

PAPERCLIP COMMUNICATIONS

Welcome to Today's
PaperClip Communications
Webinar

Title IX Investigators:

Design Training to Ensure the Investigation Process is Compliant from Initial Report to Final Resolution

Wednesday, September 21, 2022

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Today's Moderator and Presenter



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Webinar Overview



Who's In the Room?

What is Title IX?

Role of Title IX Coordinator

Primary Function of the Investigator

Title IX and Non-Title IX: What's the Difference?

Interviewing and Questioning Tips

Case Study and Analysis Exercise

Who's In the Room?



- What's your day job?
- What do you believe it means to be an Investigator?
- Does anyone have prior experience serving as an investigator?

What is Title IX?

The law states that:

"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..."

—United States Code

Administrative Action on Title IX



The Role of a Title IX Coordinator



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- Oversee and coordinate **all** Title IX responsibilities on your campus
 - Compliance
 - Conduct intake with Complainant
 - Prevention & Awareness
 - Training
 - Investigations
 - Data Collection & Reporting

The Role of the Title IX Coordinator

Serve as an impartial representative of the institution:

- Ensure involved parties are treated equitably throughout the process
- Avoid prejudging the facts of a matter prior to the conclusion of the process
- Avoid conflicts of interest and bias
 - Recuse themselves and others as necessary

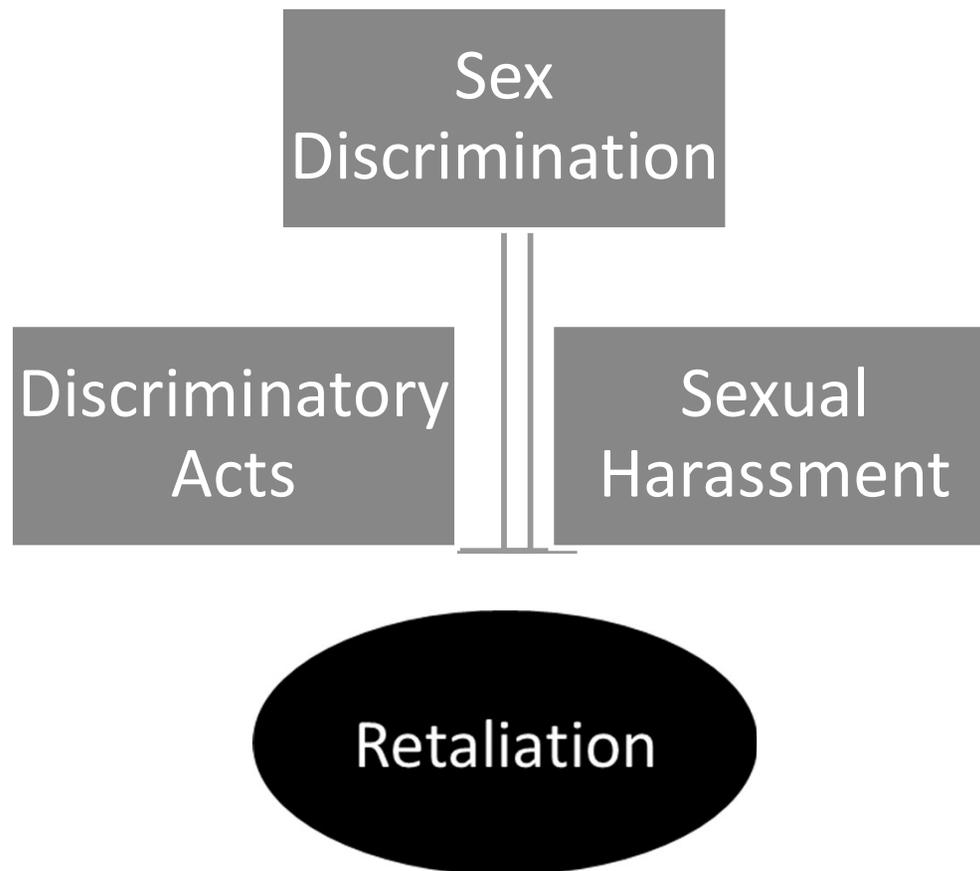
Primary Function of the Investigator

- Be a neutral fact finder;
 - Conduct a fair and unbiased review of the matter, hearing the facts and circumstances of an alleged policy violation
 - Gather additional relevant information
 - Follow the policy
 - Avoid Burden Shifting
- Determine whether the evidence supports a charge of a policy violation
 - Standard of Proof; Preponderance of the Evidence or Clear and Convincing?
- Communicate findings in a clear and concise manner

Title IX or Non-Title IX: What's the Difference?



Sex Discrimination



Title IX Sexual Harassment §106.30

- Conduct on the basis of sex that satisfies one or more of the following:
 - (i) An employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or
 - (ii) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, AND objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
 - (iii) Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in VAWA

Jurisdiction

Title IX

- Institution's program or activity in the United States
- Institution property
- Institution sponsored or affiliated events
[substantial control is key]
- Buildings owned or controlled by officially recognized student organizations

Sexual Misconduct

- Institution property
- Institution-sponsored or affiliated events
- Off campus as defined by the institution policies
- Domestic or abroad

Now it's time
for a 3-minute
break.

