TITLE IX SOLUTIONS, LLC

TITLE IX COORDINATOR & INVESTIGATOR TRAINING

October 1, 2026

Williamstown, Massachusetts



AGENDA

COORDINATORS & INVESTIGATORS

9:00 - 9:10	Welcome and Introductions
9:10 - 9:45	Introduction to Title IX
9:45 - 10:30	Overview of the Title IX Regulations
10:30 - 11:00	Understanding Trauma and Bias
11:00 -11:15	Break into Role-Specific Training

AGENDA

INVESTIGATORS

11:15- 12:00	Investigation Planning & Design
12:00 - 1:00	Lunch
1:00 - 2:40	Investigative Interview Techniques
2:40 - 2:55	Break
2:55 -4:15	Preparing an Investigative Report
4:15 - 4:30	Re-Group & Training Debrief

AGENDA

COORDINATORS

11:15- 12:00	Reports, Incident Evaluations & Intake
12:00 - 1:00	Lunch
1:00 - 1:45	Start of the Process & Investigation
1:45 - 2:40	Decision-Making Process and Appeals
2:40 -2:55	Break
2:55 -3:45	Informal Resolution
3:45 -4:15	Compliance Beyond the Process
4:15 - 4:30	Re-Group & Training Debrief

SPEAKERS



LIN-CHI WANG

HEARING OFFICER, INVESTIGATOR & ADVISOR



SUSANNA MURPHY

LEAD INVESTIGATOR & ADVISOR



ATTENDEE INTRODUCTIONS

1. Name
2. Institution
3. Role in Title IX/Training Track
4. What you are most looking forward to today



What is said here stays here, what’s is learned here leaves here.

TITLE IX SOLUTIONS

A BIG THANK YOU

TO WILLIAMS COLLEGE FOR HOSTING THIS TRAINING!

Williams College

LABBB Educational Collaborative

Saint Joseph's College of Maine

Mount Wachusett Community College

COLL. AMHERST. MASS. NOV. ANG. TERRAS IRRADIENT SIGILL. MDCCCXXV

EAST CENTRAL UNIVERSITY ECU EST. 1909 ~ ADA, OKLAHOMA

CONNECTICUT COLLEGE 1911

BAY PATH UNIVERSITY Carpe Diem

BERKSHIRE COMMUNITY COLLEGE

TO ALL OF YOU TRAVELING TO ATTEND THIS TRAINING!

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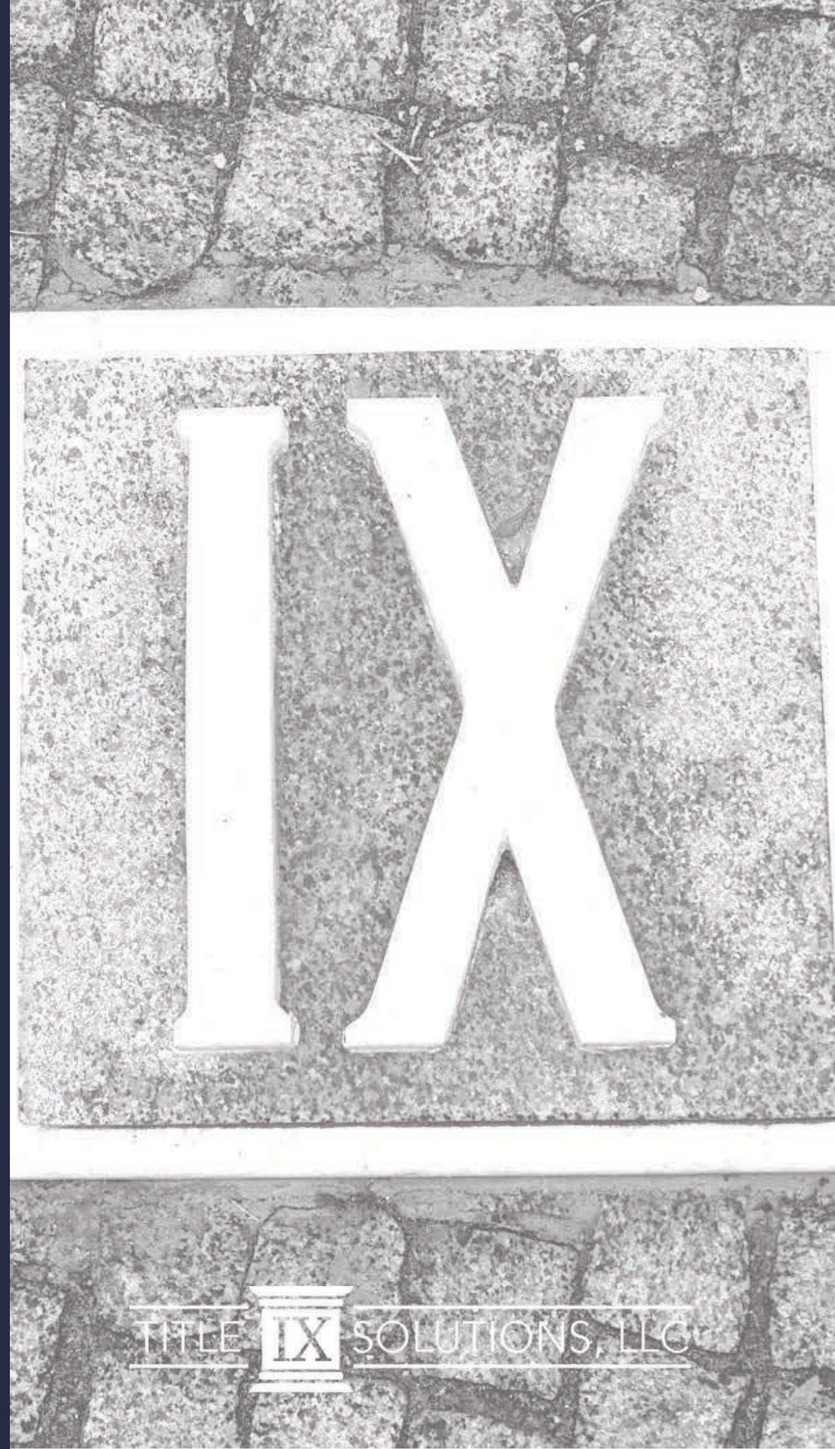
AN INTRODUCTION TO TITLE IX



IN THIS SESSION



HISTORY OF
TITLE IX



TITLE IX
DEFINITIONS



PARTICIPANTS IN THE
TITLE IX PROCESS

HISTORY OF TITLE IX



Title IX of the Education Amendments of 1972

> “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance[.]”

20 U.S.C. §1681(a)

CREATION OF TITLE IX

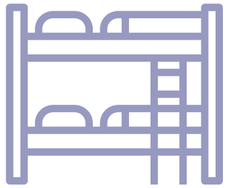
Followed the Civil Rights Act of 1964 to address discrimination on the basis of sex

Created and enacted for educational institutions (K to Postsecondary)

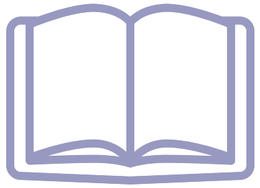
Designed initially to address inequities in:



Admissions



Residence Life



Academic Opportunities



Extracurricular Activities

BRIEF HISTORY OF TITLE IX



JUNE 23, 1972

Title IX becomes law and addresses sex-based discrimination



APRIL 4, 2011

Guidance expands Title IX to include sexual harassment, dating and domestic violence, sexual assault, and stalking



AUGUST 14, 2020

New regulations go into effect, requiring all educational institutions to follow specific procedures in response to sexual harassment

TITLE IX COVERAGE

POSTSECONDARY INSTITUTIONS

Includes:

- Undergraduate schools
- Graduate schools
- Vocational schools
- Professional schools/programs

ELEMENTARY & SECONDARY SCHOOLS

Includes:

- Preschools and Pre-K programs
- Private elementary and secondary schools
- Charter schools

COMPLIANCE WITH THE REGULATIONS

RECIPIENTS MUST COMPLY WITH THE REQUIREMENTS OF TITLE IX AS OUTLINED UNDER THE REGULATIONS.

Recipients may:

- Provide guidelines, policies or protocols through their codes of conduct beyond the scope of the regulations;

and/or

- Provide details regarding policies or procedures which are not addressed in the regulations

TITLE IX DEFINITIONS



WHAT IS A RECIPIENT?

§106.2

Definitions

"Any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and which operates an education program or activity which receives such assistance, including any subunit, successor, assignee, or transferee thereof."

ACTUAL KNOWLEDGE

§ 106.30 Definitions

"Notice of sexual harassment or allegations of sexual harassment to a recipient's Title IX Coordinator or any official of the recipient who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary and secondary school"

- Does not need to be a written statement or a formal complaint
- May be conveyed by any person, not just the Complainant
- May be "written or oral, by observation, via a newspaper article or other means"



Postsecondary Institutions - reporting to Title IX Coordinator always constitutes actual knowledge

Elementary and Secondary Institutions - reporting to ANY employee constitutes actual knowledge

EDUCATION PROGRAM OR ACTIVITY DEFINED

§ 106.11
Application

Recipient's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by a postsecondary institution, and conduct that is subject to the recipient's disciplinary authority.

- School may offer supportive measures if harassment occurred outside of the educational program or activity
- School's responsibility is limited under Title IX regulations, though conduct outside of this jurisdiction may be addressed by Code of Conduct or other policies
- Schools must make fact-specific determinations regarding substantial control over the respondent and the context

RECIPIENT'S RESPONSE

Schools must not act in a manner that is deliberately indifferent, meaning:

"...clearly unreasonable in light of the known circumstances."

SCHOOL'S REQUIRED RESPONSE

PROMPT AND EQUITABLE GRIEVANCE PROCEDURES



Sex Discrimination



Sexual Harassment

(§106.45)

ALWAYS REFER TO YOUR SCHOOL'S TITLE IX POLICY!

REPORT VS. COMPLAINT

REPORT

- May allege sexual harassment, sex discrimination, or sexual misconduct
- May be written or oral
- May be submitted by any person, not just the alleged victim
- May be anonymous
- May be made at any time
- May be made in person or by mail, phone, email or any other means

FORMAL COMPLAINT

- Required for initiation of the Title IX grievance process
- Can be oral or written
- Cannot be filed anonymously or by a third-party
- Request to the school that **objectively can be understood** as a **request for the school to investigate** and make a determination

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REMINDER:



MAKING A REPORT OR A COMPLAINT TO YOUR INSTITUTION OR CONFIDENTIAL RESOURCE IS NOT EQUIVALENT TO FILING CHARGES WITH LAW ENFORCEMENT.

SUPPORTIVE MEASURES

WHAT?

- Non-disciplinary, non-punitive services offered to the Complainant & Respondent
- Includes measures designed to protect the safety of all Parties or the school's educational environment, or to deter sex discrimination and sexual harassment

WHEN?

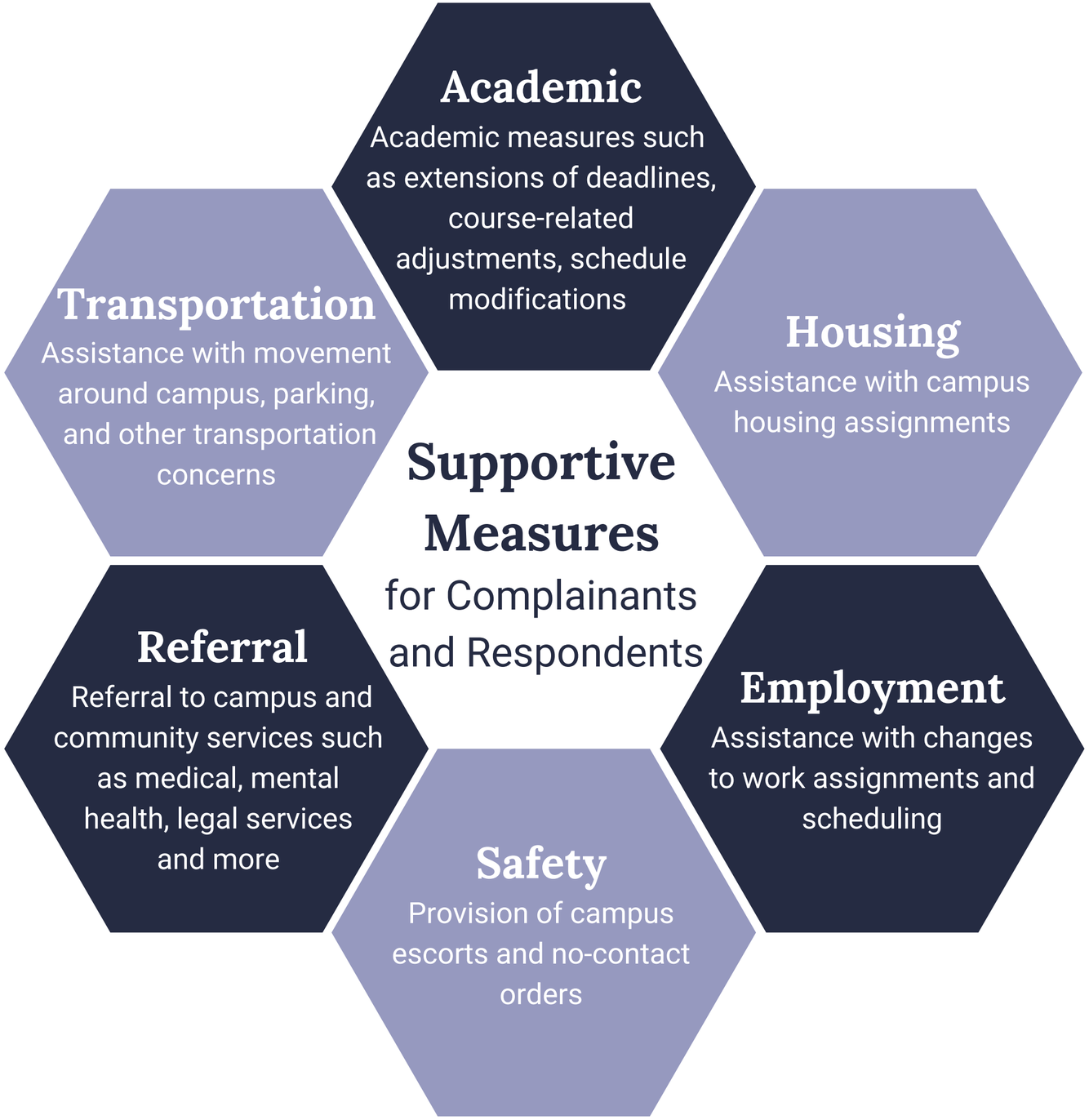
- Available before or after filing a complaint or where no complaint has been filed

WHY?

- Offered without fee or charge to the Complainant or Respondent; as appropriate and reasonably available

HOW?

- Designed to restore or preserve equal access to the school's education program or activity without unreasonably burdening the other party


Academic
Academic measures such as extensions of deadlines, course-related adjustments, schedule modifications
Housing
Assistance with campus housing assignments
Employment
Assistance with changes to work assignments and scheduling
Safety
Provision of campus escorts and no-contact orders
Referral
Referral to campus and community services such as medical, mental health, legal services and more
Transportation
Assistance with movement around campus, parking, and other transportation concerns
Supportive Measures
for Complainants and Respondents

AMNESTY PROVISION

- Not required under Title IX but often included in the policy to encourage reporting
- Individuals may not be subject to disciplinary action for a minor violation of other school polies (e.g., Code of Conduct) when participating in a Title IX investigation

SCENARIO



Sam is a college freshman and was sexually assaulted at a house party. Sam had been drinking heavily and is scared to report the assault as they are underage.

CONFIDENTIALITY

- Explicitly stated in Title IX
- Identities of the reporting parties, Complainants, Respondents, and Witnesses are to remain confidential
  - Identities of these individuals will be known to the individuals conducting the Title IX process

RETALIATION

- Intimidation, threats, coercion, or discrimination against any individual for either of the following reasons:
  - Interfering with any right or privilege under Title IX
  - Because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX

RETALIATION

All persons are prohibited from retaliating against reporting parties, Complainants, Respondents, Witnesses, and others who participate in the Title IX process.



EXAMPLE ONE:

Friends of the Complainant intimidating the Respondent, or vice versa.



EXAMPLE TWO:

School personnel discriminating against an individual for refusing to participate in the Title IX process.

REMEDIES AND SANCTIONS

REMEDIES

- Offered to Complainants
- Designed to restore or preserve equal access to the school's education program or activity
- May be the same as supportive measures
- DO NOT need to be "non-punitive" or avoid burdening the respondent

- Available after the grievance process is complete
- List or range of remedies and sanctions should be listed in policy

SANCTIONS

- Issued to Respondents found responsible for violating the school's sexual harassment policy, following the conclusion of the Title IX grievance process

EDUCATION PROGRAM OR ACTIVITY

THE EDUCATIONAL PROGRAM OR ACTIVITY INCLUDES ALL OPERATIONS OF THE SCHOOL, BOTH ON OR OFF CAMPUS.

