

Agenda

Title IX Informal Resolution Training

August 6, 2024

10:00 am – 3:30 pm CDT

Live Webinar

Join Husch Blackwell's Education attorneys for a Title IX training that prepares your team to incorporate informal resolution, including restorative justice, into your sex discrimination and sex-based harassment processes. Our live virtual training is interactive and includes relevant hypotheticals, best practices, and time for discussion and questions. Our attorneys will also address Title IX regulatory requirements, including new policy developments from institutions across the country.

Topics

- Informal resolution in light of Title IX regulations
- Advantages and limitations of informal resolution
- Policies and practices of informal resolution implementation
- Practical tips and hypotheticals involving various methods of informal resolution
- Litigation and compliance concerns involving informal resolution
- Informal resolution outcomes and best practices

Presenter(s):

Aleks Rushing, Partner, Husch Blackwell LLP

Marissa Hotujac, Associate, Husch Blackwell LLP

Agenda



Informal Resolution Training

August 6, 2024

10:00 a.m. Informal resolution in light of Title IX regulations

11:00 a.m. Advantages and limitations of informal resolution

11:30 a.m. Policies and practices of informal resolution implementation

12:00 p.m. Break

12:45 p.m. Practical tips and hypotheticals involving various methods of informal resolution

1:30 p.m. Litigation and compliance concerns involving informal resolution

2:30 p.m. Informal resolution outcomes and best practices

3:30 p.m. Adjourn



Aleks O. Rushing

PARTNER

ST. LOUIS, MO

PHONE: 314.345.6275

EMAIL: ALEKS.RUSHING@HUSCHBLACKWELL.COM

OVERVIEW

As a licensed teacher, Aleks' passion for education runs deep and is at the core of her work with clients. She knows that every client, like every student, requires a unique and personalized approach to optimize success.

Aleks counsels colleges, universities, and schools on investigations, litigation, and compliance matters that stem from a broad spectrum of harassment, discrimination, and safety issues. These include advising on matters in response to internal and Office of Civil Rights (OCR) complaints, as well as litigation claims following

"Aleks provides excellent client service and genuinely focuses on the challenges and needs that face the university. She truly listens and takes time to build strong collaborative relationships so she can better understand our challenges and provide value-added solutions. She goes beyond the letter of the law in order to partner with those she serves to provide big-picture problem solving. She doesn't just focus on the issue at hand, but the greater context of the university as a whole and the goals we are trying to accomplish."

— Chief Financial Officer of Private University

Industry

Education

Services

Higher Education

K-12 Education

Litigation & Alternative Dispute Resolution

Nonprofit Organizations & Religious Institutions

Startups

Title IX

alleged student or employee misconduct involving criminal activity; minors on campus; and sex, race, disability, age, and national origin discrimination. She collaborates closely with these institutions, spending time on their campuses and conducting interviews, to preemptively isolate potential challenges and design measures to address and promote a healthy, inclusive, and safe environment. Aleks invests time to build strong relationships with clients, so she can understand their individualized risks and devise solutions that are tailored to their specific needs.

Clients rely on Aleks' breadth and depth of experience conducting sensitive internal and external investigations. She meticulously prepares confidential, privileged reports and aids decision-makers in addressing investigative findings across a range of contexts, including sexual misconduct, athletic department, board-mandated, and non-compliance investigations.

Education law is a niche practice that continues to grow in complexity, and Aleks understands the necessity of responsiveness and transparency. Should issues escalate, clients trust Aleks for her extensive litigation experience, including serving as first chair in federal and state jury and bench trials, as well as first chair federal appellate court proceedings.

Prior to joining the firm, Aleks worked at the U.S. Department of Education, Office of the General Counsel under Former Secretary of Education Arne Duncan in Washington, D.C., and the International Criminal Tribunal for the former Yugoslavia in Den Haag, Netherlands.

