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2023 Title IX Training Academy – Module 3

# Title IX Decision-Maker Training for School Districts & County Offices

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## Part 2

November 13, 2023

Presented by:


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# Title IX Decision-Maker Training for K-12 Districts & COEs

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Title IX Decision-Maker Training  
November 13, 2023 at 9:00 a.m.


*SESSION TWO*

PRESENTED BY:  
***Eve P. Fichtner, Partner***  
***Ashlee Reece-Walker, Senior Associate***

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## Agenda

- Discuss Preponderance of the Evidence Standard
- Determination of Responsibility
- Written Determination
- Table of Contents for Written Determination
- Review Homework: Factual Findings & Rationale



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## Preponderance of the Evidence Standard

### Evidentiary Standard

- The evidence is reviewed, compared and analyzed under a “preponderance of the evidence” standard to determine whether the allegations were with or without merit.
  - “Preponderance of the evidence” means that evidence on one side outweighs, or is more than, the evidence on the other side.
  - More likely than not; over 50%; more than 50%
  - There is a greater than 50% chance that the allegations are accurate
  - This is a qualitative, not quantitative, standard
    - Qualitative evidence includes interviews with Complainant, Respondent, or witnesses; data or information that is expressed in terms of the meaning of acts or events

## Determination of Responsibility

### Decision-Maker Determines Responsibility per §106.45(b)(7)

- Decision-maker must issue a written determination regarding responsibility
- Decision-maker must understand the “**preponderance of the evidence**” or “clear and convincing evidence” standard
  - Most K-12 & COE’s use the “preponderance” standard
- *Reminder*: The Title IX Coordinator or investigator cannot determine responsibility

## Determination of Responsibility

### Written Determination must include:

- Identification of the allegations potentially constituting sexual harassment as defined under Title IX
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held, (if any)
- Findings of fact supporting the determination
- Conclusions regarding whether the evidence indicates a violation of the District's Title IX policy and/or code of conduct

## Determination of Responsibility

### Written Determination must include, continued:

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the Complainant
- The recipient's procedures and permissible bases for the Complainant and Respondent to appeal

## Determination of Responsibility

### Written Determination must include, continued:

- The written determination must be provided to the parties simultaneously
- The determination regarding responsibility becomes final either on the date the recipient provides the parties with the written determination of the result of an appeal, (if an appeal is filed), or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## Table of Contents for Written Determination

- Brief Introduction
- Investigative and Decision-Making Background
- Factual Findings
  - **Nature of Parties' Relationship Prior to August 21, 2020**
    - Factual Finding: I find by a preponderance of the evidence that, between August 5-19, 2020, Complainant and Respondent interacted with each other in a [friendly/flirty] way when [describe actions]. These actions were [welcome/unwelcome] to Complainant.
    - Rationale for factual findings: I made these findings because I found [Complainant/Respondent] version of events to be more credible based on [explain your objective reasons why you believed one person over the other]

## Table of Contents for Written Determination

- Factual Findings, Continued
  - Tutoring Session on August 20, 2020
    - Factual Finding: I find by a preponderance of the evidence that on August 20, 2020, the parties engaged in a 20 minute tutoring session in the Library right after school, and they reviewed Chapter 1 of the Algebra class by following the Algebra Review Sheet. By all accounts, the parties did not engage in any unwelcome or inappropriate behaviors with each other, and they agreed to hold another tutoring session the next day, August 21, 2020.
    - Rationale for factual findings: I made these findings because the parties did not dispute what occurred during their tutoring session in the library on August 20, 2020.