- Includes locations, events, or circumstances over which the school exercises substantial control over both:
  - The Respondent, and
  - The context in which an incident of sexual harassment occurs
- Includes any building owned or controlled by student organizations which are officially recognized by the school (including fraternity & sorority houses)
- Includes computer and internet networks, digital platforms and computer hardware or software owned or operated by, or used in the operations of the school

STANDARD OF PROOF

STANDARD USED TO DETERMINE WHETHER OR NOT A SEXUAL HARASSMENT POLICY VIOLATION OCCURRED.

Preponderance of the Evidence

- Evidence demonstrates it is “more likely than not” the alleged conduct or policy violation occurred
- Greater than 50% chance a policy violation occurred

Clear and Convincing

- Evidence is highly and substantially more likely to be true than untrue
- A higher standard of evidence to meet when compared to the “preponderance of the evidence” standard

STANDARD OF PROOF

Preponderance of the Evidence

Anything that tips the scale to more than 50/50

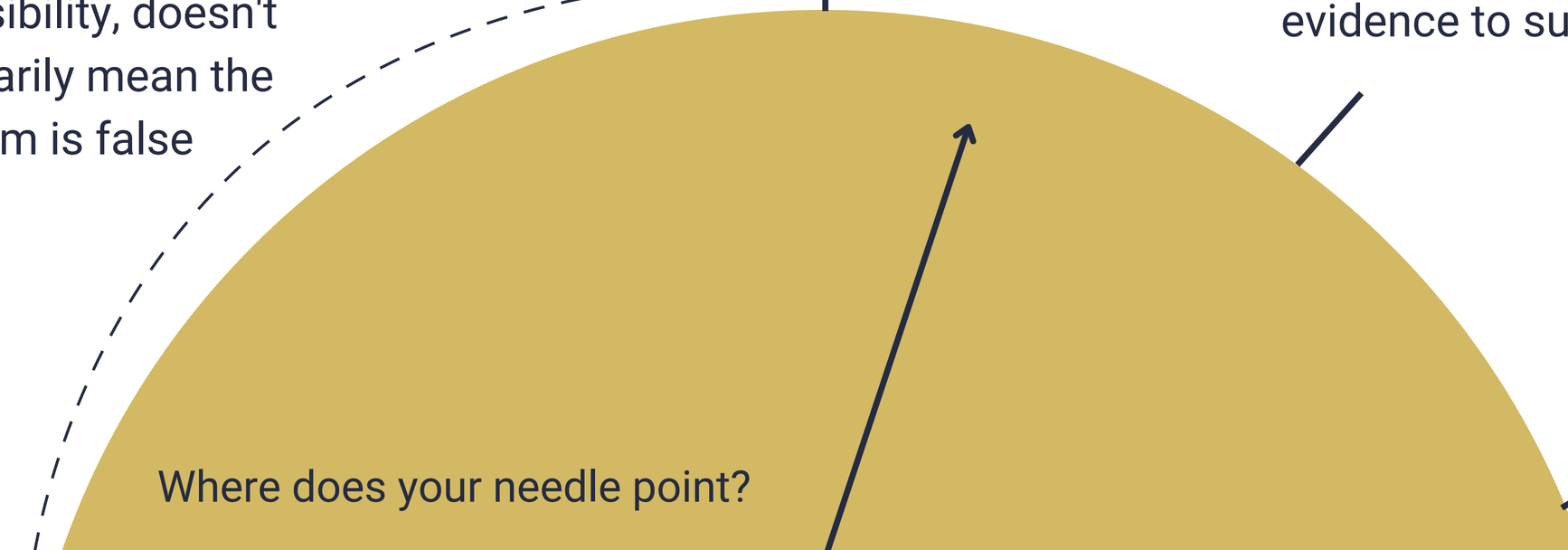
Not enough evidence to support a finding of responsibility, doesn't necessarily mean the claim is false

Clear and Convincing

More likely to be true than untrue, substantial evidence to support

Beyond a Reasonable Doubt

Criminal court standard, overwhelming amount of evidence to support



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PARTICIPANTS IN THE TITLE IX PROCESS



OVERVIEW

TITLE IX PERSONNEL VARY, DEPENDING UPON SEVERAL FACTORS:

- Institution size
- Institution type
  - K-12
  - Community/two-year colleges
  - Four year colleges and universities
  - Public/private
- Institution structure and resources
  - Organizational charts and reporting
  - Full-time/part-time
  - Budget



TITLE IX PERSONNEL

EXCEPT FOR THE TITLE IX COORDINATOR, TITLE IX PERSONNEL MAY BE INTERNAL OR EXTERNAL.



Title IX Coordinator



Deputy Coordinators



Title IX Investigator



Decision-Maker



Informal Resolution Facilitator



Advisor



Appellate Decision-Maker

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TITLE IX COORDINATOR

EVERY SCHOOL MUST HAVE A DESIGNATED TITLE IX COORDINATOR.

CAN

- Serve as the Title IX Investigator
- Serve as the Informal Resolution Facilitator
- Have other roles on campus
  - Dean of Students, Director of Human Resources, etc.

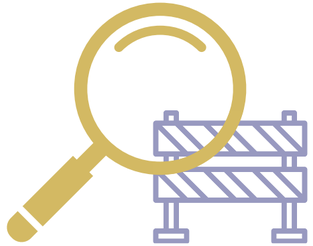
CANNOT

- Serve as the Title IX Decision-Maker
- Serve as the Appeals Decision-Maker

TITLE IX COORDINATOR



Ensure Compliance



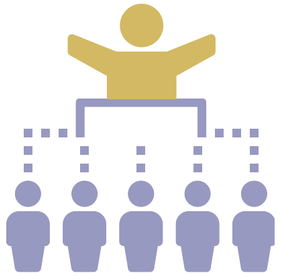
Monitors barriers to reporting



Receive reports



Training



Oversees grievance procedures



Offers supportive measures



Creates policy and procedures



Determine initiation of complaint

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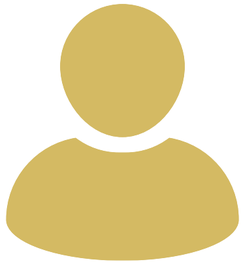
TITLE IX INVESTIGATOR

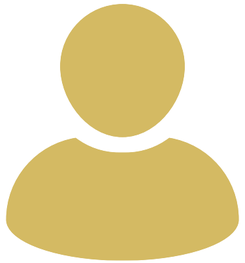


MAY BE THE TITLE IX COORDINATOR, OTHER SCHOOL EMPLOYEE, OR INDEPENDENT CONTRACTOR.

RESPONSIBILITIES:

- Collects evidence and interviews the Parties and Witnesses
- Provides all evidence to the Parties and their Advisors for inspection and review
- Creates an investigative report that fairly summarizes relevant evidence
- Sends the investigative report to the Complainant, Respondent, Advisors, and Decision-Maker

TITLE IX DECISION-MAKER



MAY BE A SINGLE DECISION-MAKER OR A HEARING PANEL, SCHOOL EMPLOYEE(S), OR INDEPENDENT CONTRACTOR(S).

RESPONSIBILITIES:

- Oversees and facilitates the Title IX adjudication process, including a hearing if the school has one
- Supervises the conduct of the involved Parties and their Advisors
- Determines the relevance of evidence and questions presented during the credibility assessment process
- Drafts and issues the written determination regarding responsibility
- Issues sanctions when appropriate

APPELLATE DECISION-MAKER

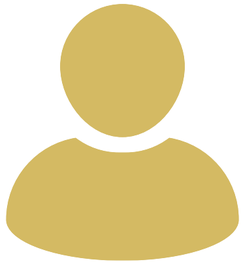
MAY BE A SINGLE APPELLATE DECISION-MAKER OR APPELLATE PANEL, SCHOOL EMPLOYEE(S), OR INDEPENDENT CONTRACTOR(S).

RESPONSIBILITIES:

- Reviews the appeal from the Party & the other Party's response (if any)
- Drafts and issues the final determination

Specific appellate procedures vary at every school, so refer to the school's policy for details.

INFORMAL RESOLUTION FACILITATOR



MAY BE A SCHOOL EMPLOYEE, OR INDEPENDENT CONTRACTOR. CAN BE THE TITLE IX COORDINATOR.

RESPONSIBILITIES:

- Provides information to the Parties and Advisors about the informal resolution process
- Various forms of informal resolution may be available
- Facilitates the informal resolution process
- Drafts informal resolution settlement agreements at the conclusion of the process (if the complaint is resolved)

ADVISOR

COMPLAINANT AND RESPONDENT HAVE THE RIGHT TO AN ADVISOR OF THEIR CHOICE.



An Advisor may be, but is not required to be, an attorney.



A party's Advisor may be a friend, teacher, parent, professor, etc.

- School must provide an Advisor for the live hearing if a Party does not have one present
- School cannot limit the choice or presence of the Advisor for either Party in any meeting
- Parties have the option to include the Advisor in any meeting or investigative interview
- Schools may set specific expectations or provide guidelines for Advisors to follow during meetings, investigative interviews, and the hearing

TITLE IX PERSONNEL



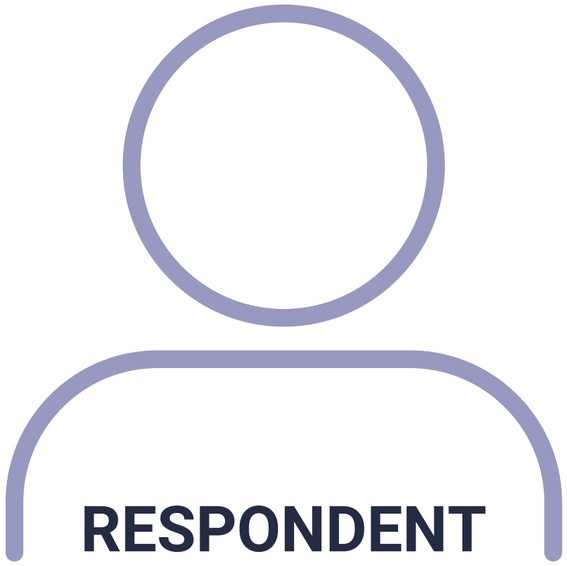
Recipients have the flexibility to use their own employees or external Title IX Investigators, Adjudicators, or Informal Resolution Facilitators

PARTIES IN THE PROCESS

ASIDE FROM THE TITLE IX PERSONNEL WHO TAKE PART IN THE FACILITATION OF THE GRIEVANCE PROCESS, WE WILL ALSO SEE THESE INDIVIDUALS INVOLVED:



COMPLAINANT



RESPONDENT



WITNESS

COMPLAINANT

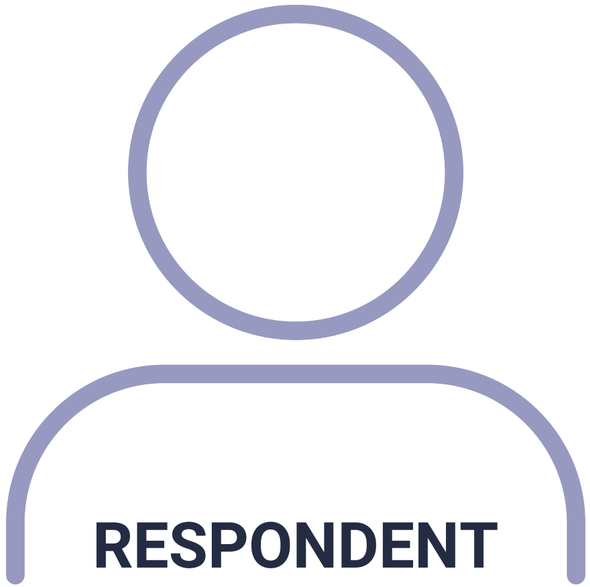
ALLEGED TO BE THE VICTIM OF CONDUCT THAT COULD CONSTITUTE SEXUAL HARASSMENT



- May be a student, employee, or other community member
- Must be participating in or attempting to participate in the school's education program or activity with which the complaint is filed
- There may be more than one Complainant in a case

RESPONDENT

REPORTED TO BE THE ALLEGED PERPETRATOR OF CONDUCT THAT COULD CONSTITUTE SEXUAL HARASSMENT.



RESPONDENT

- May be a student, employee, community member, or non-community member
  - The school's ability to respond to incidents perpetrated by non-community member Respondents may be limited
- School may dismiss the complaint if the Respondent is no longer enrolled or employed by the school
- There may be more than one Respondent in a case

WITNESS

INDIVIDUALS THAT ARE IDENTIFIED IN THE GRIEVANCE PROCESS AS HAVING INFORMATION THAT MAY SUPPORT OR REFUTE ALLEGATIONS OF SEXUAL HARASSMENT.



WITNESS

- May be identified by the Complainant, Respondent, or institution
- Could have first-hand knowledge regarding allegations or may have other information that could be helpful in an investigation
- There may be multiple witnesses in a case

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OVERVIEW OF THE TITLE IX REGULATIONS



IN THIS SESSION



INTRODUCTION TO THE TITLE IX REGULATIONS

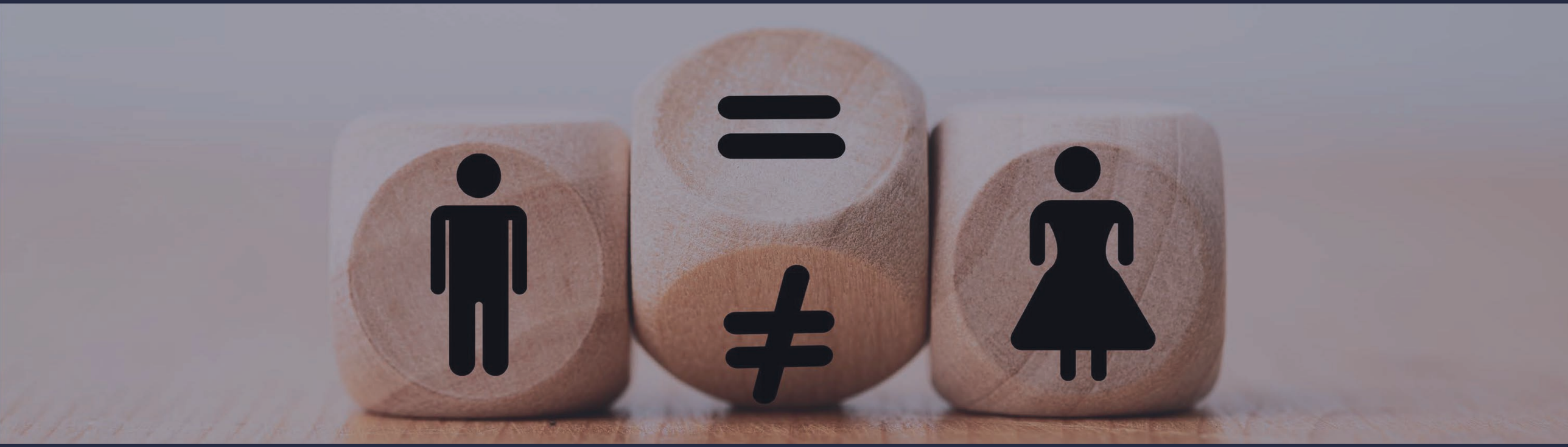


SEXUAL HARASSMENT AND RECIPIENT RESPONSE



TITLE IX GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

INTRODUCTION TO THE TITLE IX REGULATIONS



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WHEN IS SEXUAL HARASSMENT ACTIONABLE?



