



# Melissa M. Carleton

Partner & Higher Education Chair



Melissa Carleton advises higher education entities in a variety of areas, including student affairs, student conduct, disability accommodations, student confidentiality, policies, contracts, governance, accreditation, and employment matters. Melissa takes a practical and proactive approach to legal issues. She particularly enjoys working on collaborative matters between educational entities.

Melissa has a great deal of experience in guiding the institutional response to allegations of sexual abuse. She regularly works with colleges, universities, career-technical schools, K-12 school districts, and private elementary and secondary schools to comply with Title IX and, where applicable, the Clery Act, as well as implementing guidance and regulations. Melissa is available to conduct impartial investigations, as well as to provide reviews of policies, procedures, and case files from a neutral perspective. Melissa trains administrators, staff members, and other investigators using real-world examples to help learn how to navigate the trickiest situations with regard to sexual misconduct. More information on Title IX training can be found in our Title IX Resource Center.

Melissa also works with religious entities to address allegations of sexual abuse in a manner that is respectful of the parties and their privacy, is transparent and fair, and is attentive to religious beliefs and the safety needs of the community.

## Bar Admissions & Activities

- Admitted, State of Ohio, 2009
- Admitted, State of Florida, 2021
- Participant, Columbus Bar Association Barrister Leadership Program, 2012
- Member, Columbus Bar Association

## Education

- University of Pennsylvania (J.D., 2009), James Wilson Scholar; Associate Editor, *Journal of Constitutional Law*
- The Ohio State University (Bachelor of Music Education, *magna cum laude*, 2002), School of Music Undergraduate Outstanding Achievement Award

## Awards & Recognition

- Rising Star, *Ohio Super Lawyers* (Schools & Education), 2018–2021

### CONTACT INFORMATION

614.227.4846  
mcarleton@bricker.com

### COLUMBUS OFFICE

Bricker & Eckler LLP  
100 South Third Street  
Columbus, OH 43215-4291

614.227.2300 main  
614.227.2390 fax

### INDUSTRIES & PRACTICES

- Colleges & Universities
- Public Sector
- Regulatory Law
- Employment & Labor
- Education Law

*Melissa Carleton is a top-notch attorney. Her knowledge of the law is vast and deep. Melissa responds to all of my questions swiftly and thoroughly, which is not an easy task. I value her opinion and trust her implicitly.*

*Samantha Hughes, Kenyon College, as quoted in Best Law Firms, 2018*



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### Presentations & Published Works

- Adjunct Professor, "Title IX and Issues Unique to K-12 Institutions", Tulane Law School Title IX Certificate Program, September 2020 to present.
- Co-Presenter, "Title IX Takes Up Residency: Addressing Sexual Misconduct Under the New Regulations," Ohio Hospital Association Annual Meeting, June 2021
- Op-Ed, "The Education Department's New Clery Act Guide Raises New Questions", Higher Ed Dive, November 2020
- Panelist, "IX on IX", SUNY SPECTRUM Conference, August 2020
- Podcast Guest, "Episode 27: Implications of Title IX Regulations for K-12 and Higher Education with Melissa Carleton", The Law and Higher Ed Podcast, June 2020
- Author, "Confidentiality Throughout the Investigation, Hearing, and Disciplinary Process for Campus Adjudication of Sexual Misconduct." In C. Renzetti, & D. Follingstad (Eds.), *Adjudicating Campus Sexual Misconduct and Assault: Controversies and Challenges*. San Diego: Cognella., 2019
- Co-Presenter, COVID-19 and Higher Education Webinars, March-April 2020
- Co-Presenter, "Title IX Update: Planning for the Regulations Online Workshop," AICUO, April 2020
- Panelist, "Title IX: A View from the Trenches," Washington D.C. Bar Association, February 2020
- Co-Presenter, "Two-Day Title IX Investigator/Adjudicator Training," Bricker & Eckler LLP, January 2020
- Co-Presenter, "Advanced Title IX Investigator Training," Ohio Department of Higher Education, November 2019
- Co-Presenter, "Webinar: Title IX Litigation Update," September 2019
- Co-Presenter, "Two-Day Title IX Investigator, Adjudicator, and Hearing Panel Training," Indiana University, September 2019
- Co-Presenter, "Civil Rights Investigator/Adjudicator Training," Bricker & Eckler LLP, September 2019
- Co-Presenter, "Title IX Investigator/Adjudicator Training," Ohio Department of Higher Education, September 2019
- Co-Presenter, "Two-Day Title IX Conference: Investigator Training," Five Colleges of Ohio, June 2019
- Presenter, "Down the Rabbit Hole: Entering the World of Student Mental Health and Threat Assessment," National Association of College and University Attorneys, June 2019
- Presenter, "The Business Implications of Title IX," Ohio Association of College and University Business Officials Annual Meeting, April 2019
- Presenter, "Policies and Procedures regarding Sexual Abuse of Minors," Leadership Conference of Women Religious Region 6, March 2019
- Presenter, "Title IX Litigation Update," Legal Issues and Student Affairs Drive-In, Oberlin College, February 2019



