

# **External Investigator Training**

**Equity and Compliance Programs  
Spring 2024**

# Goals

- Review the expectations of the Investigator
- Overview of Georgia Tech's Sexual Misconduct Policy and Grievance Process
- Review Investigative Procedures and Investigation Report
- Discuss Campus Hearing
- Q & A

# Title IX Administration in Equity & Compliance Programs



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# Georgia Tech

# Demographics

Undergraduate Enrollment by Gender and Race/Ethnicity as of Census, Fall 2023						
Race/Ethnicity	Male	% Male	Female	% Female	Institute	% Institute
Asian	4,024	20.6%	2,605	13.4%	6,629	34.0%
Black or African-American	842	4.3%	717	3.7%	1,559	8.0%
Hispanic/Latino	975	5.0%	625	3.2%	1,600	8.2%
White	4,244	21.8%	2,607	13.4%	6,851	35.1%
Two or More	527	2.7%	367	1.9%	894	4.6%
Other/Unknown	149	0.8%	97	0.5%	246	1.3%
International	1,096	5.6%	630	3.2%	1,726	8.8%
<b>Institute Total</b>	<b>11,857</b>	<b>60.8%</b>	<b>7,648</b>	<b>39.2%</b>	<b>19,505</b>	<b>100.0%</b>

Graduate Enrollment by Gender and Race/Ethnicity as of Census, Fall 2023						
Race/Ethnicity	Male	% Male	Female	% Female	Institute	% Institute
Asian	3,801	13.4%	1,754	6.2%	5,555	19.5%
Black or African-American	686	2.4%	377	1.3%	1,063	3.7%
Hispanic/Latino	1,196	4.2%	348	1.2%	1,544	5.4%
White	6,359	22.4%	1,783	6.3%	8,142	28.6%
Two or More	539	1.9%	176	0.6%	715	2.5%
Other/Unknown	404	1.4%	83	0.3%	487	1.7%
International	7,483	26.3%	3,452	12.1%	10,935	38.4%
<b>Institute Total</b>	<b>20,468</b>	<b>72.0%</b>	<b>7,973</b>	<b>28.0%</b>	<b>28,441</b>	<b>100.0%</b>

# Housing

Housing Capacity & Occupancy, Fall 2023			
Student Housing	Capacity	Occupancy	% Occupied
Single	8,587	8,531	99.35%
Married	220	219	99.55%
<b>Total Student</b>	<b>8,807</b>	<b>8,750</b>	<b>99.35%</b>
Greek Housing	Capacity	Occupancy	% Occupied
Sorority	310	296	95.48%
Fraternity	1,197	982	82.04%
<b>Total Greek</b>	<b>1,507</b>	<b>1,278</b>	<b>84.80%</b>
<b>Total All Housing</b>	<b>10,314</b>	<b>10,028</b>	<b>97.23%</b>

# Equity & Compliance Programs

This figure depicts the trajectory of 149 incidents reported.

**Incidents Reported:** The Office of Equity and Compliance Programs receives reports from all members of the Institute as well as individuals not affiliated with the Institute through our online reporting form, email, phone, or mail.

**Formal Complaint:** A signed written statement filed with Equity and Compliance Programs alleging a violation of the sexual misconduct policy that results in an investigation, adjudication, and if appropriate, sanctioning process. Formal Complaint Breakdown: 5 Complaints Dismissed, 1 Complaint Withdrawn, 8 Informal Resolutions, and 3 Hearings.

**Information Only:** When an individual elects to speak with our office regarding a matter dealing with TIX/SM the individual is given a full overview of resources, supportive measures, reporting options, voluntary remedies, and resolution pathways. When a report is tagged as Information only the individual did not request to initiate an informal or formal grievance process. This also includes 20 cases that different supportive measures were provided to at least one party.

**Referrals:** There may be times when a reported incident does not fit under our scope and/or jurisdiction. If appropriate, it is referred to Human Resources, Ethics and Compliance, or the Office of Student Integrity for review and investigation.

**No Show/No Response:** Cases are coded in this manner to reflect that following the received report, our office reached out multiple times and the impacted individual did not follow up with our office.

**No Contact Directives:** These are meant to be nondisciplinary, nonpunitive services provided, as reasonably available, without fee or charge to the parties to restore or preserve access to the Institute's educational environment and/or deter discriminatory behavior, harassment, and/or retaliation.