Interviewing and Questioning Tips

Developing an Investigation Plan

- Review the Complaint Intake and any available information
- Review the Sexual Misconduct Policy
- Review relevant investigation procedures
- Determine order of interviews
- Gather preliminary evidence
- Develop preliminary questions
- Write Your Report as you Go

Interview Strategies

- Set a professional non-accusatory tone
- Introduce yourself and outline your role
- Acknowledge what emotions they may be experiencing
- Review the amnesty and retaliation policies
- Outline an expectation of truthfulness
- Discuss confidentiality
- Reminder that there may be follow-up interviews

Effective Questioning

- Questions should be used to determine:
 - Who
 - What
 - When
 - Where
 - How
- Be mindful of how a question could be perceived and develop them with caution



Effective Questioning

What are your goals?

- Learn the facts
- Establish a timeline
- Determine what is more likely than not to have occurred [if possible]

What are NOT your goals?

- Satisfying your curiosity
- Answering every unknown to get the “Truth”

Effective Questioning Tips

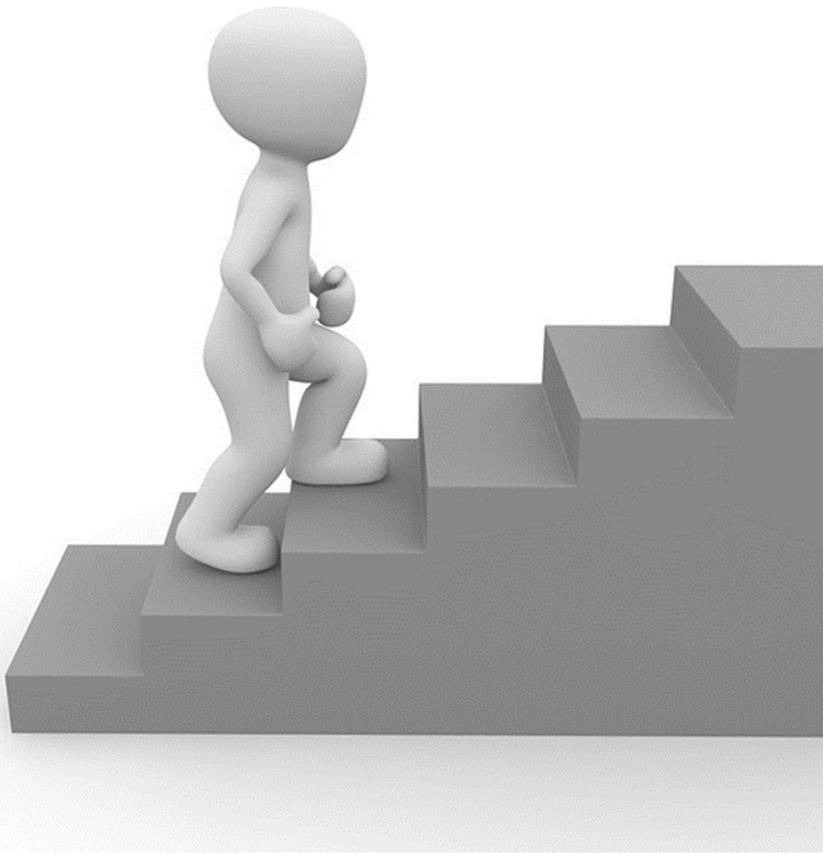
- Prepare preliminary/guiding questions in advance
- Ask open-ended questions to start the conversation
- What are you able to remember about...?
- Tell me more about....
- Help me understand your thoughts when....
- LISTEN, ask follow-up questions at the end
- Targeted and specific questions
- If you get stuck conduct a recap

Additional Interviewing Tips

- Don't be afraid of silence
- Don't be afraid to ask for clarification
- Take breaks if necessary
- Maintain your professionalism at all times

Investigation Report Analysis

Investigative Findings/Analysis



- A synthesis of the information gathered in light of our policy
- Walk through the policy violation
- Remember: You're a NEUTRAL fact-finder
- Include not only corroborating information but also exculpatory information
- Credibility Assessments

Now it's time for
today's activity.

CASE STUDY: THERESA & SCOTT

Background Information:

- Theresa and Scott are students at USG University. They previously shared a one-year long romantic relationship but stopped seeing each other three months ago. Theresa and Scott remained friends following the end of their romantic relationship.

Information Provided by Campus Police and Scott:

- Last Thursday, at 12:00 a.m., police responded to a phone call from Scott. Scott stated that his ex-girlfriend, Theresa, broke into his on-campus apartment. Scott told the police the following:
- Theresa had called him multiple times asking for a ride back to her house, but he refused to give her a ride. Theresa then showed up to his apartment and broke the side window. After breaking the window, Scott stated that Theresa came into the living room, where he was sitting on the couch, and began yelling at him. Theresa then proceeded to lunge at him, so he grabbed her by the arms and tried to calm her. When Scott grabbed her arms, Theresa proceeded to bite him on the face. After this, Theresa waited approximately five minutes and then left Scott's apartment.
- When a police officer arrived, the officer noted that the side window of the house had been broken and that Scott had an abrasion on his face.