## Table of Contents for Written Determination

- Factual Findings, Continued
  - Tutoring Session on August 21, 2020
    - Factual Findings. I find by a preponderance of the evidence that, on August 21, 2020, in the library after school, Respondent touched Complainant's knee in a [sexual/non-sexual manner], and I find that Respondent [did/did not] touch Complainant's private genital area with Respondent's left hand. Respondent touched Complainant's private genital area [accidentally/purposefully] and [with/without] Complainant's permission. While touching Complainant, Respondent [made/did not make] comments such as, "We should smash," which the Complainant [reasonably/unreasonably] interpreted as a sexual comment. Respondent touched Complainant's genital private area based on [non-sexual reasons/sexual gratification]
    - Rationale for factual findings: I made these findings because....

## Table of Contents for Written Determination

- Conclusions about Sexual Fondling
  - Conclusion: I find by a preponderance of the evidence that Respondent's actions [do/do not] rise to the level of sexual fondling as defined by [code of conduct/policy].
  - Rationale: I reach this conclusion because Respondent [touched/did not touch] a private area of Complainant's body when placing a hand on Complainant's genital area [with/without] permission. The facts further demonstrated that Respondent touched Complainant [accidentally/for the purposes of sexual gratification].

## Table of Contents for Written Determination

- Conclusions about Sexual Harassment
  - Conclusion: I find by a preponderance of the evidence that Respondent's actions [do/do not] rise to the level of sexual harassment as defined by [code of conduct/policy].
  - Rationale: I reach this conclusion because Respondent [did/did not] engage in unwelcome physical and verbal conduct based on sex towards Complainant, which determined by a reasonable person would be regarded as severe, pervasive, and objectively offensive.
- Responsibility
  - Based on a thorough review of the evidence, I find by a preponderance of the evidence that Respondent [is/is not] responsible for [sexual fondling and/or sexual harassment].

## Table of Contents for Written Determination

- Sanctions (if responsibility)
  - I recommend the following sanctions for Respondent [List all that apply to the specific findings and conclusions]
- Remedies (if responsibility)
  - I recommend the following remedies for Complainant [List all that apply to the specific findings and conclusions]
- Appeal Rights Available for Both Parties
- Closing Statement

## Discussion of Homework

### *Hypothetical* Investigative Report

- Weigh the evidence and determine by a preponderance of the evidence whether Respondent was flirty or friendly with Complainant before the August 21 incidents.
- If you find that Respondent was flirty, write factual findings to demonstrate the flirting.
- If you find the Respondent was friendly in a non-sexual way, write factual findings to demonstrate the non-sexual friendliness.
- Your factual findings should include who, what, where, when, why & how of what happened that was flirty and/or friendly.
- Explain why you made that finding; what was your rationale.
- **GOAL:** We may disagree, but did you adequately explain your rationale?



## Discussion of Homework

### *Hypothetical* Investigative Report

- Review the evidence surrounding the touching of the knee and determine if the touch was based on “sex.”
- Review the evidence related to Respondent touching the Complainant’s groin area and determine whether that touching occurred.
- If you find that Respondent touched Complainant’s groin, determine if the touch was sexual in nature **and** if Complainant permitted the touch **and** if the touch was for the purpose of sexual gratification.
- Write factual findings about the touching of the knee and whether or not the Respondent touched the Complainant’s groin for sexual gratification.
- Explain why you made that finding; what was your rationale.
- **GOAL:** We may disagree, but did you adequately explain your rationale?

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Question  
&  
Answer  
Session

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# Thank You

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I go beyond identifying potential legal problems. I try to anticipate our clients' strategic options which are consistent with their values.

Eve Peek Fichtner represents school districts, county offices of education, community colleges, and private employers for personnel matters, student issues, and all forms of discrimination and harassment claims. Ms. Fichtner has certification and significant experience conducting impartial, prompt, thorough, and effective workplace investigations and Title IX investigations. She also serves as a hearing officer for K-12 expulsion matters and for Title IX hearings with the University of California, the California State University system, and private universities. In addition, Eve provides resolution-based services to clients, including workplace coaching for employees and supervisors, conflict resolution training, and facilitated meetings.

