

INVESTIGATIONS & RESOLUTIONS

In conducting hundreds of investigations on both a national and international scale, we have earned a reputation for carrying out equitable, thorough and fair-minded investigations that prioritize sensitivity to the complex dynamics and concerns of all participants.

The end goal? To find the truth and help your institution make sound, supported and accurate decisions.

When you need an objective perspective.

We have years of experience conducting outside, neutral investigations for public and private colleges, universities & K-12 schools, and serving as decision makers in sensitive misconduct hearings.

Our skill and training allow us to conduct equitable and reliable investigations when individuals or institutions are accused of misconduct. We regularly investigate complaints involving Title IX sexual harassment as well as other harassment, discrimination, sexual abuse, sexual misconduct, bullying, dating violence, failure to accommodate, stalking, boundary violations, and retaliation. We deliver clear reports with factual findings that enable organizations to make sound, supported and accurate decisions. And, if litigation should arise, we also have experience testifying at trial and defending our investigative findings in court.

We meet your school's needs.

With a deep understanding of the unique challenges and sensitivities that arise in these investigations, we are skilled at conducting trauma-informed interviews, respecting individuals' privacy rights, and ensuring an equitable process for both parties. Throughout the investigative process, we draw on our education law backgrounds and extensive knowledge of the current laws and guidance around sexual misconduct, including state child protection and mandatory reporting laws, Title IX, Family Educational Rights and Privacy Act (FERPA), the Violence Against Women Act (VAWA), and the Clery Act.

We consult and offer customized trainings to institutions, including in the area of sexual misconduct prevention and response. We review institutional policies and processes to provide specific and comprehensive recommendations to encourage reporting and improve response. We draft policies, procedures and protocols to enhance safety and reduce risk in the area of sexual misconduct. Our team also assists institutions in creating their Workplace Code of Conduct and Student Code of Conduct Handbooks.

Training Modules:

- Trauma-Informed Sexual Misconduct Investigations and/or Adjudications Training
- Preventing and Addressing Harassment and Discrimination
- Understanding and Remediating Unintentional/Implicit Bias
- Sexual Orientation Discrimination, Gender Identity Discrimination and Gender Bias in the Workplace and on Campus
- Navigating Common Workplace Disputes
- Title IX, FERPA, VAWA, the Clery Act and Mandatory Reporting Laws
- Workplace Management
- Child Protection and Abuse Prevention
- Custom training designed for each organization's needs

We can assist throughout the misconduct process. We serve as:

- Investigators
- Interim Title IX Coordinators
- Informal Resolution Facilitators, including Restorative Justice
- Hearing Officers/Chairs and Decision Makers
- Appointed Hearing Advisors
- Counsel to the Decision Maker
- Appeal Officers
- Counsel to the Appeal Officer
- External Reviewers and Expert Witnesses
- Trainers and Consultants

OUR TEAM:

Click on the name of a team member below to view their bio.

Kai W. McGintee

Sara Hellstedt

Amanda Norris Ames

Talesha L. Saint-Marc

Matthew J. Saldaña

Amber Attalla

Britt Swett

Frank Brancely

Michael Grassi



Meet Kai, experienced education attorney and impartial investigator in sensitive misconduct matters.

Kai is a sought-after external investigator in sensitive and high-profile misconduct cases throughout the country. She has conducted and overseen hundreds of investigations involving sexual misconduct, harassment, discrimination and other improper conduct.

Kai conducts neutral, external investigations for colleges, universities, K-12 schools, sports organizations, corporations and non-profits. Kai is frequently called upon to investigate misconduct complaints involving students, faculty, senior-level personnel, coaches, and athletes. Kai is an approved sexual misconduct investigator by United Educators, and serves on the American Arbitration Association's Workplace Investigation Panel. She is also a frequent consultant for educational institutions seeking advice on risk management. In addition to conducting external investigations, Kai serves as a hearing and appeal officer in sexual misconduct proceedings and facilitates informal resolutions.