When it denies a person equal access to education

RECIPIENT'S RESPONSE

THRESHOLD CRITERIA (ALL FOUR MUST BE MET):

- Incident meets the definition of sexual harassment
- School must have “actual knowledge” of an allegation of the incident of sexual harassment
- Conduct must have occurred within the school’s own education program or activity
- Alleged harassment must have occurred within the United States

SEXUAL HARASSMENT AND RECIPIENT RESPONSE



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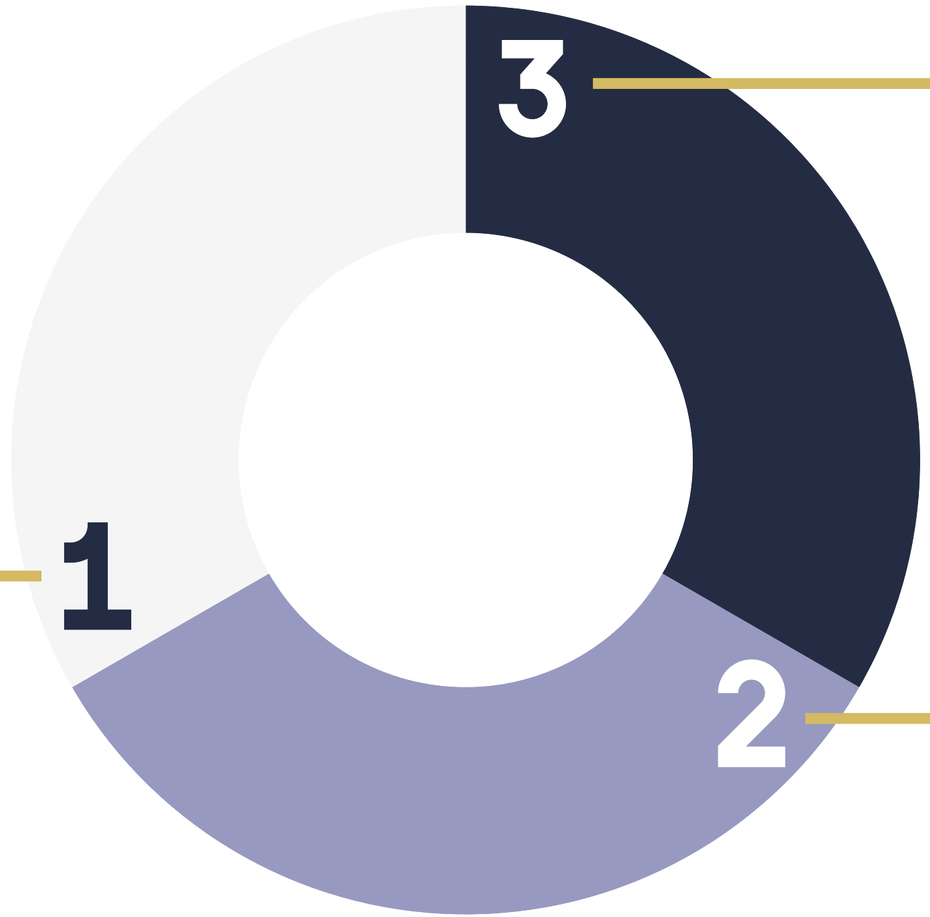
SEXUAL HARASSMENT



SPECIFIC OFFENSES

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

HOSTILE ENVIRONMENT HARASSMENT

- Davis Standard

QUID PRO QUO HARASSMENT

*conduct **on the basis of sex** that satisfies one or more of the following categories

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SEXUAL HARASSMENT

1

QUID PRO QUO

DEFINITION:

An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient of an individual's participation in unwelcome sexual conduct.

- May be expressed or implied
- Need not be “severe” or “pervasive” as a single incident
- Considered inherently “offensive” and jeopardizes equal educational access

SEXUAL HARASSMENT

2

HOSTILE ENVIRONMENT

DEFINITION:

Unwelcome conduct determined by a reasonable person to be so **severe**, **pervasive** and **objectively offensive** that it effectively denies a person equal access to the recipient's education program or activity.

SEXUAL HARASSMENT

3

SPECIFIC OFFENSES

SPECIFIC OFFENSES DEFINED UNDER THE FBI'S UNIFORM CRIME REPORTING (U.C.R) PROGRAM.

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

SEXUAL ASSAULT

SEX OFFENSES

Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

Rape

Sodomy

Sexual Assault with an Object

*Criminal Sexual Contact

Unlawful sexual intercourse (not including prostitution offenses).

Incest

Statutory Rape

20 U.S.C. 1092(f)(6)(A)(v)

* The FBI's Uniform Crime Reporting Manual (2025) updated this type of behavior to "Criminal Sexual Contact" rather than "Fondling."

DATING VIOLENCE

VIOLENCE COMMITTED BY A PERSON:

a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    i. The length of the relationship.
    ii. The type of relationship.
    iii. The frequency of interaction between the persons involved in the relationship.

34 U.S.C. 12291(a)(10)

DOMESTIC VIOLENCE

FELONY OR MISDEMEANOR CRIMES OF VIOLENCE COMMITTED BY A CURRENT OR FORMER SPOUSE OR INTIMATE PARTNER OF THE VICTIM:

a. by a person with whom the victim shares a child in common,

b. by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

c. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies,

d. or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

34 U.S.C. 12291(a)(8)

STALKING

ENGAGING IN A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON THAT WOULD CAUSE A REASONABLE PERSON TO:

1. Fear for their safety or the safety of others; or
2. Suffer substantial emotional distress

34 U.S.C. 12291(a)(30)

CONSENT



The Regulations do not include a definition of consent and do not require recipients to adopt a particular definition of consent, including "affirmative consent," with respect to sexual assault.

CONSENT EXAMPLES

EXAMPLE A

- **Active and Mutual:** Consent requires an ongoing, shared agreement between participants. It is the responsibility of anyone initiating sexual activity to obtain this clear agreement.
- **Voluntary:** Permission must be given freely without coercion, force, or threats.
- **Verbal or Non-Verbal:** Agreement can be communicated through clear words or actions, but assumptions should never be made if confusion or ambiguity arises.
- **Context-Specific:** Welcoming one type of sexual contact, or agreeing to contact on a previous occasion, does not mean consent is given for other acts or future encounters.
- **Incapacitation:** If a person is incapacitated due to drugs, alcohol, or another reason, they cannot give consent. Sexual conduct with an incapacitated person is deemed unwelcome if the respondent knew or reasonably should have known about the incapacity.

EXAMPLE B

- **Affirmative Agreement:** Consent requires active agreement rather than simply the absence of a "no"; silence or nonresistance does not constitute consent.
- **Ongoing and Specific:** Agreement must exist for specific acts and can be withdrawn at any moment, meaning actions must cease immediately. Previous consent does not imply future agreement.
- **Freely Given:** Coercion, force, or threats invalidate any apparent consent.
- **Capacity to Consent:** Individuals who are incapacitated—whether through alcohol, drugs, unconsciousness, or other conditions—cannot provide consent, and engaging with someone known to be incapacitated violates policy.

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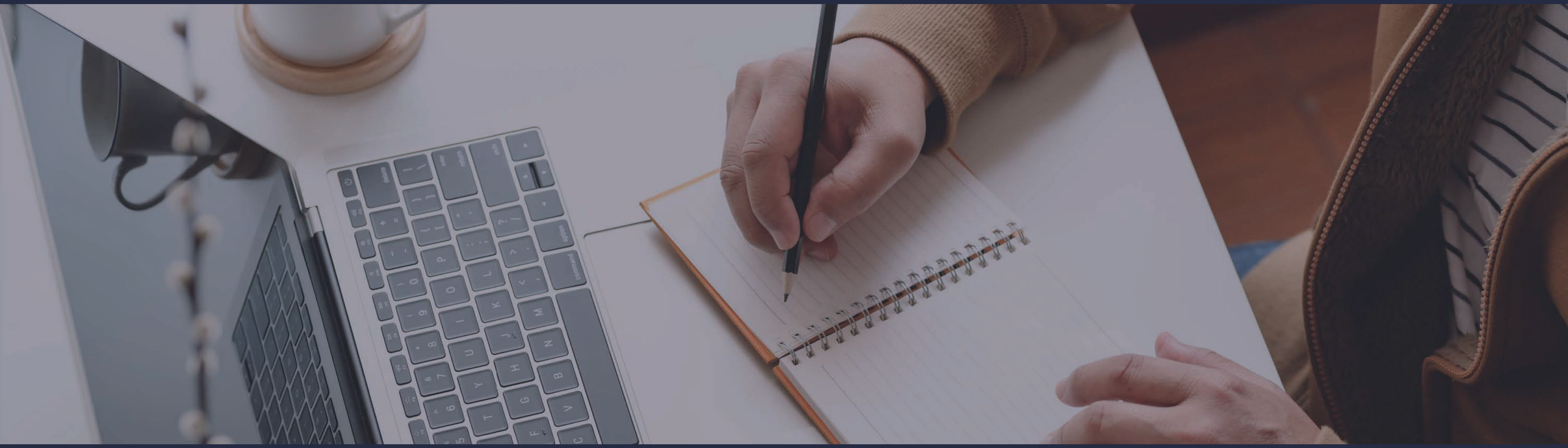
TITLE IX GRIEVANCE PROCESS FOR FORMAL COMPLAINTS



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GRIEVANCE PROCESS

1. INTAKE & REVIEW
2. FORMAL COMPLAINT
3. NOTICE OF ALLEGATIONS
4. INVESTIGATION
5. DECISION-MAKING PROCESS
6. WRITTEN DETERMINATION
7. APPEAL

INFORMAL RESOLUTION WINDOW

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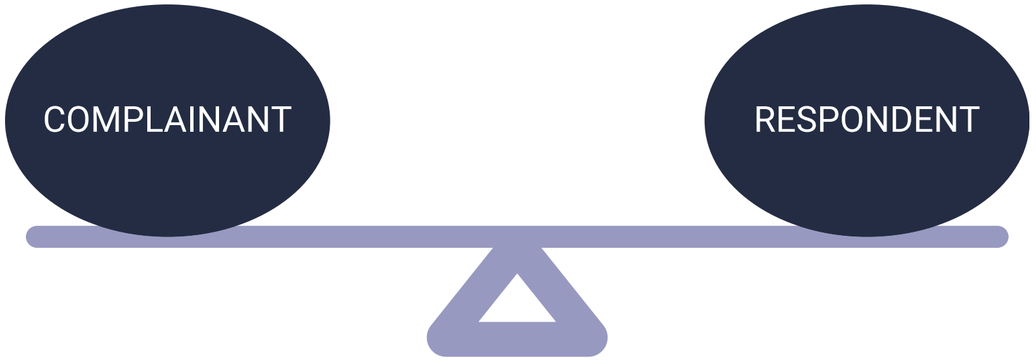
BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

TREAT COMPLAINANTS AND RESPONDENTS EQUALLY

- Ensure processes do not differ based on status as a Complainant or Respondent
- Includes Supportive Measures, Communications, the entire grievance process



BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

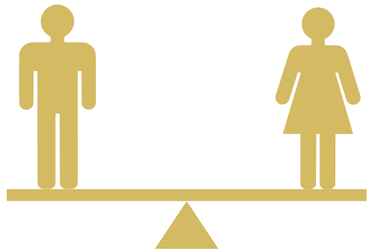


REQUIRE OBJECTIVE EVALUATION OF RELEVANT EVIDENCE

- Consider both inculpatory and exculpatory evidence
  - Inculpatory = Corroborating evidence
  - Exculpatory = Contradictory evidence
- Do not determine credibility based solely on a person's status as a Complainant, Respondent, or witness

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



REQUIRE TITLE IX PERSONNEL NOT HAVE BIAS AND CONFLICT OF INTEREST

- Title IX personnel must be trained
- Title IX personnel must *"not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent"§106.45 (b)(1)(3)*
- Title IX personnel should consider recusing themself if they are unable to serve impartially.

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:

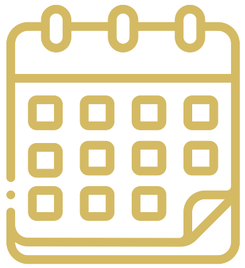


INCLUDE A PRESUMPTION THAT RESPONDENT IS NOT RESPONSIBLE UNTIL A DETERMINATION IS MADE

- Punitive measures may not be put in place until a finding of responsibility has been issued
- Think *"innocent until proven guilty"* in the criminal justice system

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



INCLUDE REASONABLY PROMPT TIME FRAMES

- Title IX policies should include reasonably prompt time frames for filing and resolving appeals, informal resolution processes, and more
- The grievance process may be delayed for good cause, which could include:
  - Absence of a party or party's advisor
  - Request from law enforcement to pause for concurrent investigation
  - Acquiring accommodations such as language assistance, disabilities

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



DESCRIBE RANGE OF POSSIBLE DISCIPLINARY SANCTIONS AND REMEDIES

- Ensure these ranges are communicated in policy and procedural documents

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



STATE THE STANDARD OF EVIDENCE

- A school may elect to apply either:
  - The preponderance of evidence (“more likely than not”) standard; or
  - The clear and convincing evidence (“highly probable") standard
- The same standard of evidence must be used for:
  - Formal complaints against students as is used for formal complaints against employees, including faculty
  - All formal complaints of sexual harassment

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



INCLUDE THE PERMISSIBLE BASES FOR APPEAL

- Title IX allows for appeals of the final determination of responsibility

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



DESCRIBE THE RANGE OF SUPPORTIVE MEASURES AVAILABLE

- Ensure these ranges are communicated in policy

BASIC REQUIREMENTS

A RECIPIENT'S GRIEVANCE PROCESS MUST:



NOT REQUIRE OR RELY ON PRIVILEGED INFORMATION, UNLESS WAIVED

- This would include information such as:
  - Medical records
  - Academic records protected under FERPA
  - Conversations with privileged individuals such as counselors or clergy

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UNDERSTANDING TRAUMA AND BIAS



IN THIS SESSION



INTRODUCTION TO TRAUMA



RECOGNIZING PERSONAL BIAS



TRAUMA-INFORMED COMMUNICATION



PROMOTING EMPOWERMENT



UNDERSTANDING TRAUMA AS AN COORDINATOR

UNDERSTANDING TRAUMA



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WHAT IS TRAUMA?

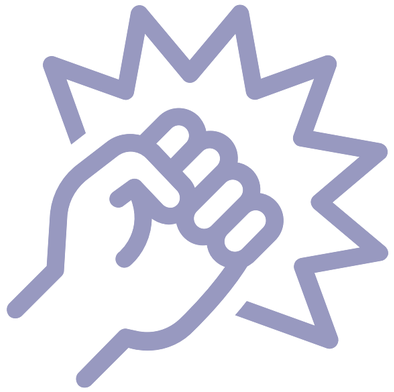
DEFINITION OF TRAUMA

- Subjective
- Real or perceived threat
- Manifests differently in each person

CONSIDER EACH PARTY'S EXPERIENCES

- One or both Parties have likely already experienced trauma, either:
  - Prior to the incident (childhood experiences, family history, collective memory, etc.)
  - During the incident
  - As a result of being accused of the alleged incident
  - Through a combination of these experiences
- One or both Parties may be currently experiencing trauma during the Title IX grievance process

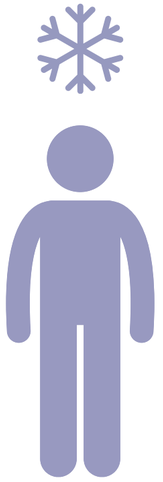
HUMAN STRESS RESPONSE



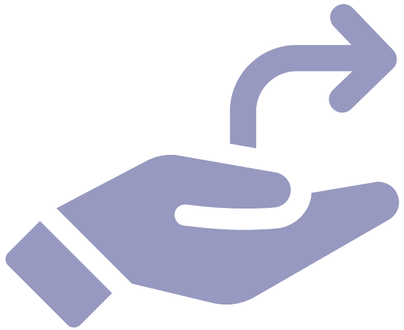
FIGHT



FLIGHT



FREEZE

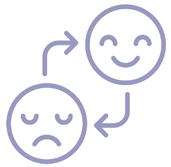


FAWN

WHAT DOES THIS MEAN FOR TITLE IX?



Fragmented, incomplete memories are common



Emotional dysregulation is expected

- Can appear in a variety of ways: inappropriate affect (laughter), extreme anxiety, numbing/disconnection



The fawn or freeze responses may appear to be consent



Discussing the event is retraumatizing

- Try to limit the number of interviews, questions, etc.



WHY IS IT IMPORTANT TO UNDERSTAND TRAUMA?

- May help prevent prejudgment of a situation
- May help with understanding how questions during an interview are answered
- May help inform how a question is asked

TRAUMA-INFORMED COMMUNICATION



TITLE IX SOLUTIONS

BEST PRACTICES



- BE ADAPTABLE
- LISTEN ACTIVELY
- WITHHOLD JUDGMENT

CONSIDERATIONS OF A TRAUMA-INFORMED APPROACH



EMPATHY

- The ability to understand and share the feelings of another
  - Doesn’t mean that you fully “get it” – because you don’t
  - You can try to put yourself in your party’s shoes
- Not the same as sympathy!
  - Sympathy is rarely helpful in these situations
  - Most trauma survivors report that sympathy exacerbates feelings of shame/embarrassment

COMMUNICATING EMPATHY

"I can see how painful this is for you to talk about."

"That sounds incredibly scary."

"There are resources here on campus to support you through this."

VALIDATION

Recognition or affirmation that a person or their feelings, opinions, and experiences are real or worthwhile.

DO

Share your own similar reactions, if you have them:

“I would feel really angry too.”

“It makes sense that you would feel that way.”

DON’T

Tell someone how they should feel:

“You shouldn’t let this bother you so much.”

Question their responses:

“Are you sure that is what happened?”