Ms. Fichtner provides representation, advice, and counsel on numerous school and employment matters, including employee leave, evaluation, discipline and dismissal, student discipline, bullying, reasonable accommodation, interactive meetings, release of public records, search and seizure law, restraining orders, and motions to quash defective subpoenas. Ms. Fichtner has represented clients before state courts and administrative bodies. She has served as General Counsel to several school districts, including Davis Joint Unified School District for over ten years.

Ms. Fichtner is an experienced and effective trainer on a variety of legal issues, including Title IX sexual misconduct matters; prevention of sexual harassment, discrimination, bullying and retaliation; understanding student discipline laws; conducting internal investigations; addressing electronic misconduct; effective conflict resolution techniques; and the FRISK® Documentation Model.

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### PRACTICE AREAS

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Discrimination & Harassment  
Education  
Employee Performance & Evaluation  
Equity in Education/Office for Civil  
Rights  
Investigations  
Student Discipline  
Workplace Training

## Eve P. Fichtner

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### Events & Speaking Engagements

Ms. Fichtner developed a comprehensive Title IX training series for K-12 and CCD's to address the new Title IX regulations released in 2020. She also developed an investigation training seminar, PROOF, which she has presented throughout California. She has prepared and presented workshops on a variety of other topics as well, including sexual harassment prevention, cyber-misconduct, bullying, free speech/religion, the Brown Act, California Public Records Act, employee evaluation, student discipline, and ADA/FMLA.

### Publications

Ms. Fichtner contributes to the firm's publications and education law blog.

### Community & Professional

Ms. Fichtner served as President of the Camerado Springs Middle School Parents Club for 5 years. Additionally, she is a member of the following organizations:

- Association of Title IX Administrators
- Association of Workplace Investigators
- California Council of School Attorneys
- Sacramento Bar Association, Labor and Employment Section

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Ashlee Reece-Walker provides counsel and representation to California public school districts, county offices, and cities in a wide variety of employment and education law matters. Ms. Reece-Walker primarily conducts investigations for school and community college districts with respect to allegations of discrimination, harassment and retaliation. She has used this experience to develop a Cultural Sensitivity Training, which she has presented to individual clients, statewide conferences and professional consortiums. Ms. Reece-Walker is also a member of the firm's Title IX Sexual Misconduct Committee. She has fulfilled the role of Investigator and Decision-Maker in Title IX matters and helps train Decision-Makers across the state of California. Additionally, Ms. Reece-Walker has successfully defended clients against charges brought by the DFEH, EEOC and PERB.

Prior to joining Atkinson, Andelson, Loya, Ruud & Romo, Ms. Reece-Walker was a labor and employment law associate for a large law firm in downtown Los Angeles where she handled matters including ADA, FEHA, wrongful termination, and Unruh Civil Rights Act litigation. Prior to working in litigation Ms. Reece-Walker was an Equity Officer at a private Jesuit research university in St. Louis, Missouri where she conducted Title VII and Title IX investigations, and trained new managers.

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### INDUSTRIES

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### EDUCATION

J.D., Saint Louis University  
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2019, California  
2017, Missouri  
United States District Court  
Central District of California

### PRACTICE AREAS

Investigations  
Labor & Employment Law

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# Title IX Investigator Training: For K-12 Districts

