



VIRTUAL CERTIFIED K-12 TITLE IX INVESTIGATOR TRAINING

Session 1



**"Compliance at
Your Fingertips!"**

Leadership Team



Betsy Smith
Director of Title IX Services



Courtney Bullard
Founder/CEO



Celeste Bradley
Director of EEO Services

Housekeeping



- Materials
- Breaks
- Virtual Environment
- Not recorded

Agenda

Session 1

The Why Before
the How



Session 2

Investigative Techniques



Session 3

Report Writing



Session 4

Hypos (if time allows)



INSTITUTIONAL
COMPLIANCE SOLUTIONS

Purpose of ICS Training



Not Legal Advice

Designed to provide you with options so that you can make the decisions that make the most sense for you/your district.



We Are All In This Together!

We love when our participants bring information to us and provide their perspectives.



This is new for many!

Most decisions will be district specific and the regulations allow for flexibility.



Nuts and Bolts of Title IX Compliance



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What is Title IX?

“ 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. ”

TITLE IX IS:

- Federal law
- Enforced by the Office for Civil Rights (OCR)
- Prohibits discrimination based on sex
- Historically viewed as simply requiring gender-equity in athletics



What Is / Is Not

Is or May Be Title IX

- Discrimination based on sex
- Sexual Harassment
- Pregnancy discrimination
- Retaliation
- Bullying/Cyber-Bullying when it involves sexual misconduct
- Hazing when it involves sexual misconduct

Title IX Conduct?

Is **NOT** Title IX

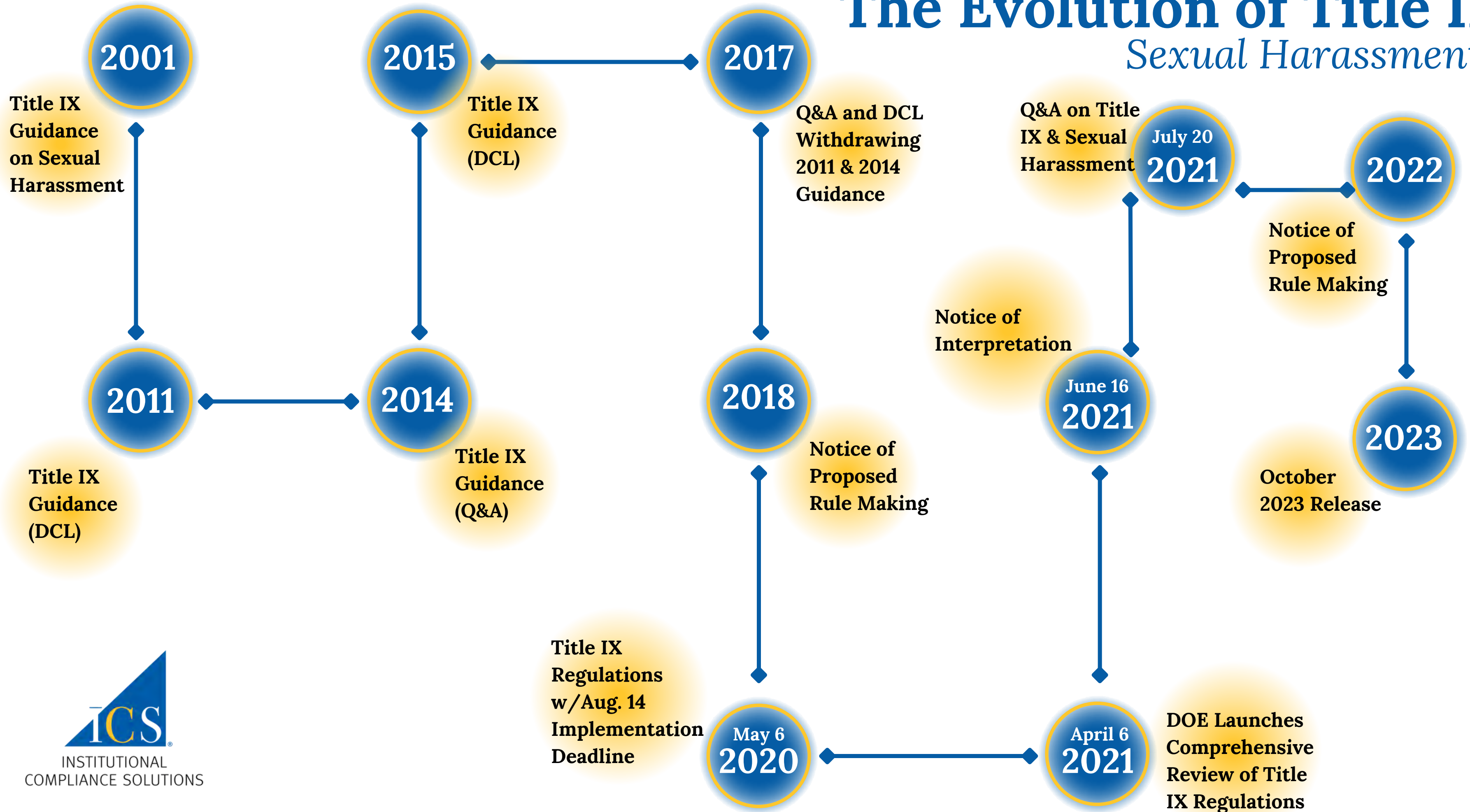
- Disability discrimination (ADA)
- Employment discrimination based on race, religion, or national origin (Title VII)- Note overlap with sex
- Student discrimination based on race, religion, or national origin (Title VI)
- Age Discrimination (ADEA)

Do not forget

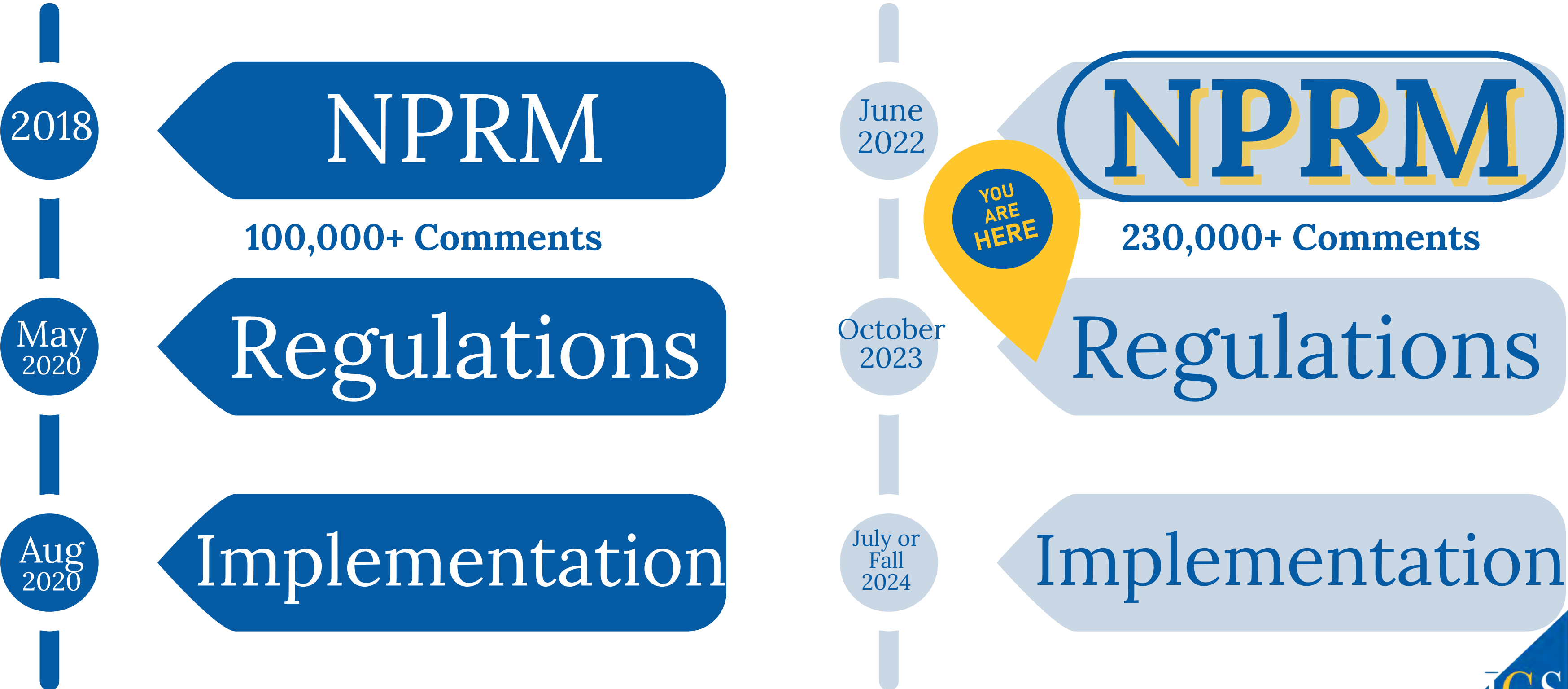
Title IX Encompasses

Sexual Harassment
Pregnancy Discrimination
Gender Equity in Athletics
Discrimination based on "sex"

The Evolution of Title IX Sexual Harassment



Title IX Regulations, Then & Now



Top 10

1

Scope Expanded

2

Mandated Training Expanded

3

Additional/Modified Definitions

4

Complexity of Title IX Coordinator Role

5

Sexual Harassment is now Sex Based Harassment

6

Less Prescriptive Grievance Process

7

Informal Resolution- Initiated without "Formal Complaint"

8

Retaliation Protections

9

Discrimination Based on Pregnancy

10

Expands Recordkeeping

REMINDER

It is a
proposed rule,
NOT a final
rule.

