Title IX Investigator

(Tiers 1, 2, 3 and 5)

May 2024

Presented by:

Cathy Cocks, Adrienne Murray and Ann Todd

Associates

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Investigator Comprehensive Course

Below is generally the agenda for the Charleston class. The D. Stafford & Associates team wants to ensure the topics are covered to the extent needed for the participants; therefore, some topics may extend into a time block or start earlier than anticipated.

Day 1 – Monday, May 6, 2024

All-Day Session

- Investigations

Day 2 – Tuesday, May 7, 2024

Morning Session

- Spotlight: Domestic Violence, Dating Violence, and Stalking (Coordinators and Investigators)
- Report Writing

Afternoon Session

- Mock Investigation

Day 3 – Wednesday, May 8, 2024

Morning Session, Part One

- Mock Investigation

Morning Session, Part Two (Coordinators and Investigators)

- Spotlight: Identities
- Closing Activity

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TITLE IX

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ISSUANCE OF CERTIFICATES FOR COMPLETION

To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.

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Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA

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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.

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Catherine Cocks, M.A.
Consultant, Student Affairs, Title IX, and Equity Compliance Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.

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Ann Todd
Consultant, Equity Compliance and Civil Rights Investigations



Ann Todd, Esq is a seasoned civil rights investigator in higher education for D. Stafford & Associates (DSA). Ms. Todd is a graduate of Davidson College with a degree in psychology and holds a JD from the University of Nebraska. Prior to joining DSA, she practiced law in Charlotte, NC, specializing in employment and civil rights and worked for a number of non-profit organizations. She returned to her alma mater (Davidson College) in 2008 and worked there through March of 2016 serving as the Assistant Director of Human Resources with the responsibility of managing employee relations and the learning and development function while also serving as the deputy Title IX Coordinator.

Ms. Todd joined the DSA in 2015 and currently serves as the Consultant, Equity Compliance and Civil Rights Investigations. She is the Senior Investigator for the DSA Title IX Investigation Team. She conducts external investigations on behalf of colleges and universities, specializing in investigating student allegations of sex discrimination, sexual assault, intimate partner violence, and stalking. Additionally, she brings a strong Human Resources background to investigating a range of employee misconduct—from performance issues to discrimination.

In addition to conducting investigations, Ms. Todd is a frequent speaker and consultant on Title IX investigations, conducting 20-30 courses every year on best practices for investigating sex discrimination and sex crimes on campus. She works with schools to draft policies and processes that provide equity and fairness to

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all parties involved and is adept at facilitating discussions with institutions to ensure the end product represents the values of the campus community.

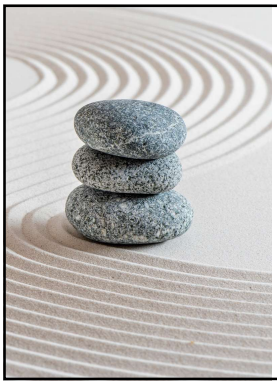
Ms. Todd is licensed private investigator and a member of the NC Bar. She is a Certified Clery Compliance Officer through the National Association of Clery Compliance Officers and Professionals (NACCOP) and she is also a certified 360 facilitator through the Center for Creative Leadership. Ms. Todd lives in Davidson, NC where she volunteers on a number of local and town boards.



INVESTIGATIONS

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1



COURSE AGENDA

- The Investigator
- Sex-based Harassment
- Unwelcome Conduct & Consent
- Investigative Strategy & Evidence Collection
- Interviewing
- Trauma & The Interview
- Evidence Evaluation
- Reports

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ADEQUATE, RELIABLE, & IMPARTIAL INVESTIGATION

- Burden is on the institution to conduct the investigation
- Provide an equal opportunity for the parties to present fact witnesses and relevant evidence
- Identify what evidence is relevant to the allegations and not otherwise impermissible
- Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not other impermissible

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THE INVESTIGATOR



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CREDIBILITY OF THE INVESTIGATION



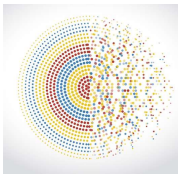
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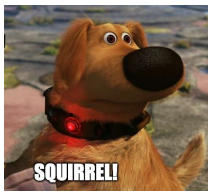
INVESTIGATOR PITFALLS











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CONFLICT OF INTEREST OR BIAS

Generally



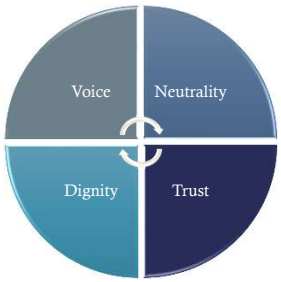
Individually



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PROCEDURAL FAIRNESS



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SEX-BASED HARASSMENT



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UNDERSTANDING THE ELEMENTS

Behavior → Condition

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DECISION-MAKER'S PATH

- What was the conduct?
  - Was the conduct on the basis of sex?
  - Was the conduct unwelcome or without consent?
- Does the conduct meet the definition of a violation of institutional policy?

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TITLE IX DEFINITIONS



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QUID PRO QUO HARASSMENT



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QUID PRO QUO HARASSMENT

An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

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QUID PRO QUO INVESTIGATIONS

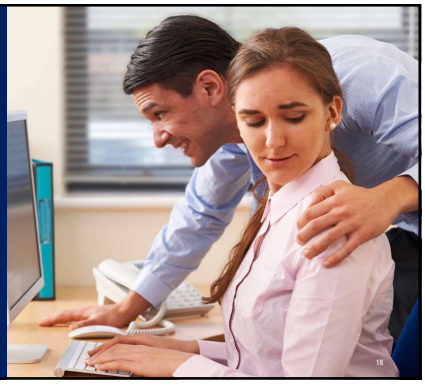
Respondent	Aid, Benefit, or Service	Sexual Conduct
• What is the respondent's status and authority? • What is the relationship to the complainant? • What, if any, perceived or actual power exists?	• What was offered? • How was it communicated?	• What was the conduct requested? • Was it sex-based? • How was it communicated? • How was it unwelcome?

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Would the Complainant would have thought that the Respondent would have had the authority to do said service.

HOSTILE ENVIRONMENT HARASSMENT



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HOSTILE ENVIRONMENT HARASSMENT

Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment).

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Usually involves multiple instances but not always.

The definition now references only severe and pervasive

subjective is how the Complainant saw the case, the objective is the

reasonable person standard. As an investigator you live in the subjective

world. The decision maker lives in the objective world.

Pervasive that it is happening multiple times and there is a frequency to it.

For instance, anywhere I go, library, game. How much is this seeping into the fabric of their life.

HOSTILE ENVIRONMENT HARASSMENT

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in the recipient's education program or activity.

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HOSTILE ENVIRONMENT INVESTIGATIONS

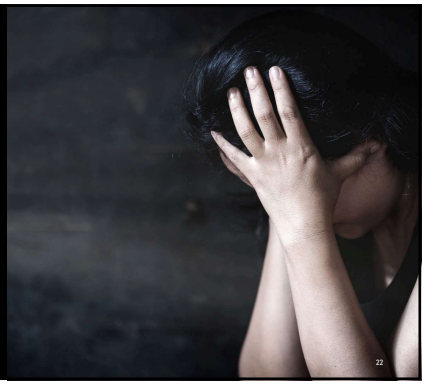
- Type, frequency, and duration of the conduct
- Location of the conduct and the context
- Parties' ages, roles, previous interactions, other factors
- Degree to which the conduct affected access to the program or activity
- Other sex-based harassment in the program or activity

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Parties' ages: Example in the k-12 world that someone's age can impact their ability to say no or that something is unwelcome.

SEXUAL ASSAULT



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2024 TITLE IX REGULATIONS - SEXUAL ASSAULT

Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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UNIFORM CRIME REPORTING PROGRAM (UCR)

- ***Rape (Except Statutory Rape) -*** *The carnal knowledge of a person, 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 or physical incapacity*
- ***Sodomy -*** *Oral or anal sexual intercourse with another person, 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 or physical incapacity*
- ***Sexual Assault With An Object -*** *To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity*

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FBI, Uniform Crime Reporting Program:
National Incident-Based Reporting System (2018)

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Schools need to identify if they are going to use the UCR or Clery.

UNIFORM CRIME REPORTING PROGRAM (UCR)

- ***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 or physical incapacity*
- ***Incest*** *- Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law Statutory Rape-Nonforcible sexual intercourse with a person who is under the statutory age of consent*
- ***Statutory Rape*** *- Nonforcible sexual intercourse with a person who is under the statutory age of consent*

FBI, Uniform Crime Reporting Program:
National Incident-Based Reporting System (2018)

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CLERY DEFINITIONS OF SEXUAL ASSAULT

- ***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. This offense includes the rape of both males and females.*
- ***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 age or because of 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.*
- ***Statutory Rape*** *- Sexual intercourse with a person who is under the statutory age of consent.*

34 CFR 668 Appendix A

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SEXUAL ASSAULT INVESTIGATIONS

What was the sexual behavior?

Who was the initiator?

What, if any, were the words or actions to indicate consent?
- Is there an issue of incapacitation or force?

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STALKING



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STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

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STALKING INVESTIGATIONS

What was the course of conduct?

What was the frequency?

What was the impact?

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subjective and objective impact.

INTIMATE PARTNER VIOLENCE



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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 Complainant; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship.

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DOMESTIC VIOLENCE

Felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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INTIMATE PARTNER VIOLENCE INVESTIGATIONS

Parties

- Type of relationship
- Length of the relationship
- Frequency of interaction between the persons

Behaviors

- Type of violence
- Possible patterns of behaviors
- Other behaviors that may fall under other policy definitions

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Be sure to explain the nature of the relationship and how parties' view the the relationship.

UNWELCOME CONDUCT & CONSENT



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Unwelcome is more passive. Without consent you need to give consent for this to happen.

UNWELCOME CONDUCT



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WHEN DOES CONDUCT BECOME UNWELCOME?

- Invited
- Uninvited but welcome
- Offensive but tolerated
- Flatly rejected

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Uninvited but welcome: An Employee gives you a hug, you would not have led with it. Someone says your hair looks nice.

Offensive but tolerated: Do not like it , but they put up with it.