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**October 16, 2023**

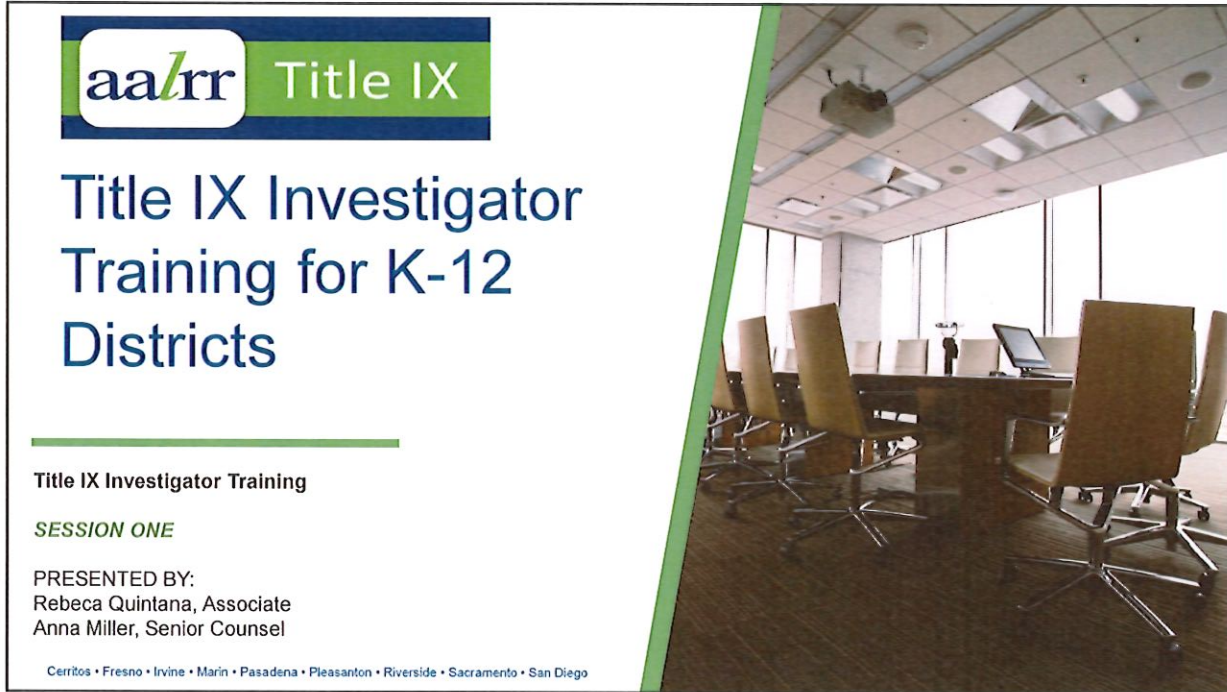
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**aa/rr** Title IX


# Title IX Investigator Training for K-12 Districts

Title IX Investigator Training

*SESSION ONE*


PRESENTED BY:  
Rebeca Quintana, Associate  
Anna Miller, Senior Counsel

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## Agenda

- Definitions for Training
- Review Title IX Investigator Roles
- Introduce the Hypothetical & Investigation Plan
- Plan the Investigation & Prepare for Interviews
- Interviewing Tips
- Weigh the Evidence & Determine Disputed and Undisputed Issues
- Application to Hypothetical



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## Definitions for Training

- Complainant
- Respondent
- Parties
- Witness
- Advisor
- Grievance Process
- Other

## Review Title IX Investigator Roles

### Investigator Role:



- Must be trained, knowledgeable, impartial, unbiased & free from general or specific conflicts of interest
- Reviews formal complaint & interviews parties and witnesses; gathers, reviews & synthesizes evidence
- Assesses relevance, credibility & weight of evidence
- Provides ***Draft Report of Evidence*** to Complainant/Advisor & Respondent/Advisor for review and comment; investigator revises as needed
- After considering responses, provides ***Final Investigative Report*** to parties/advisors for review and comment; report includes disputed and undisputed facts & summary of relevant evidence
- Investigator does ***not*** make decision about whether Respondent has engaged in sexual harassment

## Review Title IX Investigator Roles

- Presume Respondent is *not responsible* for the alleged conduct
- Complainant and Respondent do *not* have the burden of proof or the burden to gather sufficient evidence
- Provide written notice for all interviews with sufficient time for a party to prepare to participate with advisor
- Do not give confidentiality admonishments to Complainant or Respondent; consider advising against tampering with evidence or witnesses
- Provide parties with equal opportunity to present witnesses, including expert witnesses and other inculpatory and exculpatory evidence
- Do not gather privileged information without voluntary, written consent (e.g., physician or psychiatrist records, etc.)