The 2020
regulations still
apply. Continue
your compliance
efforts under the
2020 Regulations.

Education
Program / Activity

Sexual Harassment

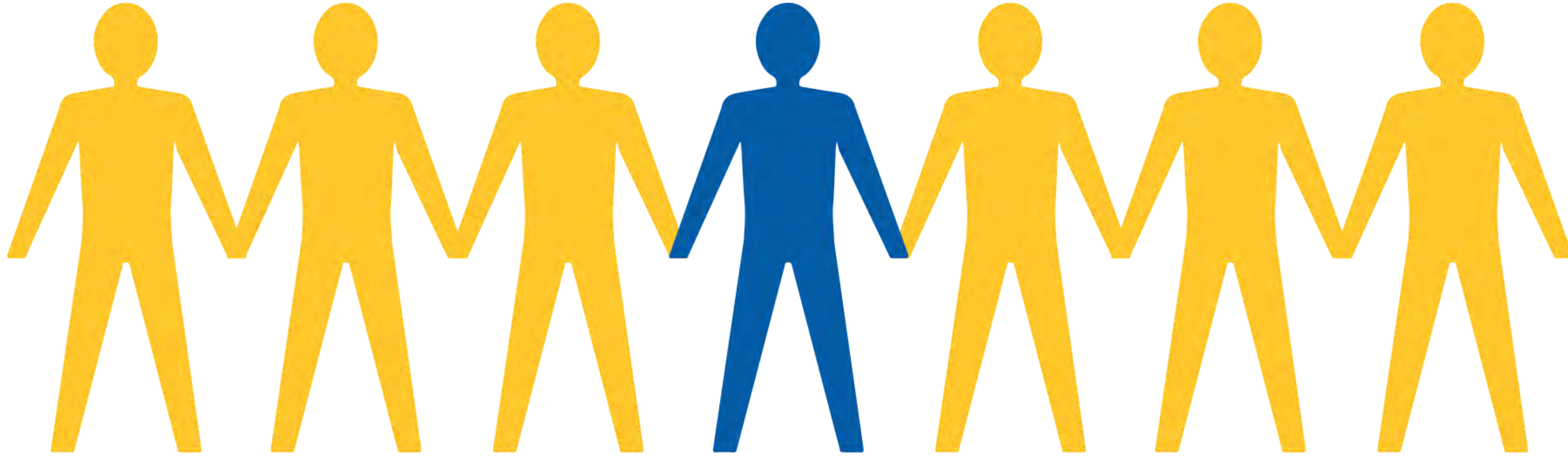
**2020 Title IX
Regulations Have
Specified Defined
Terms**

Complainant

Supportive
Measures

TITLE IX TEAM

**Title IX
Coordinator**



**Responsible
Employees/
Officials
w/Authority**

Advisors

Investigator(s)

**Decision-
Maker(s)**

**Appellate
Decision-
Maker(s)**

**Informal
Resolution
Facilitator(s)**

INVESTIGATOR

Cannot serve as the Decision-Maker or Appellate Decision-Maker. May be the Title IX Coordinator but if possible, it is recommended that this individual be separate from the Title IX Coordinator. It is not recommended that an Investigator serve as the Informal Resolution facilitator in a case that they have started, or later serve, as an Investigator.

TITLE IX TEAM

DECISION MAKER

Cannot be the Title IX Coordinator. Cannot serve as the Investigator or Appellate Decision-Maker. It is not recommended that a Decision-Maker serve as the Informal Resolution facilitator in a case that they may later serve as a Decision-Maker.

APPELLATE DECISION MAKER

Cannot be the Title IX Coordinator. Cannot serve as the Investigator or Decision-Maker. It is not recommended that an Appellate Decision-Maker serve as the Informal Resolution facilitator in a case that they may later serve as an Appellate Decision-Maker.

TITLE IX COORDINATOR

Cannot serve as the Decision-Maker or Appellate Decision-Maker. May serve as an Investigator-though if possible, it is recommended that another individual serve as an Investigator. May serve as an Informal Resolution Facilitator.

INFORMAL RESOLUTION FACILITATOR

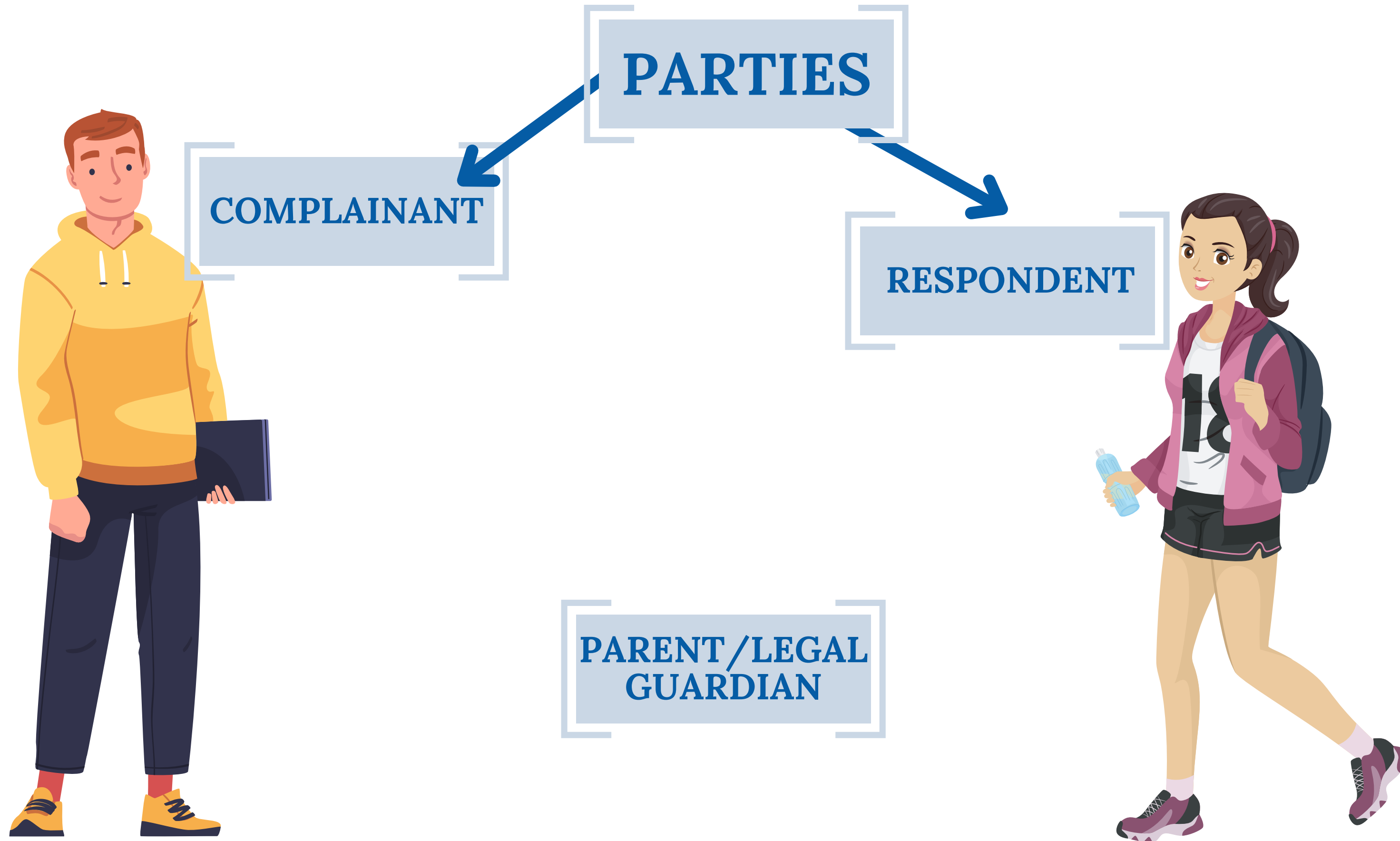
May be the Title IX Coordinator. It is not recommended that an individual who has or will serve as an Investigator, Decision-Maker or Appellate Decision-Maker in the same case serve as the Informal Resolution Facilitator.