TESTING FOR UNWELCOMENESS

Subjective

Objective

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CONSENT



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CONSENT

- Sexual Permission
- Verbal or Nonverbal
- Absent if force or incapacitation

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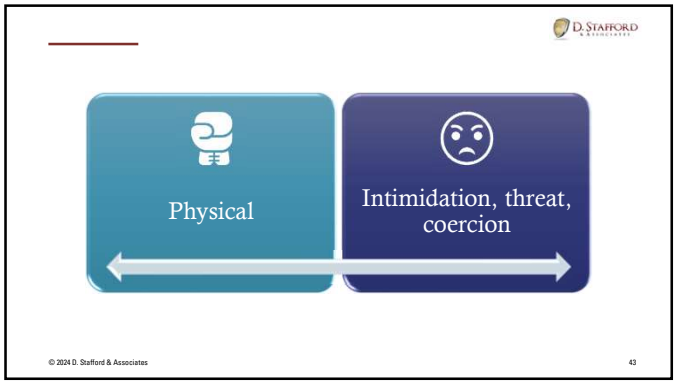
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FORCE



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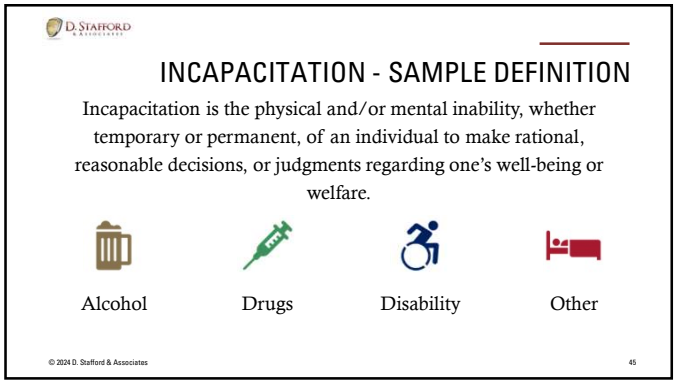
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Threat: If you don't have sex with me I'm going to post your nudes online.

Coercion: I was off campus and I had to have sex with this person because I did not know if they were going to bring me back.



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TWO-STEP DETERMINATION

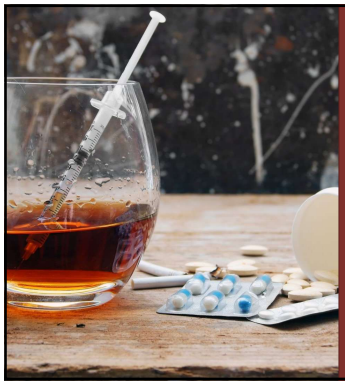
Was the complainant incapacitated?

Did the respondent (or would a reasonable person) know?

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Need to know these two answers.



ALCOHOL & OTHER DRUGS

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SUBSTANCE USE AND SEX

"…analysis of SHIFT survey data showed that two-thirds of sexually active students who had sex in the prior three months reported some substance use prior to or during sex."

Jennifer S. Hirsch & Shamus Khan. "Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus."
SHIFT survey = Alexander Wamboldt et al., "Wine Nights, 'Bro-Dinners,' and Jungle Juice: Disaggregating Practices of Undergraduate Binge Drinking," Journal of Drug Issues, 2019, 49(4): 643–67.

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HALLUCINOGENS AND OPIOIDS

Hallucinogens

- Change how the world is perceived
- Colors, sounds, movement and time are all experienced in an altered state of mind

Opioids

- Block pain by sealing off the receptors that trigger the sensation
- Provide a sense of euphoria

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STIMULANTS AND DEPRESSANTS

Stimulants (Uppers)

- Raise levels of physiological or nervous activity in the body
- Enhance alertness, concentration, and energy

Depressants (Downers)

- Inhibit the function of the central nervous system
- Reduce intrusive thoughts, providing a sense of relaxation

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ALCOHOL STANDARD MEASUREMENTS



12 oz. of beer



4-5 oz. of wine



1.5 oz. and 80 proof of liquor

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HOW DO COLLEGE STUDENTS MEASURE THEIR DRINKS?

Hint: They don't!

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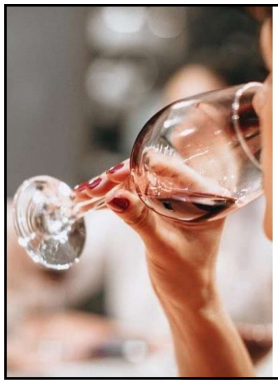
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Levels of Alcohol/Drug Consumption

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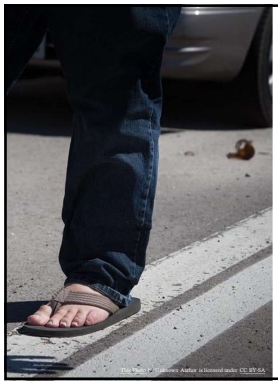
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IMPAIRMENT

- The state of being diminished or weakened due to the consumption of alcohol
- Begins as soon as alcohol enters the bloodstream
- Increases with consumption of alcohol

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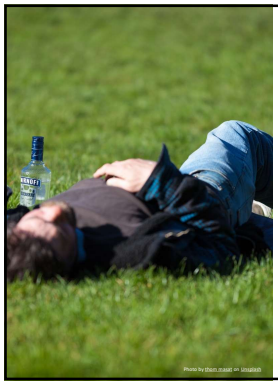


INTOXICATION

- An act or instance of inebriation, drunkenness
- Intoxication is legally met when an individual's blood alcohol level reaches .08 or greater

55

55



INCAPACITATION

- So impaired as to be incapable of giving consent
- Lacking the capacity to consent
- If a person cannot understand the nature of the proposed act or cannot understand they have a right to refuse or are otherwise unaware that the activity is occurring

56

56

BLACKOUTS

Fragmentary Blackout	En Bloc Blackout
Also known as "grayout" or "brownout"	No recollection of events
Gaps in memory with some level of recollection	

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ASKING ABOUT INCAPACITATION

Context	Alcohol	Behaviors
Timelines Location Respondent's role Witnesses Other factors (e.g., food)	Type(s) of alcohol Alcohol content Quantity Pace	Baseline Presenting behaviors Witness observations Party observations

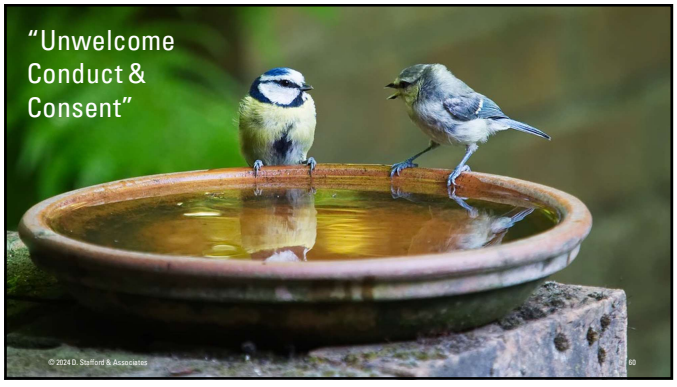
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Timelines are helpful.

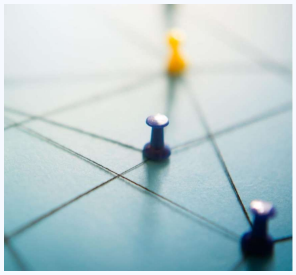
Witnesses are afraid of getting in trouble.

Do you remember any smells or sounds



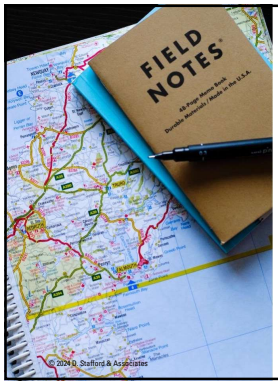
60

INVESTIGATIVE STRATEGY & EVIDENCE COLLECTION



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INVESTIGATION ROAD MAP



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DEVELOPING AN INVESTIGATIVE STRATEGY



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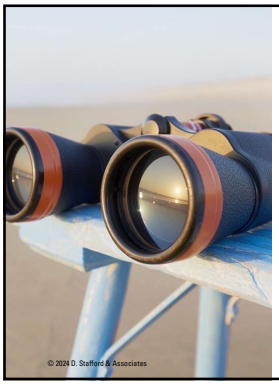
63

INVESTIGATIVE STRATEGY

- Scope
- Methodology
- Preparation
- Challenges

64

Scope is the investigation letter.



SCOPE

- Notice of Allegation
- Notice of Investigation
- Policy Definitions
- Rights of the Parties

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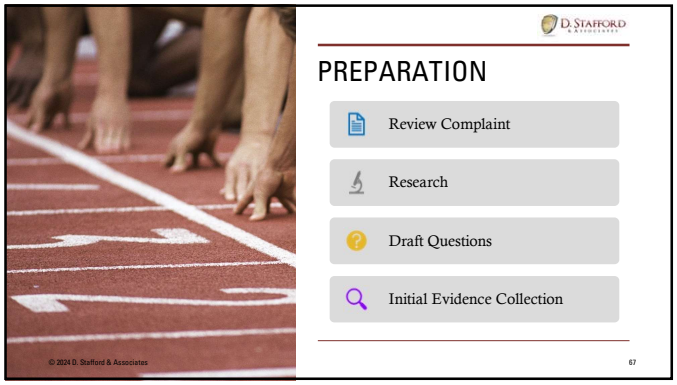
METHODOLOGY

- File Management
- Liaisons
- Logistics
- Internal Communications

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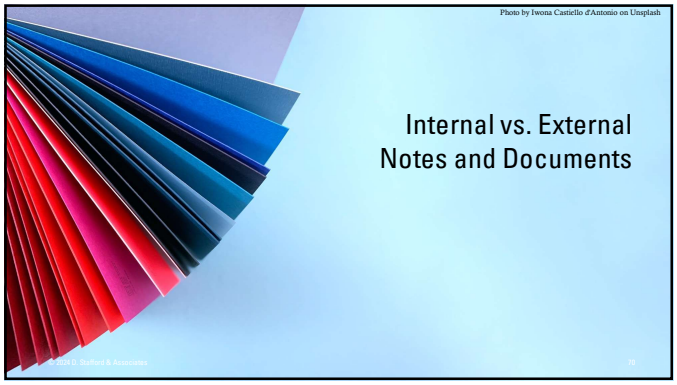
Have a list of questions that need answers



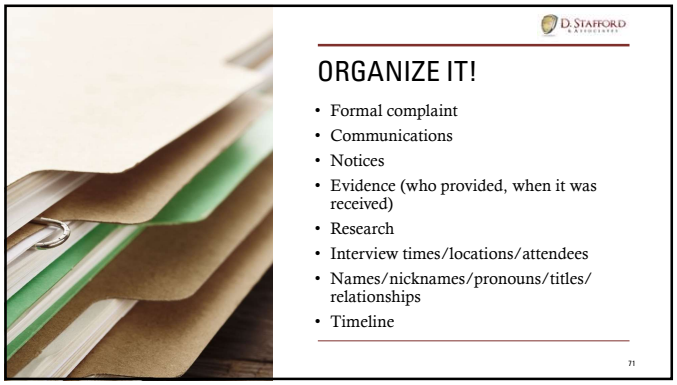
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Photo by Iwona Castiello d'Antonio on Unsplash
Internal vs. External
Notes and Documents
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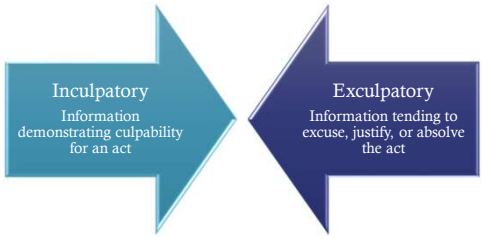