## REVIEW HYPOTHETICAL & INVESTIGATION PLAN

## Promptly Review the Complaint

- Review **Hypothetical Complaint** and **Notice of Allegations**
  1. Who are the **parties**?
  2. Who are potential **witnesses**?
  3. Identify other potential **evidence**?
  4. What general **claims** are asserted or described?
  5. What **policies** are potentially violated?
  6. What **allegations** should you ask questions about?
  7. What's the **chronology**?
- Create an **Investigation Plan**

## PLAN THE INVESTIGATION & PREPARE FOR INTERVIEWS

## Create an Investigation File

- Paper file, binder with tabs, electronic file, etc.
  - Section for Formal Complaint, Supportive Measures, Notice of Allegations, Policies/Regulations, Definitions, etc.
  - Section for Investigation Plan and updates
  - Section for communication with Complainant/Advisor, Respondent/Advisor, Witnesses, Title IX Coordinator
    - Phone/email log
    - Notice of Interview for parties/advisors
    - Notice to extend timelines
  - Section for each party and witness with interview notes, draft witness summary, final witness summary, and list of evidence submitted
- Create a timeline for investigation, calendar important dates, and foresee holidays, office closures, and busy times

## Create a Timeline for the Hypothetical

- Looking at a calendar, assume you have **45 calendar days from October 6, 2020**, to complete your investigation, exchange evidence (10 days), and deliver the Final Investigative Report to the parties and their advisors (if any) to review and provide written responses (10 days)
- Calendar your goals to complete the following tasks:
  - Date to complete all interviews and gather evidence
  - Date to complete witness statements (signed statement process optional)
  - Date to send Draft Report of Evidence to the parties and their advisors
  - Date to send Final Investigative Report to parties and their advisors
  - Date to send Final Investigative Report with attached written responses to Title IX Coordinator & Decision-Maker

## Prepare Interview Environment

- General Location or Platform (school office, county office, district office, Zoom?)
- Waiting Area
- Interview Room
  - Private
  - No distractions
  - Choices
  - Easy access to exit
  - Enough room for more than one advisor
  - Clear visual of interviewee
  - Water, tissues, paper, and pencil
- Exiting considerations

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## Prepare Notice of Interview

- Provide written notice of the investigative interview to each *party* with sufficient time for the party to prepare to participate.
  - Query: Will Title IX Coordinator or Investigator prepare and/or send notice?
- The Notice shall include:
  - Date
  - Time
  - Location
  - Participants
  - Purpose
  - A party may bring advisor of choice
- Consider reiterating what evidence to bring, if any

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## Prepare Interview Introduction & Advisements

- Sample Introductory **Comments by Investigator**
  - Introduce yourself and your role:
    - Review the complaint and relevant policies
    - Interview witnesses
    - Gather and review relevant and directly related evidence on all sides
    - Ask follow-up questions, as needed
    - Weigh the evidence and determine what is undisputed or in dispute
    - Maintain confidentiality **outside** of the complaint process
    - **For Complainant and Respondent:** Provide the parties and advisors with a Draft Report of Evidence and then a Final Investigative Report which fairly summarizes the relevant evidence, both for review and comment

## Prepare Interview Introduction & Advisements

- Sample **Introductory Instructions** for Parties and Witnesses
  - Listen carefully to questions, answer truthfully, and be forthcoming with relevant information
  - We want evidence in its best, most original form, so do not tamper with any evidence (give examples of tampering)
  - Retaliation is against the law and policy. Please report retaliation to Title IX Coordinator or Supt and do not retaliate against anyone involved in this process
  - **For witnesses only:** Maintain confidentiality about the identities of the parties or witnesses and the information revealed during the interview
  - **For advisors only:** Discuss protocols established by educational institution, such as not answering for a party, not interrupting questions or answers, asking for a break after an answer and before next question, confidentiality, etc.