Individuals in an Investigation



Formal Title IX Grievance Process



Title IX Applies To:

- Student on Student
 - Employee on Employee
 - Student on Employee
 - Employee on Student

Title IX Applies To:

- Male on Male
- Female on Female
- Male on Female
- Female on Male
- Gender Identity/Sexual Orientation



INVESTIGATOR'S ROLE IN COMPLIANCE



80/20
COMPLIANCE RULE

Handling of a Report
Policies, Procedures, Trainings

TITLE IX COMPLIANCE LAYERS





Sexual Harassment + Education Program or Activity



Sexual Harassment



- Conduct on the basis of sex that satisfies one or more of the following:
 - An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
 - 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; or
 - "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.

Severe, Pervasive, AND Objectively Offensive



**UNWELCOME
CONDUCT**



SEVERE, PERVASIVE, AND OBJECTIVELY OFFENSIVE

- Severe- can be non verbal through sexual assault (touching/fondling)
- Pervasive- how often and how widespread
- Objectively Offensive- behavior that would be offensive to a reasonable person under the circumstances



DENIES EQUAL ACCESS



Sexual Assault is:



An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Rape

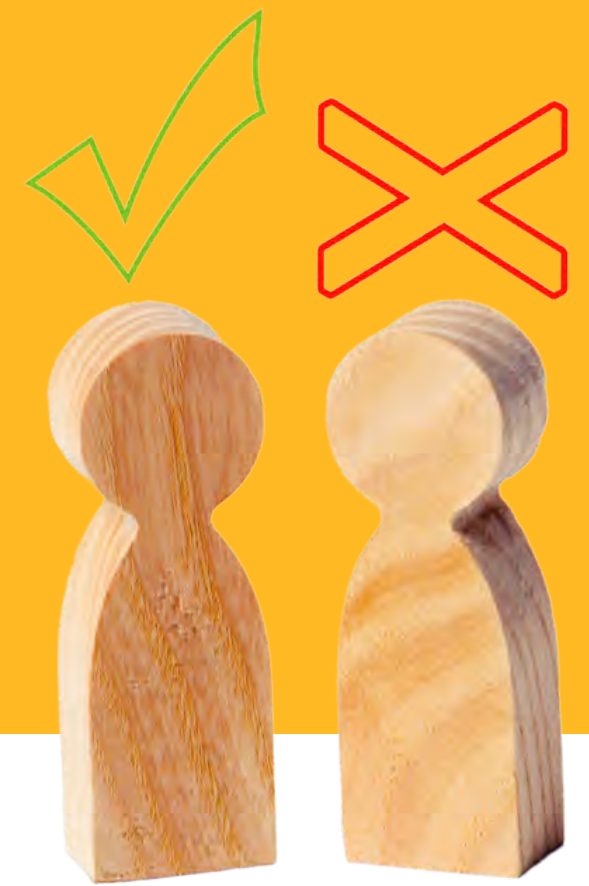
The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Consent

The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault.



WHAT DOES THIS MEAN?

DEFINITION OF CONSENT

Create/use a definition of consent that makes sense to you and your district.
Make sure you can 1) explain it and 2) apply it.

SITUATIONAL CLARITY

Make sure to include situations where consent cannot be obtained/given (ie. coercion, incapacitation) and clearly define those situations.

Domestic Violence

A FELONY OR MISDEMEANOR CRIME OF VIOLENCE COMMITTED BY A:

- current or former spouse or intimate partner of the victim
- person with whom the victim shares a child in common
- person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or 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 in which the crime of violence occurred.



Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting party's statement with consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.



Stalking

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

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For purposes of this definition:

- ▶ Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- ▶ Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- ▶ Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.



REMINDER:

Even if your policies do not have state definitions written in, you may have to access them to determine correct language for alleged violations

Conduct + Education Program or Activity

It's more than the behavior...
Must evaluate location/
jurisdiction as well



JURISDICTION



Education Program or Activity

Locations, events, or circumstances (operations) over which the district exercised substantial control over both the respondent AND the context in which the sexual harassment occurs.

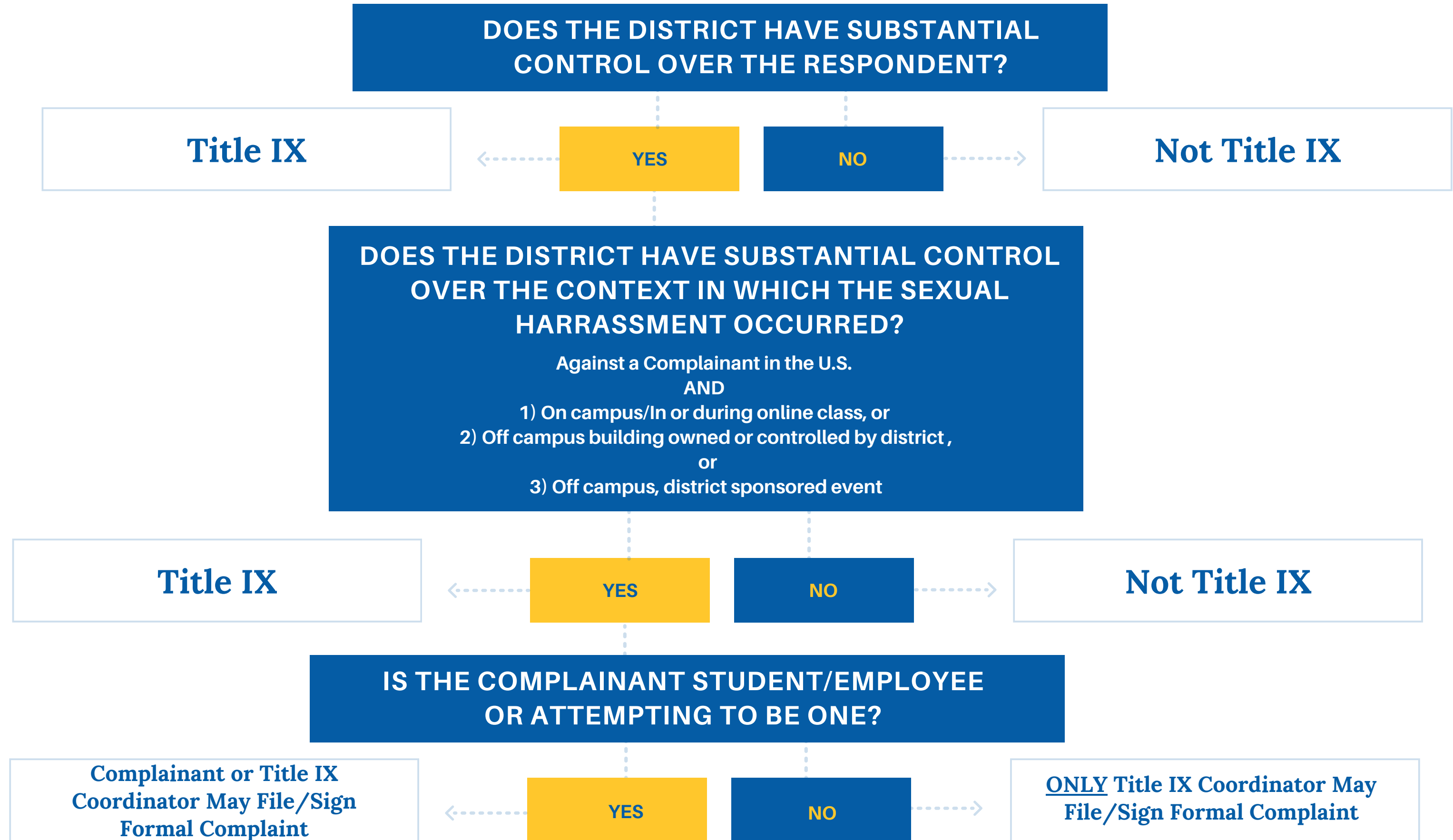


Includes online sexual harassment but it must be analyzed to determine if it occurs in education program or activity.

Does not create or apply a geographic test, does not draw a line between “off campus/property” and “on campus/property,” & does not create a distinction between sexual harassment occurring in person vs online.



Education Program or Activity/Jurisdiction





REMINDER:

Your policies and procedures are your guide!!!

Others Involved in the Process...



Officials with Authority

● "Responsible Employee" is gone, actual knowledge only to Title IX Coordinator or "official with authority"

● ALL employees are responsible for reporting at K-12 level

● Actual Knowledge = NOTICE

● Notice without action = deliberate indifference



Parents and Guardians

“

While elementary & secondary school students retain less control over when disclosure of sexual harassment triggers the school’s mandatory response obligations, these students (with involvement of their parents as appropriate) do retain control over whether to accept supportive measures, & whether to also file a formal complaint.