Experience

INVESTIGATION

- Conducted investigation at institution regarding potential sexual misconduct and hazing, which included interviews with multiple coaches and players from numerous sports teams.
- Led investigation related to minors on campus and alleged criminal activity at institution in two phases: review of hundreds of thousands of documents and conduct interviews of dozens of employees and former students.
- Led investigation related to freedom of expression issue involving alleged student misconduct on social media.
- Served on investigative team at private institution regarding potential misconduct by coaches, which included interviews with multiple coaches and players across men's and women's teams and alumni.
- Led Title IX investigations involving stalking, sexual harassment, sexual assault and violence, domestic violence and retaliation.

Experience

- Conducted climate review at public institution regarding sexual harassment, domestic violence, dating violence, and stalking reporting measures and resources.

LITIGATION

- Secured motion to dismiss filed on behalf of college client in litigation involving claims by former student alleging race and gender discrimination claims stemming from alleged hazing.
- Secured motion to dismiss filed on behalf of university client involving COVID-tuition remission requests on behalf of proposed class action of thousands of students.
- Secured motion to dismiss filed on behalf of university client in litigation involving claims of conspiracy, Racketeer Influenced and Corrupt Organizations Act (RICO), civil rights violations and due process violations.
- Successfully mediated claims for university clients involving issues such as Title IX, disability discrimination and breach of contract claims against current students and athletic conferences.
- Successfully briefed opposition of plaintiff's motion to proceed under pseudonym on behalf of university in litigation involving disability discrimination and Title IX claims.
- Obtained dismissal with prejudice of employment discrimination case pending in federal court without client's depositions being taken or briefing motions for summary judgment.
- Secured motion to dismiss with prejudice filed on behalf of university client on constructive discharge and intentional infliction of emotional distress claims.
- Successfully negotiated dismissal with prejudice on behalf of client regarding copyright, negligent hiring and contract claims.
- Successfully obtained dismissals for university client of motions to dismiss and transfer venue in small claims and breach of contract matters.

Experience

- Drafted award-winning amicus brief that successfully resulted in U.S. District Judge Barbara J. Rothstein issuing a preliminary injunction order in connection with the U.S. Department of Education's recent rulemaking that would have directed hundreds of millions of dollars toward private schools and away from public school districts nationwide.
- Drafted award-winning amicus brief for the U.S. Supreme Court on behalf of the Council of Great City Schools – nonprofit coalition of 69 largest urban U.S. public-school systems in support of respondent school district in *Endrew F. v. Douglas County School Dist. RE–1*, 580 U.S. ____ (2017).
- Successfully obtained partial unitary status for public school district subject to desegregation order in facilities, non-instructional staff and administrative staff.
- Counseled and assisted multiple public school districts to comply with desegregation orders and consent decrees pending in federal courts throughout the country.

COMPLIANCE AND U.S. DEPARTMENT OF EDUCATION

- Led team in assessing a private university's efforts to respond to and mitigate risks associated with student death by suicide and collaborated with client to design an approach with at-risk students that is consistent with national best practices and applicable legal obligations.
- Conducted dozens of trainings for clients regarding Title IX, sexual harassment, informal resolution, athletics, alcohol and other drugs, race issues in admissions, pregnancy and parenting, accommodating LGBT students and employees, Clery Act, FERPA, First Amendment issues, investigation best practices, promoting equity and inclusion, updates in federal and state law, and student handbooks.
- Conducted and prepared audit regarding Title IX equity in athletics.
- Prepared client's change of control application and change of ownership application notifying accreditor and U.S. Department of Education of proposed change.

Experience

- Assisted college in receiving approval of recertification application from U.S. Department of Education's Federal Student Aid Office.
- Assisted college in removal from U.S. Department of Education's Heightened Cash Monitoring in order to receive positive composite score following ED's finding of change in ownership resulting in change of control.
- Developed comprehensive biannual federal legal updates relevant to school districts' policies and procedures.
- Obtained insufficient evidence finding on behalf of client from the U.S. Department of Education's Office for Civil Rights on student's disability harassment, academic adjustments and retaliation allegations.