## Prepare Scope of Questions

- For Complainant, prepare for the interview by outlining subjects to cover and/or questions to ask
  - Review Hypothetical
- After interview with Complainant, prepare an outline or list of questions for each Witness based on their likely scope of knowledge
- After interviews with Complainant and Witnesses, prepare an outline of subjects to cover, general questions, *and* specific questions for the Respondent
- Provide Respondent with a full and fair opportunity to respond to all of the allegations
- Prepare specific follow-up questions as needed

## INTERVIEWING TIPS

## Trauma-Informed Interviewing Tips

- Complainant, Respondent, and/or Witnesses may experience some type of discomfort or trauma related to the allegations or involvement in a Title IX complaint and investigation
- Consider the tone of your communications and questions
  - Are you showing respect to all people involved in the investigation?
  - Are you empathetic about the difficulty of this process?
  - Are you compassionate about what it's like to be in this situation?
  - Are you exhibiting patience?
- Investigator's *goal is to objectively and thoroughly gather relevant evidence with a respectful and compassionate demeanor*

## Initial Questions

- After the introduction and advisements, consider asking routine **questions to “warm-up”** and provide an opportunity to observe any baseline communication patterns. Sample questions:
  - What grade/year are you? What are you studying? What class are you missing right now? What are your plans after graduation?
  - What is your job title? How long have you worked in that position? Who is your supervisor? What are your general job responsibilities?



## Narrative Questions

Explain you have reviewed the Complaint and the NOA

- Tell me what happened on August 21, 2020, with Respondent
  - Allow for a narrative and, generally, do not interrupt
  - Take copious notes and identify areas for follow-up questions
- Acknowledge their story (e.g., “Thank you for explaining this to me.”)
- Explain you will now go back and ask follow-up questions for additional information and/or a better understanding
- Ask all relevant follow-up questions

## Open-ended Questions

- Ask **Who, What, Where, When, Why, and How** questions for **every allegation**, as well as any follow-up questions to understand the alleged incidents
- If there are multiple allegations, consider asking the Complainant to start from the first incident or start with the most recent incident and work in chronological order. *Caveat:* Some witnesses do not recall or think in a chronological fashion; follow witness’s lead
- For each allegation, start broad but circle back for additional details

## Listen Closely & Follow-up

Example:

- Q: When did it happen? A: Yesterday.
- Q: What time yesterday? A: Fourth period.
- Q: What time of day was that exactly? A: About 11:50 a.m.
- Q: Where did it happen? A: At school.
- Q: Where at school? A: On the yard.
- Q: Where on the yard? A: Right by the hopscotch court.
- Q: Who was there? A: My friends.
- Q: What are your friends' names? A: Quentin and Jeremy.
- Q: What are their last names? A: Quentin James and Jeremy Brown.

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## Listen Closely & Follow-up

- When you listen closely, you may notice gaps in the Party's or Witness's statements. Ask follow-up questions to fill in those gaps. Some examples:
  - “**Before I knew it**, Respondent was fondling my breast.”
  - “**Eventually**, Respondent told me what I was supposed to do.”
  - “**After a while**, I knew what Complainant wanted.”
  - “**One thing led to another**, and Respondent touched my private area.”
- Ask questions to elicit additional information

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## Listen Closely & Follow-up

- When you hear conclusory language, ask more questions:
  - ***“It happens all the time.”***
    - Ask, “How often?”
    - “Over what time period?”
  - ***“Sam never made that statement.”***
    - Ask, “How much time do you work together during the day and over the week?”
    - “How long have you been in the same classes?”
    - “Is it possible Sam said something like that?”
  - ***“Sam can’t stand me.”***
    - Reply, “Tell me more about that.”
    - “How did you come to know that?”
    - “Can you give me some examples?”