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ORGANIZE IT!
• Formal complaint
• Communications
• Notices
• Evidence (who provided, when it was received)
• Research
• Interview times/locations/attendees
• Names/nicknames/pronouns/titles/ relationships
• Timeline
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EVIDENCE
COLLECTION
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EVIDENCE



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EVIDENCE THAT MUST BE EXCLUDED

- *Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;*
- *A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and*

§ 106.45(b)(7)(i-iii)

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EVIDENCE THAT MUST BE EXCLUDED

- *Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.*

§ 106.45(b)(7)(i-iii)

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Now OCR is saying don't take this you can look at it

to see if it's relevant

TYPES OF EVIDENCE


Real evidence


Demonstrative


Documentary


Testimonial

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PROVIDERS OF EVIDENCE


Parties


Witnesses


Institution


Investigators

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INITIAL EVIDENCE COLLECTION

- Complaint
- Other "statements"
- Evidence from campus sources

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RESEARCH

Websites | Organizations | Calendars | Schedules | Party "directory information"

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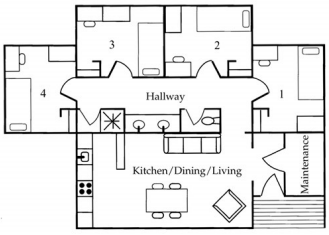
OTHER SOURCES OF EVIDENCE

Photographs	Text messages	Social media/dating apps	Documents (memos, letters, notes)
Voicemail	Phone logs	Guest lists	Investigator-created evidence

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FLOORPLANS



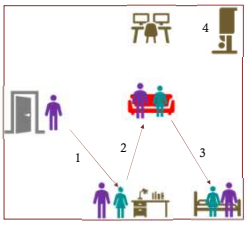
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INVESTIGATOR-CREATED EVIDENCE

During the Complainant's interview, the Complainant drew a model demonstrating the movements of the parties:

1. The Respondent arrived and went over to the Complainant who was at her desk.
2. The Respondent and Complainant moved to the couch and watched a movie.
3. The Complainant woke up as the Respondent was carrying her to her bed.
4. The roommate was in her bed across the room.



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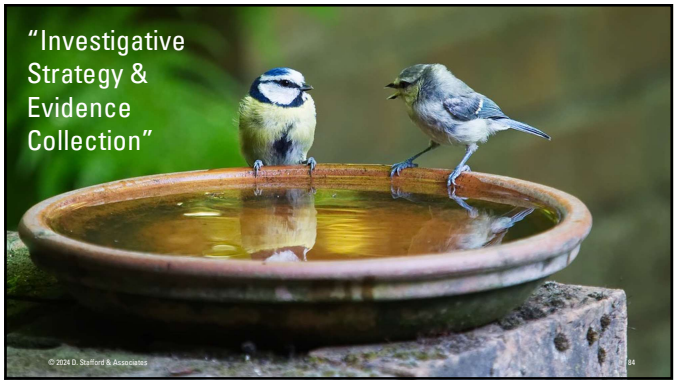
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INCIDENT TIMELINE


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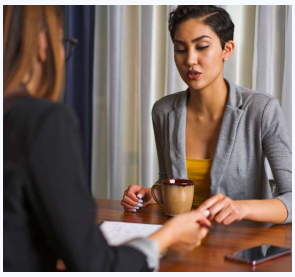
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INTERVIEWING

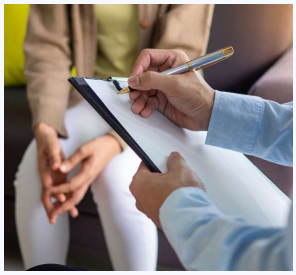


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INTERVIEWING BASICS



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INTERVIEWS

Testimonial Evidence

Conversation

Structured

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THE INTERVIEWEES

- Complainant
- Respondent
- Witness

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2024 Regs talk about the fact that these are fact witnesses. We do not need character witnesses. The regulations say it is at the institutions discretion if they want to interview fact witnesses.

KEYS TO A GREAT INTERVIEW



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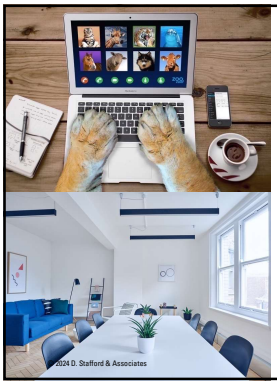


PREPARATION

Logistics	Procedures (communication, scheduling)
	Notice documents
	Case file
Research	Policy review
	Preliminary evidence
	Topics of inquiry
Pre-drafted questions	Background
	Narrative
	Case specific

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COMFORTABLE ENVIRONMENT

- The space
- Investigative tools
- Coping items
- Safety measures

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Safety measures, exit route, and who knows about our meeting.

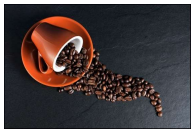
Know where they are interviewing from in case they get distressed or in a state of emergency.

HELPFUL PROMPTS

Recreate the Scene | **Physical Space** | **Sensory**







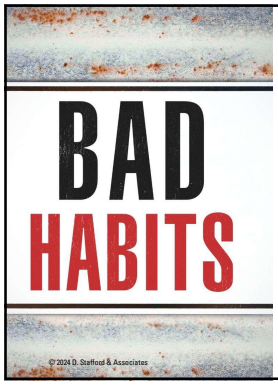
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Recreate the scene: Tell me what it looked like that night.

Lighting, weather, seeing/ hearing something.

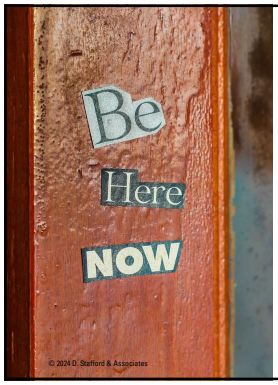


AVOID BAD HABITS

- Interrupting
- Asking two questions at once
- Not listening for the answer
- Avoiding the hard questions
- Not focusing on the elements

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BE FULLY PRESENT

- Treat the interviewee ethically and with dignity
- Be non-judgmental and non-adversarial
- Be objective - you are not "making a case" or pushing a theory
- Adjust and adapt

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THE INTERVIEW



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THE D. STAFFORD INTERVIEW OUTLINE

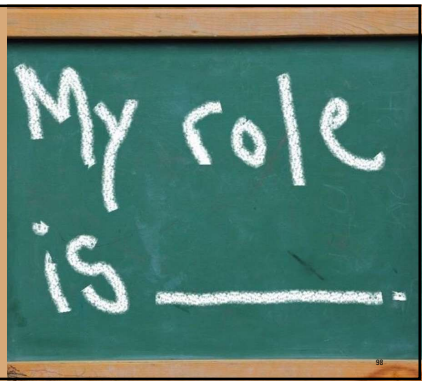


- Preliminaries
- Background
- Narrative
- Clarification
- Case Questions
- Closing
- Self Evaluation

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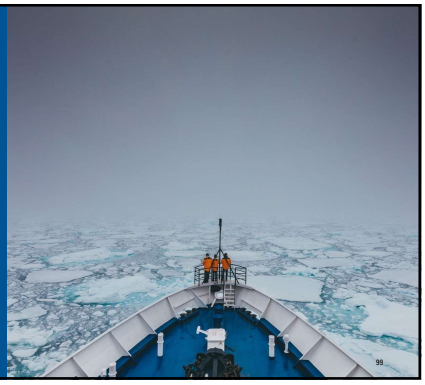
PRELIMINARIES: You do the talking



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BACKGROUND: Build the rapport



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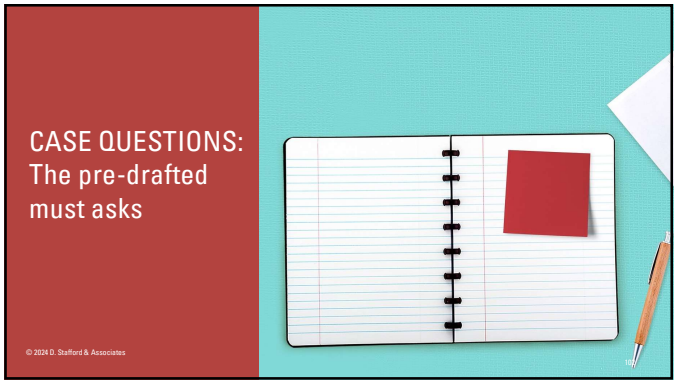
99



100



101



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Go through the pre-drafted questions at the end.

Ex: did you insert you penis in the Complainant's vagina?

What words or actions did you have from the Complainant

Must answer questions.



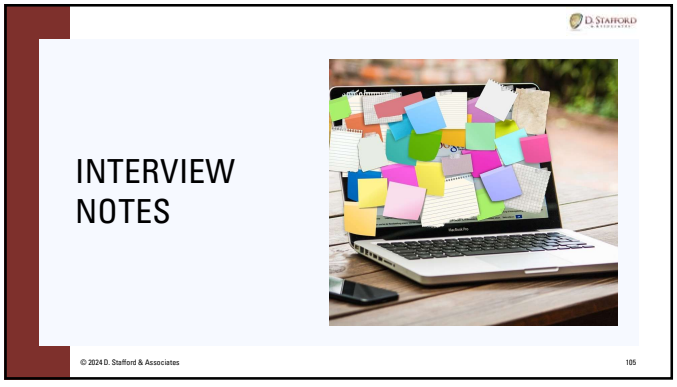
103

Witnesses, evidence, dropbox link to upload any information

Is there anything else that you think would be helpful.