Kai regularly provides training and workshops to colleges, universities, and secondary schools on best practices related to preventing, investigating, and responding to sexual misconduct. She is a frequent commentator on student sexual assault and has been quoted in the Washington Post, ESPN and BuzzFeed.

Kai is ranked by *Chambers USA* and noted by clients for being a "Title IX guru" and "renowned" as "a careful, capable, and thoughtful investigator."

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AREAS OF EXPERTISE

- Representing schools in Title IX complaints before the Department of Education, Office of Civil Rights
- Serving as a hearing and appeal officer in sexual misconduct proceedings
- Investigating sensitive and high-profile misconduct cases
- Providing consultation and workshops for educational institutions on a wide variety of education law issues
- Conducting external reviews of institutions' non-discrimination and sexual misconduct policies and procedures

OUR APPROACH

We understand the high-stakes, emotionally charged, and complex dynamics involved in sexual misconduct cases. We treat all individuals in the process with respect and empathy. While it is our job to ask questions, we spend most of our time listening in order to understand what happened.

Above all, we ensure that fairness and impartiality guide all our investigations and decisions. We use a team-based approach to gather and evaluate evidence in an objective and equitable manner. By doing so, we deliver investigation reports and decisions that are reliable, thorough, and unbiased.

bernsteinshur.com/kai-w-mcgintee/



Meet Sara, a veteran education lawyer and an experienced and impartial investigator in complex misconduct matters.

Since joining Bernstein Shur in 2016, a significant portion of Sara's practice has been serving as an impartial, external investigator in complex and publicized misconduct matters throughout the country. Sara is often asked to serve as an impartial external investigator for misconduct complaints involving students, faculty, personnel, coaches, and athletes. Sara serves as a neutral investigator/adjudicator for several schools and institutions throughout the country. Sara is an approved sexual misconduct investigator by United Educators.

In addition to receiving extensive training on sexual misconduct investigation, Sara has conducted and overseen hundreds of misconduct investigations involving all manner of issues, including discrimination, harassment, bullying, and sexual misconduct. Sara also provides consulting services and training on responding to harassment and misconduct and conducting thorough and impartial investigations to school administrators throughout New England.

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AREAS OF EXPERTISE

- Serving as an impartial external investigator in complex misconduct matters
- Working with colleges, universities and public and private K-12 institutions on preventive training, policy development, compliance issues, and crisis management
- Advising education clients, both private and public, on general employment matters
- Providing guidance to education clients regarding special education and other civil rights matters
- Serving as an impartial hearing officer in sexual misconduct matters

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bernsteinshur.com/sara-hellstedt/



Meet Amanda, an experienced and objective hearing officer and Title IX guru.

Amanda has served in nearly every role in the Title IX process. She regularly counsels the country's largest educational institutions on complex matters related to harassment and discrimination. She uses her breadth of experience in this area to help colleges and universities navigate sensitive allegations of misconduct amid a rapidly changing regulatory environment. Whether facing a first campus sexual misconduct hearing, an investigation with potential media scrutiny, or a complex allegation of harassment, Amanda is regularly called upon to help institutions in times of crisis. Amanda's thorough and impartial approach has earned her a national reputation for delivering effective solutions and implementing best practices.

Amanda is well-versed in conducting virtual and in-person Title IX hearings, serving as the sole decision-maker or chairing hearing panels in matters involving alleged misconduct by or against students, faculty, and staff. She also advises institutions and trains Title IX professionals on conducting impartial sexual misconduct hearings, with an emphasis on implementing best practices and ensuring compliance while also focusing on equity and trauma-informed practices.

Amanda is regularly called upon to investigate sensitive reports of sexual assault, harassment, discrimination, and domestic violence. She is skilled at conducting virtual or in-person investigations, approaching serious and potentially high-profile reports with an eye for detail and discretion.