CASE STUDY: THERESA & SCOTT

Information Provided by Theresa:

Theresa stated that she broke the window because she was intoxicated and upset that Scott would not respond to her and would not help her out by giving her a ride home. She stated that she would never hurt Scott and that nothing like this had ever happened in their relationship or friendship. Theresa also stated that the only reason that she bit Scott was because he grabbed her arms.

Now that you have gathered your evidence, let's analyze!

Case Study Process Questions

- Does a preponderance of the evidence establish that the Complainant and the Respondent shared a covered relationship?
 - Yes
 - No
 - Maybe

Case Study Process Questions

- Select the type(s) of social relationship you believe the Complainant and the Respondent shared
 - Intimate
 - Romantic
 - Spousal
 - Familiar
 - N/A I don't believe they shared a covered social relationship
 - Other

Case Study Process Questions

- Does a preponderance of the evidence support that the Respondent committed or threatened and act of violence against the Complainant?
 - Yes
 - No
 - Maybe

Case Study Process Questions

- What information did you find relevant in making your decision for Question 3?
- Can the Respondent use their intoxication as a defense?
 - Yes
 - No
 - Maybe
- Any additional questions or concerns about this case study?

Resources and References

- Final Rule
- University System of Georgia Trainings

Now it's time
for today's
key takeaways.

Today's Key Takeaways

- Understand the difference between Title IX and Non-Title IX; work case accordingly
- Ensure you are confident and well versed in interview strategies
- Always keep your Title IX Coordinator informed of your progress
- If you hit a snag in the analysis, talk it out with your Title IX Coordinator
- Document Investigative Findings
- Give yourself grace!!

Now it's time
for the Q&A.

Q&A Session

Ask a Question or Offer a Comment!

Type in a question or comment at any time by using the Q&A panel on the webinar platform.

If you have a question that you were unable to ask during the webinar, please feel free to email the presenter(s) directly or email info@paper-clip.com and reference today's webinar.

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Ensure Inclusion and Safety

September 28, 2022



Supporting First-generation Students

Strategic Support Systems and
Services to Overcome Barriers to
Completion

September 29, 2022

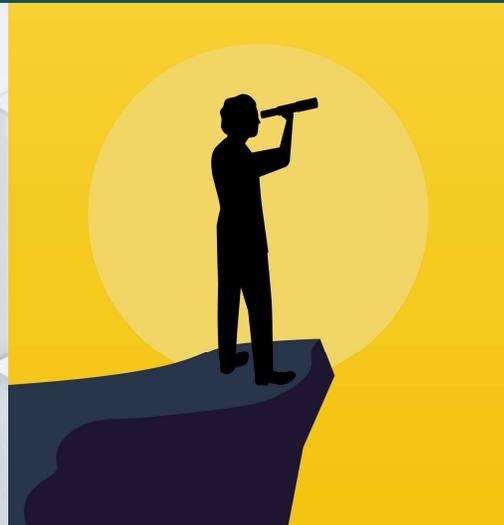


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Looming Economic, Enrollment
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Colleagues, Case Studies and
Conversation

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LGBTQIA+ Mental Health and Well-being

Implement Strategic Initiatives and
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Address Their Specific Needs

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October 12, 2022



Latino/a Students

Data-Based Initiatives to Increase Enrollment, Retention and Support

October 19, 2022



Minimizing the Student Leadership Gap

Overcome Challenges from Time Lost

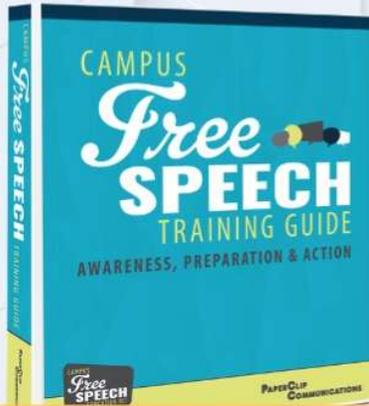
October 20, 2022



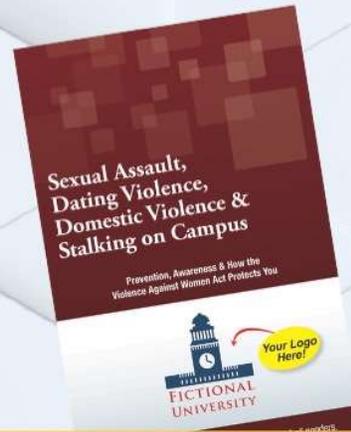
Campus Police and Mental Health Collaboration

Co-Response Initiatives to Address Behavioral Health Issues and De-escalate Situations

Additional Resources for Campus Compliance



Campus Free Speech Education Kit



VAWA: Sexual Assault, Dating Violence, Domestic Violence & Stalking on Campus Brochure for Students



Title IX and Sexual Harassment: Rights, Responsibilities and Responses Brochure for Students

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