Each case is assessed to determine if the Institute needs to take additional action beyond the Complainant's request. There may be times when the Institute moves forward with investigating a situation, but the Complainant is never required to participate.



# Investigator



# Expectations of the Investigator



Be a fact-finder and not a decision maker



Communicate with parties, advisors, and witnesses through Maxient



Email parties the Initial Investigative Summary and Evidence Report



Attend campus hearings



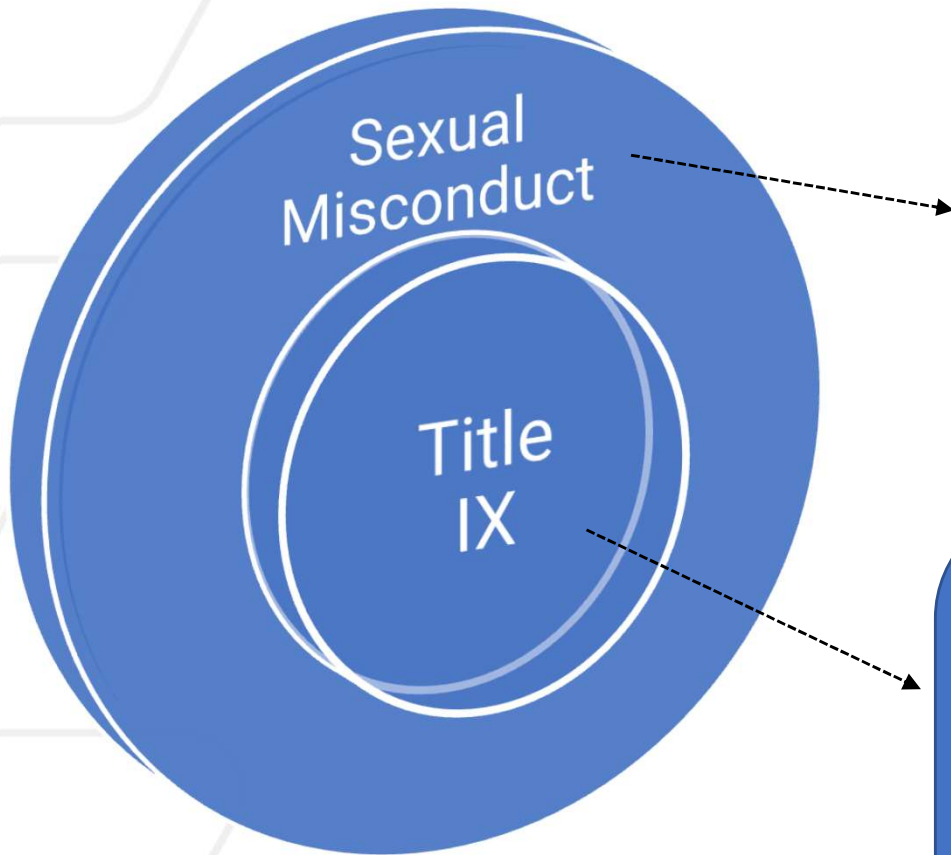
Participate in bi-weekly meetings with the TIXC or Assistant TIXC



1. What expectations do you have for our office?
2. What are some common challenges for an external investigator?

# Georgia Tech Sexual Misconduct Policy

# Comparing Title IX & Sexual Misconduct



- Prohibited Conduct as defined in the Georgia Tech Sexual Misconduct Policy
- Includes conduct that occurs on or off campus
- Accused must be a current GT Student or Employee

- Prohibited Conduct defined as Title IX Sexual Harassment
- Includes conduct that occurs in an Institution's educational program or activity/ Institution sponsored or affiliated events (substantial control) Buildings owned or controlled by officially recognized student organizations
  - Must occur in the United States
- Complaining party must be participating or attempting to participate in an education program or activity at Georgia Tech
- Georgia Tech must have substantial control over the accused/ and location where incident occurred

# Georgia Tech's Sexual Misconduct Policy

Prohibits Sexual Misconduct, an **Umbrella term** for any unwanted sexual attention, contact, or activity that occurs without consent such as:

- Dating Violence and Domestic Violence;
- Nonconsensual Sexual Contact;
- Nonconsensual Sexual Penetration;
- Sexual Exploitation;
- Stalking;
- Sexual Harassment (*student on student, other than student on student*)



# Elements

## **Dating Violence:**

(1) violence committed by a person who is or has been in a (2) social relationship of a romantic or intimate nature

## **Domestic Violence:**

(1) violence committed (2) by a current or former spouse or intimate partner of the alleged victim

(a) whom shares a child in common

(b) or by a person who is cohabitating with, or has cohabitated with the alleged victim

## **Stalking:**

(1) engaging in a course of conduct directed at a specific person (2) that would cause a reasonable person to fear for their safety or the safety of others or (3) suffer substantial emotional distress.

# Elements

## **Nonconsensual Sexual Contact:**

(1) physical contact with another person (2) of a sexual nature (3) without the person's consent.

## **Nonconsensual Sexual Penetration:**

(1) any penetration (2) of another's body part (3) without the person's consent.

## **Sexual Exploitation:**

(1) taking nonconsensual or abusive sexual advantage of another (2) for one's own advantage or benefit (3) or for the benefit or advantage of anyone other than the one being exploited.

# Elements

## **Sexual Harassment (Student on Student):**

(1) Unwelcome verbal, nonverbal, or physical conduct (2) sexual in nature (3) determined by a Reasonable Person to be so severe, pervasive, and objectively offensive (4) that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity.

## **Sexual Harassment (Other than Student on Student):**

(1) Unwelcome verbal, nonverbal, or physical conduct (2) sexual in nature (3) that may include any of the following:

- (a) Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
- (b) A basis for employment or educational decisions
- (c) Is sufficiently severe, persistent, or pervasive:
  - Creating an intimidating, hostile, or offensive work or learning environment
  - Interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.



# Consent

• **Words or actions** that show a **knowing and voluntary** willingness to engage in a **mutually agreed upon** sexual activity



- Can be invalidated by
  - Force (physical violence, threats)
  - Intimidation (an implied threat that menaces and/or causes reasonable fear)
  - Coercion (the application of an unreasonable amount of pressure for sexual access)
  - Incapacitation
  - Withdrawal

# **Title IX/Sexual Misconduct Grievance Process**

# General Overview of Title IX/ Sexual Misconduct Grievance Process

- Individual files a formal complaint (Complainant)
- Complainant and Respondent notified of allegations (Notice of Investigation)
- Investigator Assigned
- Investigator questions Complainant, Respondent, Witnesses and gathers and examines evidence
- Initial Investigation Report sent to parties and their advisors
- Review period (ten business days)
- Final Investigation Report submitted to parties, their advisors, and the Hearing Panel
- Informal Resolution (not available in student versus employee cases)
- Hearing – Employee Relations manages the hearing process for employees, Office of Student Integrity Manages the hearing process for student
- Appeal

\*\* Final determinations of responsibility and sanctions are made by decision-makers. Not the Title IX Coordinator or assigned investigator

# Report Received

Supportive measures are available to all parties throughout the duration of this process.

## Report received

Outreach to impacted individual with offer of support services/information on additional reporting/grievance options

Initial meeting with ECP Staff

Support services requested are reviewed and implemented.

