drop your guard, and hopefully, allow me to drop your pants.”

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Hypothetical 1

- Jen reports that she told Steve he was not funny, and to leave her alone.
 - One of Jen's friends allegedly witnessed Steve trying to pour some of his vodka into Jen's cup when she wasn't looking.
 - According to Jen's friend, when Steve was caught, he laughed and told her to "Stop cock-blocking me."
- Jen is distraught. Steve is enrolled in two of the same classes as Jen for the fall 2020 semester. Jen is considering dropping the classes so she will not have to interact with Steve.
- The College advisor documents her discussion with Jen. What should the College advisor do with these allegations? Discuss.



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Hypothetical 1

- Based on these facts, analyze the jurisdiction under Title IX.
- Reminder:
 - Steve's behavior began after the completion of their virtual project. He teased her via social media.
 - Steve's behavior continued at off-campus events where the instructor and other students were present.
 - Steve's most recent actions were at a house owned by a College-recognized student organization during the first weekend of school.
- Do Steve's actions constitute Title IX sexual harassment?
- Reminder: Three types of sexual harassment:
 - **Quid pro quo** harassment by a college employee
 - **Unwelcome conduct that a reasonable person would find so severe, pervasive and objectively offensive that it denies a person equal educational access**
 - Any instance of **sexual assault, dating violence, domestic violence or stalking**

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Hypothetical 1

- Jen files a formal complaint. The parties proceed to a live hearing.
 - Can Steve's advisor ask Jen if she has ever had a sexual relationship with Steve?
- After a full grievance process, the College's appointed Decision-Maker (who is close friends with the College advisor to whom Jen made her initial report) finds that Steve is responsible for engaging in Title IX sexual harassment.
 - After receiving the Decision-Maker's determination, Steve feels that the Decision-Maker had a conflict of interest that affected the outcome of the grievance process. He submits an appeal request to the Title IX Coordinator.
- What steps does the Title IX Coordinator need to take with respect to the appeal?

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Hypothetical 2

The Title IX Coordinator receives a report from Professor Smith, who says that a student, Dave, has confided that a College administrator is willing to change Dave's grade to an "A" in any class he needs, so long as Dave agrees to participate in sexual activity.

- Can the College take steps to remove the administrator prior to undergoing a full investigation and grievance procedure?
- If so, how?

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Hypothetical 2

Dave files a formal complaint. At his investigation interview, Dave requests to resolve the complaint informally.

- If the administrator agrees, may the Title IX Coordinator proceed with informal resolution?

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Hypothetical 2

The matter proceeds to hearing. During the hearing, the administrator's advisor asks Dave if he has ever engaged in sexual activity with any other College staff.

- Is this question permissible?
- If not, what steps should the hearing officer take?



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Emily practices in the area of education law with a focus on student and higher education matters. She counsels school districts and higher education institutions on a variety of issues, including matters related to student discipline, Title IX, free speech, student disability rights, student data privacy and policy development. She has extensive experience representing educational institutions in responding to complaints filed with the U.S. Department of Education's Office for Civil Rights, Illinois State Board of Education, Office of the Illinois Attorney General and Illinois Department of Human Rights. Emily regularly represents school districts and higher education institutions in state and federal court on civil rights and constitutional claims and breach of contract claims.

Prior to joining Robbins Schwartz, Emily represented students with disabilities in special education matters. Emily attended the George Washington University Law School, where she was a member of the George Washington International Law Review and the GW Law Moot Court Board. Prior to attending law school, Emily taught high school mathematics and science in Hangzhou, China.

RECENT PUBLICATIONS

"Disabled Athlete Can't Support ADA Claims," *Chicago Daily Law Bulletin* (2018)

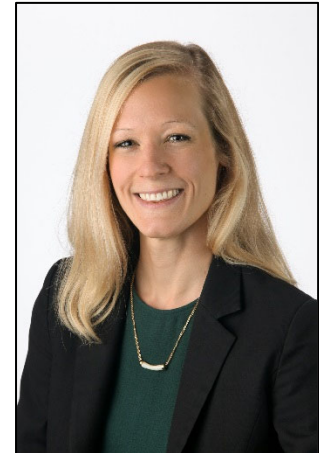
RECENT PRESENTATIONS

Legislative Update: A Review of New (and Proposed) Laws Affecting Illinois Community Colleges' Risk Management Practices, Illinois Community College Chief Financial Officers Fall Conference (October 2019)

A Student's "Right" to a College Education: Due Process Rights in Academic and Non-Academic Discipline, Illinois Community College Chief Student Services Officers' Summer Meeting (June 2019)

Updates and Recent Developments out of the U.S. Department of Education, Chicago Bar Association Education Law Committee Spring Seminar (March 2019)

Legal Hot Topics for Nursing Program Administrators and Faculty, Illinois Organization of Associate Degree Nursing (March 2019)



PRACTICE AREAS

Education Law
Special Education
Student Discipline

EDUCATION

J.D., *with honors*, George Washington University Law School

B.S., *cum laude*, Vanderbilt University

ADMITTED TO PRACTICE

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois Council of School Attorneys

National Council of School Attorneys

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Kevin's practice focuses in the area of labor and employment law. Kevin routinely counsels employers in all aspects of employment law including employee discipline, labor relations, and federal and state employment discrimination matters under the Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Illinois Human Rights Act, Title VII and other federal and state anti-discrimination and wage laws. Kevin represents employers in a variety of venues including both federal and state court, as well as the U.S. Equal Employment Opportunity Commission and the Illinois Department of Human Rights.

Prior to joining Robbins Schwartz, Kevin represented individuals with employment matters, civil rights claims, and consumer protection litigation.

AWARDS

Illinois "Rising Star," by Super Lawyers Magazine (2017-2020)

RECENT PUBLICATIONS

"NLRB Takes New Look at Charter Schools," *Chicago Daily Law Bulletin* (2019)

RECENT PRESENTATIONS

Updates from the DOL: New Developments for FMLA, FLSA, and IWPCA, IAPD/IPRA Soaring to New Heights Conference (January, 2020)

Is it ADA, FMLA, or Other Leave? Navigating the Murky Waters of Employee Leave Benefits, IAPD/IPRA Soaring to New Heights Conference (January, 2020)

Illinois Minimum Wage: Nutz and Bolts Overview, IGFOA Payroll Seminar (October 2019)



PRACTICE AREAS

Labor & Employment

EDUCATION

J.D., The John Marshall Law School

B.A., Indiana University

ADMITTED TO PRACTICE

U.S. District Court for the Northern District of Illinois

Supreme Court of Illinois

ORGANIZATIONS

Chicago Bar Association

Illinois State Bar Association

Kane County Bar Association