Recognition

- Best Lawyers: Ones to Watch, Education Law, 2024
- Missouri Bar Pro Bono Wall of Fame, 2016-2022
- *St. Louis Business Journal*, 30 Under 30, 2019
- Education Law Association, August Steinhilber Award for Best Brief Writing in the Appellate Courts, 2017, 2021, 2023

Education

- J.D., University of Illinois College of Law
 - *summa cum laude*
 - Order of the Coif
 - Rickert Award for Excellence in Advocacy; Rickert Award for Excellence in Service
 - Lisnek Award for Excellence in Trial Advocacy
 - Illinois Trial Team, Coach
 - Education Law & Policy Society, Co-Founder & President
- B.S., University of Illinois at Urbana-Champaign
 - *summa cum laude*
 - Illinois Trial Team, President
 - Illinois Professional Educator License, 2012-Present

Admissions

- Missouri
- Illinois
- U.S. Supreme Court
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Missouri
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Northern District of Indiana

Community Leadership

Aleks has an active pro bono practice. As co-coordinator of the firm's pro bono legal intake clinic with Urban League of Metropolitan St. Louis, she dedicates significant time to representing low-income families in St. Louis, victims of domestic violence, and indigent clients with a variety of legal issues in state and federal court. Examples of the legal clinic's work featuring Aleks and other firm attorneys, including the following:

- assisting a working mom and military wife retrieve a security deposit;
- helping a mother transfer guardianship of her son, who suffers from cerebral palsy, to another relative when the mother faced a life-altering medical condition;
- gaining expungement for a diverse client to clear her criminal record based on stolen identity;
- effectuating a deceased mother's wishes to transfer property to her children upon her passing; and
- assisting an elderly widow in setting up a power of attorney so that her daughter can help her manage her legal affairs.



2024 Best Lawyers Ones to Watch



Marissa J. Hotujac

ASSOCIATE

KANSAS CITY, MO

PHONE: 816.983.8220

EMAIL: MARISSA.HOTUJAC@HUSCHBLACKWELL.COM

OVERVIEW

With a background serving as an in-house attorney at a major, public research university, Marissa assists the firm's education clients on a variety of complex legal issues.

Colleges, universities, and schools rely on Marissa for her expertise in navigating investigations, compliance efforts, and litigation involving Title IX, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Title VI of the Civil Rights Act.

Marissa draws on her experience working at various institutions as an in-house attorney, a Title IX coordinator, an ADA coordinator, a civil rights director, and a director of legal affairs to help guide institutions through the multitude of challenges with compliance and nondiscrimination efforts. She routinely assists institutions with OCR investigations and responses, as well as advising on issues related to Clery Act compliance, threat assessment teams, First Amendment issues, and policy development. Marissa also regularly advises preschools, daycares, and K-12 schools on compliance matters involving licensing, safety issues, and homeschooling.

Marissa's background gives her a unique perspective on the needs of educational clients, combining an insider's view of university processes with strategic legal insight. Recognized for her problem-solving skills and clear communication, Marissa understands not just education law, but the nuanced operational contexts of academic institutions.

Industries

Education
Healthcare
Life Sciences

Services

Higher Education
K-12 Education

Experience

- Represented University of Kansas, Kansas University Medical Center and Kansas Athletics in a variety of legal matters including regulatory compliance, student conduct, labor and employment, faculty grievances, contract negotiations, litigation and international affairs.
- Conducted legal research and drafted pleadings, motions and other litigation-related documents on issues including Title VI, Title VII, Title IX, the Americans with Disabilities Act and the Rehabilitation Act.
- Drafted affiliation, international services, settlement and information sharing agreements, plus due diligence reports and MOUs with foreign institutions for University of Kansas.
- Led faculty and staff misconduct hearings at University of Kansas and achieved favorable outcome.
- Served as an Interim Title IX Coordinator and Equity Director for a state institution, overseeing the institution's compliance efforts with Title IX, the ADA, the Rehabilitation Act, and Title VI.

Recognition

- Education Law Association, August Steinhilber Award for Best Brief Writing in the Appellate Courts, 2023

Education

- J.D., University of Kansas School of Law
 - *Kansas Journal of Law and Public Policy*, Staff Articles Editor
- B.A., Truman State University
 - *magna cum laude*

Admissions

- Missouri
- Kansas

Community Leadership

- Greater Kansas City Chamber of Commerce, Business for Education Committee Member



2023 Pro Bono Achiever