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CAPTURING THE INTERVIEW



Transcription



Q & A



Meeting Chronology

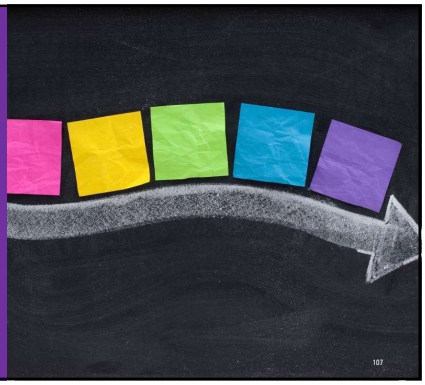


Incident Chronology

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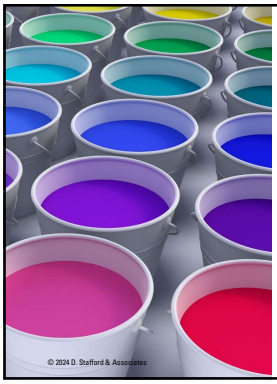
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INCIDENT CHRONOLOGY



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INCIDENT CHRONOLOGY

- Ideal for investigative interviews
- Events and themes are organized in a sequential manner by the event, not the meeting
- Provides the interviewee's perspective not the interviewer's
- No observations or analysis

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EXAMPLE - CHRONOLOGICAL NARRATIVE

The Complainant stated she came back to her room on October 22, 2022 and found a flower bouquet outside of her room. There was an unsigned note that said, "Hope you are feeling better." Betty stated that she had not felt well the day before and skipped her classes. When asked how the Respondent knew she was sick, she stated that she posted about it on Instagram and "maybe he saw it there."

The Complainant stated that on October 24, 2022, she found another flower bouquet with a note at her door. The note stated, "You looked really pretty today."

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KEYS TO A GREAT NOTE



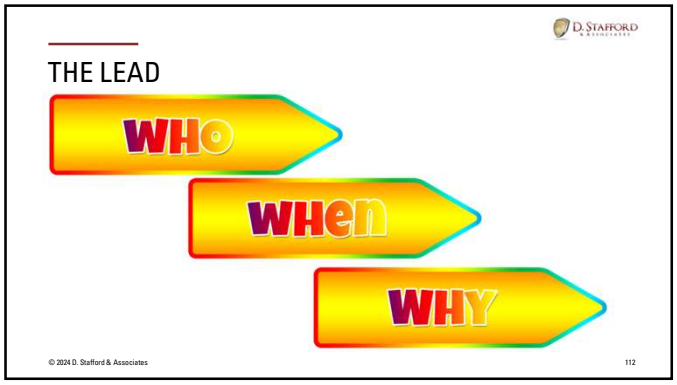
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THE LEAD
WHO
WHEN
WHY
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Focus on the Details
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objective
Be Objective,
Not Subjective
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USING QUOTES

Added Value

- Increases the credibility of your notes - demonstrates listening and comprehension
- Provides an opportunity to highlight key points of the meeting
- Gives the interviewees a direct voice on important aspects
- Avoids the appearance of the interviewer having an opinion

Pitfalls

- Quoting for the sake of quoting
- Confuses the reader if there are too many quotes
- Giving importance to something that is irrelevant
- Disrupts the flow or clarity of your notes

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EXAMPLE - THE CONVERSATION

Shelby (interviewer): Tell me about how much alcohol you had that night.

Betty (interviewee): I believe I had four to six shots.

Shelby: Shots of what?

Betty: Pink Whitney Vodka

Shelby: What did you use to drink the shots?

Betty: A shot glass that Riley had

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EXAMPLE - PICK THE BEST OPTION

Version 1
- Betty stated she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 2
- Betty believed she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 3
- Betty stated she "believed" she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 4
- Betty stated, "I believe I had four to six shots of Pink Whitney Vodka." Betty stated she used one of Riley's shot glass.

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SLANG AND OTHER INFORMAL WORDS

- Quote words or phrases that are slang, informal, or pejorative.
- Examples:
  - Riley stated Betty was "wasted."
  - Betty stated that she could no longer live with her roommate because "she is unstable."
  - Riley described Betty's behavior as "creepy."
- "Uncommon slang" may need a definition, either in the notes or as a footnote.

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TRAUMA & THE INTERVIEW



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Stress



Trauma



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TYPES OF TRAUMA

- Acute
- Chronic
- Complex
- Secondary
- Adverse Childhood Experiences (ACE)
- Historical/ intergenerational trauma

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IMPACT OF TRAUMA



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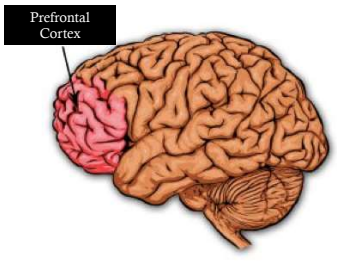
DURING THE TRAUMATIC EVENT: NEUROBIOLOGY



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THE PREFRONTAL CORTEX



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DEGRADED PREFRONTAL CORTEX

Alcohol

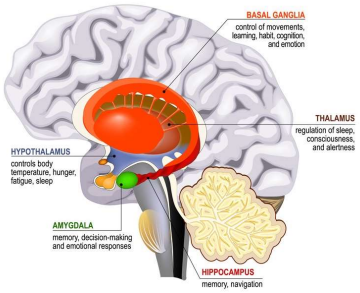
Age

Prolonged stress exposure

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THE LIMBIC SYSTEM



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THE BODY'S RESPONSE TO FEAR

Heart

Lungs

Muscles

Prefrontal Cortex

Eyes

Stomach

Skin

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RESPONSE



Habit



Reflex

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IMMEDIATELY AFTER THE TRAUMATIC EVENT: MEMORY



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MEMORY

Encoding → Storage → Retrieval

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MEMORY ENCODING

Central Details

Peripheral Details

Time and Context

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TRAUMA MEMORY ENCODING

Sensory

Emotional

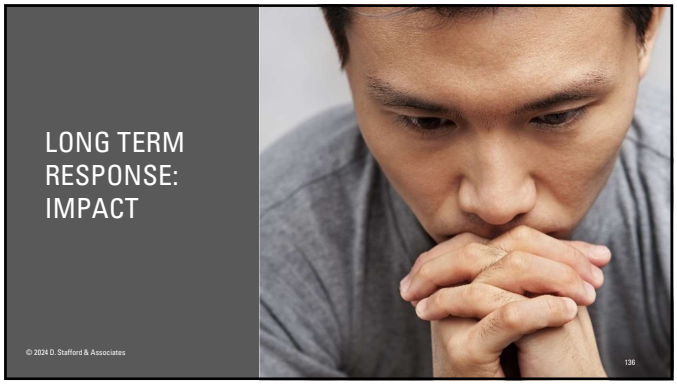
Flashbulb memories

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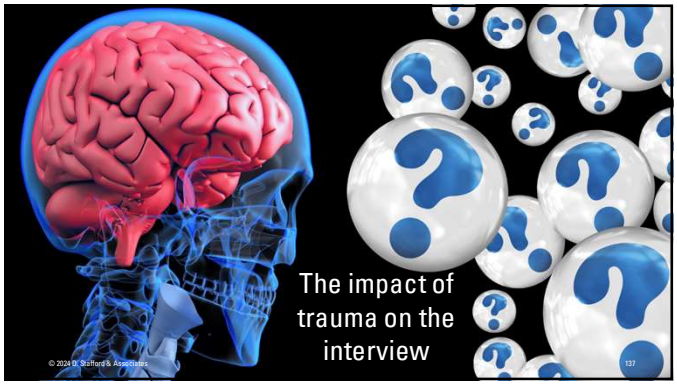
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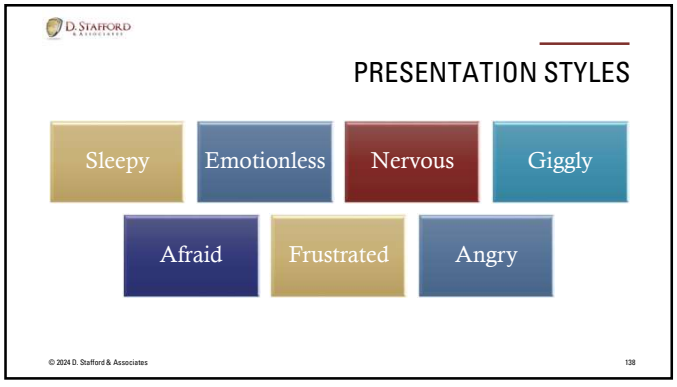
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LONG TERM RESPONSE: IMPACT
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The impact of trauma on the interview
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PRESENTATION STYLES
Sleepy
Emotionless
Nervous
Giggly
Afraid
Frustrated
Angry
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AVOIDING RE-TRAUMATIZATION

- Be aware of safety and well-being
- Maintain privacy and confidentiality
- Keep the parties up to date
- Treat ethically and with dignity

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QUESTION FORMAT

- Tone
- Phrasing
- Open-ended
- Safe
- Judgment-free

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INTERVIEW TECHNIQUES

- Clarify linear information
- Use sensory prompts
- Ask for feelings and emotions
- Understand statement variations

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IMPARTIAL INVESTIGATIONS

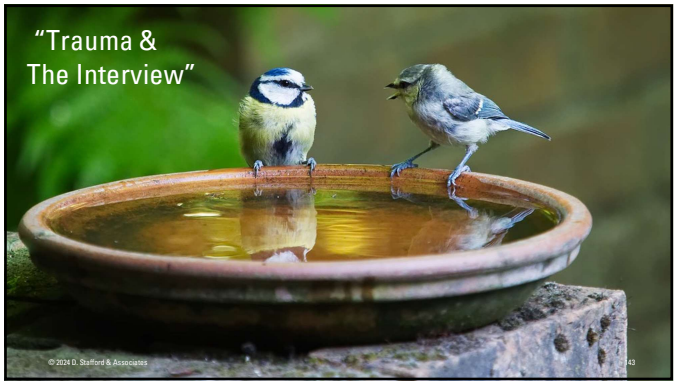
Consistent application

Ask clarifying questions

Avoid bias

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EVIDENCE EVALUATION



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INVESTIGATORS AS EVALUATORS OF EVIDENCE

- Developing lines of questioning
- Determining additional witnesses and evidence needed
- Utilizing evidence around credibility
- Identifying relevant evidence

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EVIDENCE THAT MUST BE EXCLUDED

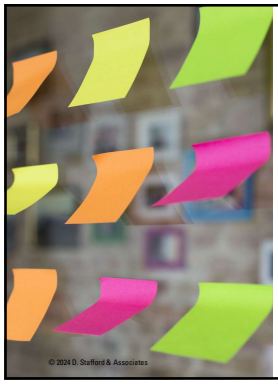
- *Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;*
- *A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the recipient obtains that party's or witness's voluntary, written consent for use in the recipient's grievance procedures; and*

§ 106.45(b)(7)(i-iii)

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EVIDENCE THAT MUST BE EXCLUDED

- *Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.*

§ 106.45(b)(7)(i-iii)

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CREDIBILITY



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CREDIBILITY OF THE STORY



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CORROBORATING EVIDENCE

- Physical
- Contemporaneous Documentation
- Personal Documents
- Admissions
- Eyewitness
- Outcry

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PLAUSIBILITY



Possible

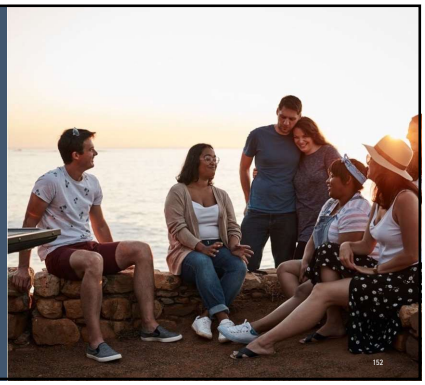


Believable

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CREDIBILITY OF THE STORYTELLER



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MOTIVATION

Afraid

Pressured

Revenge

History

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BIAS



Past Relationship



Identity



Internal Biases

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ABILITY TO PERCEIVE

Distance | Knowledge | Credentials | Competence

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ABILITY TO REMEMBER



Passage of Time



Alcohol



Trauma



Peripheral Details



History of Memory

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WHAT MAY NOT IMPACT CREDIBILITY



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DO THESE IMPACT CREDIBILITY?

