

## INVESTIGATIONS & RESOLUTIONS



When you need an **objective perspective.**

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

**BERN  
STEIN  
SHUR**



## **Our Experience.**

We conduct outside, neutral investigations and hearings for public and private colleges, universities, and K-12 schools. 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 will testify at trial and defend our investigative findings in court.

## **Our Approach.**

With a deep understanding of the unique challenges and sensitivities that arise, we are skilled at conducting trauma-informed interviews, respecting individuals' privacy rights, and ensuring an equitable process for both parties. Throughout the investigative and hearing 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.

## **Why Bernstein Shur**

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.

**Our end goal is to find the truth and help your institution make sound, supported, and accurate decisions.**

## A team of experts to help along the way.



### Investigations & Resolutions Services:

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.

### 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
- Hearing Manager/Hearing Coordinator

### OUR TEAM:

- Kai W. McGintee
- Amanda Norris Ames
- Sara Hellstedt
- Tafara Makaya
- Talesha Saint-Marc
- Amber Attalla
- Britt Swett
- Michael Grassi
- Stuart Evans
- Jessica O'Rourke-Suchoff

### Training Modules:

- Trauma-Informed Sexual Misconduct Investigations and/or Adjudications Training
- Preventing and Addressing Harassment and Discrimination
- Understanding and Remedying 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

A portrait of Kai W. McGintee, a woman with blonde hair, smiling. She is wearing a dark top. The background is a blurred cityscape with brick buildings and a window frame.

**Kai W. McGintee**

Shareholder

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

Kai is a sought-after external investigator and hearing officer in sensitive and high-profile misconduct cases throughout the country. She has conducted and overseen hundreds of investigations and hearings 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, USA Today, and BuzzFeed.

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

#### AREAS OF EXPERTISE

- Crisis management
- 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

#### ADMITTED TO PRACTICE

- States of Maine, New Hampshire, and Vermont
- Commonwealth of Massachusetts
- US District Court, District of Maine
- US District Court, District of Massachusetts
- First Circuit Court of Appeals





## Amanda Norris Ames

Shareholder

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

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.

### 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

### ADMITTED TO PRACTICE

- Commonwealth of Virginia, District of Columbia, and State of Illinois (inactive)
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia
- U.S. District Court for the District of Columbia

A portrait of Sara Hellstedt, a woman with blonde hair, smiling, wearing a dark blue lace top and a blue necklace. She is standing in front of a light-colored wall with vertical panels.

**Sara Hellstedt**

Shareholder

**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.

#### 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

#### ADMITTED TO PRACTICE

- State of Maine
- State of Vermont

A portrait of Tafara C. Makaya, a Black man with glasses, wearing a blue suit, white shirt, and patterned tie. He is smiling and standing in front of a brick wall and greenery.

**Tafara C. Makaya**

Of Counsel

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

Tafara has extensive experience in conducting thorough, unbiased Title IX and workplace discrimination investigations. Tafara has served as both a Title IX investigator and a Title VI and VII decision-maker at a large, public university. As the child of African immigrant educators, Tafara is passionate about education. This passion led Tafara to work as an education attorney in a large, urban city. There he provided counsel to the state's largest public K-12 school district on a variety of legal issues including matters involving the Department of Education's Office of Civil Rights. Tafara later became an internal Title IX investigator and Title VI and VII decision-maker at a large, public university in Georgia where he combined his litigation background and his passion for education to help impartially administer the university's sexual misconduct and non-discrimination and anti-discrimination policies.

In addition to his experience in conducting investigations, Tafara has received training on Title VI and Title IX from the American Association for Access, Equity, and Diversity (AAAED). Tafara has also received Title IX training from the Association of Title IX Administrators (ATIXA).

#### 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

#### ADMITTED TO PRACTICE

- State of Georgia
- State of Tennessee (Inactive)
- State of Wisconsin (Inactive)

A portrait of Talesha L. Saint-Marc, a woman with curly hair and glasses, wearing a purple top and a necklace. She is smiling and looking towards the camera. The background is a blurred cityscape with brick buildings.

**Talesha L. Saint-Marc**

Shareholder

## Meet Talesha, a trustworthy investigator.

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, she frequently serves as an investigator and Hearing Officer, and provides consultation and workshops on best practices for investigations and anti-discrimination issues.

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.

### AREAS OF EXPERTISE

- 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

### ADMITTED TO PRACTICE

- State of New Hampshire
- Commonwealth of Massachusetts
- US District Court for the District of New Hampshire
- US District Court for the District of Massachusetts
- US Court of Appeals for the First Circuit





**Amber Attalla**

Associate

**Meet Amber**, a dedicated and experienced independent investigator.

An energetic and down-to-earth attorney with an admirable persistence for justice, 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.