Validation ≠ Agreement

ACTIVE LISTENING

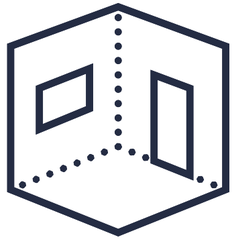
A COMMUNICATION TECHNIQUE THAT SERVES THE FOLLOWING PURPOSES:

1. Ensures that you understand what the other person is saying accurately
2. Communicates to the other person that you are listening

STRATEGIES FOR ACTIVE LISTENING

- Avoid distractions
  - Cell phones, emails, knocks on the door
- Use frequent brief paraphrases of what you heard
- Use nonverbal cues
  - Nodding, smiling or frowning, leaning forward
- Remain neutral and nonjudgmental
- Use phrases to communicate your desire to understand:
  - *“Did I understand that correctly?”*
  - *“I want to make sure I am hearing you.”*
- Ask open-ended questions:
  - *“Can you tell me more about…”*

ADDITIONAL STRATEGIES



CONSIDER THE ENVIRONMENT

- Allow each Party to choose the meeting place, if possible
- Consider comfortable seating, tissues, water, privacy, etc.



FOCUS ON EACH PARTY AND THEIR NEEDS

- Refrain from sharing own stories & experiences
- Create an open space for them to talk (no judgement)
- Aim to understand each Party's perspective



KEEP A HEALTHY EMOTIONAL DISTANCE

- Self-care is crucial
- Boundaries are okay (and even healing!)
- Direct each Party to campus resources that can provide support

DE-ESCALATION

CONFRONTATION IS POSSIBLE

- Title IX processes may be intense, and emotions may run high
- Confrontation may occur between you and either Party or their Advisor

STRATEGIES FOR DE-ESCALATION

- Keep personal emotions in check
- Create physical space
- Allow for silence & patience for decisions
- Practice validation, active listening & empathy

RECOGNIZING PERSONAL BIAS



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PERSONAL BIAS

A TENDENCY, INCLINATION, OR PREJUDICE TOWARD OR AGAINST SOMETHING OR SOMEONE.

- Biases are universal
  - We are all products of our own personal histories, cultures, and many other factors that shape the ways in which we see the world
  - Biases are automatic and often outside of conscious control
- Biases are not always bad
  - i.e. an inclination toward healthy lifestyle behaviors
- Biases can be based on stereotypes or inaccurate information



It is crucial that you understand your biases in order to be most effective in your role.

BIAS VS. CONFLICT OF INTEREST

BIAS

- Having a personal history with sexual misconduct
- Holding stereotyped gender beliefs about sexual violence
  - i.e. perpetrators are males
- Internalization of rape culture
  - Often leads to skepticism or blaming of the Complainant

CONFLICT OF INTEREST

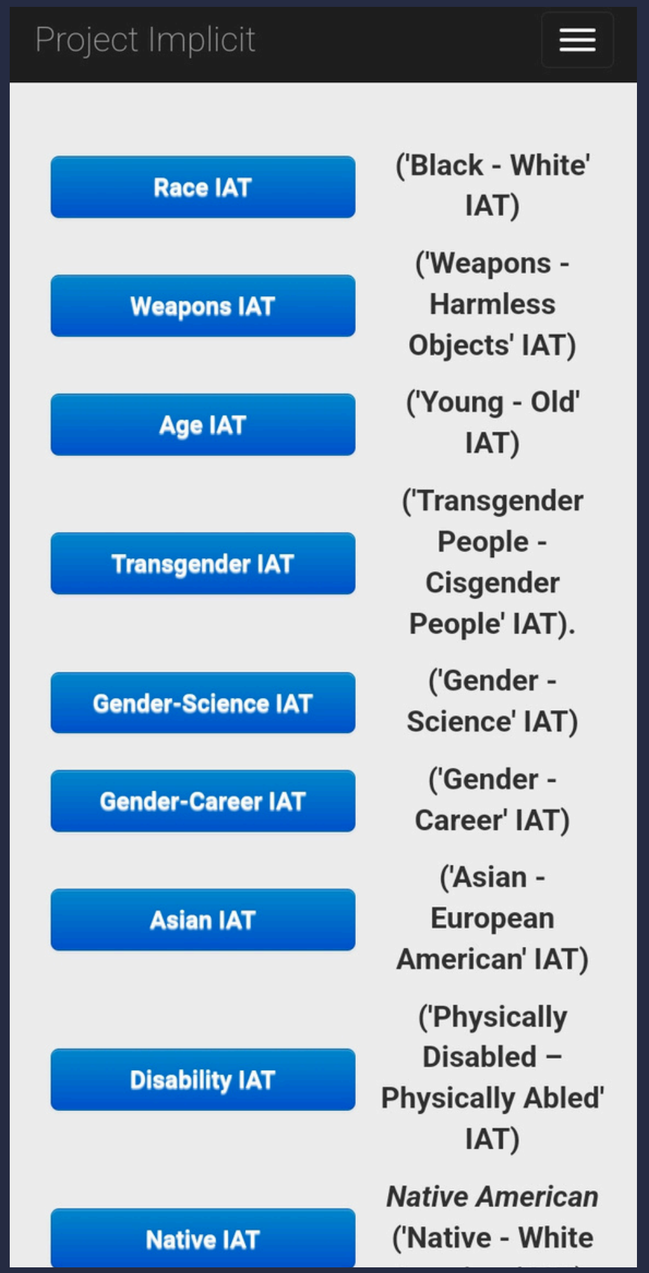
- Having a personal relationship with one or more parties
- Holding multiple relationships with one or more parties
- There is any way in which you could benefit (or be harmed) from the outcome of the investigation

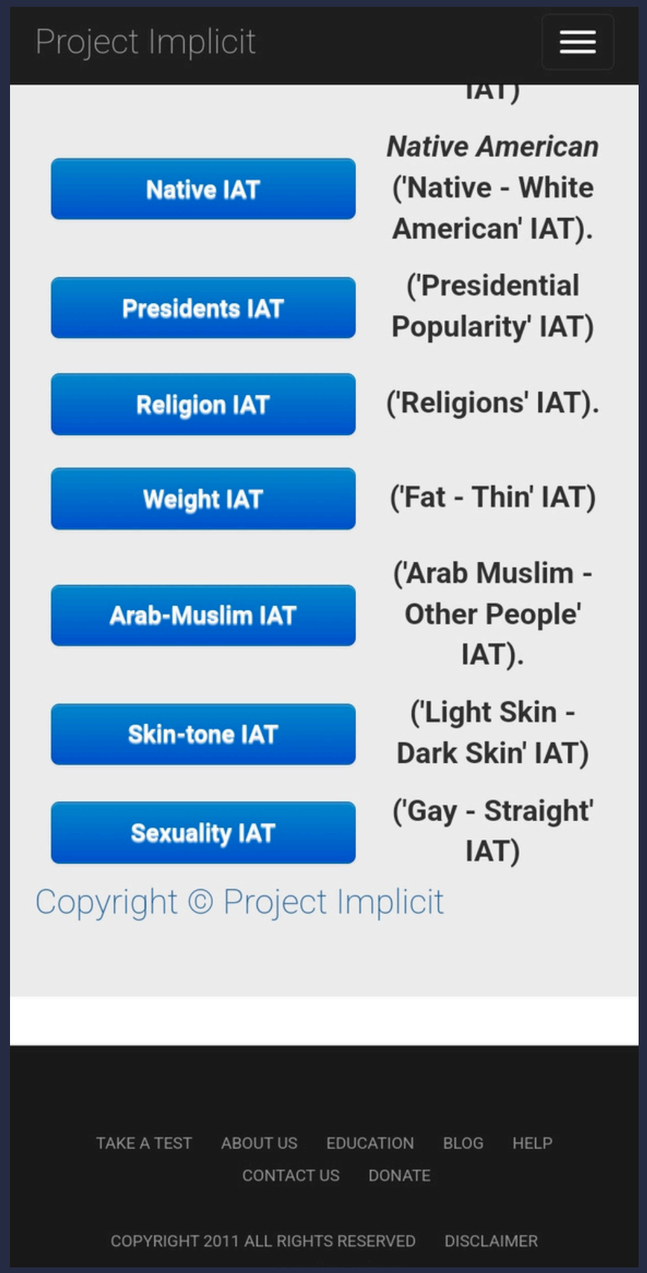
RECOGNIZING PERSONAL BIAS

IS YOUR PERSONAL BIAS AFFECTING YOUR ABILITY TO BE OBJECTIVE?

- Introspection
  - Implicit Bias Tests
    - https://implicit.harvard.edu/implicit/selectatest.html
- Having implicit bias does not make you a bad person (we all have it)
  - Managing your implicit biases will make you a better Title IX professional
- Questions to ask yourself:
  - What does the information at hand cause me to believe about those involved? Why?
  - When should an individual recuse themself from a case because they are unable to overcome personal bias?

IMPLICIT BIAS TESTS





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CHECK YOURSELF FOR BIAS

THROUGHOUT THE LIFE OF A CASE



ADDITIONAL RESOURCES

- Understanding Trauma: A Refresher Course
- Rebecca Campbell
  - National Institute of Justice (NIJ) - The Neurobiology of Sexual Assault: Implications for Law Enforcement, Prosecution, and Victim Advocacy
  - Sexual Assault Kit Initiative (SAKI) - The Neurobiology of Trauma: Webinar Series
- Jim Hopper
  - Sexual Assault: Brain, Behavior and Memory



BREAK & TRANSITION TIME

Coordinators to Room 103

Investigators stay here

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TITLE IX INVESTIGATOR TRAINING

Lead by Susanna Murphy



AGENDA

INVESTIGATORS

11:15- 12:00	Investigation Planning & Design
12:00 - 1:00	Lunch
1:00 - 2:40	Investigative Interview Techniques
2:40 - 2:55	Break
2:55 -4:15	Preparing an Investigative Report

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INVESTIGATION PLANNING AND DESIGN



IN THIS SESSION



FORMING AN INVESTIGATIVE TEAM



REVIEWING KEY DOCUMENTS



DRAFTING AN INVESTIGATIVE PLAN



PREPARING FOR THE INVESTIGATION

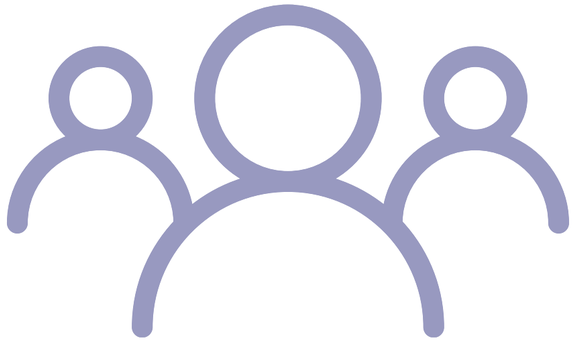
FORMING AN INVESTIGATIVE TEAM



FORMING AN INVESTIGATIVE TEAM

FACTORS TO CONSIDER:

- **Experience** with Title IX investigations, specific forms of sexual harassment, student or employee cases, etc.
- **Availability** to conduct an investigation
- **Conflicts of interest** and/or actual and **perceived biases**



ADDITIONAL FACTORS TO CONSIDER

- **GENDER BALANCE**
- **NATIVE LANGUAGE OF THE PARTIES**
- **TEAM OF TWO INVESTIGATORS**



LEAD INVESTIGATOR



CO-INVESTIGATOR

- **COMMUNICATING WITH YOUR CO-INVESTIGATOR**
  - As a team, it is important to delegate tasks and play off one another's skills and experiences.

REVIEWING KEY DOCUMENTS



DOCUMENTS TO REVIEW

- Institutional Title IX / Sexual Harassment Policy and Procedures
  (May be called "Sexual Misconduct Policy")
- Incident Report (if available)
- Formal Complaint
- Notice of Allegations
- Internal Templates

TITLE IX POLICY

THIS POLICY OUTLINES KEY DEFINITIONS, GRIEVANCE PROCESSES, RIGHTS OF THE PARTIES, AND THE INSTITUTION'S TITLE IX REQUIREMENTS.

- Review the Policy and Procedures numerous times and at every stage of the investigation process
  - The Policy and Procedures must be followed throughout the investigation
  - Ensure you are following the correct grievance process based upon the complaint
- Review the Rights of the Parties
  - For example: Parties are not required to participate in the investigation, have the right to share their account and have it on the record, and may have an Advisor
- Direct Parties and Witnesses to the Policy and Procedures
- Direct questions or concerns about the Policy or Procedures to the Title IX Coordinator

INCIDENT REPORT AND FORMAL COMPLAINT

INCIDENT REPORT

- Submitted by Complainant or a third party
- May be anonymous
- Makes the institution aware of an alleged incident
- Does not initiate the Title IX grievance process

FORMAL COMPLAINT

- Signed and submitted by the Complainant or Title IX Coordinator
- Alleges sexual harassment against a Respondent
- Requests the school investigate the allegation
- Required for the Title IX grievance process to begin

SAMPLE REPORT

October 25, 2025: Jennifer Lorenz emailed Title IX Coordinator Lin-Chi Wang about a a series of potentially inappropriate emails and text messages that may have been sent by a staff member, Dr. Charlotte Brown, to and about a Sample University student, Ms. Sally Fields. Ms. Lorenz and Ms. Fields were students in Dr. Brown's Rhetoric at Work class. Ms. Lorenz reported that the messages made Ms. Fields, herself, and other students uncomfortable.

SAMPLE FORMAL COMPLAINT

On September 12, September 21 and October 20, 2025, Dr. Brown sent me emails that included sexual comments and made me uncomfortable. Also, on September 3, 15, and 25, 2025, Dr. Brown sent sexual comments about me in a group text that included other students. These made me really embarassed and made me super uncomfortable in class and interacting with Dr. Brown and the other students.

I would like the school to investigate Dr. Brown's actions.

Signed: Sally Fields, Sample University Class of '29

NOTICE OF ALLEGATIONS

- Prepared by the Title IX Coordinator and sent to the Complainant and Respondent at the start of the investigation
- Contains significant detail about the alleged incident, including the identities of the involved parties, conduct allegedly constituting sexual harassment, and the date and location of the reported incident
- Ideally includes the definitions of the alleged policy violations

SAMPLE NOTICE OF ALLEGATIONS

According to the Complainant, the alleged conduct occurred between September and October of 2025, while the Complainant was in the Respondent's Rhetoric at Work class. During this time, the Complainant alleges that the Respondent:

1. Sent emails including sexual comments to the Complainant on September 12, 2025, September 21, 2025, and October 20, 2025.
2. Sent text messages that included various sexual comments to the Complainant in a group chat on September 3, 2025, September 15, 2025, and September 25, 2025.

    - Violation of Sample University Sexual Harassment Policy (Policy 237): Sexual Harassment: *Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's program or activity*

WHY IS THE NOTICE OF ALLEGATIONS IMPORTANT?

IF WRITTEN CORRECTLY IT CAN LAY THE FOUNDATION FOR AN INVESTIGATION.

- Outlines details from the alleged incident to be verified during the investigation
- Contains names of potential witnesses and/or sources of evidence to be collected
- Presents the timeline of the incident and reporting process
- Helps investigators focus on the key questions that are to be addressed during the Title X Grievance Process

INTERNAL TEMPLATES

YOUR INSTITUTION MAY PROVIDE TEMPLATES FOR YOU TO USE DURING THE INVESTIGATION PROCESS. TEMPLATES MAY INCLUDE:



Invitation to Interview



Interview Preamble



Advisor Agreement



Notice of Investigative Report



Investigative Report Format

DRAFTING AN INVESTIGATIVE PLAN



GETTING STARTED

BEFORE DRAFTING YOUR PLAN, CONFIRM THAT YOU HAVE COMPLETED THE FOLLOWING STEPS:

- Formed your investigative team
- Reviewed key documents, including the Title IX/Sexual Harassment Policy, Notice of Allegations, and the Formal Complaint
- Conducted an assessment for potential conflicts of interest or biases
- Preserved any potential evidence
- Communicated with the Title IX Coordinator about the case

KEY QUESTIONS TO KEEP IN MIND

?

WHAT IS THE ALLEGED INCIDENT AND DID IT OCCUR?

IS THE ALLEGED INCIDENT A POLICY VIOLATION?

As investigators, these questions help us:

- Understand the scope of the investigation and what is “relevant” and “directly related”
- Recognize key words from policy violations to address during the investigation
- Focus the investigation planning, interview questions, interview summaries & investigative report

DRAFTING THE INVESTIGATION PLAN

AT A MINIMUM, THE INVESTIGATION PLAN INCLUDES:

1. Names of the Investigators
2. Names of the involved parties
3. Summary of allegations
4. Definitions of alleged policy violations
5. Witness list
6. Order of interviews for parties and witnesses
7. Evidence list
8. Preliminary investigation timeline

⚠ Investigation plans may change and evolve throughout the investigation!