- Past Behaviors
- Post-Incident Behavior
- Character
- Interview Demeanor
- Identity

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DECEPTION



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TRUTHFULNESS

- Omission
- Embellishment

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EXAMINING TRUTHFULNESS

- Repeat v. Reconstruct
- Get them to talk
- Consistency
- Details

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DID THEY ANSWER THE QUESTION?



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RELEVANCY



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WHEN IS EVIDENCE RELEVANT?

Relevant means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46.

Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

§ 106.2

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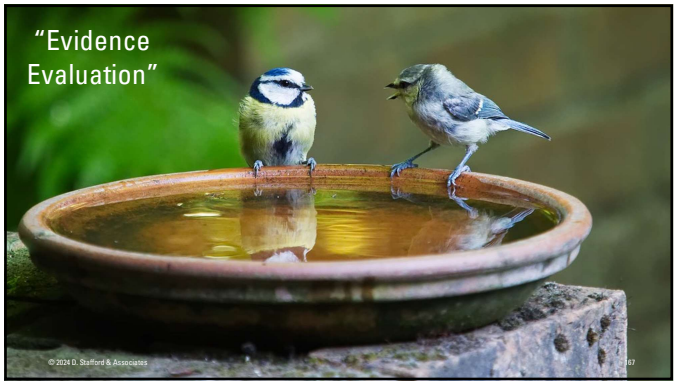
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KEY RELEVANCY POINTS

1. The evidence does not need to be conclusive
2. Is sufficient if it constitutes a link in the chain
3. Enough if in connection with other evidence, helps *"a little"*

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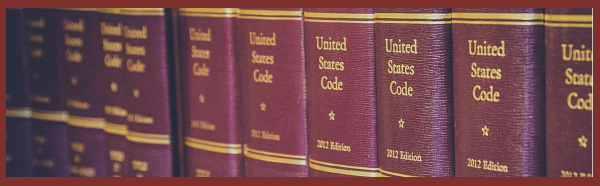
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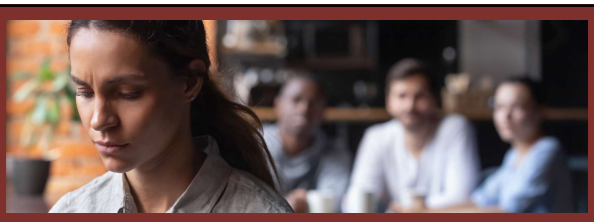


THANK YOU

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DATING VIOLENCE, DOMESTIC VIOLENCE, & STALKING

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INTIMATE PARTNER VIOLENCE



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WHAT IS DOMESTIC VIOLENCE?

Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

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§ 106.2

3

Clery act pulls in a fifth prong.

Important to review your jurisdiction statutes.

Who is protected as a family member

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DATING VIOLENCE

Dating violence meaning 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:

(*1*) The length of the relationship;

(*2*) The type of relationship; and

(*3*) The frequency of interaction between the persons involved in the relationship

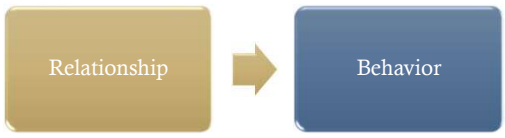
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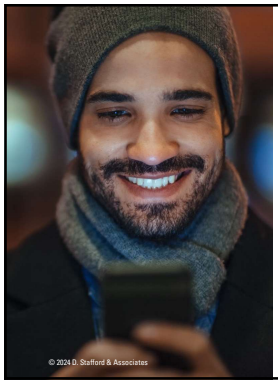
Dating Violence is still the same.

UNDERSTANDING THE ELEMENTS IN DV CASES



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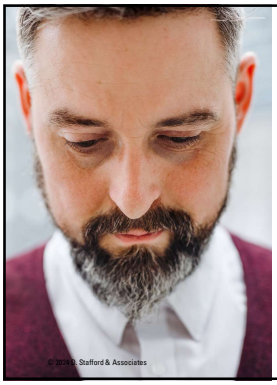


SO, WHAT IS "DATING?"

- Seeing each other
- Hooking up
- Talking
- It's Complicated
- Friends with Benefits
- Roaching
- Situationship
- Wiffey/Hubby Status
- Chillin'
- Netflix and Chill
- "DM Slides and Thirsty Texts" (DTF)
- F*** Buddy

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IMPACT

Domestic and dating violence are prevalent in every community, and affect all people regardless of age, socioeconomic status, sexual orientation, gender, race, religion, or nationality.

Physical violence is often accompanied by emotionally abusive and controlling behavior as part of a much larger, systematic pattern of dominance and control.

Domestic violence can result in physical injury, psychological trauma, and even death. The devastating consequences of domestic violence can cross generations and last a lifetime.

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WHAT IS "INTIMATE PARTNER VIOLENCE"?

- **Physical violence** is when a person hurts or tries to hurt a partner by hitting, kicking, or using another type of physical force.
- **Sexual violence** is forcing or attempting to force a partner to take part in a sex act, sexual touching, or a non-physical sexual event (e.g., sexting) when the partner does not or cannot consent.
- **Stalking** is a pattern of repeated, unwanted attention and contact by a partner that causes fear or concern for one's own safety or the safety of someone close to the victim.
- **Psychological aggression** is the use of verbal and non-verbal communication with the intent to harm a partner mentally or emotionally and/or to exert control over a partner.

Credit: National Domestic Violence Hotline

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COMMON SIGNS OF ABUSIVE BEHAVIOR

- Telling you that you never do anything right.
- Showing extreme jealousy of your friends or time spent away from them.
- Preventing or discouraging you from spending time with others, particularly friends, family members, or peers.
- Insulting, demeaning, or shaming you, especially in front of other people.
- Preventing you from making your own decisions, including about working or attending school.
- Controlling finances in the household without discussion, such as taking your money or refusing to provide money for necessary expenses.
- Pressuring you to have sex or perform sexual acts you're not comfortable with.

Credit: National Domestic Violence Hotline

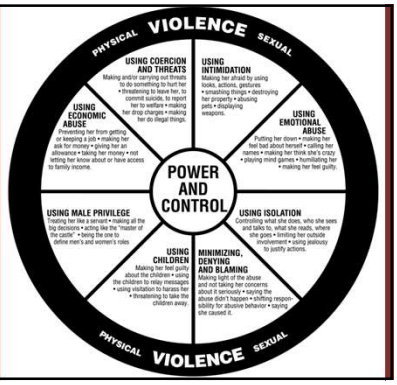
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The Power and Control Wheel diagram assumes she/her pronouns for survivors and he/him pronouns for partners. However, the abusive behavior it details can happen to people of any gender or sexuality.

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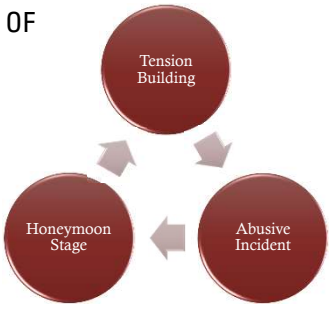
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THE CYCLE OF VIOLENCE



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Why doesn't she just leave?

Because leaving is a process, not an event.

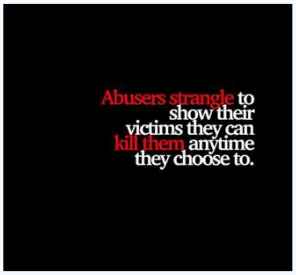
What are common barriers facing college students who are victims of domestic or dating violence? What about employees?

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UNDERSTANDING STRANGULATION



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Chocking is on the inside. Strangulation is on the outside.

STRANGULATION VS. SUFFOCATION

Strangulation is a form of asphyxia characterized by closure of the blood vessels and air passages of the neck as a result of external pressure on the neck.

Suffocation occurs from covering the mouth and/or nose with and object preventing the person from being able to breathe.

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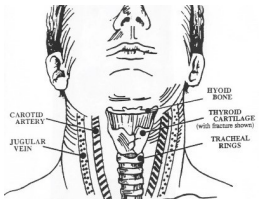
14

STRANGULATION

Strangulation is the compression of anatomic neck structures leading to a reduction of blood flow to or from the brain that results in injury or death. Using the average handshake at 80 to 100 pounds of pressure as comparison:

- a victim's jugular veins will occlude when a perpetrator applies only 4 pounds of pressure
- occlusion of the carotid arteries occurs with 5 to 11 pounds of pressure
- a perpetrator applying 33 pounds of pressure to the victim's trachea will cause it to collapse.

Strangulation signs and symptoms may not be visible during the initial victim assessment. Approximately 50% of strangulation victims will have no visible injuries, and some survivors may not even recall the strangulation incident because of cerebral hypoxia during the assault.



Credit: https://www.myamericannurse.com/strangulation-a-silent-but-deadly-form-of-intimate-partner-violence/

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FORMS OF STRANGULATION



Manual



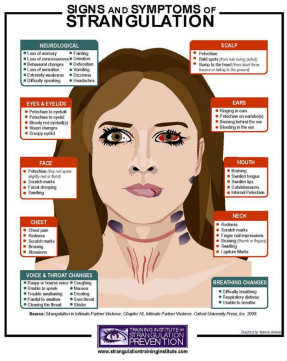
Ligature

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SIGNS AND SYMPTOMS OF STRANGULATION



If your partner has ever put their hands around your neck, put you in a "sleeper hold," or wrapped anything like a scarf, necklace, belt, or rope around your neck, you have experienced strangulation.

