

JACKIE GHARAPOUR WERNZ

PARTNER • DALLAS/FORT WORTH

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469-421-6619



Jackie attended public schools from kindergarten through law school, benefitting from the unique opportunities they offer. A first-generation American on one side of her family tree and an eighth-generation Texan on the other, she was attuned from an early age to the many constitutional and civil rights challenges schools, colleges, and universities face in educating students in an increasingly diverse world.

With over fifteen years of experience representing and regulating educational entities on a wide range of legal issues, Jackie helps schools, colleges, and universities across the U.S. with almost any legal concern they face. But clients know her best for her passion and skill in helping them navigate complex and novel civil rights and constitutional issues—especially those involving Title IX. From consulting and advising behind the scenes to conducting high-profile investigations and hearings, she is practical, innovative, and responsive, focused on understanding the client's needs to effectively resolve issues.

As one K-12 Human Resources Director & Title IX Coordinator explained:

"I have learned so much from Jackie. I really appreciate her perspective. Especially because she understands the K12 environment and has a really common-sense approach to implementing the complicated and cumbersome Title IX and related regulations – which to a layperson is so helpful."

A Director of Institutional Equity at a national university similarly described:

"Our institution relies on Jackie for her expertise because she sees and understands the big picture when it comes to risk in higher education law and she takes the time to understand the implications of issues for us on a local basis. Additionally, whether she is acting as outside counsel, an external investigator, or as a hearing decision-maker for us, she is always thoughtful and treats everyone involved with the utmost respect and professionalism."

Jackie is the first call for many educational administrators and in-house lawyers seeking authoritative guidance on the changeable landscape of civil rights law, including Title IX, Title VI, Title VII, Section 504, the ADA, First Amendment speech and religion, and other civil rights and equity questions. Governing boards and school leaders rely on her to sensitively and credibly conduct high-profile investigations, including those involving significant institutional conflicts of interest and high-level officials as parties.

She advises schools, colleges, and universities on high-profile complaints of discrimination, harassment, hazing, bullying, and retaliation involving students, including under Title IX (sex, gender, sexual orientation, gender identity, pregnancy); Title VI (race, color, national origin, religion); and Section 504/Title II of the Americans with Disabilities Act (disability). Educational employers rely on her for similar guidance on matters involving employees, including under Title VII (race, color, religion, sex, gender, sexual orientation, gender identity, pregnancy, and national origin), the ADEA (age), and the ADA (disability).

Jackie conducts regulatory and compliance reviews and audits for institutions on sex discrimination and harassment, general civil rights compliance, and—calling on her experience as a former member of OCR's Title IX athletics team—athletics equity and NCAA compliance matters.

PRACTICE AREAS

Business Transactions & Real Estate
Constitutional Law
Employment Law
General Counsel / Board Counsel
Government Relations & Public Policy
Higher Education
Litigation
Special Education & Disability Law
Special Investigations
Student Athletics
Student Issues
Training & Compliance
Title IX & Sexual Harassment

EDUCATION

J.D., University of Virginia School of Law, 2007,
Hardy Cross Dillard Scholar (full merit
scholarship)

B.A., University of Arkansas Little Rock, 2004,
summa cum laude, Donaghey Scholar (full
merit scholarship)

LICENSING & COURT ADMISSIONS

Licensed in the states of Texas and Illinois

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Central and Northern
District of Illinois

MEMBERSHIPS & RECOGNITIONS

Illinois Super Lawyers Rising Star in Schools &
Education

Law Bulletin Publishing Emerging Lawyer in
Education Law

**Thompson
& Horton** LLP

ATTORNEYS | COUNSELORS

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Jackie is a sought-after national speaker, media commentator, and expert witness on Title IX and other civil rights, constitutional, and equity questions. Thousands of school, college, and university administrators and employees turn to her each year for engaging, customized training—both online and in-person—on regulatory and other legal compliance topics including sexual and racial discrimination and harassment, disability accommodations, student and employee speech rights, student data privacy, and DEI initiatives.

Jackie blends over a decade of experience as outside counsel to educational institutions with her service as a civil rights attorney with the U.S. Department of Education's Office for Civil Rights during the Obama and Trump administrations. Her clients benefit from the deep familiarity with the law, nuance in practice, and understanding of agency priorities and processes that come with government experience. But they also know she thoroughly understands the practical realities of their operations from working closely with school leaders in a wide range of circumstances, including in interim and other internal roles, when needed.

Jackie attended the University of Virginia School of Law. She was a recipient of the Dillard Scholarship, the Law School's premier full merit scholarship, and a member of the editorial board for the *Virginia Law Review*. Jackie is a *summa cum laude* graduate of the Donaghey Scholars honors program at the University of Arkansas Little Rock. She attended college on a full merit scholarship, triple-majored in English Literature, History, and French, and studied abroad in France twice.

