



Roger Williams University  
SCHOOL OF LAW

## ADJUDICATING SEXUAL MISCONDUCT ON CAMPUS:

*Title IX and Due Process in Uncertain Times*

Friday, November 15, 2019

### Adjudicating Sexual Misconduct on Campus: Title IX and Due Process in Uncertain Times Roger Williams University School of Law – Bristol, Rhode Island

8:30-9:00 AM Registration – 2<sup>nd</sup> Floor Atrium – School of Law

9:00-10:15 AM Title IX: Where are we now

**Claire K. Hall, J.D.**, is a national expert who has trained thousands of faculty, staff and students at colleges and universities across the country on a multitude of higher education compliance related topics. Claire is also the Owner of UECAT, LLC, where her work focuses on providing compliance, training, investigation and consulting services for colleges and universities.

**Lynette Labinger** is an attorney in private practice in Providence, Rhode Island with a litigation practice concentrating in civil and constitutional rights and employment discrimination law. She first came to Rhode Island in 1974 after completing law school to clerk for Judge Raymond J. Pettine of the federal district court. Labinger served as lead trial and appellate counsel for the plaintiff class in the landmark Title IX sex discrimination case challenging the treatment of women athletes at Brown University (Cohen v. Brown University). She is also a long-time cooperating attorney for the American Civil Liberties Union of RI, which has twice honored her with its Civil Libertarian of the Year Award. Labinger has litigated many high profile civil rights cases in Rhode Island, including cases involving reproductive rights and First Amendment rights, representing a teenager in vindicating her First Amendment right not to have a religious display in her high school and representing a prison inmate in vindicating his right to practice his religion in prison. Labinger served as Associate and Chief Judge of the Housing Court of the City of Providence from 2004 to January 2019.

**Jen Stanley** is the Title IX Coordinator and Associate Dean at Roger Williams University. She currently chairs the Title IX Task Force, oversees the Green Dot Bystander Intervention efforts, and co-chairs the Diversity & Inclusion Climate and Intergroup Relations subcommittee. Jen also represents RWU as a member of the Rhode Island Cross-Campus Learning Collaborative for Sexual Violence Prevention.

**Amanda Walsh, Esq.**, is a Senior Attorney at the Victim Rights Law Center. Amanda provides training and technical assistance to colleges and universities through the Office on Violence Against Women campus grant program. From 2011-2015, Amanda was a VRLC staff attorney, focusing primarily on the representation of students in both K-12 and higher education settings. She also trained colleges and universities nationally on Title IX and campus sexual assault response. Before returning to the VRLC, Amanda was the Title IX Program Officer at Brown University. She was responsible for implementing Brown's sexual and gender-based harassment and violence policy and complaint procedures, building Brown's flagship Title IX Office, and overseeing all related complaint investigations. Amanda is a graduate of Northeastern University and Roger Williams University School of Law.

10:15-10:30 AM Break

10:30-11:45 AM

Due Process

**Angela Carr** is an accomplished civil litigator and trial attorney, Angela focuses her practice on medical and professional liability defense. She advises medical professionals, hospitals, medical practices, and other healthcare-related organizations in all stages of the litigation lifecycle. Angela provides skilled representation to health care providers before federal and state courts, administrative agencies, and licensing boards in Massachusetts and Rhode Island. In addition, she routinely consults with hospitals and healthcare practice groups on risk management and patient safety. Angela also represents students involved in Title IX investigations at local colleges.

**Andrew Miltenberg** is a founding partner of Nesenoff & Miltenberg, LLP. He is nationally renowned due process attorney representing students and faculty in Title IX and related disciplinary matters and, if necessary, commencing lawsuits on their behalf. Andrew has brought a number of groundbreaking Title IX lawsuits including the first class action case against Michigan State University and is described by Newsweek at the “go-to attorney for students” facing Title IX issues. Some of his high profile Title IX federal litigation included *Doe v. Brown University*, *Doe v. Columbia University*, *Grant Neal v. CU Pueblo*, *Keith Mumfrey v. Michigan State Univ*, *Paul Nungesser v. Columbia* (a/k/a the mattress girl case), *Doe v. Purdue University*; *Boormeester v. USC*, and *Doe v. Grinnell*.