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STRANGULATION ASSESSMENT CARD

SIGNS	SYMPTOMS	CHECKLIST	TRANSPORT
• Red eyes or spots (Petechiae) • Neck swelling • Nausea or vomiting • Unsteady • Loss or lapse of memory • Urinated • Defecated • Possible loss of consciousness • Ptosis – droopy eyelid • Droopy face • Seizure • Tongue injury • Lip injury • Mental status changes • Voice changes	• Neck pain • Jaw pain • Scalp pain (from hair pulling) • Sore throat • Difficulty breathing • Difficulty swallowing • Vision changes (spots, tunnel vision, flashing lights) • Hearing changes • Light headedness • Headache • Weakness or numbness to arms or legs • Voice changes	**S** Scene & Safety. Take in the scene. Make sure you and the victim are safe. **T** Trauma. The victim is traumatized. Be kind. Ask: what do you remember? See? Feel? Hear? Think? **R** Reassure & Resources. Reassure the victim that help is available and provide resources. **A** Assess. Assess the victim for signs and symptoms of strangulation and TBI. **N** Notes. Document your observations. Put victim statements in quotes. **G** Give. Give the victim an advisal about delayed consequences. **L** Loss of Consciousness. Victims may not remember. Lapse of memory? Change in location? Urination? Defecation? **E** Encourage. Encourage medical attention or transport if life-threatening injuries exist.	If the victim is **Pregnant** or has life-threatening injuries which include: • Difficulty breathing • Difficulty swallowing • Petechial hemorrhage • Vision changes • Loss of consciousness • Urinated • Defecated **DELAYED CONSEQUENCES** Victims may look fine and say they are fine, but just underneath the skin there would be internal injury and/or delayed complications. Internal injury may take a few hours to be appreciated. The victim may develop delayed swelling, hematomas, vocal cord immobility, displaced laryngeal fractures, fractured hyoid bone, airway obstruction, stroke or even delayed death from a carotid dissection, bloodclot, respiratory complications, or anoxic brain damage.

Taliaferro, E., Hawley, D., McClane, G.E. & Strack, G. (2008). Strangulation in Intimate Partner Violence. *Intimate Partner Violence: A Health-Based Perspective*. Oxford University Press, Inc.

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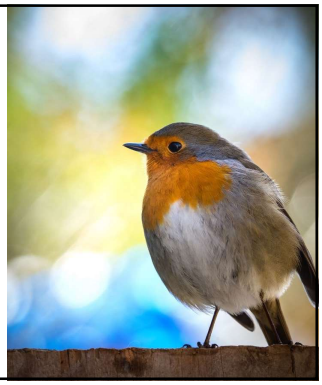
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THE POWER OF HOPE

Hope is the thing with feathers that perches in the soul and sings the tune without the words and never stops at all.

- Emily Dickinson, circa 1861



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STALKING



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WHAT IS STALKING?

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

§ 106.2

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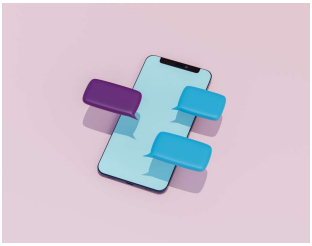
STALKING (CONTINUED)

For the purposes of this definition -

***(A) 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.*

***(B) Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.*

***(C) Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.*



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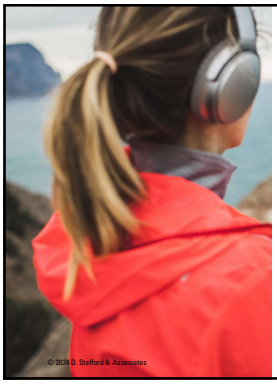
22

SUBSTANTIAL EMOTIONAL DISTRESS

- Difficulty eating or sleeping
- Anxiety or nervousness
- Nightmares
- Drug or alcohol use
- Headaches/illness
- School/work impacted
- Irritability, anger, shock, or confusion
- Fear response/hypervigilance
- Changing routines
- Depression

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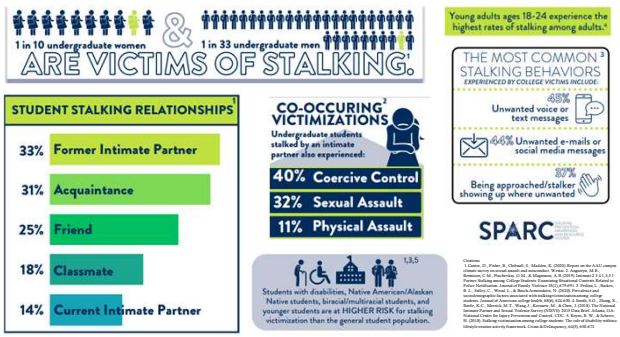
COMMON STALKING TACTICS

- Unwanted phone calls
- Unwanted emails, instant messages, text messages, voice messages, or social media messages
- Approaching a victim or showing up unwanted, such as at the victim's home, workplace, or school
- Leaving strange or potentially threatening items for the victim to find
- Watching, following, or tracking a victim
- Sneaking into the victim's home or car and doing things to scare the victim or let them know the perpetrator had been there

https://www.cdc.gov/violenceprevention/nisvs/index.html

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59% OF TRADITIONAL-STALKING VICTIMS IN 2016 SAID THE OFFENDER FOLLOWED AND WATCHED THEM.

The most frequently reported traditional stalking behaviors included the offender following and watching the victim (59%) or showing up at, riding by, or driving by places where the offender had no business being (52%) (table 3). More than a third of victims of traditional stalking reported that the offender harassed their friends or family for information about their whereabouts (40%) or waited for them at home, school, or another place (36%).

About 1 in 5 victims of traditional stalking said the offender left or sent unwanted items (24%) or snuck into their home, car, or other place (19%)

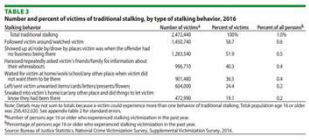


TABLE 3
Number and percent of victims of traditional stalking, by type of stalking behavior, 2016

Stalking behavior	Number of victims[a]	Percent of victims	Percent of all persons[b]
Total traditional stalking	2,472,440	100%	1.0%
Followed victim around/watched victim	1,450,740	58.7	0.6
Showed up at/rode by/drove by places victim was when the offender had no business being there	1,283,540	51.9	0.5
Harassed/repeatedly asked victim's friends/family for information about their whereabouts	996,710	40.3	0.4
Waited for victim at home/work/school/any other place when victim did not want them to be there	901,480	36.5	0.4
Left/sent victim unwanted items/cards/letters/presents/flowers	604,000	24.4	0.2
Sneaked into victim's home/car/any other place and did things to let victim know they had been there	472,990	19.1	0.2

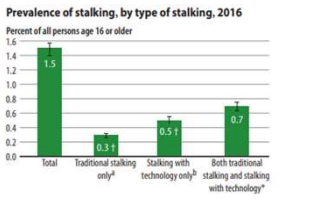
Note: Details may not sum to totals because a victim could experience more than one behavior of traditional stalking. Total population age 16 or older was 256,402,020. See appendix table 2 for standard errors.
[a]Number of persons age 16 or older who experienced stalking victimization in the past year.
[b]Percentage of persons age 16 or older who experienced stalking victimization in the past year.
Source: Bureau of Justice Statistics, National Crime Victimization Survey, Supplemental Victimization Survey, 2016.

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STALKING AND TECHNOLOGY

Stalking with technology includes the following unwanted behaviors:

- making unwanted phone calls, leaving voice messages, or sending text messages
- spying using technology
- tracking the victim's whereabouts with an electronic tracking device or application
- posting or threatening to post unwanted information on the internet
- sending unwanted emails or messages using the internet
- monitoring activities using social media.



Truman, J. L., & Morgan, R. E. (2021, April). Stalking Victimization. In *Special Report*. U.S Department of Justice. Retrieved April 28, 2024, from https://bjs.ojp.gov/content/pub/pdf/sv16.pdf

*Note for reader: 2016 Data reported in this 2021 Special Report

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STALKING - SPECIAL CONSIDERATIONS

- Stalking and Intimate Partner Violence
- Stalking and disability considerations
- Stalking under Title IX

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VIOLENCE AGAINST MEN



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UNDERSTANDING VIOLENCE AGAINST MEN

- Male victimization is a significant public health problem, according to estimates in the National Intimate Partner and Sexual Violence Survey (NISVS).
- Across U.S. states, nearly a quarter of men reported some form of contact sexual violence in their lifetime. Approximately 1 in 10 men in the U.S. experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime and reported some form of IPV-related impact. Commonly reported IPV-related impacts among male victims were fear, concern for safety, and symptoms of post-traumatic stress disorder, among others.



Credit: US Centers for Disease Control and Prevention

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TYPE AND SEX OF PERPETRATORS OF IPV, SV, AND STALKING OF MALE VICTIMS

- Perpetrators are usually known to their victims.
- Among male victims of stalking and sexual violence, perpetrators were most often a current or former intimate partner or an acquaintance.
- The sex of the perpetrator depends on the type of violence. According to NISVS, perpetrators of rape and unwanted sexual contact against male victims were mostly other men, while perpetrators of other forms of SV such as MTP and sexual coercion against men were most often women.
- Both women and men perpetrate stalking of men.
- Women were mostly the perpetrators of intimate partner violence against men.

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Credit: US Centers for Disease Control and Prevention

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TYPE AND SEX OF PERPETRATORS OF IPV, SV, AND STALKING OF MALE VICTIMS (CONTINUED)

Sexual Violence:

- **87%** of male victims of (completed or attempted) rape reported only male perpetrators.
- **79%** of male victims of being MTP reported only female perpetrators.
- **82%** of male victims of sexual coercion reported only female perpetrators.
- **53%** of male victims of unwanted sexual contact reported only female perpetrators.
- **48%** of male victims of lifetime non-contact unwanted sexual experiences reported only male perpetrators.

Stalking:

- **46%** of male victims reported being stalked by only female perpetrators.
- **43%** of male victims reported being stalked by only male perpetrators.
- **8%** of male victims reported being stalked by both male and female perpetrators.

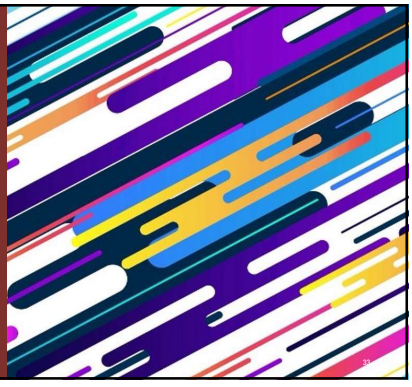
Intimate Partner Violence:

- **97%** of men who experienced rape, physical violence, or stalking by an intimate partner had only female perpetrators.