”



ADVISORS

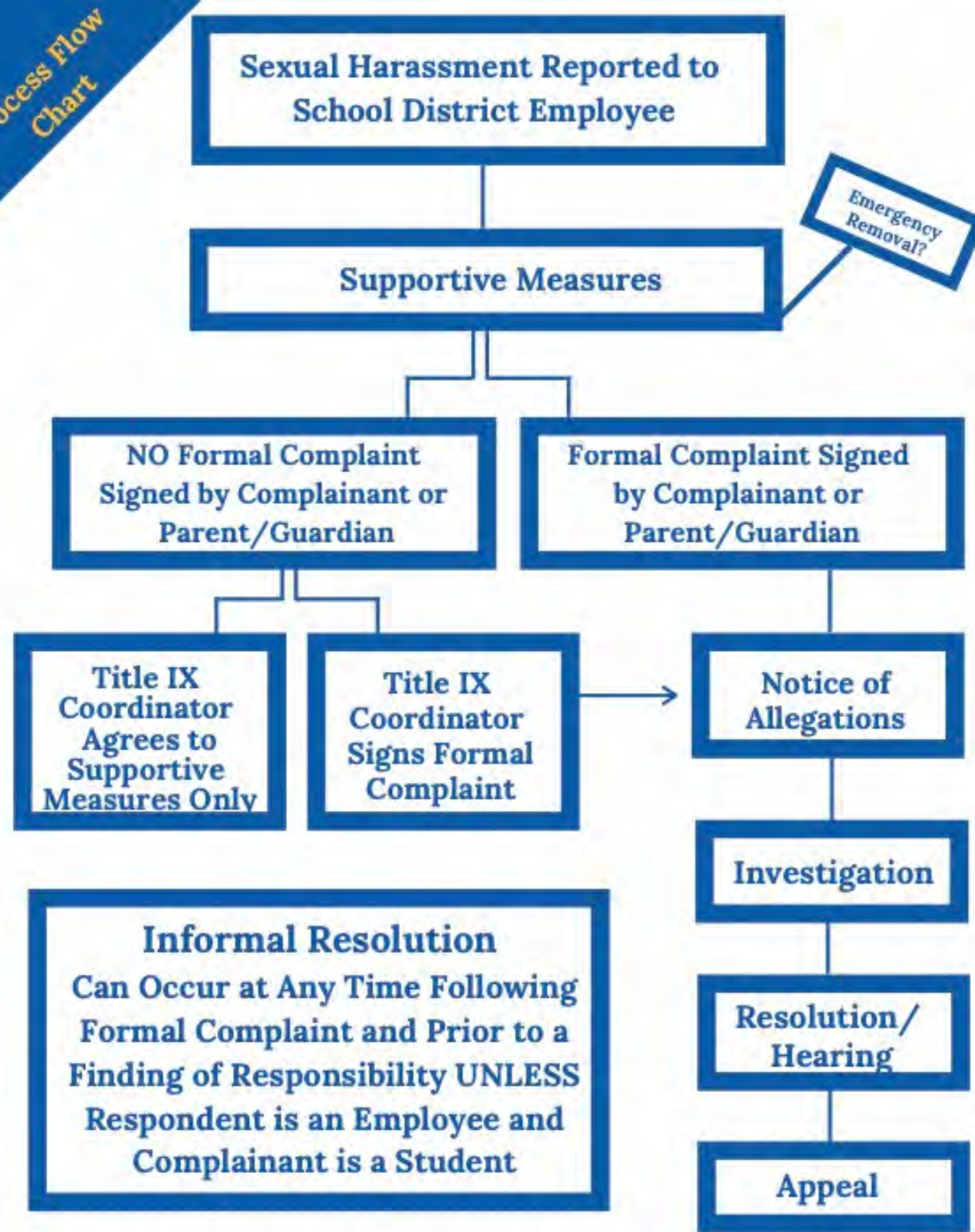
- Of choice
- Can be an attorney, doesn't have to be
- Your policy defines how they can be involved in your process
- Challenges with advisors
- Benefits to advisors



INSTITUTIONAL
COMPLIANCE SOLUTIONS

General K-12 Process Flow Chart

Process Flow
Chart



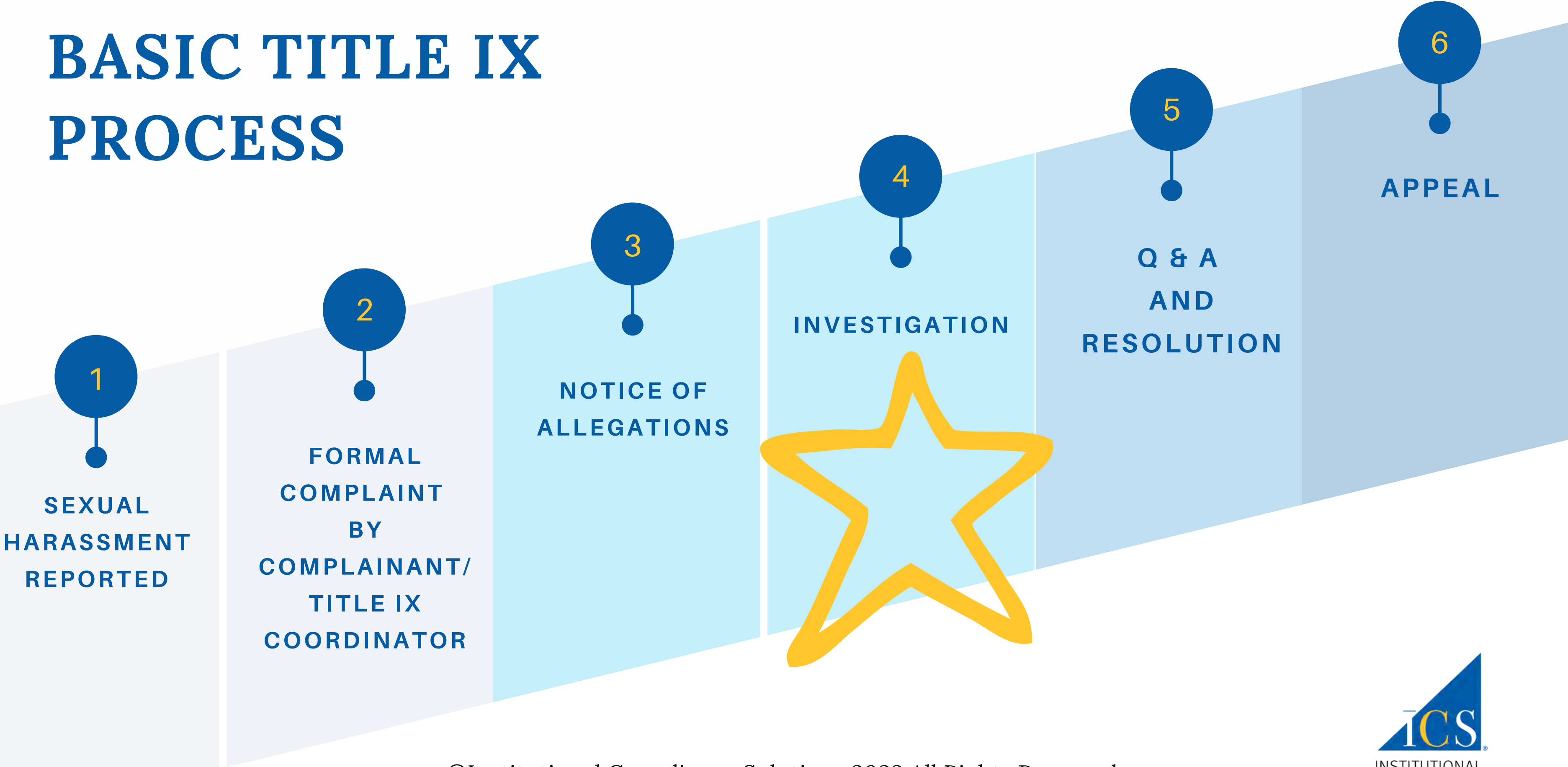
*A Formal Complaint MUST be dismissed if it does NOT meet definition of Sexual Harassment, occur in education program or activity, or in the U.S.
 *A Formal Complaint MAY be dismissed at request of Complainant, if Respondent no longer at institution or institution is prevented from gathering evidence.