Amber is also a trained, trauma-informed external investigator, conducting 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 also maintains a restorative justice practice, helping to facilitate reconciliation between offenders and victims. Amber is fluent in Spanish, travels extensively throughout the world, and has significant experience working with immigrant and native populations. Her cultural competency allows her to connect with and understand individuals from diverse backgrounds and perspectives while also navigating complex issues to a shared resolution.

#### AREAS OF EXPERTISE

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

#### ADMITTED TO PRACTICE

- State of Maine
- Commonwealth of Massachusetts

A portrait of Britt Swett, a woman with blonde hair, wearing a black blazer over a beige sweater, standing in front of a window with a view of a city.

**Britt Swett**

Associate

## 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.

### 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

### ADMITTED TO PRACTICE

- State of Maine

A portrait of Michael Grassi, a man with short dark hair, smiling. He is wearing a dark blue suit jacket, a light blue dress shirt, and a red tie with thin blue diagonal stripes. The background is a blurred office setting with windows and a brick building.

**Michael Grassi**  
Staff Investigator

**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.

#### AREAS OF EXPERTISE

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

#### ADMITTED TO PRACTICE

- State of California

A portrait of Stuart Evans, a man with curly brown hair, wearing a dark suit, white shirt, and a red patterned tie. He is standing in front of a stone building with large windows.

## Stuart Evans

### Of Counsel

**Meet Stuart**, an experienced civil rights investigator and equal opportunity specialist.

Stuart quickly gains the trust of his clients with his personable demeanor alongside his ability to conduct meticulous, trauma-informed, neutral civil rights investigations. He has extensive experience conducting misconduct investigations in a variety of settings, including in the workplace, on campuses, and for government entities, and brings an analytical, decisive mind alongside an ability to handle extremely emotional and difficult interactions.

Over his career, Stuart has focused his investigatory skills within the context of equal opportunity. In his role as Deputy Equal Opportunity Coordinator at the University of Denver, Stuart oversaw the initial assessment of all equal opportunity reports and managed the University's equal opportunity intake process. Coupled with his previous work as an Investigator for the Maine Human Rights Commission, Stuart has reviewed hundreds of reports on disability, religious, race, and other types of discrimination and harassment. Additionally, Stuart advised employers and clients on ADA and other types of disability-related issues.

Stuart gained Title IX experience as a Title IX Investigator at the University of Virginia. There, he investigated dozens of sexual and gender-based violence cases and worked on campus-wide teams, gaining crucial experience coordinating with campus partners to solve time-sensitive, escalated concerns.

During his time in higher education, Stuart regularly conducted civil rights trainings. He has extensive investigatory training, including Investigator and Title IX Coordinator training through the Associate of Title IX Administrators (ATIXA), as well as trainings focused on informal resolution, trauma-informed investigations, and acting as a hearing advisor.

#### 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

#### ADMITTED TO PRACTICE

- State of Maine
- State of Illinois (inactive)
- State of Wisconsin (inactive)



A portrait of Jess O'Rourke-Suchoff, a woman with dark hair and glasses, wearing a black blazer over a blue top. She is smiling and standing in front of a window with a view of a brick building.

## Jess O'Rourke-Suchoff

Associate

**Meet Jess**, lifelong learner, efficient litigator, and creative thinker.

Jess' practice focuses on civil rights compliance related to harassment, discrimination, and sexual misconduct.

With a background in litigation, Jess brings an ability to synthesize complex matters to her work assisting clients with issues regarding Title IX process, procedure, and compliance. Jess is a certified Title IX Investigator who approaches each case from an unbiased and trauma-informed perspective. Jess is also an experienced appointed advisor to parties to Title IX hearings.

Having received a Ph. D. in Comparative Literature prior to the start of her legal career, Jess is uniquely positioned to understand the complex and nuanced issues facing institutions of higher education today.

### AREAS OF EXPERTISE

- Service as Hearing Advisor for Student and Employee Misconduct Matters
- Policy writing for institutions Code of Conduct
- Writing neutral and unbiased Investigation Reports and Written Determinations

### ADMITTED TO PRACTICE

- State of Maine



## AT A GLANCE

**FOUNDED** 1915

**NUMBER OF ATTORNEYS** 125+

**SERVING** Local, regional, national,  
and international clients

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### **PRACTICES & INDUSTRIES SERVED** 32

Asset Management & Securities	International Business
Business	Labor & Employment
Business Restructuring & Insolvency	Land Use & Environmental
Climate Change	Litigation & Dispute Resolution
Commercial & Governmental Finance	Mergers & Acquisitions
Construction	Municipal & Governmental Services
Corporate Governance	Nonprofit & Tax Exempt
Education	Pharmaceutical, Biotechnology and Life Sciences
Energy	Private Capital
Financial Regulation & Compliance	Property Tax & Valuation
Food & Beverage	Real Estate
Fund & Investment Product Formation	Succession Planning
Global Consulting & Talent Revenue Strategies	Tax
Government & Public Affairs	Technology, Outsourcing & Data Security
Health Care	Title Insurance & Closing Services
Intellectual Property	Trusts & Estates



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