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Credit: US Centers for Disease Control and Prevention

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CASE STUDY: DATING VIOLENCE



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DATING VIOLENCE-YEARDLEY LOVE

- **Summer 2007:** George Huguely V, the son of a wealthy Washington socialite, begins dating Yeardley Love. Both are part of the University of Virginia men's and women's lacrosse culture; the two teams are close and romantic relationships often occur.
- **November 14, 2008:** Huguely is convicted of public drunkenness after he is pulled over on a road trip with friends, heading to Lexington, Va. He threatens the female officer and is subdued by a taser. He later pays a $100 fine and serves 50 hours of community service.
- **February 21, 2009:** Hearing rumors that a teammate kissed Love, Huguely attacks him in his sleep, bruising his eye. The incident reaches the team coach but is quashed. No charges are filed against him.



Credit: The Murder of Yeardley Love and Trial of George Huguely V: A Timeline | TIME.com

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DATING VIOLENCE-YEARDLEY LOVE



Credit: The Murder of Yeardley Love and Trial of George Huguely V: A Timeline | TIME.com

- **Feb. 27, 2010:** Mike Burns, a lacrosse player at the University of North Carolina who was attending a party in Huguely's apartment, enters a bedroom to find Love in a choke hold at Huguely's hands. He releases her and leaves. Burns and Love later begin a romantic relationship that causes friction between Huguely and Love.
- **April 27, 2010:** Love, having found out that Huguely is seeing her sorority sister, confronts him in his apartment, where she also encounters two other girls. She throws her purse at him. Three days later, she receives an e-mail saying, "I should have killed you." She shows it to several friends.

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DATING VIOLENCE - YEARDLEY LOVE

May 2, 2010: Apparently drunk at the lacrosse team's father-son golf tournament at Wintergreen Resort, Huguely is barely coherent, slurring his words. Just before midnight, saying he "just wants to talk" Huguely breaks through the door of Love's apartment bedroom. He later lies to his roommate about where he's been.

May 3, 2010: Police arrive at 2:24 a.m. to find the bloodied, battered body of Yeardley Love. Huguely is arrested.

May 4, 2010: Questioned about Love, Huguely admits they had been in an altercation, that he kicked her door in, and that he had shaken her with her head hitting the wall. His attorneys maintain he did not intentionally kill her. He is charged with first degree murder.

May 6, 2010: The Charlottesville Circuit Court seals the case records with no explanation. Information about Huguely's violent record begins to surface. UVA officials are questioned about the school's policy on student criminal behavior. The school later confirms that he attacked another lacrosse player. Police admit that there is no system to notify school officials when a student is arrested in Charlottesville or Albemarle County.

Credit: The Murder of Yeardley Love and Trial of George Huguely V: A Timeline | TIME.com

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CASE STUDY: DOMESTIC VIOLENCE



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DOMESTIC VIOLENCE - "ANGELA"

"Angela" is a college employee who works in food service reports to work for her shift.

Angela sees a campus police officer, who is grabbing a late, lunch and asks to speak with her.

Angela complains of just being in a situation where she feels unsafe. She reports beings 7 ½ months pregnant.

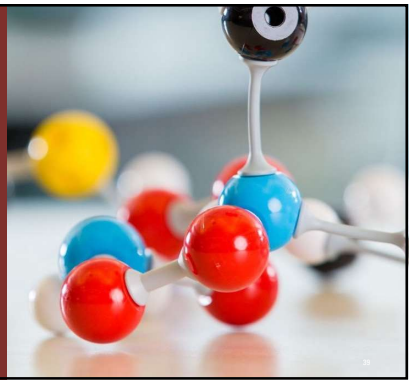
She stated she was taking a nap in her trailer when she heard her boyfriend come in. She said that he poured something on the bed and then before she knew it, the bed was on fire.

She struggled to get out of bed, but when she did, she saw that the bed was engulfed. As she fled the trailer, she saw her boyfriends truck leaving the property. Given that her cell phone did not have coverage at the trailer, and she didn't have a car of her own, she grabbed her work things and walked the mile to the main road. She was able to call a coworker to come get her and bring her to work. She reports being frightened for her baby and unsure of what to do.

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CASE STUDY: STALKING



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STALKING-"JP"

JP is a second-year student at ABC University. He is majoring in Biology and in one of his classes, is assigned to a lab group consisting of him and four other students.

The lab group meets 1-2 times per week to discuss that week's lab, to discuss the reading, and to plan for the end of the year project the group must complete.

Each time the group meets, they hug. JP thinks this is fabulous and enjoys the hugs very much. He likes the people in his group and welcomes the time they spend together each week.

When JP is around campus, he often sees the people from his group. He has grown very fond of one of the group members in particular-Tyler. JP begins showing up where Tyler is and often interrupts Tyler when he is studying or working out. Tyler opened his dorm room door the other day to see JP sitting on the floor and when he asked him what he was doing, he said he was just dropping something off to him.

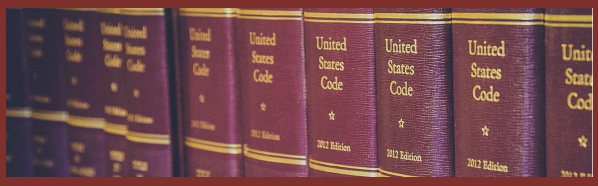
Tyler has become increasingly uncomfortable with JP and has gone so far as to change his routine but still keeps running into JP. Tyler tells the other group members, and they say it's "sweet" and that JP must have a crush on Tyler. Tyler does not like the contact and hopes it will stop soon.

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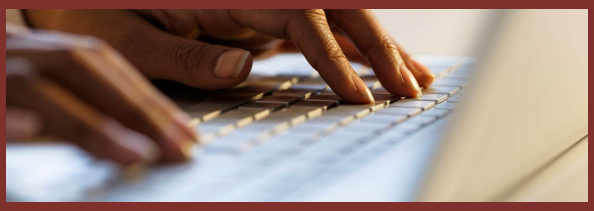
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THANK YOU

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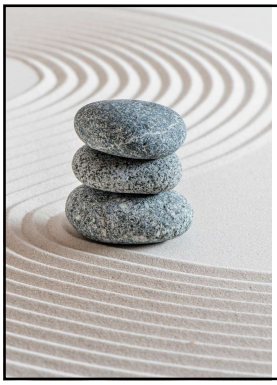
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REPORT WRITING

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1



AGENDA

- Title IX & Investigative Reports
- The Report contents
- Putting It All Together

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Now the regs are saying that we do not have to do a report

"DRIVE FOR SHOW, PUTT FOR DOUGH"





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TITLE IX & INVESTIGATIVE REPORTS



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TWO GRIEVANCES PROCEDURES

Procedure A (106.45)
- Sex discrimination
- Employee on employee sex-based harassment
- K-12 complaints
- Retaliation

Procedure B (106.46)
- Sex-based harassment involving student complainants or student respondents at postsecondary institutions

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CASE DOCUMENTS

Pre-Investigation		Investigation	Decision
Complaint	Notice of Investigation	Investigative Report (Relevant Evidence)	Written Determination

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7

Sometimes need to reissue notice so that we can investigate.

STARTING AT THE END:

THE WRITTEN DETERMINATION



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DECISION-MAKER'S PATH

- What was the conduct?
  - Was the conduct on the basis of sex?
  - Was the conduct unwelcome or without consent?
- Does the conduct meet the definition of a violation of institutional policy?

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THE DETERMINATION - SEX DISCRIMINATION

Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or this part including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal

(§ 106.45(h)(2))

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DETERMINATION - SEX-BASED HARASSMENT*

- A description of the alleged sex-based harassment
- Information about the policies and procedures that the postsecondary institution used to evaluate the allegations
- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred
- Disciplinary sanctions (if any) imposed on the respondent and remedies (if any) for the complainant and others
- Procedures for the complainant and respondent to appeal

*When there is a student complainant or student respondent

(§ 106.46(h))

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Relevant: Not otherwise permissble.

"REVIEW & RESPOND" STAGE:

EVIDENCE THAT IS DIRECTLY RELATED AND PERMISSIBLE



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Under the 2024 regulations we only have to share what is relevant

If we are not sure, let it go in the report.



EVIDENCE ACCESS

"A postsecondary institution must provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If the postsecondary institution provides access to an investigative report, it must further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party."

(§ 106.46(e)(6)(i))

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Have to give them access. DS guidance is share the report and give them access to the evidence.



REVIEW AND RESPOND

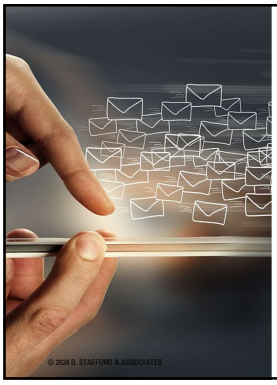
"A postsecondary institution must provide the parties with a reasonable opportunity to review and respond to the evidence or the investigative report described in paragraph (e)(6)(i) of this section prior to the determination whether sex-based harassment occurred. If a postsecondary institution conducts a live hearing as part of its grievance procedures, it must provide this opportunity to review the evidence in advance of the live hearing; it is at the postsecondary institution's discretion whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing."

(§ 106.46(e)(6)(ii))

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Review and Respond period there are no time frames associated with it.



UNAUTHORIZED DISCLOSURES

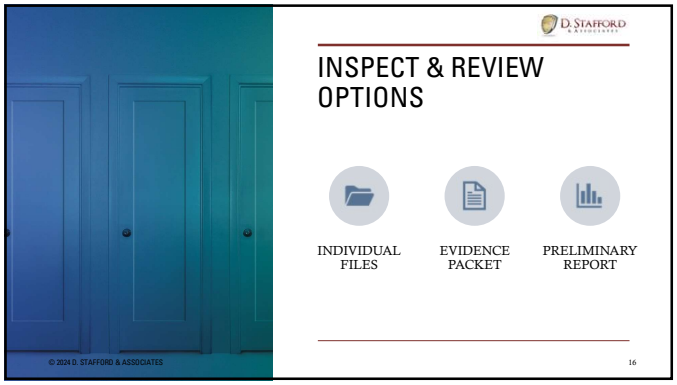
"A postsecondary institution must take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex-based harassment are authorized."

(§ 106.46(e)(6)(iii))

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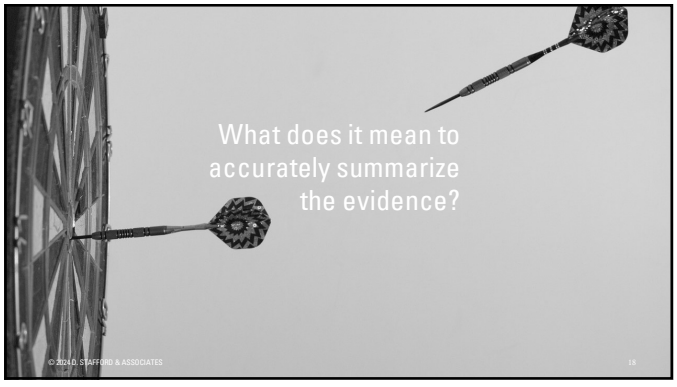
We now have to prevent unauthorized disclosures. You can not get this report unless you fill out a form that if there are unauthorized leaks by you or your advisor you will be responsible.