Individual declines to meet/does not respond

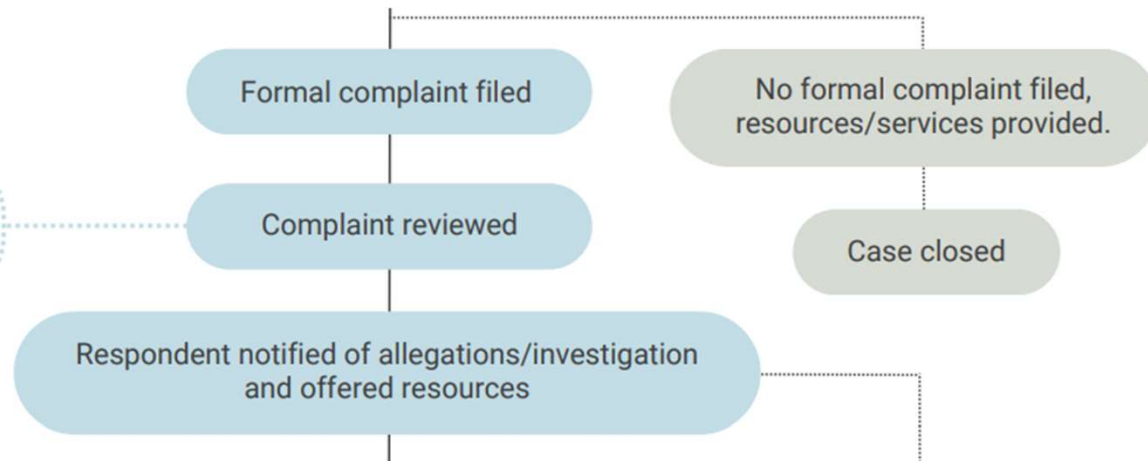
Case closed

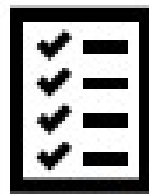


# Formal Complaint

## Assessment

If complaint doesn't meet policy requirements, it may be dismissed or referred for review under other Institute policy.





Formal Complaint



Informal Resolution



Formal Resolution

# Informal Resolution Process

- The Informal Resolution Process is a structured, voluntary, confidential process between the parties, their advisors, and a facilitator. This is an alternative to the formal grievance process.
- This process is held via zoom, where the Complainant and Respondent are in separate zoom rooms. *At no point are the parties required to confront each other or be present in the same room during the informal resolution process.*
- The Informal Resolution Process is not available in cases where the Complainant is a student, and the Respondent is a faculty/ staff member.
- All parties must agree to engage in an informal resolution
- Informal Resolution Agreement is signed by both parties and the Institute.

# Informal Resolution Agreement

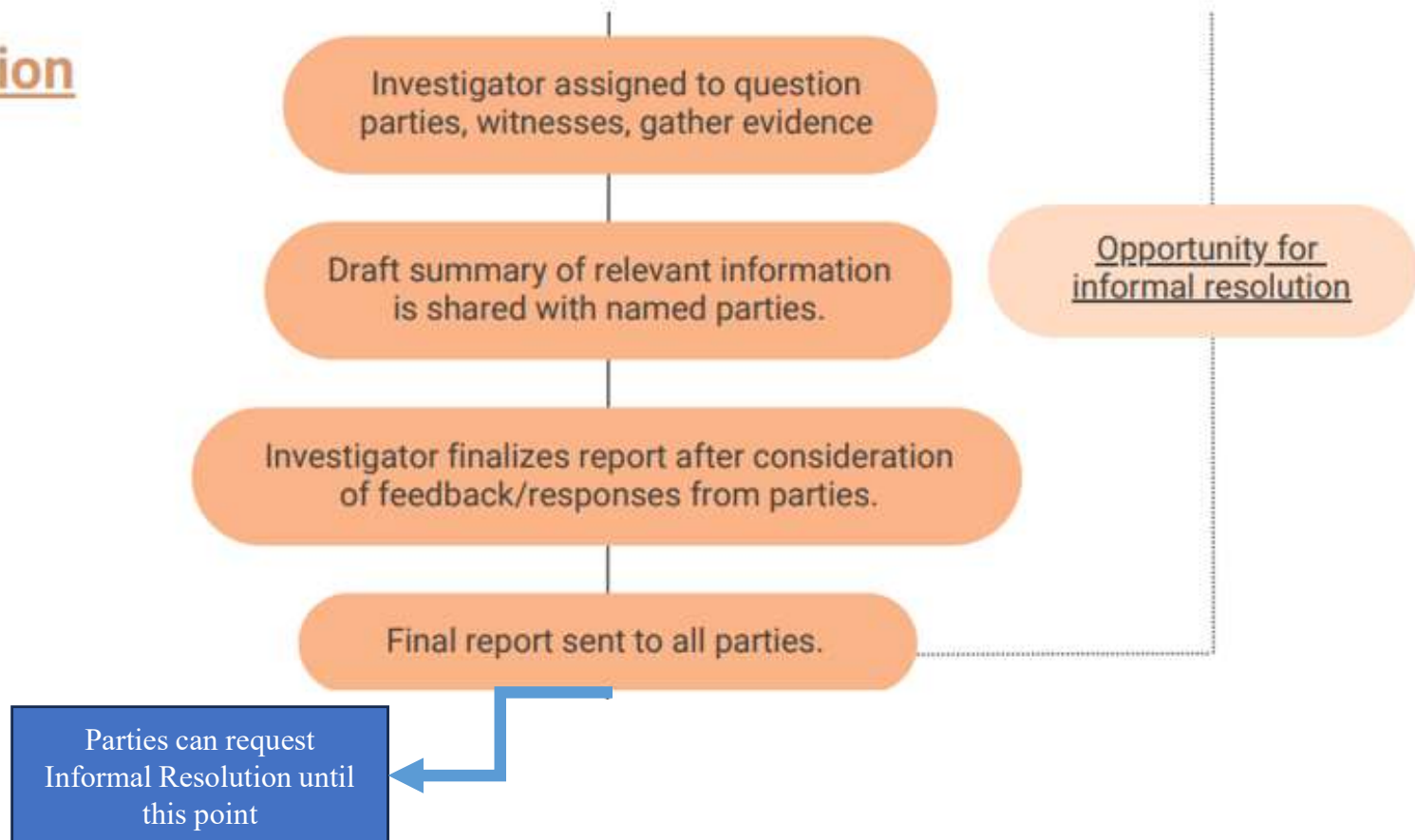
*An agreement may include but is not limited to:*