Amanda has helped colleges and universities develop and implement compliance and risk management systems, served as acting/interim Title IX Coordinator for institutions, and assisted institutions with drafting and revising sexual misconduct policies and procedures.

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AREAS OF EXPERTISE

- Serving as an impartial hearing officer and decision maker in Title IX and other misconduct proceedings
- Conducting investigations into complex and sensitive allegations of misconduct using trauma-informed methods
- Advising institutions on Title IX compliance, investigations, and hearings
- Acting as Interim Title IX Coordinator

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bernsteinshur.com/amanda-norris-ames/



Meet Talesha, champion of employers and businesses.

Talesha is a shareholder and co-chair of the firm's Labor and Employment Practice Group. Based in the firm's Manchester, New Hampshire office, Saint-Marc provides counsel in all aspects of employment law, frequently representing employers in discrimination, harassment, and wrongful termination litigation.

In 2021, she was named to the New Hampshire 200, which recognizes the state's most influential business leaders. In 2019, she was named to the Union Leader's 40 Under Forty. Saint-Marc earned her J.D. from Northeastern University School of Law and her B.A., summa cum laude, from Franklin Pierce University. She is admitted to practice in the state of New Hampshire and the commonwealth of Massachusetts as well as the U.S. District Court for the Districts of New Hampshire and Massachusetts and the U.S. Court of Appeals for the First Circuit.

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AREAS OF EXPERTISE

- Representing employers and educational institutions in court and before governmental agencies
- Serving as a hearing and appeal officer in misconduct proceedings
- Investigating and overseeing investigations of discrimination, harassment, and sexual misconduct for schools, companies, non-profits and municipalities
- Providing consultation and workshops on investigation best practices and anti-discrimination issues

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bernsteinshur.com/talesha-l-saintmarc/



Meet Matt, former journalist and passionate legal advocate.

Matt is an experienced litigator and attorney investigator. As a former investigative journalist, Saldaña is known for his ability to distill and communicate complex regulatory information while taking time to understand each party he represents. He approaches his campus investigations practice with a dedicated attention to detail and a passion for achieving justice for all parties involved.

Saldaña earned his J.D., cum laude, from the Boston University School of Law and his B.A., with distinction, from the University of North Carolina at Chapel Hill. He is admitted to practice in the states of Maine, New Hampshire, and Illinois, U.S. District Court for the Northern District of Illinois, U.S. District Court for the District of New Hampshire, and the United States Supreme Court.

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AREAS OF EXPERTISE

- Neutral fact-finding
- Investigating complex and sensitive misconduct cases
- Advising educational institutions on complex finance, contracts, and data privacy issues

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bernsteinshur.com/matthew-j-saldana/



Meet Amber, an experienced external investigator and alternative resolutions facilitator.

Amber's practice focuses on assisting educational institutions, companies, and non-profit organizations prevent and respond to bias, discrimination, harassment, and sexual misconduct.

Amber is a trained, trauma-informed external investigator, conducting neutral, thorough investigations in the workplace, at educational institutions, and for sports organizations. Amber is an approved sexual misconduct investigator by United Educators and has received certifications from The National Center for Campus Public Safety and The Forensic Experiential Trauma Interview (FETI). Her experience as outside counsel for businesses and educational institutions allows her to approach investigations with a strong understanding of the complexities of an organization's policies and procedures.

Amber is also a skilled facilitator of alternative resolutions outside of the formal conduct process. With training through the University of San Diego's Center for Restorative Justice, Amber approaches informal resolutions with an eye toward restoration and repair. Amber's warm, levelheaded, and non-judgmental approach encourages open communication through a voluntary, participatory, and trauma-informed process of accountability.

But that's not all. As a former Labor and Employment attorney, Amber has represented a host of businesses and schools in employment, contract, and civil rights litigation in state and federal court and has handled complaints before the Maine Human Rights Commission, the Equal Employment Opportunity Commission, and the federal Office for Civil Rights. This experience gives Amber a compelling edge when assisting companies and educational institutions with preventive training, policy development, and compliance issues.