START WITH ANY INFORMATION YOU ALREADY KNOW.

INPUT INFORMATION FROM THE NOTICE OF ALLEGATIONS, FORMAL COMPLAINT, AND REPORT!

1 NAMES OF INVESTIGATORS

INCLUDE ANY KNOWN INFORMATION, SUCH AS:

- Full name
- Title
- Email address
- Phone number
- Designation of Lead Investigator
- Known scheduling conflicts (vacations, conferences, etc.)

2 NAMES OF THE PARTIES

INCLUDE ANY KNOWN INFORMATION, SUCH AS:

- Full name
- Contact information
- Parent and/or guardian name(s)
- Parent and/or guardian contact information
- Status at institution
- Age, Grade/Year
- Native language
- Other special considerations (accommodations, IEPs, etc.)
- Name of Advisor (if known), relationship to Advisor (friend, mother, attorney, etc.)

3 SUMMARY OF ALLEGATIONS

INCLUDE INFORMATION FROM THE NOTICE OF ALLEGATIONS, FORMAL COMPLAINT, AND REPORT, SUCH AS:

- Summary of the incident
- Date of the incident
- Location of the incident
- Encounters between the parties before and/or after the incident
- Other available information

4 DEFINITIONS OF POLICY VIOLATIONS

INCLUDE VERBATIM DEFINITIONS:

- Ideally provided in the Notice of Allegations
    - If not provided in the Notice of Allegations, consult with the Title IX Coordinator about potential policy violations
- Analyze the language of the policy violation
- Recognize if more than one policy violation is listed

A thorough understanding of the policy violation will assist you in preparing interview questions.

ANALYZING POTENTIAL POLICY VIOLATIONS

Sexual Harassment:
Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when ...

(3) such conduct has the purpose or effect of creating an intimidating or hostile educational or working environment...

(Sample University Policy No. 145(b))

5 WITNESS LIST

INCLUDE ANY KNOWN INFORMATION, SUCH AS:

- Full name
- Contact information
- Status at institution
- Age, Grade/Year
- Relationship with Complainant or Respondent
- When and how they were identified as a witness
- Space for evidence provided

6 ORDER OF INTERVIEWS

ORDER INVESTIGATIVE INTERVIEWS LOGICALLY

- Typically, Complainant is interviewed first
- Then, witness and Respondent interviews follow

BE STRATEGIC IN PLANNING INTERVIEWS

- Scheduling conflicts, delays, or a refusal by the witness to participate may impact your ideal order of interviews
- Witnesses may be added throughout the investigation

7 EVIDENCE LIST

IDENTIFY KNOWN AND POTENTIAL SOURCES OF EVIDENCE, SUCH AS:

- Communication between Complainant and Respondent
- Digital evidence and social media posts/messages
- Surveillance footage, key card logs, etc.

Document which evidence has already been obtained or provided, noting who provided the evidence

Outline how other sources of evidence will be obtained (e.g. asking parties for evidence, coordinating with campus police/campus safety, etc.)

8 TIMELINE OF INVESTIGATION

CONSIDER THE DURATION OF EACH STAGE OF THE INVESTIGATION:

- Confirm the investigation's start date
- Set investigation milestones
  - Can be helpful to work backwards from the goal end date of the investigation
- Many timeframes are outside of the investigator’s control
- Check policy to determine timeframes for:
  - Number of days required between noticing Parties of an interview and conducting the interview
  - Amount of time allotted for Parties to review and respond to preliminary Investigative Report
- You will have additional responsibilities to juggle while investigating
- Consider potential roadblocks (school breaks, party/advisor conflicts, personal conflicts, etc.)



REMAIN FLEXIBLE AND FOCUSED.

EVEN THE MOST EFFICIENT INVESTIGATIONS CAN BE TIME-CONSUMING.



INVESTIGATION PLAN

Included in your booklets is a sample Investigation Plan.

Feel free to use or edit it to be most helpful to you!

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PRACTICE DRAFTING AN INVESTIGATION PLAN!

- Review the Sample Report, Formal Complaint, and Notice of Allegations
- Input the appropriate information into the Investigation Plan sample.

ELEMENTS OF THE INVESTIGATION PLAN

1. Names of the Investigators
2. Names of the Involved Parties
3. Summary of Allegations
4. Definitions of Alleged Policy Violations
5. Witness List
6. Order of Interviews for Parties and Witnesses
7. Evidence List
8. Preliminary Investigation Timeline

PREPARING FOR THE INVESTIGATION



SCHEDULING INTERVIEWS

- Interview the Complainant before Respondent and witnesses (usually!)
- Typically one to two interviews per person, but could be more
- Allow at least one hour for each interview
- Be patient and flexible in scheduling, but do not unreasonably delay process

KEY CONSIDERATIONS

AS YOU PREPARE TO INTERVIEW PARTIES AND WITNESSES, KEEP IN MIND THE FOLLOWING:

- Title IX is an administrative, not judicial, process
- Investigators must remain neutral
  - Neutral does not mean you cannot have empathy
- Challenging process for all individuals involved can be emotional and time-consuming
- Consistent Communication can alleviate challenges

NOTICE OF INTERVIEWS

EVERY PARTY MUST BE SENT A NOTICE OF INTERVIEW WITH THE FOLLOWING INFORMATION:

- Date, time, location, expected attendees, and purpose of the interview
- Reminder regarding role of the Advisor
- Confirm with Title IX Coordinator
- How to prepare
- Time commitment
- Location
- Words of support
    - Same to both parties

Dear [Complainant],

My name is Susanna Murphy and I am the Lead Title IX Investigator with Title IX Solutions. I have been assigned to investigate the allegations outlined in the Notice of Allegations provided to you by Lin-Chi Wang on October 25, 2025.

INVITATION TO INTERVIEW

I am contacting you to invite you to a virtual Zoom interview. During this investigation interview, I will ask you questions about the alleged conduct summarized in the Notice of Allegations. This interview is your opportunity to share your experiences and perspectives related to the alleged conduct, so please take time to prepare for this conversation as you may see fit. My goal is to conduct this investigation as efficiently as possible, thus I will be offering you interview dates as early as next week.

WHEN:

- Monday, October 29, 2025:
  - 9:00 a.m.-1:00 p.m. (EST)
  - 3:00 p.m.- 5:00 p.m. (EST)
- Tuesday, October 30, 2025:
  - 11:30 a.m.-1:00 p.m. (EST)
  - 3:30p.m.-6:00 p.m.
- Thursday, October 31, 2025 (next slide)

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WHERE: ZOOM (link will be provided after an interview date and time are scheduled)

WHO: As noted in the Notice of Allegations, you are free to bring an advisor to this interview. If you plan to do so, please inform me in advance of our interview the name and contact information of that advisor. Please also let me know if you would like me to copy your advisor on our communications going forward.

WHAT TO BRING TO THE INTERVIEW:

During the interview, you will be provided the opportunity to suggest witnesses and topics about which you would like me to inquire of the other party and witnesses, and the opportunity to suggest documents to be reviewed for relevant information. You also are free to provide me with documents or other evidence prior to, during, or after your interview. If you do not have a list of witnesses or evidence, do not worry. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Investigator and Sample University, not on the parties.

I will aim to provide high level updates via email to both parties approximately every two weeks throughout the duration of my investigation so that you can rest assured that the investigation is ongoing.

Please remember that the Title IX office is available to assist in providing supportive measures to you. Please let me know if you have any questions or concerns.

Best, Susanna

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Dear [Respondent],

My name is Susanna Murphy and I am the Lead Title IX Investigator with Title IX Solutions. I have been assigned to investigate the allegations outlined in the Notice of Allegations provided to you by Lin-Chi Wang on October 25, 2025.

I am contacting you to let you know that I am beginning my outreach to both Parties in this matter and beginning this investigation. I will be working to schedule the Complainant's interview as soon as possible. I may then conduct some witness interviews and will be in touch with you to schedule your interview when I reach that stage in the investigation.

I will aim to provide high level updates via email to both parties approximately every two weeks throughout the duration of my investigation so that you can rest assured that the investigation is ongoing.

Please remember that the Title IX office is available to assist in providing supportive measures to you. Please let me know if you have any questions or concerns.

Best,
Susanna

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LUNCH TIME!

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INVESTIGATIVE INTERVIEW TECHNIQUES



IN THIS SESSION



PREPARING A PREAMBLE



RECORDING INTERVIEWS



BUILDING RAPPORT AND TRUST

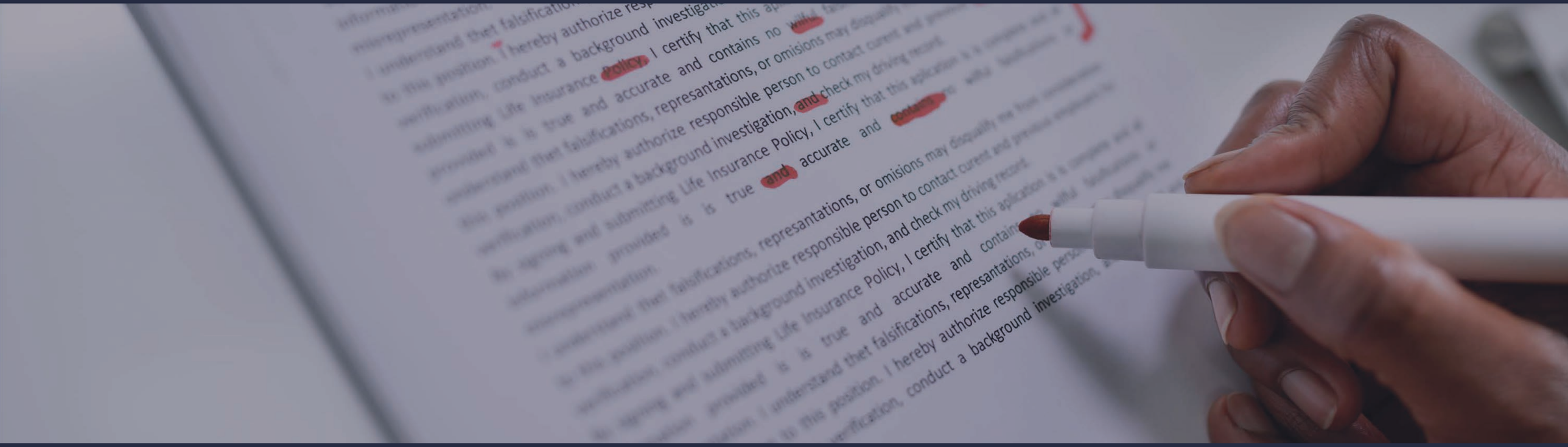


QUESTIONING THE PARTIES



INTERVIEWING MINORS

PREPARING A PREAMBLE



WHAT IS A PREAMBLE?

"READ" BY INVESTIGATOR AT THE BEGINNING OF THE INTERVIEW

- State date, time, purpose of the interview, location, persons present and verbal consent of all persons participating
- Ask each person to state their name for later voice identification during transcription
- Time and date should be read onto the recording at the end of the recorded interview

WHAT IS A PREAMBLE?

- Provides Consistency throughout interviews
- Ensures consent, policy violations in question, relevant sections of the policy in question are on the record
- Helps if the Investigator is called as a witness during the hearing or litigation
- Assists in putting the party or witness at ease – they become used to Investigator's voice, presence, etc.

OTHER ELEMENTS TO INCLUDE

- Explain investigative process (refer to policy) and roles and names of Title IX personnel (Coordinator, Investigator(s), Decision-Maker, etc.)
- Cover rights under Title IX and policy
- Inform party of their opportunity to share what actually happened
- Remind party of Advisor's role
- Provide clarification of policy, procedure, and timeline
- Establish meeting decorum (breaks, use of phone, etc.)
- Share Investigator's comfort with difficult topics

SAMPLE PREAMBLE



SAMPLE PREAMBLE (PAGE 1)

We are now recording. As I just reviewed with you moments ago, I am now audio recording this interview to ensure the accuracy of my notes. Please spell your name for the record and state that you consent to the recording.

INTRODUCING YOURSELF:
I am an independent investigator with TIXS who has been asked by [INSTITUTION] to investigate:
(For Parties: the allegations spelled out in the Notice of Allegations letter of [DATE])
(For witnesses: a concern raised at the college.) My job is to be an impartial/neutral gatherer of information. (If this is the case: My job is not weigh in on whether or not any policy was violated.)

QUESTIONS:
I will be asking you some questions. If you do not understand any question, please ask for clarification or for me to repeat the questions. You may not know the answers to all my questions and that is okay. Please just say that you don't know. You may not remember some information I am asking for and if that is the case, please just say so. Typically, it is best not to guess at an answer but if you feel it is appropriate to guess or estimate, such as about a time that something occurred, feel free to do so but please just indicate that you are guessing.

SAMPLE PREAMBLE (PAGE 2)

Please do not infer anything by the fact that I am asking certain questions, such as whether you did something, or said something at a particular time. I will never be suggesting that you should have but I simply want to provide you with every opportunity to share that you did if you did so and choose to share that with me.

If I do not ask a question about a specific fact that you feel may be relevant to the issues, please share that with me.

Information that I receive during these interviews that is relevant to the allegations will be shared with the parties and their advisors.

EVIDENCE:
I would be interested in receiving any documentation, photographs, written communications that you feel may shed some light on the situation. If you have anything, please feel free to share those, ideally within one week of this interview. Please also share the names of any individuals you would like me to consider interviewing and their contact information as well as what relevant information you believe they can provide. I will not always interview everyone suggested but this is a good starting point.

SAMPLE PREAMBLE (PAGE 3)

RETALIATION:
As you may know, the school prohibits retaliation of any sort. If you feel you are experiencing any sort of retaliation related to your involvement in this matter, please contact the Title IX Coordinator to discuss that.

AMNESTY (IF THE SCHOOL HAS ONE):
Your school has something called an amnesty provision. That means that if the issue of any prohibited activity comes up during this investigation, like illegal drug or alcohol use, the school will not take any action against anyone for that bc of the importance they place on the ability for parties and witnesses to be open and honest during these investigations. (Modify as needed according to the language of the school's amnesty policy)

BREAKS:
I have scheduled this interview for __ time. I will/will not plan to take a break. However, if you would like a break at any time, please just let me know and I am happy to do that.

IF ADVISORS PRESENT:
Read excerpt from institution's policy about limitations on the role of the advisor.

PRONOUNS:
I typically start each interview by sharing my pronouns, mine are she/her. Would you like to share your pronouns?

RECORDING INTERVIEWS



RECORDING BEST PRACTICES

ONLY THE INVESTIGATOR MAY RECORD INTERVIEWS.

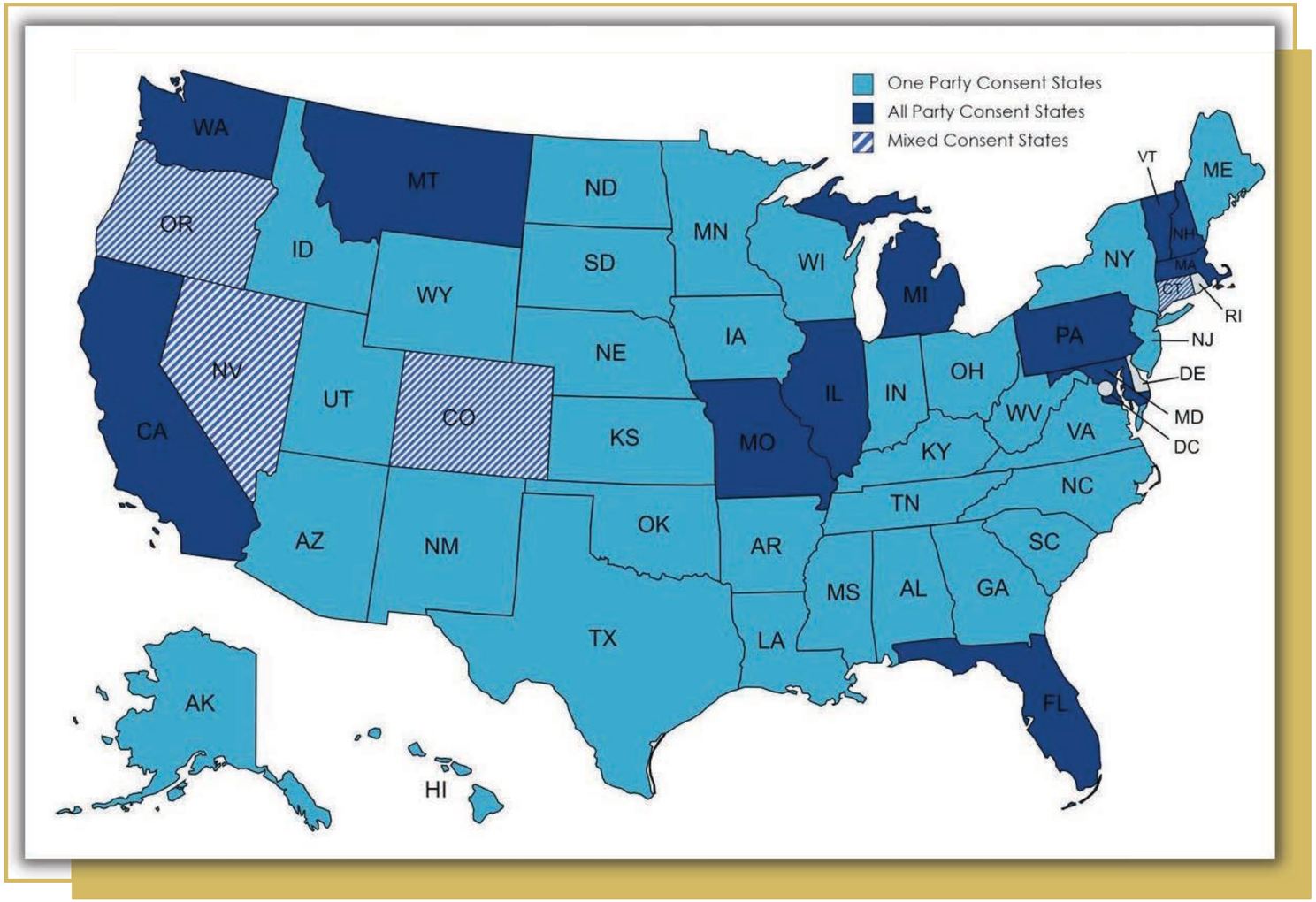
BEST PRACTICES INCLUDE:

- ☑ Inform or obtain consent from the interviewed party
- ☑ Use HD recording application on a phone for the least intimidating in-person option
- ☑ Have the interview transcribed
- ☑ Share transcript and recording of interview with the Parties and Advisors if Poliy allows or dictates
- ☑ Include transcription and audio recording in the final investigation report and/or file



Recording frees up the Investigator to focus on the interview and interviewee.