Title IX Grievance Process

- Specific requirements
- Focus on equity
- Opportunities for review
- Need for "forms"



BASIC TITLE IX PROCESS



K-12 INVESTIGATION FLOWCHART



Formal Complaint

✓ In Writing

- Hard copy
- Electronic
- Online submission

✓ Signed by:

- Complainant or Parent/Guardian
- Title IX Coordinator

✓ Alleging Sexual Harassment

✓ Requesting an Investigation

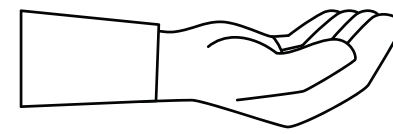


Supportive Measures



What

- defined term and intentional deviation from "interim measures" individualized services provided to a complainant or respondent that are non-punitive, non-disciplinary, and do not unreasonably burden the other party yet are designed to restore or preserve a person's equal access to education
- Non-disciplinary
- non punitive
- individualized services
- interactive process



Offered

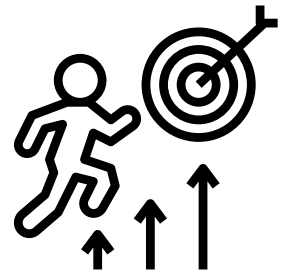
- to complainant and respondent (can be refused)
- as appropriate
- as reasonably available
- without fee or charge



When?

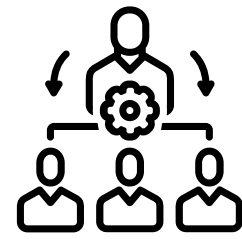
- promptly
- before or after the filing of formal complaint OR
- where no formal complaint has been filed

Supportive Measures Continued



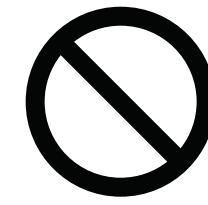
Purpose

- restoring or preserving equal access
- protecting safety
- deterring sexual harassment



Title IX Coordinator

- ultimately responsible for effective implementation, but others can also implement



Not

- punitive or disciplinary



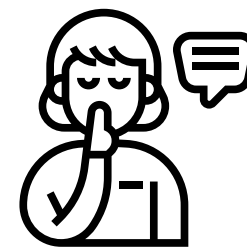
Document

- when provided, when not provided and why



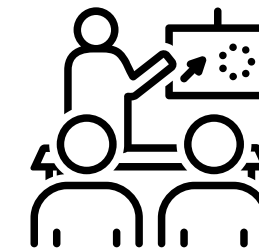
Burden

- remains on the district not the parties



Confidential

- as much as possible



Examples

- in section 106.3

Dismissal of Formal Complaint

✓ Required Dismissal

- Would not constitute Sexual Harassment as defined in Title IX regulations
- Did not occur in education program or activity
- Did not occur against a person in the U.S.

✓ Permissive Dismissal

- Complainant notifies Title IX Coordinator in writing that Complainant would like to withdraw Formal Complaint or allegations
- Respondent is no longer enrolled or employed by the district
- Specific circumstances prevent the district from gathering evidence sufficient to reach a determination

✓ If Mandatory Dismissal:

- Must Promptly send written notice of dismissal and reasons for dismissal simultaneously to parties
- May proceed with disciplinary process outside of Title IX



Response to a Formal Complaint (Grievance Process)

- Treat parties equitably
- Require an objective evaluation of all relevant evidence (inculpatory and exculpatory)
- No conflict of interest or bias by Title IX Coordinator, investigator, decision-maker or facilitator of informal resolution process
- Trained Title IX Team
- Presumption that respondent is not responsible
- Include reasonably prompt time frames for process and appeals with written notice for limited extensions with good cause (may include absence of party, witness, or advisor, law enforcement activity or the need for language/accommodation of disability)
- Describe range of sanctions and remedies
- Standard of evidence (same for students and employees)
- Procedures and permissible bases for appeals
- Notice of Allegations containing specific information as outlined in regulations





Notice of Allegations Checklist

- Notice of Grievance Process; Including Informal**

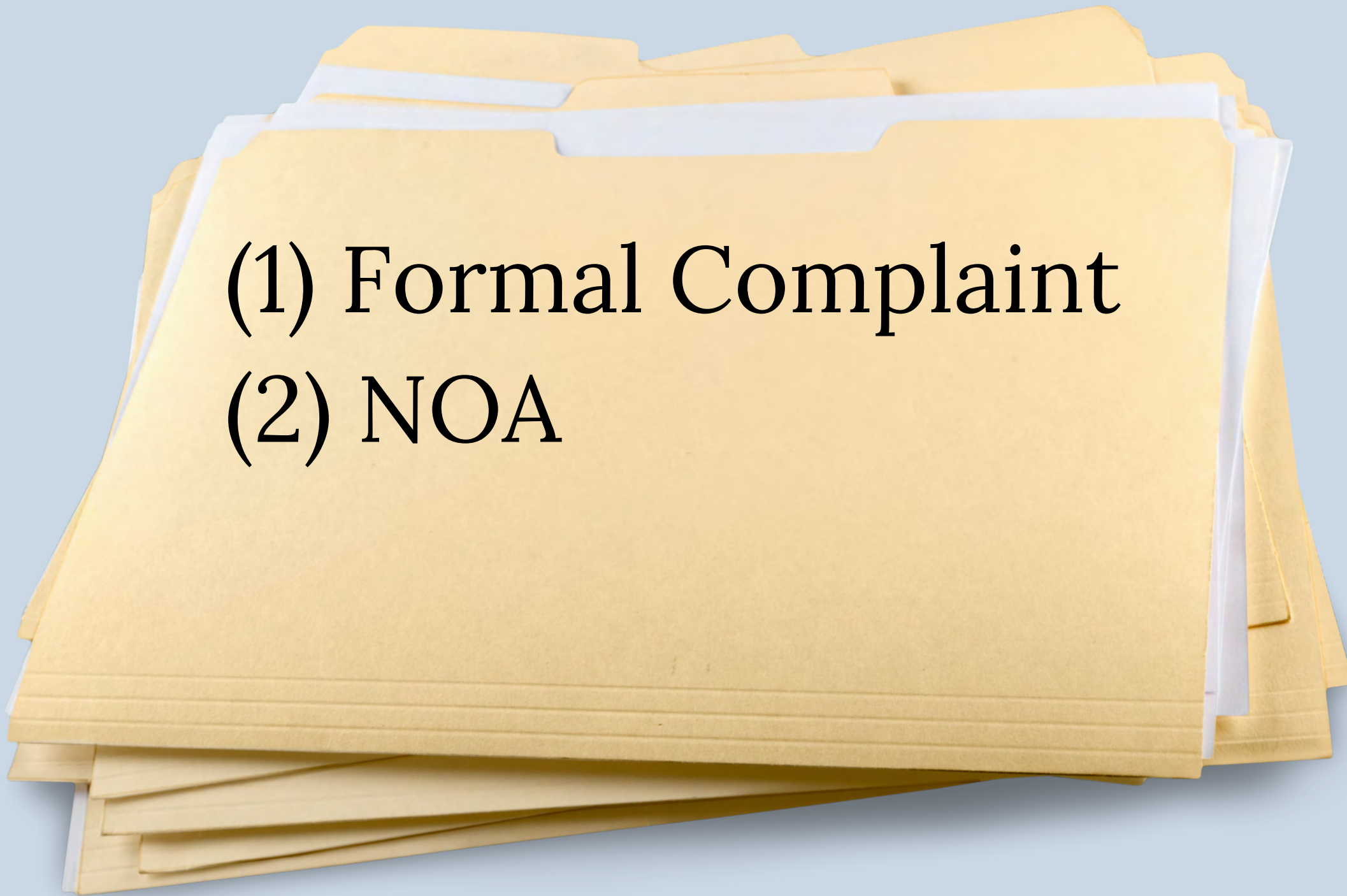
- Allegations Potentially Constituting Sexual Harassment**
 - **Identities of the Parties**
 - **Conduct Constituting Sexual Harassment**
 - **Date of Incident**
 - **Location of Incident**

- Statement: Respondent Presumed Not Responsible/Responsibility Determined After Process**

- Right to Advisor of Choice**

- Code of Conduct Provision Prohibiting False Statements or False Information in Process**

THE TWO MOST IMPORTANT DOCUMENTS

- 
- (1) Formal Complaint
 - (2) NOA

IEP / 504

OVERLAP

- Change of placement
- Interaction for interview / notices
- Discipline

TITLE IX

Investigation



- ✓ **Interviews with parties and witnesses**
 - Including Notice with sufficient time to prepare for the meeting/interview
 - Document date of meeting and date notice provided
- ✓ **Collect evidence and information**

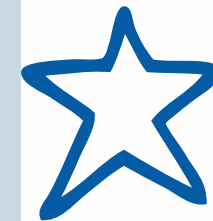
Document when and how evidence/information was collected
- ✓ **Allow parties and advisors to review "evidence directly related to the allegations" (10 days)**
- ✓ **Write investigation report that "fairly summarizes relevant evidence"**
- ✓ **Provide opportunity for parties and advisors to review the report (10 days)**