Jackie is licensed in the states of Illinois and Texas. She lives in Dallas with her husband, children, and two vizsla dogs.

SELECTED CLIENT REPRESENTATIONS

Leads teams of attorneys investigating high-profile complaints of discrimination and harassment based on race, color, national origin, religion, sex, gender, sexual orientation, gender identity, disability, and age, including complaints about educational administrators' knowledge of and response to reports of employee-on-student sexual misconduct; complaints against senior/cabinet-level administrators and officers in schools, colleges, and universities; and complaints involving novel First Amendment speech and religion and academic freedom issues

Audits education institutions' policies, procedures, and practices involving a wide range of issues, including sexual harassment/misconduct, athletics equity, and climate and culture within academic departments

Serves in interim and contract Title IX team member roles, including as interim Title IX and Human Resources coordinator for a large K-12 school district and external investigator, decision-maker, appellate decision-maker, and informal resolution facilitator for numerous schools, colleges, and universities

Helps educational institutions effectively respond to complaints before the U.S. Department of Education's Office for Civil Rights (OCR), including complaints involving Title IX sexual harassment and athletics, discrimination and harassment based on race, color, national origin, religion, age, disability, sex, gender, gender identity, and sexual orientation, accommodations for transgender and disability rights, and institutional responses to reports of misconduct

Provides interactive, engaging training annually to educational employees on sexual harassment, including Title IX, and other types of harassment, bullying, hazing, and misconduct, including Department of Justice approved training on Title VI (race, color, national origin) for school district under DOJ resolution agreement

Guides educational institutions in contract negotiations with outside vendors regarding student data privacy to comply with law and best protect student data

Counsel and represent K-12 schools in issues involving educating English learner students and communicating with limited English proficient parents and guardians

Successfully represented school district in several high-profile teacher dismissal hearings, including those involving sexual assault and harassment, hazing, and substance abuse

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THOMPSON & HORTON WEBINARS

- “Collaboration for the Win! Title IX and Special Education” (April 2023)
- “What You Don’t Know Might Hurt You: Surviving an OCR or DOJ Civil Rights Complaint” (March 2023)
- “The Essential Title IX Action Plan for 2023” (February 2023)
- “OCR’s About to Get More Aggressive: The New OCR Case Processing Manual” (August 2022)
- “Title IX Double Take: A Side-by-Side Comparison of the Current and Proposed Title IX Rules” (June 2022)
- “Looking Back: The First 50 Years of Title IX” (June 2022)
- “Is Gender “Sex”? The Current State of LGBTQIA Issues Under Title IX” (June 2022)
- “Hitting (Throwing, Running, and Kicking) Like a Girl: A Title IX and Athletics Update” (June 2022)
- “#MeToo, #NotAllMen, and #YesAllWomen: Title IX and Sexual Harassment Litigation in the Modern Era” (June 2022)
- “You Can’t Say That ...in the Classroom? Practical Application of the Texas “CRT” Bill” (May 2022)
- “Tackling the Texas Teacher Shortage: A Legal Perspective” (April 2022)
- “He Said, She Said, They Said: Cracking Credibility in Student Sexual Misconduct Cases” (April 2022)
- “The Ball is in Your Court: Harmonizing Texas’ Transgender Sports Law and Federal Law” (January 2022)
- “New Year, New Title IX Sexual Harassment Procedure? How to Know if It’s Needed and What to Change” (January 2022)
- “A Look Back at OCR’s First Year Under President Biden” (December 2021)
- “Top 10 Client Questions During the Title IX Grievance Process” (November 2021)
- “Stop, Drop, and Title IX: Responding to Reports of Sexual Harassment the Right Way” (October 2021)
- “COVID Update” (September 2021)

REPRESENTATIVE PUBLICATIONS

- Principal blogger and editor of Title IX Tips (October 2021–Present)
- “The Case of the Profane Cheerleaders: The lessons of Mahanoy and student speech,” American School Board Journal (Aug. 2022)
- “Top Five Things Superintendents Should Know About the Proposed Title IX Rules,” The Leading Edge Blog: Policy and Advocacy, American Association of School Administrators (July 2022)
- “K-12 Timing of Cases: A Special Guest Blog by Jackie Gharapour Wernz,” Association of Title IX Administrators (ATIXA) Blog (June 2022)
- “It’s Time for Title IX: New Rule, New Regime,” Illinois Bar Journal (September 2020)
- “Shield and Sword: The Law as a Driver for Educational Equity,” American School Board Journal (April 2020) (co-author).