OBTAINING CONSENT



- Review state and local law, as well as school policy*
- Check for one-party consent, two-party consent, etc.
- Prepare for what you will do if a Party does not give consent to record

*The accuracy of this diagram may change with evolving laws in various states.

TRANSCRIPTION

TRANSCRIPTS WILL PROVIDE QUOTES AND NARRATIVES FOR INVESTIGATIVE REPORT

- Provides a complete word-for-word record of the investigative interviews
  - Does not contain paraphrasing of questions or responses
  - May contain grammatical or syntax errors depending on speech of parties
- May need to be reviewed and approved by parties for accuracy before including in the investigation report (Check your policy)

HUMAN TRANSCRIPTION VS. AI-TRANSCRIPTION



Cost



Accuracy



Efficiency

BUILDING RAPPORT AND TRUST



STARTING THE INTERVIEW

- Visualize conducting a successful interview before walking into the room
- Consider how the interviewee perceives the Investigator
- Make the interviewee feel comfortable
- DO NO HARM
- Explain the investigative process at the beginning of the interview
- Use non-threatening questions help to put the interviewee at ease

IMPORTANT REMINDERS

- This is an interview not an interrogation!
- Respondents should be treated with the same respect as the Complainant
- School must presume that Respondent is not responsible for the alleged conduct unless and until a determination of responsibility for a violation of the Title IX policy is made at the conclusion of the grievance process
    - This should be a guiding principle throughout the interview process (and beyond)
- Good cop/bad cop is not appropriate

QUESTIONING THE PARTIES



FOUNDATIONS OF INTERVIEWING

1. SEEKING THE NARRATIVE
2. CONTROLLING THE INTERVIEW FLOW
3. ASKING CLARIFYING QUESTIONS
4. PROVIDING RATIONALE FOR QUESTIONS
5. GATHERING INFORMATION TO SUPPORT ANSWERS

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GUIDELINES FOR GOOD QUESTIONS

OPEN-ENDED

Prompts the party to share more broadly.

NON-LEADING

Do not guide the Parties to the answer you want to hear.

SINGULAR

Avoid complicated, multi-part questions.

CLEAR

Ensure questions use the most clear, concise language aimed at arriving at the information needed.

SENSITIVE

Though questions need to be direct, consider emotions that may be evoked by asking. Practice empathy.

SEEKING THE NARRATIVE

1

YOUR FIRST BROAD QUESTION

"Tell me what happened on the night of August 15, 2022."
"Start at the beginning and tell me what's been going on."

- This may elicit a long-form response
  - Listen carefully to determine which clarifying questions you would like to ask
  - Allow the party to speak, uninterrupted
  - The party may go through a range of emotions
- Allow yourself a way to bring the conversation back

CONTROLLING THE INTERVIEW FLOW

2

CHRONOLOGY-BASED INTERVIEW

- Conducted in the order of events
- May start with the first relevant interaction between the Parties
- Can allow for easy organization of the investigative report
- Allows Parties to recall events in a meaningful order
- Has a clear stopping-point
- May be helpful for incidents with only one allegation or type of policy violation *(For example- an alleged sexual assault taking place in the duration of one-evening)*

TOPIC-BASED INTERVIEW

- Conducted according to themes or topics (allegations, locations, Parties, etc.)
- May jump from date to date
- Can allow for organization of the investigative report according to each allegation
- May help Parties think through each separate allegation
- May be helpful for incidents with multiple allegations over a period of time (*Our sample case*- two emails in September and one in October, and three text messages)

ASK CLARIFYING QUESTIONS



ASK FOR SPECIFICITY

- Encourage Parties to be as descriptive as possible
  - Sense questions (see, smell, hear, taste, touch)
  - Feelings and emotions experienced
  - Full names of individuals mentioned, contact information, relationships
  - Locations, times, dates
  - Quantities of substances consumed
- When in doubt, use, "Tell me more about that..."
  - Allows the Party to dig deeper and recall on their own
- Now is not the time to be shy
  - Explicit details must be shared in many instances

ASK CLARIFYING QUESTIONS

"We started the night at a bar downtown. I can't remember which one. And he started buying me drinks. I got really drunk."

EXAMPLE

What time did you arrive at the bar?
How did you get there?
Can you describe the area?
Had you been to this bar before?
What did the inside of the bar look like?
What types of drinks did he purchase for you?
How many total drinks did you consume?
Did you observe him drinking any alcoholic drinks?

ASK CLARIFYING QUESTIONS

"When I woke up, he was doing stuff to me. I didn't want that to happen, and I never said it was ok. I barely even know him."

EXAMPLE

I know this may be difficult or uncomfortable, but I need to understand the specifics of what he was doing to you. This will help me when I'm writing the report and we are providing your narrative of the events. You can use the terms you feel comfortable using. Can you tell me what he was doing?

ASK CLARIFYING QUESTIONS

"He was having sex with me."

EXAMPLE

Sometimes sex has different definitions to different people. I just want to be sure I am understanding your definition of sex. Can you tell me exactly what acts he was engaging in?

"Yes. First, he fingered me and then started going down on me. Then he penetrated me vaginally with his penis. I told him no, but he just kept going until he got off. I didn't want any of that. I never even wanted to kiss him."

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LOOPING

Using the example from the previous slide, you might say:

EXAMPLE

“I noted you said, ‘When I woke up he was doing stuff to me.’ Can you tell me exactly what you mean by ‘doing stuff to me?’”

PROVIDING RATIONALE FOR QUESTIONS



- Some questions may sound as though they are victim-blaming without an explanation
  - Help the Party understand why you are seeking this information
- "Why" questions are seen as taboo, but there are times we may need to ask them
  - Explain the need to ask "why" questions

PROVIDING RATIONALE FOR QUESTIONS

EXAMPLE

Instead of:

What were you wearing that night?

Which may be met with:

"Are you saying I deserved this because I was in a little dress? That's exactly what my friends said. I knew I shouldn't have worn that."

Try:

The security system in Oakley Hall recorded a large group returning to the residence hall that night at 1:30 AM. The footage is a little grainy. Could you give me a description of what you were wearing so I can better identify you on the video? Could you describe what Tristan was wearing as well?

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PROVIDING RATIONALE FOR QUESTIONS

EXAMPLE

Instead of:

Why did you go into his room?

Which may be met with:

"See, I knew you would think I was stupid for going in there alone. I guess I just wasn't thinking."

Try:

Did you have any expectations of how the evening would unfold when he invited you into his room? Walk me through what you were thinking and feeling so I can understand a bit better.

GATHERING INFORMATION TO SUPPORT ANSWERS

5

- Attempt to go one layer deeper
- Seek information that will support or refute certain elements of the allegations



INCAPACITATION
(Due to alcohol or other substances)



CONSENT



POLICY VIOLATIONS
(Elements of the potential policy violation)

GATHERING INFORMATION TO SUPPORT ANSWERS

EXAMPLE

Establishing Consent:

(To Respondent) What verbal or non-verbal cues did she give you to indicate she wanted to have sex?

"I don't know. She didn't say anything when I moved on top of her, so I figured she wanted it. She would have said no or moved away otherwise."

(To Complainant) What was your reaction when you woke up and discovered him on top of you?

"I completely froze. I tried to speak, but I couldn't. I wanted to push him off of me, but it is like my body wasn't listening to my brain. I think I was in shock. I didn't do anything."

GATHERING INFORMATION TO SUPPORT ANSWERS

EXAMPLE

Intoxication/Incapacitation:

(To Respondent) Can you tell me about her mental and physical faculties that led you to believe she was not incapacitated?

"She seemed completely normal. On the bus back from the event, she had a long conversation with my buddy Jace. She got off the bus without any help and was giving everyone hugs before we got in my car to go to the dorm. She sang to the radio and made TikToks the whole way home."

GATHERING INFORMATION TO SUPPORT ANSWERS

EXAMPLE

Elements of a Policy Violation:

Policy Language
Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Can you tell me the number of times the Respondent came to your campus office uninvited during the month of March?

"She came to my office about three times a day, every single day. I didn't even know she knew where I worked. My supervisor finally told her to stop because she was starting to become a disruption."

GATHERING INFORMATION TO SUPPORT ANSWERS

EXAMPLE

Can you tell me the frequency and content of the text messages sent by the Respondent during that same week?

"I think I counted over 450 text messages from her. They came at all hours of the day, asking to meet up for sex and saying she would make sure my girlfriend was out of the picture. I eventually had to block her."

Policy Language

*Stalking: **Engaging in a course of conduct directed at a specific person** that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.*

GATHERING INFORMATION TO SUPPORT ANSWERS

EXAMPLE

How did the office visits and text messages make you feel?

"It got to the point where I was scared to go to work. I didn't know if she'd corner me in the hall or what. I stopped sleeping at night because I figured her next step might be finding out where I lived. I was also afraid for my girlfriend. What did she mean by 'making sure she was out of the picture?' I was terrified she was going to hurt her. All of it is really unsettling and I can't go about my normal day without the worry that she'll be there."

Policy Language

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to ***(1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.***

ADVISORS



- As an Investigator, it is your job to maintain authority in the room
- The role of the Advisor is for emotional support and private consultation
- Do not allow the Advisor to speak on behalf of the Party as this is the Party's interview, and you need to hear their story from them

CLOSING



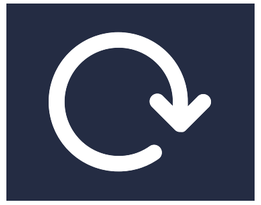
Thank Party for their participation and willingness to speak openly regarding the allegations



Ensure Parties have asked any questions they may have



Provide timeline or next steps, as well as contact information



Close any loops, so the party has a clear understanding of what is to come and what options are available to them at this point in the process

SAMPLE CLOSING REMARKS “SCRIPT”

Is there anything else you believe is relevant that you wish to share?

WITNESSES:
Are there any witnesses not yet mentioned whom you believe may have relevant information?
Who? Contact info? What do you expect they can share?

FOLLOW-UP:
Often, as I conduct other interviews, or as I begin to write my report, I realize there are additional questions that would be helpful to ask. If that is the case, I may contact you with a simple question or two, or a request for a brief follow-up interview. Similarly, if you feel, upon reflection on today, that I have misunderstood something, or that you have some additional information that would be relevant to this investigation, please do not hesitate to contact me.

SOME CASES:
Reminder about retaliation

CIRCLING BACK

- Do not be afraid to re-interview a party or witness if you require more information
- Make your contact information available to interviewees
- After completing your first round of interviews, you may become aware of new witnesses
- Promptly contact and schedule interviews with those witnesses

QUICK TIPS

- More information is always better
  - It is easier to pare down than to move forward with incomplete information
- Let your future investigative report be your guide
  - Think through the sections you need to complete and ensure you will have the information needed to do so
  - A thorough investigation means easier report writing
- Measure twice, cut once (prepare and be twice as thorough, interview once)

INTERVIEWING MINORS



CONSIDERATIONS FOR MINORS

CHILDREN ARE VERY DIFFERENT THAN ADULTS

AGE OF THE CHILD IS ALSO IMPORTANT

- Emotional maturity of a child must be considered
- Tailor interviews accordingly
  - Provide clear guidelines for the interview
  - Use age-appropriate language

USEFUL QUESTIONS FOR MINOR RESPONDENTS:

- "Where was this behavior learned?" and/or
- "Why are they behaving in this way?"
  - Actions may be a reflection of their own experiences with abuse
  - May warrant a safety and risk assessment of their own situation

CONSIDERATIONS FOR MINORS

HELPFUL TO UTILIZE ANATOMICALLY CORRECT DOLLS

ENSURE PRESENCE OF PARENT OR GUARDIAN AND OUTLINE RULES OF PARTICIPATION FOR PARENTS

- If a parent allows child to interview alone, usually should not interview without another adult in the room

USE ONLY THE CHILD'S FIRST NAME OR INITIALS TO PROTECT THEIR IDENTITY

- Transcripts
- Recording
- Investigation report and file

INTERVIEWING EXERCISES





SAMPLE QUESTION

"Why didn’t you tell anyone right away if it really bothered you?"



BETTER APPROACH

~~"Why didn't you tell anyone right away if it really bothered you?"~~

"Was there a specific reason behind the timing of when you first told someone about this?"

-or-

"Can you help me understand what made it difficult to talk about this sooner?"



SAMPLE QUESTION

"You say he assaulted you, but you were texting him all night before and after. That doesn't really make sense."



BETTER APPROACH

~~"You say he assaulted you, but you were texting him all night before and after. That doesn't really make sense."~~

"I noticed you exchanged messages before and after the incident. Can you share what those conversations were like for you?"



QUESTION CRAFTING

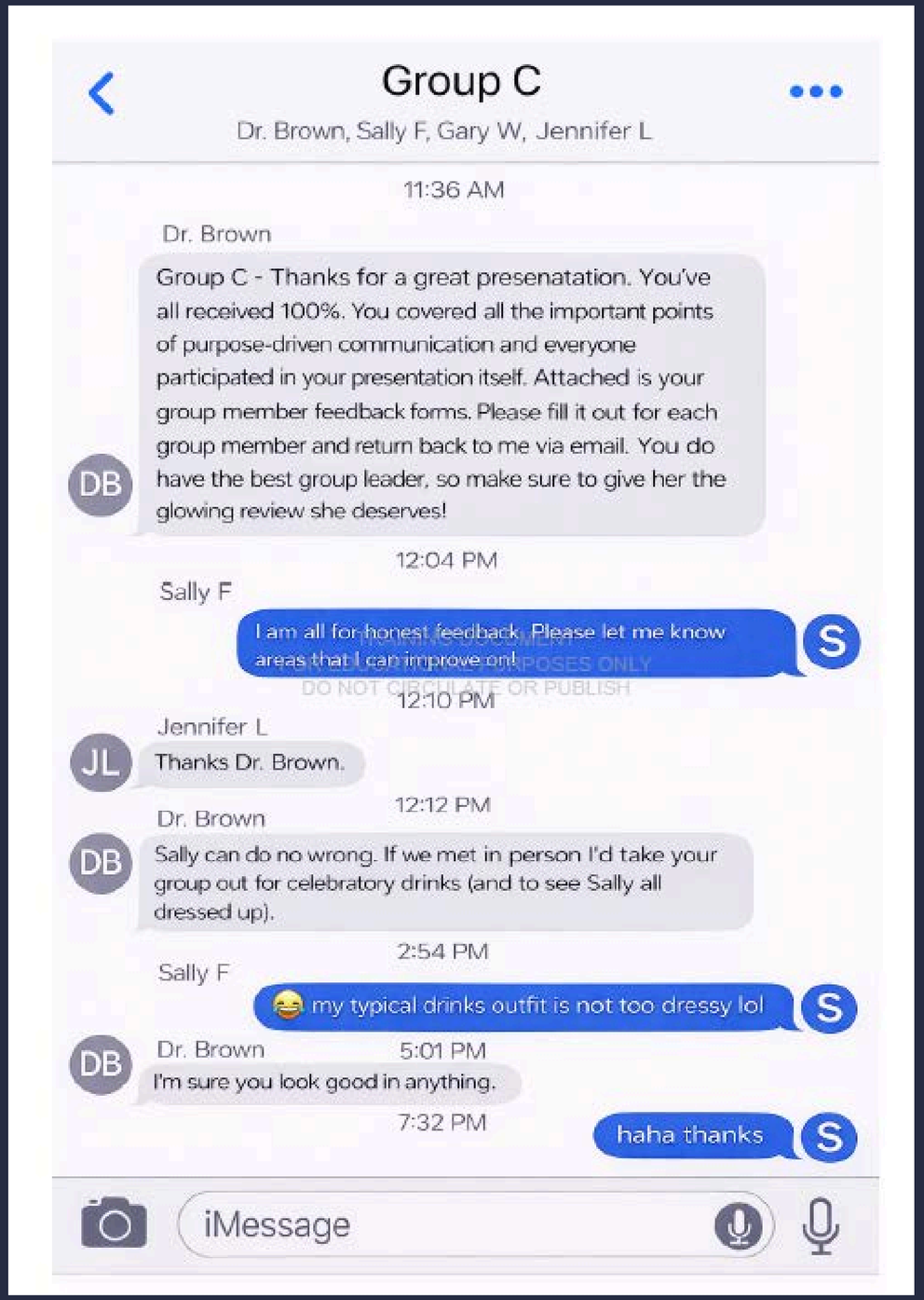
Let’s craft some questions using our hypothetical scenario.