## Do Not Avoid Difficult Questions

- Learn to note and address the following:
  - Repetitive use of “I don’t remember” or “I don’t recall”
  - Evasive, rambling responses
  - Refusals to answer
  - Answers that are self-contradictory or obviously false
- Ask questions about authenticity of electronic evidence
  - Are texts, videos, photos, or screenshots altered?
  - Ask for properties information for photos, date taken, etc.
- May need to explain potential effect of editing their testimony or changing a written witness summary after interview

## Types of Questions for Investigator to Avoid

- Avoid **leading** questions
  - “You felt helpless, didn’t you?”
  - “You wanted to be there, didn’t you?”
  - “They are treating you this way because of your gender and skin color, right?”
- Avoid **negative** questions
  - “You don’t know the password, do you?”
- Avoid **compound** questions
  - “What time did you arrive, and how long were you there?”
- Avoid **vague** questions
  - “Why is that?”

## Summary: How to Get the Most Out of an Interview



## Problem Solving Common Issues

- Unavailable Witness
  - Document attempts to contact; use various methods (e.g., phone message, email, text, etc.)
- Reluctant Witness or Witness Refusal to Participate
  - Acknowledge, answer questions, explain role in process, explain not likely only witness
- Difficult Advisors
  - Remind of protocols
  - Answer or refer questions
  - Give warning
  - Stop interview and notify Title IX Coordinator
- Recover from change in direction of interview
- Capture electronic evidence in best form

## Close the Interview

- Ask closing questions:
  - “Is there anything else you think I **should know**?”
  - “Is there anything else I should have **asked** you?”
- Explain your **follow-up** process:
  - “I may need to ask you follow-up questions at some point during the investigation. How would you like me to contact you?”
  - “Are there any times of the day that are off-limits to call or text you?”
  - “Do you want your advisor present for any further communications?”
- Consider acknowledging the difficulties of this important process, especially if you observed stress during the interview
- **Thank** each and every person for their participation

## Prepare Interview Notes and/or Summaries

- **Review interview notes** as soon as possible
  - Schedule time after each interview to review notes
  - Fill-in abbreviated words & sentences, correct spelling & grammar, clarify vague pronouns, add correct names, note your relevant observations
  - Do not add or embellish information that was not discussed
  - Make a list of any questions missed or areas needing clarification; seek follow-up information
- **OPTIONAL:** Create a typed, double-spaced witness summary for Complainant, each Witness, and Respondent; consider using a format with numbered lines in margin
  - Send Draft Witness Summary to Complainant/Advisor, each Witness, and Respondent/Advisor with directions to review, edit mistakes, sign, and return
  - Keep track of any substantive changes and/or comments

**WEIGH THE EVIDENCE &  
DETERMINE DISPUTED AND  
UNDISPUTED ISSUES**

## Review All of the Evidence Gathered

- Review the formal complaint, NOA, and policies again to refresh your memory of allegations and the policy definitions for the type of sexual harassment allegations
- Review all documents, photos, texts, videos, or other evidence gathered
  - Determine and set aside any evidence provided to you which is irrelevant and will not be considered

## Identify Undisputed and Disputed Issues

- **Common Undisputed Issues**
  - Nature of relationship, age, how met, prior communications
  - Date, general time, location, who was present
  - Sexual or intimate relationship
- **Common Disputed Issues**
  - Sexual activity
  - Consent
  - Force, duress, or threats
  - Incapacitation
  - Intent
  - Words
  - Tone

## Important Definitions Regarding Evidence

- **Direct** Evidence
  - Evidence in the form of testimony from a **witness who actually saw, heard, touched, tasted, or smelled the subject of questioning**. Evidence, which if believed, proves existence of a fact in issue without inference or presumption.
- **Circumstantial** Evidence
  - Testimony which is *not* based on actual personal knowledge or observation of the facts in dispute, but testimony of **other facts from which deductions are drawn, showing indirectly the facts sought to be proved**. Inferences drawn from facts proved.
- **Corroborating** Evidence
  - Evidence **supplementary** to that already given and **tending to strengthen or confirm it**. Additional evidence of a different character to the same point.