**Steven Richard** is a partner at Nixon Peabody LLP with thirty years of trial and appellate experience. He has litigated Title IX and student conduct matters extensively in federal and state courts nationally. Steven was trial and appellate counsel in *Wills v. Brown University*, 184 F.3d 20 (1st Cir. 1999), which remains twenty years later a widely cited Title IX precedent regarding institutional liability. Subsequent to the issuance of the 2011 Dear Colleague letter, Steven has defended colleges and universities in Title IX lawsuits filed by complainants and respondents. Steven leads Nixon Peabody’s national Title IX team and writes 12-15 client alerts annually addressing Title IX administrative and judicial developments. He is an active member of the Rhode Island Federal District Court Bench/Bar Committee and an Executive Board member of the Rhode Island Chapter of the Federal Bar Association. Steven earned his undergraduate degree from Boston University, his law degree from Notre Dame Law School where he was a member of its Law Review, and his master of business administration from Bryant University.

11:45-12:00

Honoring Attorney Lynette Labinger for her groundbreaking Title IX work and career as a champion of women's rights on campus.

12:00-12:30 PM

Lunch

12:30--1:30 PM

Keynote Speaker

**Professor Nancy Chi Cantalupo** Nancy Chi Cantalupo is an Associate Professor at Barry University School of Law. Her past positions include Associate Vice President for Equity, Inclusion & Violence Prevention at a higher education professional association (NASPA); an Assistant Dean at Georgetown Law; and an attorney with Drinker Biddle & Reath LLP. Her scholarship focuses on the use of law to combat discriminatory violence, particularly gender-based violence, and includes: publications in the *Yale Law Journal Forum*, *Maryland Law Review*, and the peer-reviewed social science journal *Trauma, Violence & Abuse*; coauthored studies in the *California Law Review Online*, *U.C. Davis Law Review*, and *Utah Law Review*; forthcoming articles in the *Wake Forest Law Review* and *Harvard Journal of Law and Gender*; and opeds for the New York Times, Time, USA Today, and Washington Post.

Professor Cantalupo has worked to combat gender-based violence in education for nearly 25 years as a researcher, campus administrator, student activist, victims' advocate, attorney, and policymaker. Her past and present pro bono work includes consultations with President Obama's White House Task Force to Protect Students from Sexual Assault, participation on a U.S. Senate roundtable, service as a Negotiator on the Negotiated Rulemaking Committee that amended regulations for the Clery Act, and testimony before the Maryland and Virginia state legislatures. Recently she has filed both solely-authored and coauthored comments in federal proceedings related to Title IX, was asked by the American Bar Association's Commission on Domestic and Sexual Violence to write Recommendations for Practice for investigations of campus dating, domestic, sexual and stalking violence, and co-authored "Title IX & the Preponderance of the Evidence: A White Paper," signed by over 100 law professors from across the country. She serves or has served on the Boards for the Asian/Pacific-Islander Domestic Violence Resource Project and the Conference of Asian Pacific American Law Faculty.

1:30-1:45 PM

Break

1:45-3:00 PM

Consent on Campus

**Tiffany Gaffney** is the Assistant Dean of Students and Title IX Deputy Coordinator at Providence College. She also represents Providence College as a member of the Rhode Island Cross-Campus Learning Collaborative for Sexual Violence Prevention.

**Jennifer Gentile Long** (MGA, JD) currently serves as the Chief Executive Officer of AEquitas, which she co-founded in April 2009 and serves as an expert on issues related to the prosecution of sexual violence and gender-based violence and human trafficking. She began her career as an Assistant District Attorney in Philadelphia where she prosecuted cases involving adult and child physical and sexual abuse and served on a team in the Family Violence and Sexual Assault Unit.

**Susan Kruth:** Susan earned her J.D. in 2011 and is licensed to practice law in Virginia and Pennsylvania. After law school, she worked for the Thomas Jefferson Center for the Protection of Free Expression in Charlottesville, Virginia, before moving to Philadelphia to work at FIRE. Susan previously served as editor-in-chief of FIRE's blog and as a member of FIRE's litigation team, and she now works in FIRE's legal and public advocacy department.

This program has been approved for 5.5 Rhode Island MCLE Credits. Registration is required.

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