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- Presenter, "Webinar: Overview of Submitted Comments to the Proposed Title IX Regulations: Perspectives for Higher Education," February 2019
- Presenter, "Webinar: Changing Standards – Is Preponderance Right for Your Campus?" Ohio Department of Higher Education, February 2019
- Presenter, Civil Rights Coordination and Investigation Training for K-12 School Administrators, December 2018
- Presenter, "Webinar: Title IX Proposed Regulations – Hot Takes for K-12 Administrators," December 2018
- Presenter, "Webinar: Title IX Proposed Regulations – Hot Takes for Higher Ed," November 2018
- Presenter, "Webinar: Title IX & Due Process: Case Law Updates," Ohio Department of Higher Education, November 2018
- Presenter, Two-Day Title IX Investigator Training Workshop, Michigan State University, October 2018
- Presenter, Two-Day Title IX Investigator Training Workshop, The Ohio State University, October 2018
- Presenter, Civil Rights Coordination and Investigation Training for K-12 School Administrators, September 2018
- Presenter, Civil Rights Coordination and Investigation Training for K-12 School Administrators, Bowling Green City School District, August 2018
- Presenter, "The State of Civil Rights," Ohio Associate for Career and Technical Education, July 2018
- Presenter, Two-Day Title IX Investigator Training and Advanced Discussion Workshop, Five Colleges of Ohio, August 2018
- Presenter, Association for Student Conduct Administration Ohio Drive-In, Oberlin College, June 2018
- Presenter, Civil Rights Coordination and Investigation Training for K-12 School Administrators, June 2018
- Presenter, Two-Day Title IX Investigator Training Workshop, University of Findlay, May 2018
- Presenter, Student Handbook Bootcamp – Higher Ed, March 2018

## Professional & Community Activities

- Member, National Association of College and University Attorneys
- Member, Ohio Association of College and University Business Officers

## Experience

### Secured a \$42 million court award for three Ohio school districts

Secured \$42 million judgment, plus interest, for Cleveland, Dayton and Toledo city school districts after the Ohio Department of Education unlawfully deprived the districts of the funding they were entitled to receive. For more details, please view Bricker's full recap of the case.



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## **Title VII and Title IX settlement**

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Advised higher learning institution's leadership and a board chairperson regarding the investigation and ultimate resolution of Title VII and IX harassment and retaliation claims made against multiple board members. Negotiated a favorable settlement and withdrawal of the claims through mediation prior to litigation.

## **Title IX investigator training**

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Served as the sole presenter at training workshops for Title IX investigators at the college and K-12 levels, helping administrators to become trauma-informed and approach cases involving sexual assault and intimate partner violence in an appropriate and equitable manner.

## **College defense of Title IX case**

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Won motion for summary judgment on a claim brought by a student disciplinary respondent against a college in a case involving allegations of sexual assault.

## **Title IX policies and procedures**

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Prepared and revised Title IX policies and procedures to comply with changing guidance.

## **School district policies and handbooks**

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Revised student handbooks, athletic handbooks, extracurricular policies and drug testing policies for numerous school districts.

## **College Credit Plus agreements**

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Drafted College Credit Plus agreements on behalf of both school districts and colleges to establish advanced standing programs.

## **School district/hospital collaboration**

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Drafted a unique school district-hospital agreement to provide educational opportunities to high school students.

## **Special education due process hearing and suspension appeal**

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Negotiated a successful resolution in a special education due process request and suspension appeal relating to drug possession on school grounds.



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### School district defense related to sexual abuse

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Successfully defended a school district on charges by a former student relating to sexual abuse by a former teacher.

### Federal bullying litigation

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Successfully represented a school district in federal court against claims of bullying, disability discrimination under ADA and Section 504, and sexual harassment under Title IX.

### Misapplied school foundation funding

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Obtained a favorable decision in a \$40 million lawsuit filed on behalf of three large metropolitan school districts against the Ohio Department of Education claiming that ODE misapplied the statutory school foundation funding formula to the detriment of the school districts.