

OF COUNSEL

Amy Fabiano

T. 508-926-3395 E. afabiano@bowditch.com

OVERVIEW

Amy Fabiano is an experienced higher education attorney and a member of Bowditch's Higher Education Group, which is part of the firm's Employment & Labor practice. She counsels clients on the complex legal and compliance issues facing colleges, universities, and independent schools, often serving as an institution's official outside General Counsel.

Amy is a higher education generalist with a breadth of experience in areas such as labor and employment, civil rights and Title IX, student and employee conduct, regulatory compliance, policy development and training, contract drafting and negotiations, faculty matters, sponsored research, study abroad, student affairs, FERPA, and board governance. In addition to serving as an interim or official outside General Counsel, she can serve as an interim Title IX Coordinator.

Amy also counsels nonprofit clients on a wide variety of employment issues, including regulatory and civil rights compliance, policy development and employee handbooks, internal investigations, actions before administrative agencies such as the MCAD, EEOC, and NLRB and employee issues such as hiring, employee conduct and discipline, terminations and layoffs, severance, wage and hour, paid and unpaid leave, retirement, and recordkeeping.

Before Bowditch

Prior to joining the firm, Amy was the Associate General Counsel at Worcester Polytechnic Institute (WPI) where she advised WPI administrators, faculty, and staff on a wide variety of legal issues and risk management, as well as negotiated contracts and drafted university policies. Amy also served as a Civil Rights Attorney within the United States Department of Education's Office for Civil Rights (OCR) where she investigated and resolved more than 130 cases, including over 40 cases under Title IX.

Before her public service, Amy practiced at an AmLaw 200 firm and focused her *pro bono* practice on special education and school discipline laws for K-12 schools.

Besides Work

Amy enjoys spending time with her family and friends and can often be found chasing around her busy children or watching Jeopardy! with her husband. She is a proud Board Member for several local non-profits: Lexington Playcare Center and Realizing Children's Strengths Learning Center. Amy is also an active volunteer as a PTO President in the Newton Public Schools.

EXPERIENCE

OUTSIDE GENERAL COUNSEL SERVICES

- Serves as outside general counsel for several colleges in central and western Massachusetts, standing in the place of the college's in-house legal team, advising on complex legal and risk management issues from a holistic, campus and mission-based perspective
- Closely works with college presidents, CFOs, provosts, and HR administrators on day-to-day issues, and manages the college's outside legal counsel for litigation matters

POLICY DRAFTING

- Drafts Title IX, Title VI, disability, and other civil rights policies and procedures ensuring compliance with federal and state regulations, as well as best practices from experience as a Civil Rights Attorney at OCR and in-house at WPI
- Drafts and revises student handbooks, faculty handbooks, and employee handbooks
- Advises on and drafts other policies and procedures, such as FERPA and privacy, acceptable use and IT policies, working with minors, study abroad, student leave procedures, etc.
- Advises on compliance with NCAA regulations and related policies required for collegiate athletics programs

OFFICE FOR CIVIL RIGHTS (OCR), MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD), EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC), AND NATIONAL LABOR RELATIONS BOARD (NLRB) REPRESENTATION

- Represents college clients facing complaints for discrimination, harassment, or retaliation filed from the federal U.S. Department of Education, OCR, as well as compliance reviews
- Represents employers facing claims of discrimination, harassment, retaliation, or unfair labor practices filed with the MCAD, the EEOC, the NLRB, and other related state and federal agencies
- Assist clients in assessing the value of mediating such disputes, including before agencies or through private mediation

TRAINING

- Provides Title IX, TVI, disability, and other civil rights training to Title IX/EEOC teams, staff, faculty and students
- Title IX and MA state law training includes training on reporting obligations of employees, requirements for confidential resource providers, and consent and bystander intervention training for students

OTHER EXPERIENCE

- Serves as an interim Title IX coordinator, as needed, for weeks to several months
- Provides day-to-day or as-needed legal guidance and risk management services to presidents, CFO, HR, and in-house legal counsel at colleges and non-profits

AFFILIATIONS

- Member, Steering Committee for the College & University Law Section, Boston Bar Association
- Member, Committee on Membership and Member Services, National Association of College and University Attorneys (NACUA)
- Member, Worcester County Bar Association
- Member, Women's Bar Association

- Member, Board of Directors, Lexington Playcare Center
- Member, Board of Directors, Realizing Children’s Strengths (RCS) Learning Center

ARTICLES & TALKS

ARTICLES

- “10 Things I know about ... Colleges surviving the academic year,” *Worcester Business Journal*, 2024

TALKS

- “When OCR Comes Knocking: Tips for Responding to OCR Complaints” and “Implementing Best Practices in Title IX Adjudication and Administration at Small Colleges: Taking a Preventative and Proactive Approach,” Association of Title IX Administrators Conference, 2024 (Moderator)
- Game Changers Business Conference & Expo, Human Resources Roundtable: Collaborative Solutions for Workforce Challenges, Worcester Regional Chamber of Commerce, 2024 (Moderator)
- Title IX Regulations Compliance Check-in: Pregnancy and Related Conditions, Bowditch Higher Education Roundtable Series, 2024
- Title IX Regulations Compliance Check-in: Title IX Grievance Procedures, Bowditch Higher Education Roundtable Series, 2024
- New Title IX Regulations: Key Decision Points, Association of Independent Colleges & Universities Massachusetts and Rhode Island Chapters, 2024
- Title IX Regulations Compliance Check-in: Title IX Coordinator Responsibilities, Bowditch Higher Education Roundtable Series, 2024
- How to Implement the New Rules on Handling Sexual Misconduct, *Massachusetts Lawyers Weekly*, 2024
- Final 2024 Title IX Regulations: Action Items for Colleges and Universities, Bowditch, 2024

MEDIA MENTIONS

- “The Education Dept. Tried to Draw a Line Between Free Speech and Discrimination. It’s Still Blurry.” (*The Chronicle of Higher Education*)
- “Lawyers burning midnight oil studying Title IX revisions” (*Massachusetts Lawyers Weekly*)

BAR ADMISSIONS

- Massachusetts

EDUCATION

- J.D., *magna cum laude*, Boston University School of Law
- M.A., Boston University
- B.A., *summa cum laude*, Boston University