## Credibility Factors to Weigh Disputed Evidence

- Actual Knowledge/Opportunity to Observe or not Observe
- Inherently Plausible or Implausible
- Direct or Indirect Corroboration
- Consistent or Inconsistent Statements
- Material Omission or Material Admissions



## APPLICATION TO HYPOTHETICAL

## Undisputed and Disputed Material Evidence

- Review the hypothetical and compare Complainant's version of events (1-7) with Respondent's version of events (A-I)
  - What material information is *not* in dispute or **UNDISPUTED**?
    - Example: The Parties both attend pull-out speech sessions at the same time.
    - Example: The Complainant and Respondent went to the library after school on August 21, 2020, and the Librarian was present when the parties were there.
  - What material information is in dispute or **DISPUTED**?
    - Example: Respondent was flirting vs. Respondent was friendly like a sibling.
    - Example: Respondent chose a table far away from the Librarian to avoid bothering the Librarian vs. Respondent did not want the Librarian to observe/hear them.
  - Create a list of **UNDISPUTED** and **DISPUTED** evidence.....*for Session Two.*

# Question & Answer Session

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# Thank You

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## Rebeca Quintana

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Rebeca Quintana represents school districts, community college districts, and county offices of education in labor and employment law and in general education matters. Ms. Quintana provides representation, advice, and counsel on a wide variety of matters, including certificated and classified employee discipline and dismissal, employment discrimination and harassment, and Public Records Act compliance.

While in law school, Ms. Quintana was awarded the Dean's Service Award and was part of multiple organizations, including serving as Co-President of La Raza de Loyola, Immigration Law Society and the Public Interest Law Foundation. Ms. Quintana was awarded scholarships from Loyola Law School, the Mexican American Bar Foundation, and the Latina Lawyers Bar Association. Prior to attending law school, she was an elementary school teacher at districts in both Northern and Southern California.

### Publications, Events & Speaking Engagements

Ms. Quintana is an active contributor to the firm's alerts and blog posts. Ms. Quintana also presents frequently on various education topics.

### Community & Professional

- Latina Lawyers Bar Association, Member
- Mexican American Bar Association, Member

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### INDUSTRIES

Educational Agencies

### EDUCATION

J.D., Loyola Law School  
B.A., University of California, Berkeley

### ADMISSIONS

2019, California

### PRACTICE AREAS

Board Governance  
Contract Enforcement & Collective  
Bargaining  
Discrimination & Harassment  
Education  
Education Litigation  
Employee Performance & Evaluation

### LANGUAGES

Spanish



## Anna J. Miller

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Anna Miller represents public school districts and California community college districts in all areas of general education law; labor relations; employment matters such as discrimination, dismissal and harassment; student issues such as fraudulent receipt of federally issued financial aid, grade disputes, student discipline and harassment charges; and First Amendment rights. She is active in the firm's Title IX group, conducting Title IX investigations and giving presentations on Title IX issues.

Ms. Miller conducts complex workplace investigations for both public and private sector entities, including universities and colleges, school districts, public safety entities, counties and cities; and provides legal counsel on matters involving safety, campus police and human resources. In addition, she has a wealth of experience representing clients in court, arbitration proceedings and administrative hearings.

### Events & Speaking Engagements

Ms. Miller frequently gives presentations about Title IX, employment issues, student matters, and other legal topics.

### Community & Professional

- Sacramento County Bar Association, Member
- American Bar Association, Labor and Employment Section, Member
- California Council of School Attorneys, Member
- Women Lawyers of Sacramento, Member

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### EDUCATION

J.D., University of California, Hastings  
College of Law  
M.S., University of Wisconsin,  
Madison  
B.S., Syracuse University

### ADMISSIONS

2008, California  
U.S. District Courts, Central and  
Northern Districts of California

### PRACTICE AREAS

Education  
Student Discipline  
Workplace Training