- Restrictions on contact, communication, and/or interaction between the parties
- Restrictions on parties' movements or access to locations on campus
- Educational remedies
- An admission of responsibility
- Written apologies
- Training and/or coaching
- Involvement in an educational program; and community service.



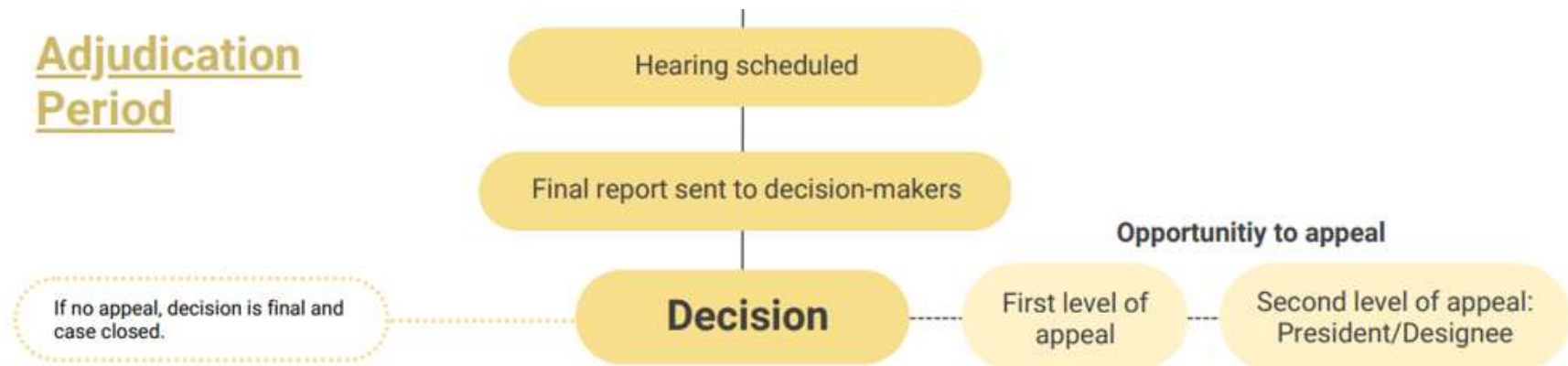
# Investigation

## Investigation Period



# Hearing/ Adjudication

## Adjudication Period



# Procedures

How do you prepare for an investigation?

# Investigative Plan

All Investigators are required to create an Investigative Plan detailing the following:

- Applicable policy violations
- Evidence to be gathered
- Parties/ witnesses to interview
- **Important dates**
- Possible challenges



# Interviews

- The Investigator will send an Initial Request to Interview (RTI) to all parties and witnesses via Maxient.
- The Investigator will meet with all individuals in person or via Zoom/Teams.
- If the party/ witnesses do not respond to the initial RTI, the Investigator will send a second and final RTI.
- If the party/ witnesses do not respond to the second and final RTI, the Investigator will note the lack of response and continue with the investigation. Parties will have an opportunity to review the report (initial and final) regardless of participation in the investigation.
- Parties have the right to have an advisor present during the interviews.