Decision-Maker

Determination Regarding Responsibility Checklist

- Identification of the Allegations

- Description of Procedural Steps Taken
 - Notifications to the Parties
 - Interviews with Parties and Witnesses
 - Site Visits
 - Methods Used to Gather Other Evidence
 - Hearings Held



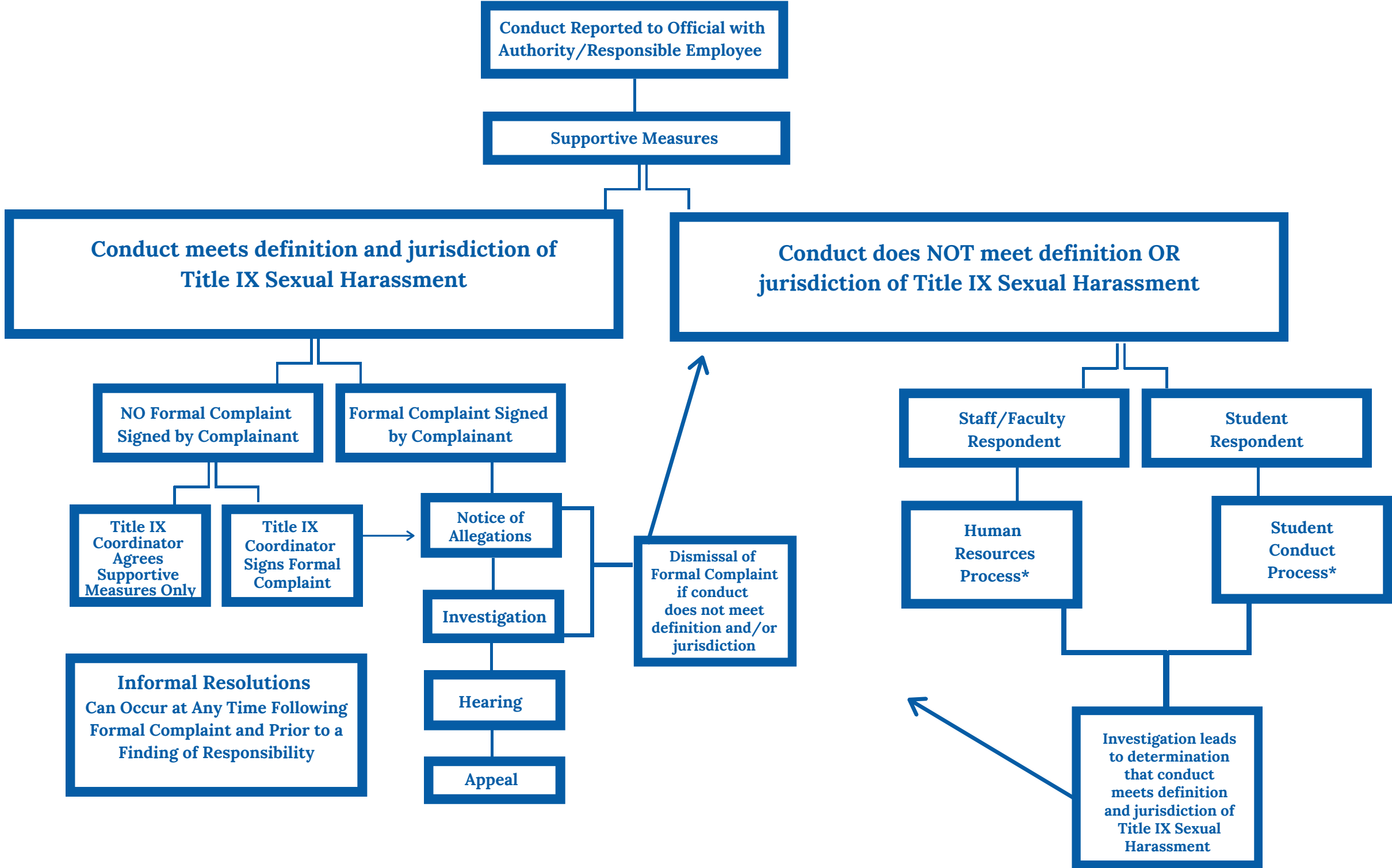
- Findings of Fact Supporting Determination

- Conclusions Regarding the Application of the Code of Conduct to the Facts

- Result of Each Allegation Including Rationale
 - Determination Regarding Responsibility
 - Disciplinary Sanctions
 - Whether Remedies Designed to Restore or Preserve Equal Access to Education Program or Activity Provided to the Complainant

- Procedures and Permissible Bases for Appeal

Title IX Process Flow Chart



Informal Resolutions



→ Cannot be offered as a condition of enrollment or continued employment

→ Cannot be offered to resolve employee on student allegations

→ After a Formal Complaint is filed

→ Prior to decision regarding responsibility

→ Parties cannot be required to participate

District Must:

- Provide written notice disclosing allegations, requirements of the informal resolution process including circumstances under which it preclude the parties from resuming a Formal Complaint arising from the same allegations
- Allow any party the right to withdraw from the informal resolution process and resume grievance process with respect to Formal Complaint
- Provides consequences resulting from informal resolution process including records maintained or shared
- Obtain both parties voluntary, written consent to the informal resolution process

Appeals

- ✓ Offered to both parties
- ✓ Can appeal dismissal of Formal Complaint or any allegations therein or determination regarding responsibility
- ✓ On the Following Basis:
 - Procedural irregularity that affected the outcome of the matter
 - New Evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter
 - Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter
 - Additional basis if offered equally to both parties
- ✓ Written decision describing the result and rationale for the result
- ✓ Notify the other party in writing when an appeal is filed
- ✓ Provide written decision simultaneously to both parties
- ✓ Give both parties a reasonable opportunity to submit a written statement in support of or challenging the outcome





Ask
why
before
how





2020 Regulations Require the Following Training for Title IX Investigators

- Definition of Sexual Harassment
- Scope of Education Program/Activity
- Investigation/Grievance Process
 - Hearing
 - Appeals
 - Informal Resolution Process
- How to Serve Impartially
 - Avoiding Prejudgment of the Facts
 - Conflicts of Interest/Bias
- Investigative Report Writing
- Fairly Summarize Relevant Evidence






SERVING IMPARTIALLY- CONFLICTS OF INTEREST, BIAS, RESERVING JUDGMENT

Avoid Conflict of Interest / Bias

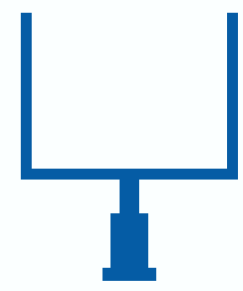
 Generally toward Complainants / Respondents

 Occurs when personal or private interests possibly can compromise one's judgment, decisions, or actions

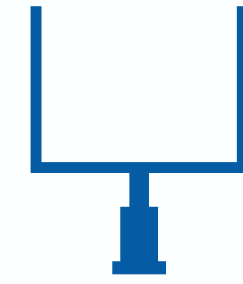
 Three types of COI:

- Actual
- Perceived
- Potential

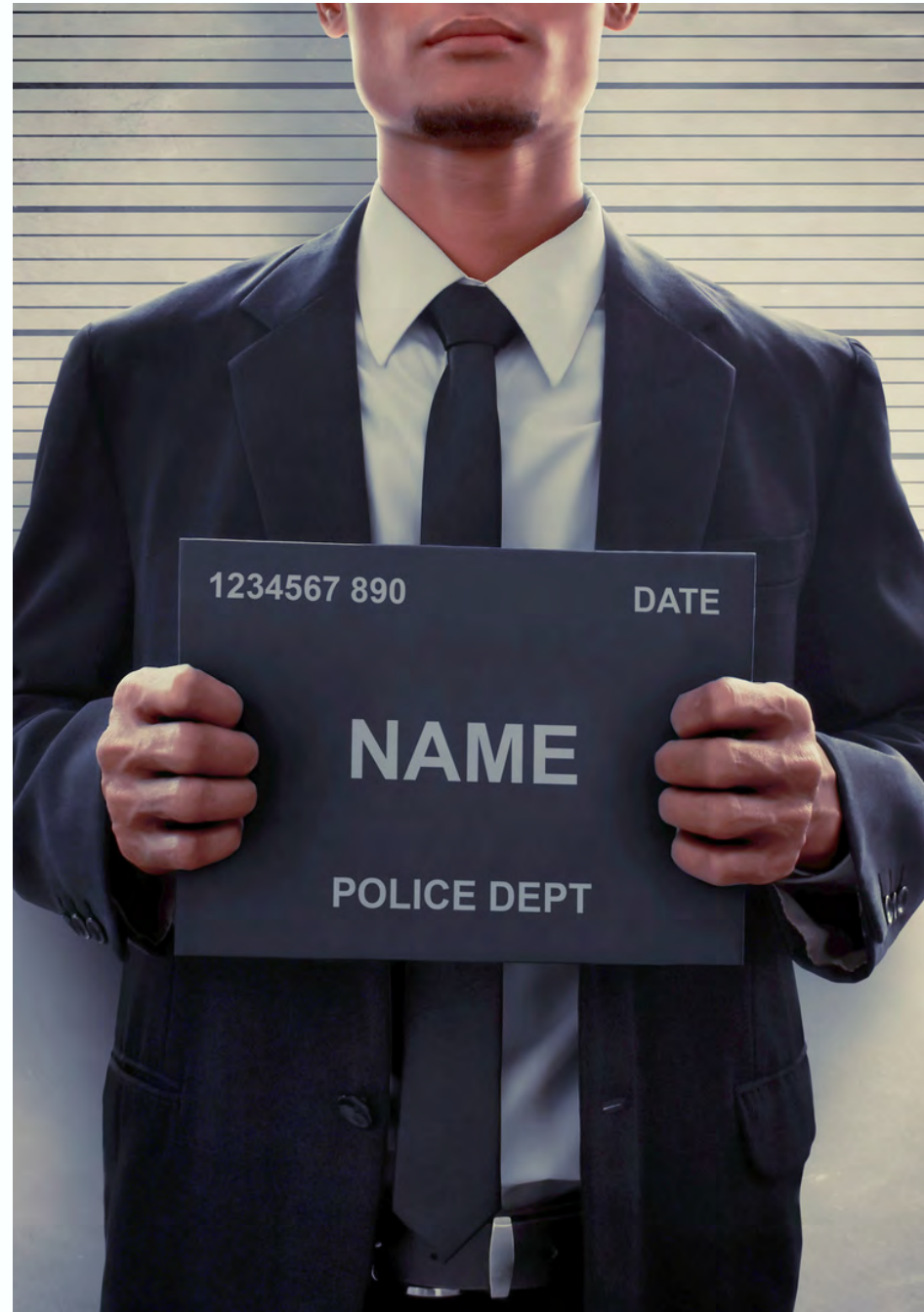




END GAME



CIVIL
LAWSUIT



CRIMINAL
INVESTIGATION



TITLE IX
INVESTIGATION



During the Investigation:

STAY IN YOUR LANE

- Your role as fact gatherer
- Burden on you to gather information- not on parties to provide it
- Investigating violations of specific policy: not law or policies outside of your charge/responsibility
 - Ex: Discovering a management issue while investigating harassment complaint



During the Investigation: SUSPEND YOUR MIND

- Daily Choice
- Reserve judgments until all facts are gathered

Recordkeeping

DISTRICTS MUST MAINTAIN THE FOLLOWING RECORDS FOR SEVEN YEARS:

- Records and action taken in response to a report or Formal Complaint, including:
 - Supportive measures,
 - The basis for district's conclusion that its response was not deliberately indifferent,
 - Measures taken to restore and preserve equal access to district's Education Program or Activity,
 - Reasons why district's response was not clearly unreasonable in light of the known circumstances if district does not provide a Complainant with supportive measures.
- Each Sexual Harassment investigation including:
 - Any determination regarding responsibility and all audio or audiovisual recording or transcript,
 - Disciplinary sanctions imposed on the Respondent, and
 - Any remedies provided to the Complainant.
- Any appeal and result of appeal.
- Any informal resolution and result therefrom.
- All materials used to train Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators.



KNOW YOUR POLICIES AND PROCEDURES

- Working knowledge of your policies.
- Use policy consistent language.
- Who is the point of contact for complainant/respondent?
- Who is the point of contact re: retaliation?
- What is the hearing/resolution and/or appeal process?
- Informal resolutions?



Questions?



INSTITUTIONAL
COMPLIANCE SOLUTIONS

Connect With Us!



- Institutional Compliance Solutions
- Courtney Bullard
- Betsy Smith
- Celeste Bradley



Institutional Compliance Solutions
Groups:
Title IX Coordinators Closed Group
K-12 Title IX Coordinators



@TitleIXLawyer



@ICSLawyer

New Training Dates Released!





VIRTUAL CERTIFIED TITLE IX INVESTIGATOR TRAINING

Session 2: Investigative Techniques

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"Compliance
at Your
Fingertips!"



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THEMES / END GAME



Fair/Balanced approach



Uncover all relevant facts/information
*stone analogy



Common sense approach- beware of rabbit holes

BE CURIOUS

It is the number one
skill for an investigator.





Timeliness

- Policy must designate reasonably prompt timeline
- Interview witnesses as soon as possible
- Unavoidable delays
- Notice of extensions
- Addressing delays in record keeping/report



Organize

- Plan order of interviews/when to interview respondent
- In person vs. virtual vs. phone
- Explaining process and your role
- Reassurance/retaliation



INTERVIEW SKILLS

- Develop rapport
- Observe
- Be professional
- Outline questions/flexibility



INSTITUTIONAL
COMPLIANCE SOLUTIONS

A hand is shown in the bottom right corner of the image, holding a piece of white chalk and drawing a question mark on a dark blue chalkboard. The chalkboard is covered with several other question marks drawn in white chalk, scattered across the surface. The lighting is focused on the hand and the chalk, creating a soft glow.

Types of Questions

- Who, what, when, where, why
- Open ended
- Repeat, repeat, repeat
- Circling techniques
- Clarity on timelines/who is involved etc.
- Openings
- Closing questions
- Opportunity to provide clarification after interview

Ir relevant

Relevancy

- Regulations do not define relevancy
- Regulations define some things that are not relevant:
 - Treatment unless parties agree
 - Privileged Information
 - Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior unless they are offered to prove that someone other than Respondent committed the sexual harassment, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the respondent and are offered to prove consent.



Relevancy Continued

- Ordinary Meaning (Not a legal term)
- Does the evidence tend to make a fact more or less likely to be true

A photograph of numerous wooden blocks scattered on a dark surface. In the center, a row of seven blocks is arranged to spell out the word "RELEVANT" in capital letters. The blocks are light-colored wood with dark blue or black lettering. Other blocks with various letters and symbols are visible in the background, some slightly out of focus.

RELEVANT

Note Taking

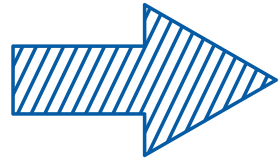
- Explain your role as note taker
- Note taker vs. dual investigator
- Use quotations if possible
- Ask for a pause or clarification if necessary



Types of Information/ Evidence

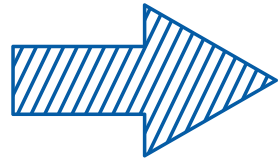


Direct Information/
Evidence



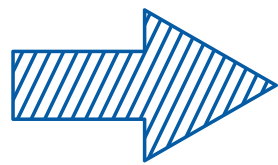
First person
observation of an
incident

Circumstantial
Information/Evidence



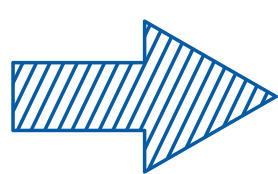
Reported observation of
information that offers
inferences about the facts
of the event

Documentary
Information/Evidence



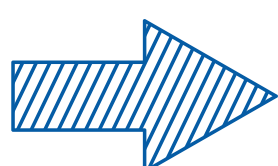
Written description of an
incident
*Police Report
*Write up from staff member

Hearsay
Information/Evidence



Information that is
reported through
another party

Expert
Information/Evidence



Information that is shared
from a person who has an
acknowledged expertise in
related subject matter



Complainants

- Trauma informed practices
- Managing expectations
- Reluctant complainants and retaliation
- Interim/support measures
- Next Steps
- Bias/Conflict of Interest

Respondents

- Trauma informed practices
- No presumption of responsibility
- Managing expectations
- Interim/support measures
- Simultaneous and ongoing criminal investigations
- Next Steps
- Bias/Conflicts of Interest



ADVISORS

- Of choice
- Can be an attorney, doesn't have to be
- Your policy defines how they can be involved in your process
- Challenges with advisors
- Benefits to advisors

WORKING WITH ADVISORS, CONTINUED

- Set expectations for each meeting
- Communicate often
- Communicate clearly
- Create a "guide"
- Allow time for questions
- Be kind, understanding, and patient (this is new for them too)
- Follow up in writing



IDENTIFYING OTHER EVIDENCE

- Videos
- Social Media
- Text Messages
- Physical Evidence
- Applications
- SANE Exam
- Other?