Look at Complaint, Notice of Allegations, policy and evidence in your materials.

SUMMARY OF COMPLAINT:

On September 12, September 21 and October 20, 2025, Dr. Brown sent me emails that included sexual comments and made me uncomfortable. Also, on September 3, 15 and 25, 2025, Dr. Brown sent sexual comments about me in a group text that included other students. These made me really embarassed and made me super uncomfortable in class and interacting with Dr. Brown and the other students.

Submitted by Complainant Sally Fields



TRAINING DOCUMENT
FOR EDUCATIONAL PURPOSES ONLY
DO NOT CIRCULATE OR PUBLISH

?

Let's create some questions to pose to Respondent in our hypothetical case about the messages Respondent is alleged to have sent.



BREAK TIME!

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INVESTIGATIVE REPORT WRITING



IN THIS SESSION



ELEMENTS OF THE INVESTIGATIVE REPORT



SUMMARIZING INTERVIEWS & EVIDENCE



REVIEWING THE REPORT

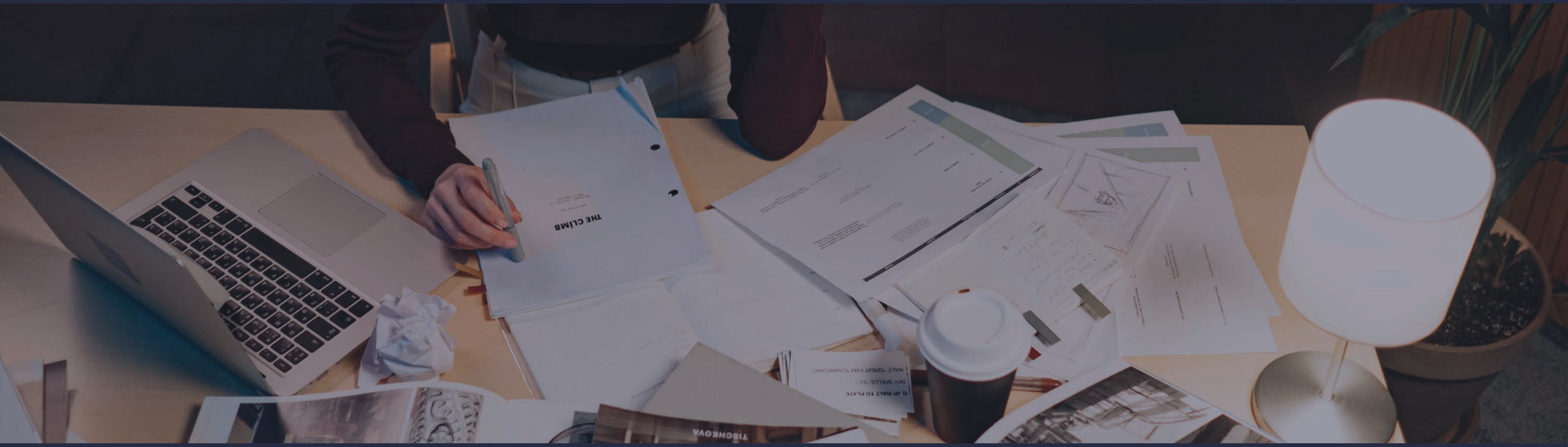


THE INVESTIGATION FILE



SAMPLE REPORT

ELEMENTS OF THE INVESTIGATIVE REPORT



REPORT WRITING PREPARATION

- This may be the area where you feel exposed
  - Parties will have the chance to observe your work
- Preparation can be your safety net
- As you're interviewing:
  - Interview back and forth
  - Write up each interview or transcribe immediately following or as soon as possible
  - Write in large blocks of time
- You may see questions you forgot to ask or points that need clarification - go back and ask

ELEMENTS OF THE INVESTIGATIVE REPORT

AT THE CONCLUSION OF THE INVESTIGATION, THE INVESTIGATOR WILL PREPARE A WRITTEN REPORT WHICH WILL:

- Identify the allegations
- Identify relevant policies, guidelines, and other standards
- Explain the procedural steps taken between initiation of the complaint and the conclusion of the investigation, including all notifications to the Parties, interviews with the Parties, interviews with other Witnesses, dates of all interviews, any site visits, and the methods used to gather evidence
- Fairly summarize relevant evidence

ELEMENTS OF THE INVESTIGATIVE REPORT

IDENTIFYING THE ALLEGATIONS

Allegations, if proved, that meet the definition of Sexual Misconduct

- Should be roughly identified in the Formal Complaint

Alleged form(s) of sexual misconduct

- Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, Stalking
- Copy full definitions from policy
- Many forms of prohibited conduct are also dependent upon factors such as consent, length or type of relationship between the Parties, number of alleged incidents, etc.

ELEMENTS OF THE INVESTIGATIVE REPORT

IDENTIFYING THE ALLEGATIONS

Allegations, if proved, that DO NOT meet the definition of Sexual Misconduct

- Other policies implicated?
- Harassment not based on sex or gender
- Sexual misconduct that does not fall under Title IX's scope, but may need to be addressed under another policy

ELEMENTS OF THE INVESTIGATIVE REPORT

RELEVANT POLICIES, PROCEDURES, GUIDELINES AND STANDARDS



Sexual Misconduct Policy



Additional Relevant Institutional Policies

ELEMENTS OF THE INVESTIGATIVE REPORT

PROCEDURAL STEPS TAKEN BETWEEN RECEIPT OF FORMAL COMPLAINT AND CONCLUSION OF INVESTIGATION

TIMELINE

- The importance of documentation during the interviewing process presents here
- Investigator should utilize communication logs, activity logs, or other templates that document your information-gathering timeline
- The following should be provided:
  - Dates of notices
  - Interview dates
  - Date of provision of investigation file
  - Dates of responses to investigation file, etc.

ELEMENTS OF THE INVESTIGATIVE REPORT

PROCEDURAL STEPS TAKEN BETWEEN RECEIPT OF FORMAL COMPLAINT AND CONCLUSION OF INVESTIGATION

- Thoroughness is key
- Document if a Party or Witness does not respond or declines to participate in the investigation
- Document communication with other departments or off-campus sources (i.e., local police)



Does your Title IX office utilize a case management system?

ELEMENTS OF THE INVESTIGATIVE REPORT

SUMMARY OF RELEVANT EVIDENCE

The “meat” of the Investigation Report which should include:

- Summaries of interviews with Complainant, Respondent, and witnesses
- Summaries of evidence, with exhibits attached
  - Reference the evidence log and appendix which should contain relevant information collected, including any evidence obtained or submitted as part of the investigation, electronic records, written statements, photographs, or other documentation

REMINDER:

THE WRITTEN REPORT SHALL NOT MAKE FINDINGS OF FACTS OR CONCLUSIONS REGARDING THE APPLICATION OF FACTS TO THIS POLICY.

This is the responsibility of the Decision-Maker.

ELEMENTS OF THE INVESTIGATIVE REPORT

A presentation of facts and analysis of consistencies and inconsistencies in the information collected

**Optional to Include*

SUMMARIZING INTERVIEWS



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SUMMARIZING INTERVIEWS

STAY FOCUSED WHEN SUMMARIZING INTERVIEWS.

- Key questions for the Title IX grievance process:
  - Did the alleged incident occur?
  - Is the alleged incident a policy violation?

STEP 1

IDENTITIES AND DATES

NOTE TIME, DATE, LOCATION OF INTERVIEW, IF AN ADVISOR WAS PRESENT, AND CONSENT TO RECORDING

- Explain the interviewee's relation to the case
  - Complainant, Respondent
  - If a witness, who are they?

EXAMPLE



Jennifer Lorenze was a classmate of Complainant’s in Respondent’s Rhetoric at Work class...

STEP

2

SUMMARY OF RESPONSES

TELL THE STORY

Transform the individual's responses into a coherent narrative

STEP

2

SUMMARY OF RESPONSES

INCLUDE DIRECT QUOTES FROM THE INDIVIDUALS

- Direct quotes are extremely powerful and useful for those reading the report
- Cite direct quotes either from the specific line in the transcript or timing of the recording (annotate footnotes or endnotes)

STEP

2

SUMMARY OF RESPONSES

ORGANIZE INTERVIEWS INTO SUB-SECTIONS WHEN DEALING WITH MULTIPLE ALLEGATIONS

- If a complaint alleges multiple policy violations or forms of sex discrimination or sex-based harassment, consider organizing the interview into sub-sections related to each policy violation

EXAMPLE



Text messages and emails:

- ”big beautiful eyes” comment

STEP

2

SUMMARY OF RESPONSES

DO NOT CONFLATE AN INDIVIDUAL'S STATEMENTS WITH FACT.

- If a Complainant says the incident occurred at 9:00 PM, your summary should read: "Sally stated that the incident occurred at 9:00 PM" rather than "The incident occurred at 9:00 PM."
  - Start a longer narrative section with: "The following is what Sally recalled:"
- Usually will not specifically note whether evidence (photographs, text messages, surveillance footage, etc.) supports or refutes the interviewee's statements.

DO NOT INCLUDE YOUR OPINIONS

STEP

3

INTERVIEW OBSERVATIONS

OPTIONAL (BUT BE CONSISTENT ACROSS PARTIES):

- Did the individual ask for a break?
  - Note how many breaks
- Was the individual accompanied by an Advisor?
- Did the Advisor attempt to speak on the individual's behalf?
  - What occurred?
  - Only include if noteworthy
- Did the individual bring any evidence to the interview?
  - What was brought?
  - Was it referenced?

STEP 4

SHARE INTERVIEW SUMMARY?

- Summaries of interviews are a presentation of the individual's statements and do not include the Investigator's analysis, assessments, etc.
- Some Investigators share the summary of interview with the individual as soon as available to ensure accuracy of note-taking or transcription

KNOW YOUR POLICY AND BE CONSISTENT

SUMMARIZING EVIDENCE



EXAMPLES OF SUMMARIZING EVIDENCE

MAY SIMPLY BE A LIST OF ALL EVIDENCE, REFERENCING ITS APPENDIX NUMBER.

VIII. Table of Appendices

Documents and evidence obtained during the course of the investigation such as the formal complaints and Notices of Investigation can be found in the attached Appendices.

Additionally, each investigative interview was recorded by Investigator Chapman with the consent of the interviewee. The transcripts of each interview can also be found in the attached Appendices.

A list of Appendices is as follows:

Appendix No.	Description	Date Received
Appendix A	Jacob Smith Formal Complaint to the Title IX Coordinator	January 3, 2022
Appendix B	Amanda Parsons Formal Complaint to the Title IX Coordinator	January 4, 2022
Appendix C	Jacob Smith Email to the Title IX Coordinator with additional allegations	January 6, 2022
Appendix D	Notice of Allegations to Smith - Complainant	January 7, 2022
Appendix E	Notice of Allegations to Parsons - Complainant	January 7, 2022
Appendix F	Notice of Allegations to Thompson – Respondent	January 7, 2022
Appendix G	Smith Interview Transcript	January 9, 2022
Appendix G-1	Smith Interview Recording	January 9, 2022

EXAMPLES OF SUMMARIZING EVIDENCE

YOU MAY ALSO DECIDE THAT SPECIFIC PIECES OF EVIDENCE REQUIRE AN EXPLANATION.

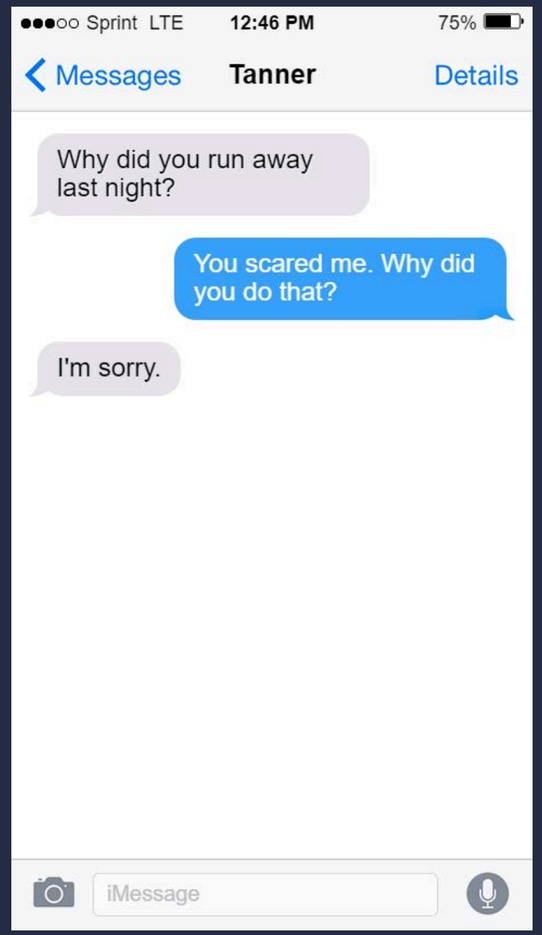


Example: Security camera video recording from Sentry Hall timestamped from January 1, 2022 at 9:00 PM to January 2, 2022 at 6:00 AM.

Security camera video recording was obtained from Sample University Police Department (SUPD)

Saved as SUPD_Evidence_2.mp4 in Investigation File

Still image from 00:18:14 Attached to Investigation Report as Appendix K



Example: Screenshot of text message received by Complainant Jacob Smith timestamped on January 2, 2022 at 8:07 AM. Alleged to be sent by Respondent Tanner Thompson. Screenshot was provided by Complainant Smith.

Saved as Smith_Evidence_1.png in Investigation File

Attached to Investigation Report as Appendix H

EXAMPLES OF SUMMARIZING EVIDENCE

NOTING INCONSISTENCIES

Example: Screenshot of text message exchange alleged to be between Complainant Jacob Smith and Respondent Tanner Thompson on January 2, 2022 timestamped at 8:07 AM. Screenshot was provided by Respondent Thompson.

NOTE: There are inconsistencies between the messages displayed on the screenshot of the exchange provided by Complainant Smith and the screenshot provided by Respondent Thompson.

The screenshot provided by Respondent Thompson contains a text message from the Respondent stating, "My bad. I just wanted to play a prank and jump out with that Halloween mask on. You always say how much you like scary movies. I saw how much it upset you and then you just ran back to your dorm room. I didn't mean to scare you that badly."

The text reply from Complainant Smith states, "It's totally ok. I just didn't know what was going on!"

These messages are absent from the image provided by Complainant Smith.



REVIEWING THE REPORT



KEEP IN MIND

- As you review your investigation report, ask yourself if your investigation answers these questions
- Your summaries of interview and evidence should address these questions:

WHO
Who was involved?

WHAT
What are the allegations?

WHEN
When did the incident occur?

WHERE
Where did the incident occur?

WHY
Why and how did the incident occur?

KEEP IN MIND

IT MAY NOT BE POSSIBLE TO DEFINITIVELY ANSWER THE QUESTIONS, BUT YOU SHOULD PROVIDE THE INDIVIDUALS' RESPONSES TO THE QUESTIONS.