# Interviews

- During investigative meetings, the Investigator will take notes and collect evidence from parties/ witnesses. Interviews should not be recorded by the Investigator, parties, witnesses, or advisors.
- After each investigative meeting, the Investigator will send the interview summary to the parties/advisors/ witnesses for approval. The summaries must be sent within five business days through Maxient.
- Parties/ witnesses will have five business days to respond to their interview summary. Parties and witnesses may receive a one-time extension that should not exceed two business days.
- If parties/witnesses do not respond to the email, the Investigator will proceed as if the summary was approved.
- Once interviews are complete, the Investigator will send an investigation update to parties and their advisors through Maxient.
- The investigator should close out witnesses' accounts in Maxient after reviewing their interview summary.

# Interviews

*New Allegations:* If a party alleges a new allegation that was not included in the Notice of Allegation and Investigation (NOI), please share it with TIXC.

*Informal Resolution:* If a party would like to resolve their case informally, please share it with TIXC but still conduct the interview.



# Evidence Collection



- All *relevant* evidence submitted by parties and/or witnesses is shared with parties in the appendices of the initial and final report.
- Evidence that was submitted by parties or witnesses deemed not relevant but directly will be included in another document (Not Relevant Evidence).
- The Investigator should maintain a collection of evidence log to document evidence received.
- *Protected Health Information*: If parties or witnesses share protected health information and would like it to be included in the investigation report, please have them fill out the Protected Health form in Maxient.

# Evidence Collection

## Bucket A

- All evidence that is relevant to the complaint.
- All relevant evidence is included in the body and/or appendix of the investigation report.

## Bucket B

- Only evidence that is directly related to the complaint (but is determined by the Investigator not to be relevant).
- Directly related evidence is sent to parties in a separate document titled “Not Relevant Evidence.”
- Directly related evidence is shared with parties and their advisors in the initial and final report.

## Bucket C


- All evidence that is neither relevant nor directly related to the complaint.
- This evidence will stay in Maxient and will not be shared with parties, advisors, or decision-makers
- Investigators should create a file in the Electronic File Cabinet (EFC) in Maxient titled Bucket C.

# Evidence Log Example

<b>Item Number</b>	<b>Collected/ Provided by</b>	<b>Description of Evidence</b>	<b>Relevant, Directly Related, or Neither</b>	<b>Rationale</b>
1	Complainant	Complainant provided text messages from Respondent on 3.2.23	Relevant	The text messages were the day after the incident.

# Maxient

## How to add a Witness to Maxient:

- Create a new case
- Add people to an existing case
- Enter the existing case number
- **For GT affiliated, click on the following icon  and enter the witness's first or last name.**
- **For Non-GT affiliated enter the unique SID for each new person**
  - **First initial, last name**
  - **Example: John Doe should be entered as JDoe.**
- Add role: Witness
- Add first and last name
- Assign the witness to Equity & Compliance- Title IX
  - Assigned to: Add your name using the dropdown option
- Add to the database at the end of the page

## How to close a Witness in Maxient:

Add a note and then close the case

### Note:

- On the home screen go to notes.
- Add another note
  - Enter the category: General Information
  - Note Subject: Interview Summary
  - Note: Include the date the interview summary was sent to the witness and whether they approved their summary.
- Save updates

### Close Case:

- On the home screen go to Other
- Case Status: Closed
- Next Deadline: Remove any date
- Save updates

# Maxient

## How to add an Advisor to all communication Letters

- Input the party's first or last name
- Choose the applicable letter
- Edit the Letter
- Select copy Recipients
  - Scroll to the bottom and select "Other: Specify below."
- Enter the name and email
- Add CC

# Maxient (Letters/ IR's)

## Letters:

- Request to Interview Parties (413)
- Request to Interview Witnesses (414)
- Interview Summary (421)
- Investigation Update (422)
- Initial Investigative Evidence and Summary Report (415)

## IR Layouts:

- Protected Health Information (17)

## Emails:

For email communication outside of Maxient be sure to add the case or file id to the bcc.