REPRESENTATIVE SPEECHES & PRESENTATIONS

- “Title IX and Special Education: Consultation for the Win”, TCASE Great Ideas (February 2023)
- “The Essential Federal Guidance and Regulatory Update for School Leaders”, AASA National Conference on Education (February 2023)
- “The American Disability Act: What Employers Need to Know in 2023,” Oregon School Personnel Association (February 2023)
- “My Employee Did What? Employee Discipline,” American Association of School Personnel Administrators Boot Camp & Virtual Legal Summit (February 2023)

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REPRESENTATIVE SPEECHES & PRESENTATIONS (CONTINUED)

“The Essential Federal Guidance and Regulatory Update for School Leaders,” American Association of School Administrators National Conference on Education (February 2023) (with Chris Borreca, Thompson & Horton)

“Plenary Panel: Title IX at 50: Past, Present, and Future,” Education Law Association Annual Conference (November 2022) (panelist)

“How Can We Get More Participation in our Informal Resolution Programs?” New Era ADR Webinar (October 2022) (panelist)

“Title IX Redesigned, Again!” North Dakota School Boards Association (October 2022)

“Staff, Sex & Schools: Hot Legal Issues Involving School Personnel Sexual Harassment,” American Association of School Personnel Administrators Annual Conference (October 2022)

“Title IX Regulations: The Remix,” National School Boards Association Council of School Attorneys School Law Seminar (October 2022) (panelist)

“Title IX Compliance Certification Training,” Oregon School Personnel Association Fall Summit (October 2022)

“The Impact of Title IX on Special Education,” LRP National Institute on Legal Issues of Educating Individuals with Disabilities (April 2022)

“Schools and the Culture Wars: Discrimination, Free Speech, and Discipline,” National School Boards Association Council of School Attorneys School Law Seminar (April 2022) (with Leila Gary, Thompson & Horton)

“Getting It Right: Avoiding Legal Pitfalls in DEI Implementation,” American Association of School Personnel Administrators Diversity, Equity & Inclusion Summit (April 2022)

“Title IX: The First 50 Years,” University of Texas 37th Annual School Law Conference (February 2022)

“Breaking Bad: Ethically Dealing With ‘Bad’ Behavior During Special Education Disputes,” LRP Special Education School Attorneys Conference (February 2022)

“The New OCR: Update on a Different Approach to Disability Cases,” LRP Special Education School Attorney Conference (February 2022)

“Free Speech Doesn’t Mean Hate Speech – Preventing Harassment and Bullying,” Minnesota School Law Conference (November 2021)

“Culture Wars in the Classroom,” Education Law Association Annual Conference (October 2021) (panelist)

“Title IX and Educator Misconduct Updates,” Education Law Association Annual Conference (October 2021) (panelist)

“Title IX Compliance Certification Training,” Oregon School Personnel Association Virtual Fall Summit (October 2021)

“Title IX: Where Are We Now, Where Are We Going?” National School Boards Association Council of School Attorneys School Law Seminar (October 2021)

“Is Bullying Back? Staff and Student Speech and the Resurgence of the First Amendment,” National School Boards Association Council of School Attorneys Online School Law Seminar (April 2021) (co-presenter)

“The First 90 Days of the Biden/Harris Administration and the Future of Special Education,” LRP National Institute (April 2021)

“The New Title IX: Considerations for Education Attorneys,” Chicago Bar Association Education Committee Annual Seminar (March 2021)

“Title IX and Employee Rights: The Hidden Risks Every Administrator Should Know,” Association of Title IX Administrators (ATIXA) West Coast Annual Conference (October 2019)

REPRESENTATIVE MEDIA COMMENTARY

“Transgender Bathroom Ruling Retains Uncertainty Over Path Forward,” Bloomberg Law (January 2023)

“Biden admin proposes sweeping changes to Title IX to undo Trump-era rules,” NBC News/CNBC (June 2022)

“As Ed Dept weighs Title IX changes, pressure mounts from growing state anti-LGBTQ measures,” K-12 Dive (April 2022)

“More states jump on ‘Don’t say gay’ bandwagon barring LGBTQ topics in schools,” K-12 Dive (March 2022)

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REPRESENTATIVE MEDIA COMMENTARY (CONTINUED)

“SCOTUS rules against school that disciplined cheerleader for off-campus speech,” K-12 Dive (June 2021)

“Who pays the real price when a student is suspended for making a post on social media?” Cox Media Group (WFTV) (February 2021)

“Joe Biden Has Vowed To Undo Betsy DeVos’s Title IX Reforms. Can He?” Reason Magazine (November 2020)