A direct descendent of the Passamaquoddy Tribe at Sipayik and fluent in Spanish, Amber's cultural competency allows her to connect with individuals from diverse backgrounds and navigate complex issues with sensitivity and composure.

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AREAS OF EXPERTISE

- Trauma-informed investigative practices
- Restorative justice
- Preventative training for educational institutions and companies

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bernsteinshur.com/amber-attalla/



Meet Britt, a trustworthy, trauma-informed investigator.

When you're looking for an attorney with the experience to conduct thorough, impartial, trauma-informed misconduct investigations, Britt is the person to have on your team. Her extensive background in conducting Title IX, civil rights compliance, and workplace investigations allows her to be a thoughtful, unbiased, and concise voice for her clients.

While in law school, Britt worked with several educational organizations and governing bodies, including the Department of Education's Office for Civil Rights, Program Legal group. While at the Department of Education, she came to better understand educational policies and the investigative arm of the Office for Civil Rights. This is where her passion for Title IX, civil rights compliance, and workplace investigations began. This passion led Britt to pursue an opportunity at University of New England where she served as a Title IX Investigator and Prevention Specialist. While there, she conducted impartial Title IX, civil rights compliance, and workplace investigations. She also drafted University Title IX and anti-discrimination policies, and frequently presented on Title IX law and University policy.

In addition, Britt has also had extensive civil rights investigations trainings. This includes Title IX Coordinator trainings through the Association of Title IX Administrators (ATIXA), Investigator training through the SUNY Student Conduct Institute, and additional trainings on restorative justice, code construction, The Clery Act, and the neurobiology of trauma.

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AREAS OF EXPERTISE

- Restorative justice and informal resolution facilitator
- Title IX and sexual misconduct
- Civil rights compliance
- Workplace investigations
- Trainings and workshops on sexual misconduct prevention and response
- Institution-appointed hearing advisor

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bernsteinshur.com/britt-swett/

**Meet Frank, staff investigator, neutral fact-finder, and careful listener.**

Frank understands the value of establishing trust with all individuals involved in the matter at-hand. He's the dependable and dedicated voice you want on your team to resolve an investigative matter, and will carefully listen to each person involved to ensure that the policies of each institution and organization are honored.

Frank began his investigations career as a Legal Assistant for Bernstein Shur's Investigations & Resolutions team in 2016. Since then, he has built on that experience by working with General Counsel at the Jackson Laboratory ("JAX") and by investigating employment discrimination complaints for the Maine Human Rights Commission ("MHRC"). MHRC's neutral fact-finding model of promoting Maine's antidiscrimination law continues to be a major influence on Frank's work.

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AREAS OF EXPERTISE

- Investigating complex and sensitive misconduct matters
- Conducting mediation
- Writing neutral reports
- Acting as an institution-appointed hearing advisor

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bernsteinshur.com/frank-j-brancely/



Meet Mike, native Portlander and experienced Title IX attorney.

Thoughtful, diligent, and persistent, Mike is always intent on producing the highest quality work product for his clients. As a member of the Investigations & Resolutions group, Mike assists a team of experienced investigators in a wide range of complex misconduct cases.

Mike has extensive experience in the areas of Title IX and sex-based discrimination issues. Drawn to Title IX through his love of sports and competition, Mike spent many years working in athletics compliance for a Boston-based law firm, where he honed his research and writing skills while developing a passion for serving disadvantaged and marginalized groups.

Throughout his career, Mike has worked with some of the biggest and most successful collegiate athletics departments in the country, helping them to remain in compliance with federal gender-equity laws and regulations.

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AREAS OF EXPERTISE

- Investigating complex and sensitive misconduct matters
- Reporting Title IX athletics compliance
- Writing neutral reports

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