# Investigation Report

# Investigation Report

- Executive Summary
- Allegation
- Applicable Georgia Tech and the Board of Regents University System of Georgia Policies and Relevant Definitions
- Standard of Proof
- List of Parties and Witnesses (Interviewed / Not Interviewed)
- Summary of Relevant Evidence
  - Complainant's Summary(s)
  - Respondent's Summary(s)
  - Witness Summary(s)
- Discussion and Synthesis
  - Undisputed/ Disputed Facts
  - Assessment
- Appendix



# Discussion and Synthesis

## Allegation I:

### Disputed Facts

Whether the incidents that occurred on October 21, 2021, January 1, 2022, July 12, 2022, and October 1, 2022, would cause a reasonable person to fear for his safety or the safety of others or suffer substantial emotional distress.

### Assessment

To find a violation of the Sexual Misconduct Policy for Stalking requires evidence of (1) engaging in a course of conduct directed at a specific person (2) that would cause a reasonable person to fear for their safety or the safety of others or (3) suffer substantial emotional distress.

#### 1. *Evidence of a course of conduct*

- Complainant's Response
- Respondent's Response
- Witnesses' Response

#### 2. *Fear for their safety or the safety of others*

#### 3. *Suffer Substantial Emotional Distress*

To find a violation of the Sexual Misconduct Policy for Stalking, the Decision Makers must find that there was physical contact of a sexual nature without the Complainant's consent.

# Appendices

- Appendix A includes the formal complaint, the Notice of Allegation and written responses, and *relevant* written responses to the Initial Investigative Summary and Evidence Report.
- Appendix B includes all summaries provided by parties and each witness. The Investigator has provided parties and each witness with a written summary of information obtained during their interview and asked for parties and each witness to review and confirm for accuracy.
- Appendix C includes relevant evidence submitted or obtained by the Investigator. Evidence can include but is not limited to text messages, phone records, social media posts, photos, emails, videos, auto recordings, approved medical records, and police records. (Include Evidence log in this section)
- Appendix D contains the investigation timeline and details taken in this matter from the receipt of the formal complaint to the submission of this report.

# Itemization of Differences Log

- If there is a significant difference between the initial and final reports, the investigator should create an itemization log.
- Investigators should consult with the TIXC or ATIXC on whether the log is needed for the final report.

<b>Page #</b>	<b>New Text in Final Report</b>	<b>Rationale</b>
12	Jane Doe and John Doe were added as witnesses interviewed by Investigator	New witnesses presented by Respondent
31	Footnote 41	New evidence provided by Complainant
31	Footnote 42	New evidence provided by Respondent

# Investigation Timeline

	<b>Days</b>	<b>Overall Timeline</b>
Notice	0	
Response	3	3
Initial Report due to TIXC	<b>60</b>	63
TIXC sends report to Investigator	5	68
Investigation & Issuance of Initial Draft	5	73
Response	10	83
Issuance of Final Report	5	88
Referral for hearing	0	88
Hearing occurs (minimum of 10 days needed)	20	108
Decision issued	10	118

# Campus Hearing

# Adjudication Processes

## Students

- Facilitated through the Office of Student Integrity
- Decision maker is a hearing panel (Three trained Institute administrators)
- Live Hearing

## Faculty/ Staff

- Facilitated through Employee Relations
- Single decision-maker model
- Live Hearing

# Typical Order of Hearing

- Call to Order (*\*facilitated by Decision Maker or Hearing Panel Chair*)
  - Introductions
  - Order of Events
  - Allegations
- Hearing Proceedings
- Prohibited Conduct Definitions
  - Response to Allegations (Respondent)
  - Opening Statements (Complainant then Respondent)
  - Questioning
    - **Investigator**
      - Complainant
      - Complainant's witnesses
      - Respondent
      - Respondent's witnesses
      - Decision Maker/ Panel's Questions
  - Closing Statement (by both parties)
- Deliberation/ Decision Making

# Questions during the Hearing

- Authenticity about the evidence submitted
- Witnesses not interviewed by the investigator
- Inconsistencies in stories
- Missing information not included in the final report
- Investigative Timeline





# The Hearing Outcome Letter

Provided to both parties simultaneously includes:

- The allegations
- The procedural steps from the complaint through determination
- Findings of fact supporting the determination
- Determinations regarding responsibility, sanctions
- Information on the appellate process



# Q & A