- Complainant states that the incident occurred at 1:00 PM on Tuesday, June 15th
- Respondent states that the incident occurred at 11:30 AM on Tuesday, June 15th
- Access logs to the campus building where the incident occurred show that the Complainant swiped in to access the building at 11:00 AM, and the Respondent swiped in to access the building at 12:00 PM

NEXT STEPS



EDIT



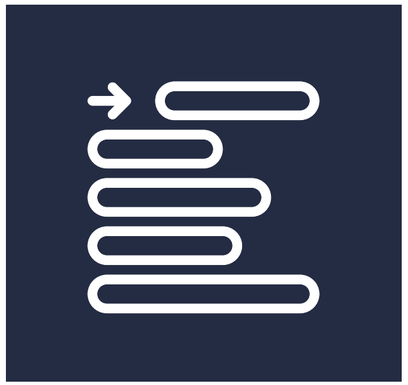
PROOFREAD



PRINT



PROOFREAD AGAIN



FORMAT



Pronouns - Use as few as possible, but ensure the ones you use are accurate. Too many "he", "she", and "they" pronouns can become confusing to the reader.

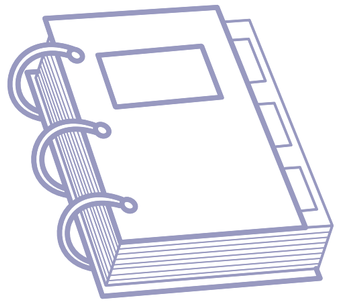
THE INVESTIGATION FILE



WHAT IS THE INVESTIGATION FILE?

AT THE CONCLUSION OF THE INVESTIGATION, PREPARE WHAT WE REFER TO AS AN INVESTIGATION FILE:

- May also be referred to as a case file or case binder
- Can be:



hard copy

or



digital

WHAT DOES THE INVESTIGATION FILE CONTAIN?

ALL EVIDENCE OBTAINED AS PART OF THE INVESTIGATION THAT IS DIRECTLY RELATED TO THE ALLEGATIONS RAISED IN A FORMAL COMPLAINT TO THE COMPLAINANT AND RESPONDENT

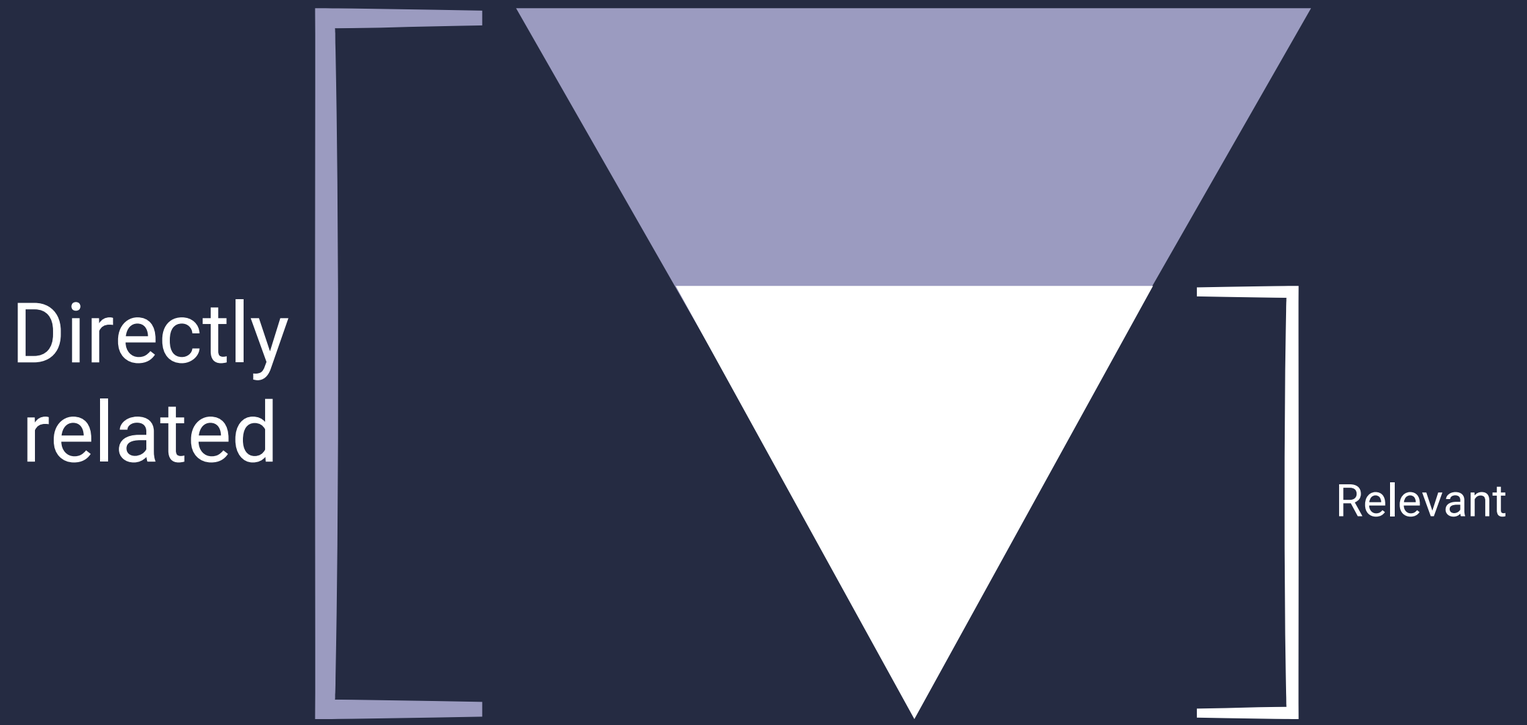
- Do not filter out any information from the file at this point unless completely unrelated. Develop a practice regarding emails.
- Parties must have an equal opportunity to inspect and review all of the directly related evidence.
    - Investigators may also send evidence to Advisors, with consent.
- Includes evidence that tends to prove and disprove the allegations (inculpatory and exculpatory), whether obtained from a party or witness.

WHAT DOES THE INVESTIGATION FILE CONTAIN?

- May include evidence that is directly related to the allegations but upon which the institution does not intend to rely in reaching a determination regarding responsibility
    - For instance, an anonymous post that Respondent had done the same thing to them (as what is alleged).
- All evidence must be made available to the parties, but not all evidence may be “relevant”
    - Reviewing the investigation file provides the Advisor and the party the opportunity to argue whether certain evidence is relevant or not, e.g. reputation evidence

RELEVANT VS. DIRECTLY RELATED

Directly related evidence is a broader term than relevant evidence. All directly related evidence is included in the investigation file. Only relevant evidence, however, is summarized in the investigation report.



TITLE IX SOLUTIONS

WHAT IS NEVER RELEVANT?

AS WRITTEN INTO THE TITLE IX REGULATIONS, THE FOLLOWING EVIDENCE IS NEVER RELEVANT:

- Evidence about a Complainant's sexual predisposition
- Evidence about a Complainant's prior sexual behavior, except when:
  - Questions and evidence are offered to prove someone other than Respondent committed alleged conduct; or
  - Questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent are offered to prove consent.

EXAMPLE: "She slept with half the frisbee team, already. She obviously was up for this encounter."

PROHIBITED EVIDENCE

AS WRITTEN INTO THE TITLE IX REGULATIONS, THE FOLLOWING EVIDENCE IS PROHIBITED:

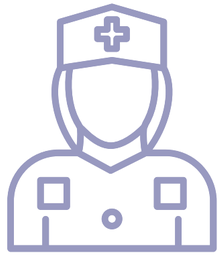
- The school cannot access, consider, disclose, or otherwise use a Party's records protected under a legally recognized privilege such as those that are made or maintained by:



A physician



A psychiatrist or psychologist



Other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity



Schools must obtain that party's voluntary, written consent to include this evidence in the Title IX grievance process.

ONCE THE FILE IS PREPARED

- Title IX Coordinator will provide the file to the Complainant, Respondent, and Advisors
- School must provide at least 10 calendar days for the Parties to respond to the evidence
- Investigators will share any written response with the other Party and will consider any written response prior to completing the investigation report



The audience for the Investigation File is the Complainant, Respondent, Advisors, and Decision-Maker.

AFTER PARTIES REVIEW

CREATE THE FINAL INVESTIGATION REPORT:

- Incorporate relevant elements of the Parties' written responses (or absence thereof) into the investigation report. Stay open-minded!
- Include any additional relevant evidence
- Make any necessary revisions
- Finalize the report
- Document all rationales for changes made after the review and comment period

ELEMENTS OF INVESTIGATION FILE



First, check to see if your school has a template or predetermined method of organizing the investigation file.

Generally, it should contain the following elements:

TABLE OF CONTENTS

1

- Organized for quick reference as the files can become large
- Separated into major sections and even subsections, if necessary, to help parties, Advisors, and Decision-Maker locate key information

INVESTIGATION REPORT

2

- Will not be finalized until the Parties and Advisors review and respond within the required 10 day review period
- Includes allegations, relevant policies/guidelines and other standards, procedural steps; and
- Fairly summarizes relevant evidence
  - Summaries of Interview (summary for every interview conducted)
  - Summaries of Evidence

LIST OF INTERVIEWS & EVIDENCE



- Communications log
- Evidence log

WITNESS INTERVIEWS



- If interviews are recorded, each interview should have the following documentation:
  - Transcript of interview
  - Recording of interview (if available)

APPENDICES



- Contains relevant documentary and physical evidence, including transcripts
  - Examples: electronic records, written statements, photographs, surveillance video, copies of text messages or emails, snapchats, restraining orders
- Evidence should be catalogued and organized into appendices with numbers or letters corresponding to the line in the evidence log
  - Save for the final task

SAMPLE REPORT



TITLE IX SOLUTIONS

CONTENTS

I. ALLEGATIONS

II. IMPLICATED POLICY

III. STANDARD OF PROOF

IV. PRESUMPTION OF NON-RESPONSIBILITY

V. PROCEDURAL STEPS AND INVESTIGATION TIMELINE

- A. CASE PROGRESSION
- B. LIST OF INTERVIEWS

VI. SUMMARY

VII. EVIDENCE

VIII. APPENDIX

I. ALLEGATIONS:

The following was alleged in the ABC College Notice of Investigation and Allegation (NOAI) (Appendix A):

“The alleged actions include Respondent John Doe engaging in unwanted sexual contact through touching the Complainant’s [Jane Smith’s] buttocks under her underwear. Respondent also allegedly placed hands on Complainant’s face and leaned in and tried to kiss the Complainant prior to her turning their head and verbally refused. This allegedly occurred while in the bathroom at the XX Eating Club Fall formal."

This is alleged to have occurred on or about January 25, 2021 at the Madison Performing Arts Halls on ABC College’s campus.

II. IMPLICATED POLICY

The Complaint was filed alleging the following 2020 Sexual Discrimination and Sexual Misconduct Policy “Title IX Policy” (hereinafter referred to as “the Policy”), and section was violated:

Then cite to the specific policy and sections and definitions.

PROHIBITED CONDUCT:

- Allegation/Incident 1: Section B. Sexual Misconduct

- Sexual Assault- Sexual assault defined in 20 U.S.C. 1092(f)(6)(A)(v), is an offense classified as a forcible or non-forcible sex offense ....

Sections III(A) and III(C) of The Policy provides its definition and examples of consent, as follows:

Consent: Lack of consent ...

III. STANDARD OF PROOF

The Hearing Panel shall employ the Preponderance of Evidence/Clear and Convincing Standard (pick one!) in evaluating the facts and circumstances of this matter, according to the ABC College 2020 Title IX Sexual Harassment Complaint Resolution Procedures. (Sec.6b)

IV. PRESUMPTION OF NOT RESPONSIBLE

Pursuant to the ABC College Sex Discrimination and Sexual Misconduct Policy there is a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation and resolution process.

V. PROCEDURAL STEPS AND INVESTIGATION TIMELINE

a. Case Progression

Pre-Formal Complaint

On Saturday, March 17, 2021 Jane Doe contacted her advisor, Chantel Johnson, to arrange a meeting. On Sunday, March 18, 2021, Jane Doe sent an email to the ABC Title IX office stating that she “was the victim of non-consensual sexual touching while asleep” (Appendix B). She attached to that email a statement she had typed detailing her allegations and including electronic messages between herself and John Doe (Appendix C).

On March 19, 2021, Jane met with Chantel Johnson. Jane alleged that she had been sexually assaulted by John. Rather than discuss the details of her allegations, Jane shared with MS. Johnson her typed allegations that she had forwarded to the Title IX office (Appendix C). On March 21, 2021, Jane met with Title IX Coordinator Victor Ramirez, to discuss her reporting options, her rights and discuss supportive measures. …

Formal Investigation

On March 30, 2021, Jane filed a formal, written and signed Complaint with the Title IX Office. That Complaint alleged “sexual assault” and “Unwelcome Sexual Contact”.

On April 2, 2021, a Notice of Investigation and Allegation was sent to the ...

DATE	ACTION
x/x/2021	Formal written complaint filed by Complainant via email and acknowledged by Title IX Office x/x/21
x/x/2021	Title IX Coordinator held follow up with meeting with Complainant post formal written complaint to clarify and questions about the process, rights or options shared at time of initial reporting
xxxx	Notice letter issued to Complainant and Respondent via email
xxxx	Title IX Coordinator email to External Investigator with instruction to begin investigation process
xxxx	Title IX Coordinator Informed Respondent they have the right to meet to discuss rights and options
xxxx	Investigator reached out to Complainant to establish initial contact to begin scheduling initial interviews

DATE	ACTION
xxxx	Informed Parties the name of the external Investigator, Martha Collins
xxxx	Title IX Coordinator met with Respondent to share rights, options and procedural steps
xxxx	Process Delay-Investigation due to campus spring recess; Parties and Investigator Notified by Title IX Coordinator
xxxx	Title IX Coordinator informed Respondent, Complainant, and Investigator that the process (investigation phase) will continue effective this date.
xxxx	Investigator shared Draft Investigation Report with Complainant and Respondent
xxxx	Respondent emailed Investigator Response to Draft Report
xxxx	Complainant emailed Investigator Response to Draft Report

TITLE IX SOLUTIONS

b. List of Interviews

- On April 22, 2022, Jane Doe was interviewed via Zoom. Jane did not choose to have an Advisor present.The interview was audio recorded with Jane’s consent.

- Sandra Ortiz was interviewed via Zoom on April 24, 2022. The interview was audio recorded with Sandra’s consent.

- Ash Johnson was interviewed via Zoom on April 28, 2022. The interview was audio recorded with Ash’s consent.

VI. SUMMARY

All relevant information that was shared during the interviews of the Parties and Witnesses are contained in this report. Other information that is directly related but not deemed relevant, remain in the Investigation File but were not incorporated herein.

The following is a summary of undisputed facts:

Jane Doe is a student at ABC College and lives in Smithson Hall on the Burlington Campus with a roommate. As of the date of the alleged incident Jane was dating Sandra, who also is a student at ABC.

INTERVIEW OF JANE SMITH

The following is an account of Jane’s interview:

Jane was planning to attend the Fall Formal with Sandra after attending an off-campus "pre-gaming party.....

...

Interview of John Doe:

...

Interview of Sandra Ortiz

...

VII. EVIDENCE

Jane provided the following items:

- Word document description of what occurred including most of her texts with John
- Messages between herself and Witness 1 (Appendix C)
- Messages between herself and John

John provided the following items:

- Snapchat screenshot (Appendix H)

Sandra provided the following items:

- Messages between herself and ...

Ash provided the following items:

- Messages between themself and Jane

Dante did not provide any physical evidence

VIII. RESPONSES TO DRAFT REPORT

On May 11, 2021 John submitted a response to the Draft Report (Appendix J) requesting the investigator include the description he provided in his interview of Jane's jeans being "very tight". This was incorporated into the report.

On May 14, 2021 Jane submitted a response to the Draft Report, which suggested a number of edits. The following changes were made in response to her submission:

- The labelling of Appendix H was corrected from G to H;
- Jane first arrived on campus after winter break, before the rest of the student body, for basketball practice.

IX.	Appendix
A.	Notice of Investigation and Allegations
B.	Email from Jane to Title IX Office, first reporting the allegation
C.	Formal Written Complaint of Jane, attached to email to TIX Office
D.	Case Report
E.	Floor Plan of Simpson Concert Hall
F.	Messages between Jane and Witness 1 provided by Jane
G.	Messages between Jane and Witness 1 provided by Witness 1
H.	Messages between John and Witness 4 provided by Witness 4
I.	Respondent’s Response to Draft Report
J.	Complainant’s Response to Draft Report

TESTIFYING



TESTIFYING

PREPARATION

- Clear Your Calendar
- Review
  - Case Progression
  - Report
  - Responses to Preliminary Report
  - Notes

PERFORMANCE

- Listen to the Question
- Wait for Hearing Chair to Respond
- It’s okay not to recall
- Don’t get defensive

?

TRAINING DEBRIEF

TAKE THE POST-TRAINING SURVEY HERE