Witnesses

- Eye Witness
- Character Witnesses???
- Hearsay issues
- Witnesses identified by the parties
- Experts





THE ATMOSPHERE MATTERS

Consider the look and feel of the office/
interview location

- not too formal but still professional
- not intimidating



Standard of Proof

- All standards related to sexual harassment must be the same
- Preponderance of the Evidence - 50% plus a feather - more likely than not
- Clear and Convincing
- School investigation vs. Criminal investigation

Creating and Maintaining Your File

- Be Consistent!
- Allow an extra 15-30 minutes after each meeting to scan, save, and update
- Scan your notes immediately
- Keep an electronic copy
- Add information to your draft report as you investigate...especially timelines





Your Investigative File Continued

- 7 years
- Contingency and Sustainability planning (what will happen to your file if you leave or change roles)
- Anyone should be able to pick up your file and understand what happened



Investigate as Though You Will be Investigated

- Have a clear/organized plan- but remain flexible
- Document Document Document (delays, objections EVERYTHING)
 - Duplication of documentation
 - To record or not to record?
 - Inclusivity vs. Exclusivity



INTRODUCTION:

You are wearing a different hat...

- Everyone must understand your role
- You will ask hard questions
- You will talk about difficult topics
- You will provide breaks if necessary
- You will keep the information as private as possible (privacy vs. confidentiality)
- Expectations for the truth and consequences for failure to tell the truth



INSTITUTIONAL
COMPLIANCE SOLUTIONS

Questions?



VIRTUAL CERTIFIED TITLE IX INVESTIGATOR TRAINING

Session 3: Report Writing

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"Compliance
at Your
Fingertips!"

REQUIREMENTS

- Fair summary of relevant evidence
- Provided to parties AND advisors
- Hard copy or electronic
- 10 days to review and respond

REPORT CONTENT



Intro

- Who/How Reported
- Who Investigated
- Allegations
- Policy
- Burden/Standard of Proof
- Definitions
- Timeline of Events
- List of Parties and Witnesses



Info From Parties and Witnesses

- Fair Summary of Relevant Evidence and Information
- By Party
- By Allegation
- Chronological
- If Something Isn't Included, Note Reason



Timeline of Investigation

- Reported
- Formal Complaint
- Notice of Allegations
- Notice of Meetings
- Dates of Meetings
- Dates of Collection of Evidence
- Delays



Appendix

- Screenshots
- Emails
- Photos
- Policy
- Notices
- Transcripts (if Recorded)
- Etc.

WHO IS YOUR AUDIENCE?

AUDIENCE

- What is the intent of the report?
- Who needs to understand/use it?
- Where/how will it be used?

ORGANIZATION

Easy to Follow, Clear, Concise

Can the reader follow the report and understand who reported/said what?



Includes the Basics

Assume the reader knows NOTHING



Consistent but Not Identical

There is room for a little flexibility



Roadmap for the Decision-Maker

This report will guide the decision maker, help them ask questions, and provide a road map for their process



Reviewed by Colleague

Trusted, Title IX counterpart

hoy
and 18th centuries. [C15: < MDu. *hoe*]
hoy (*hɔɪ*) *interj.* a cry used to attract attention or drive animals. [C14: var. of HEY]
hoya (*ˈhɔɪə*) *n.* any plant of the genus *Hoya*, of E Asia and Australia, esp. the waxplant. [C19: after Thomas Hoy (died 1821), E gardener]
hoyden or hoiden (*ˈhɔɪdɪn*) *n.* a wild boisterous girl; tomboy. [C16: perhaps < MDu. *heidijf* heathen] — **ˈhoydenish** or **ˈhoidenish** *adj.*
Hoyle (*hɔɪl*) *n.* an authoritative book of rules for card games. [after Sir Edmund Hoyle, 18th-century E authority on games, its compiler]
H.P. *abbrev. for:* 1. Brit. hire purchase. 2. Also: hp horsepower. 3. high

hug (*hʌɡ*) *vb.* **hugging, hugged.** (*mainly tr.*) 1. (also *intr.*) to clasp tightly; usually with affection; embrace. 2. to keep close to a shore with affection. 3. to cling to (beliefs, etc.); cherish. 4. to congratulate (oneself). — *n.* 5. a tight or fond embrace. [C16: prob. of Scand. origin] — **ˈhug-**
huge (*hjuːdʒ*) *adj.* extremely large. [C13: < OF *ahuge*, <?] — **ˈhugely** *adv.* — **ˈhugeness** *n.*
huggermugger (*ˈhʌɡəˌmʌɡə*) *n.* 1. confusion. 2. Rare. secrecy. — *adj.* 3. in confusion. 4. in secrecy. 5. (intr.) to act secretly. — **ˈhuggermuggerly** *adv.*

cultural movement of the Renaissance, based on classical studies. 3. interest in the welfare of people. — **ˈhumanist** *n.* — **ˈhumanistic** *adj.*
humanitarian (*hjuːˈmænɪˈtɜːriən*) *adj.* 1. having the interests of mankind at heart. — *n.* 2. a philanthropist. — **ˈhuːmənɪˈtarianism** *n.*
humanity (*hjuːˈmænɪti*) *n.*, *pl.* -ties. 1. the human race. 2. the quality of being human. 3. the kindness or mercy. 4. (*pl.*) (usually preceded by *the*) the study of literature, philosophy, and the arts, esp. study of Ancient Greece and Rome.

hummingbird (*ˈhʌmɪŋˌbɜːd*) *n.* a very small American bird having a brilliant iridescent plumage, long slender bill, and wings specialized for very powerful vibrating flight.
hummock (*ˈhʌmɒk*) *n.* 1. a hillock; knoll. 2. a ridge or mound of ice in an ice field. 3. *Chiefly southern U.S.* a wooded area lying above the level of an adjacent marsh. [C16: <?; cf. HUMP] — **ˈhummocky** *adj.*

LANGUAGE MATTERS

- Allegations (not charges)
- Complainant/Respondent
- Anatomically Correct
- Consistent/Inconsistent

h.p. *abbrev. for:* 1. Brit. hire purchase. 2. Also: hp horsepower. 3. high
hp horsepower. 3. high
Houses of Parliament
h.p.
H.Q. or h.q. *abbrev. for*
hr. or hr *abbrev. for*
H.R.H. *abbrev. for*
H.S. (in Britain) *abbr.*
H.S.H. *abbrev. for*
Highness.
HT *Physics.* *abbrev.*
ht. *abbrev. for* height
hub (*hʌb*) *n.* 1. the propeller, fan, etc., of a wheel. 2. the focal point. [C17: *hub* = *hubbie-bubbie* (name for *hubbie*) sound. [C17: rhyming *hubbub* (*ˈhʌbʌb*) *n.* voices. 2. tumult, as in *hubbub* (*ˈhʌbʌb*) *n.*, *pl.* -s. *hubby* (*ˈhʌbi*) *n.*, *pl.* -ies. *huband*. [C17: by *hubcap* (*ˈhʌbˌkæp*) *n.* the hub of a wheel. *hubris* (*ˈhʌbrɪs*) *n.* pride or arrogance; excess of ambition, as in the transgressor's *hubris* or by *hubris* *adj.* *huckaback* (*ˈhʌkəˌbæk*) *n.* linen or cotton fabric. *huck* (*hʌk*). [C17: <? *huckleberry* (*ˈhʌkəlˌberɪ*) *n.* American shrub having blue or black berries. 2. the fruit of this shrub. *huckleberry* (*ˈhʌkəlˌberɪ*) *n.* *huckster* (*ˈhʌkstər*) *n.* aggressive or glibly talkative person. *huckster* (*ˈhʌkstər*) *n.* *huddle* (*ˈhʌdəl*) *n.* a group of people or things. 2. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 3. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 4. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 5. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 6. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 7. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 8. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 9. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 10. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 11. *huddle* (*ˈhʌdəl*) *v.* to crowd or gather closely together. 12. *huddle* (*ˈhʌdəl*) *v.* to crowd or 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BURDEN

Burden to collect/gather evidence is
on the school district (investigator
... NOT THE PARTIES

How will you show that you tried?



QUOTES: WHEN WILL YOU USE THEM?

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DOCUMENTATION





INVESTIGATIVE TIMELINE

1
INVESTIGATE

2
OPPORTUNITY
TO INSPECT AND
REVIEW
EVIDENCE
RELATED TO
ALLEGATIONS
AND PROVIDE
WRITTEN
RESPONSE
10 days

3
INVESTIGATIVE
REPORT

4
OPPORTUNITY
TO REVIEW
FINAL REPORT
AND PROVIDE
WRITTEN
RESPONSE
10 days

5
Q & A
RESOLUTION
/ HEARING

6
APPEAL



Draft Report- Template

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@ICSLawyer

New Training Dates Released!