16



17



18

Moved to a summary that is bullets. For instance, the parties met during orientation.

CONSIDERATIONS FOR THE INVESTIGATIVE REPORT

When do the parties submit written response to the evidence?

The investigator will consider prior to the completion of the investigative report.

When do "follow-up questions" challenging credibility occur?

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THE REPORT CONTENTS



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PURPOSE OF THE REPORT

- Documentation of process
- Compilation of relevant evidence
- Summary of relevant evidence

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DOCUMENTATION OF THE PROCESS



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KEEPING TRACK OF THE DATES



- Incident timeline (more to come)
- Institutional action
  - Actual knowledge
  - Notice of investigation
  - Any temporary delays
  - Key report dates (if there is a preliminary report)

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CONFLICT OF INTEREST AND BIAS

- Investigator background
- Training
- Acknowledge any relationship to parties
- Opportunity to request new investigator

add information about investigator's background. Parties were given time to request a new investigator.

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TRAINING





Evidence gathering | Evidence assessment | Equitable process

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INVESTIGATIVE METHODOLOGY

"Adequate, reliable, and impartial investigation"

- Burden is on the institution to conduct the investigation
- Provide an equal opportunity for the parties to present fact witnesses and relevant evidence
- Identify what evidence is relevant to the allegations and not otherwise impermissible
- Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not other impermissible

(§ 106.44(f))

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EVIDENCE




Fact Witness list | Evidence submission

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Have to interview fact witnesses or attempt to.

Were going to interview this person, but are there any specfic topics that you want us to discuss with specific parties.

COMPLILATION OF THE EVIDENCE



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RELEVANT EVIDENCE

"*Relevant* means related to the allegations of sex discrimination under investigation as part of the grievance procedures under § 106.45, and if applicable § 106.46. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred."

(§ 106.2)

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IMPERMISSIBLE EVIDENCE



Protected by Privilege
- Unless voluntarily waived



Records Connected to Treatment
- Unless voluntary, written consent

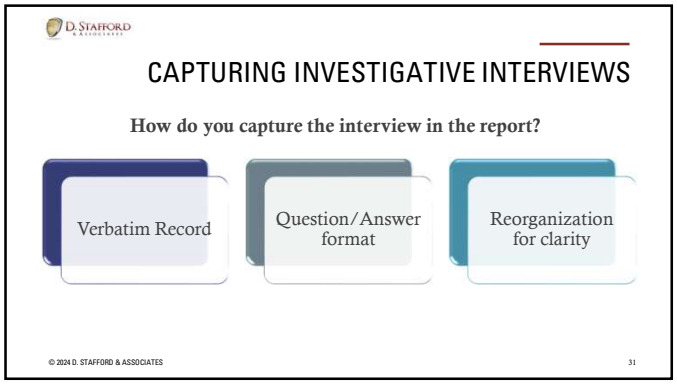


Complainant's Sexual Interests or Prior Sexual Conduct
- Unless offered to prove that someone else committed the conduct or about specific incidents offered to prove consent

(§ 106.45(b)(7)

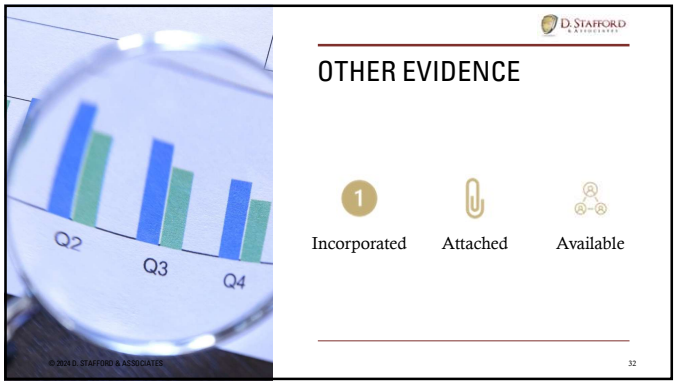
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Start where ever the beginning is for you.



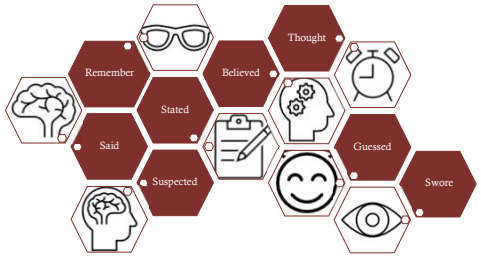
32

Under the new regs the evidence is available but if its relevant including in inside the report.



33

NEUTRAL VS. ACCURATE



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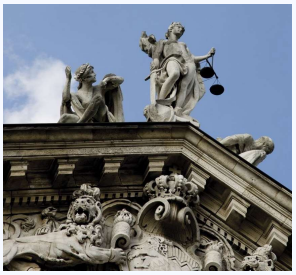
CONVEY THE MESSAGE



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SUMMARY OF RELEVANT EVIDENCE



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"FAIRLY SUMMARIZES THE RELEVANT EVIDENCE"

How do you organize?

- Facts in agreement/facts in dispute
- Disputed and undisputed facts
- Exculpatory and inculpatory evidence
- Factual summary
- Timeline

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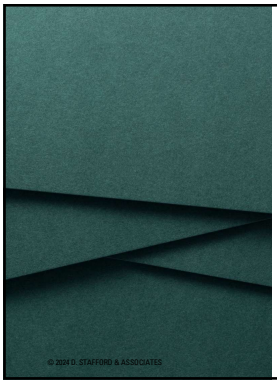
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PUTTING IT ALL TOGETHER



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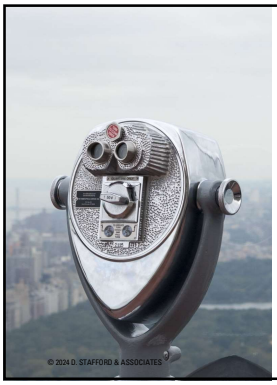
COVER PAGE: WHAT THIS IS

- Case identifier
- Title
- Drafter
- Reviewer
- Date

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Consider adding a cover page and a last page.



SCOPE: WHY WE DID IT

- Allegation
- Policy
- Notice timeline (or summary)

40

40

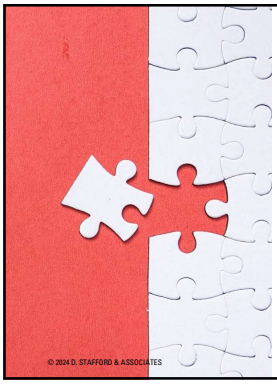


METHOD: HOW WE DID IT

- Rights established
- Steps taken
- Report versioning

41

41



SUMMARY: WHAT WE LEARNED

- Recognize the target audiences
  - The parties
  - The decisionmaker

42

42


RELEVANT EVIDENCE:
WHAT DID WE GET
Testimonial
Documentary
Demonstrative
Real
43

43


FORMATTING
Page numbers
Line numbers
Footnotes
Capitalization
Punctuation
Titles
Redacting
Disclaimers/
Legalese
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44


Consolidation and
Reports
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THE INVESTIGATOR AS A DECISIONMAKER

"The decisionmaker may be the same person as the Title IX Coordinator or investigator."

(§ 106.45(b)(2))

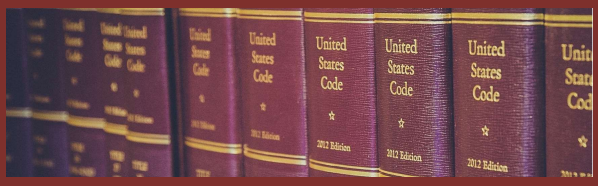
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THANK YOU

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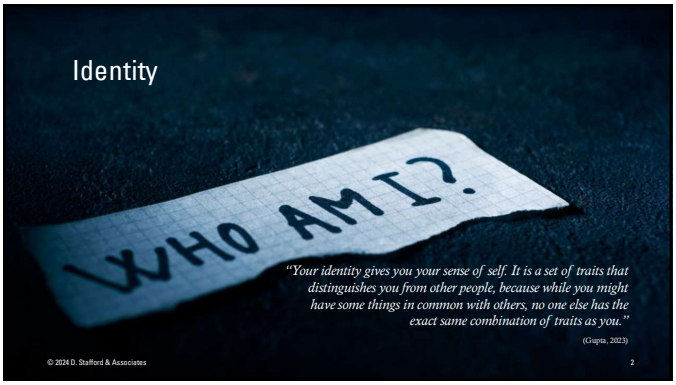
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IDENTITIES

1

Identity



"Your identity gives you your sense of self. It is a set of traits that distinguishes you from other people, because while you might have some things in common with others, no one else has the exact same combination of traits as you."

(Gupta, 2023)

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PERSONAL & SOCIAL IDENTITIES



Personal
How you see yourself as "different"



Social
How you are like others

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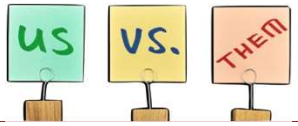
THE BIG 8 SOCIAL IDENTITIES

Age	Race	Gender	Ability
Religion	Class	Immigration Status	Sexual Orientation

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4

In-Group	Out-Group
• A group that you identify as being a member	• Anyone that doesn't belong to your group
• Have positive views of each other	• Viewed more negatively
• Give preferential treatment	• Seen as inferior to your group



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THE ROLE OF SOCIAL IDENTITIES IN THE PERCEPTION OF OTHERS

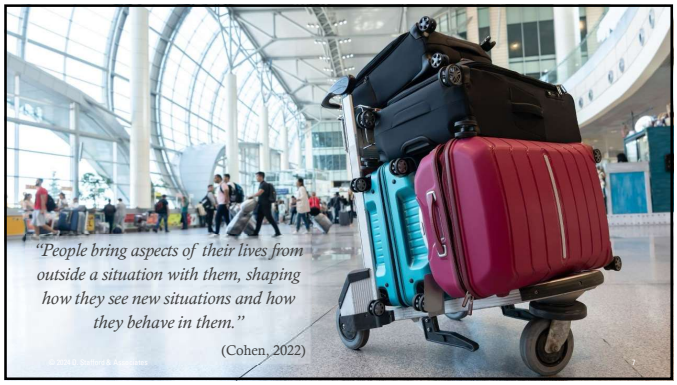

Award power or deny access to power


Justify differences in outcomes and abilities

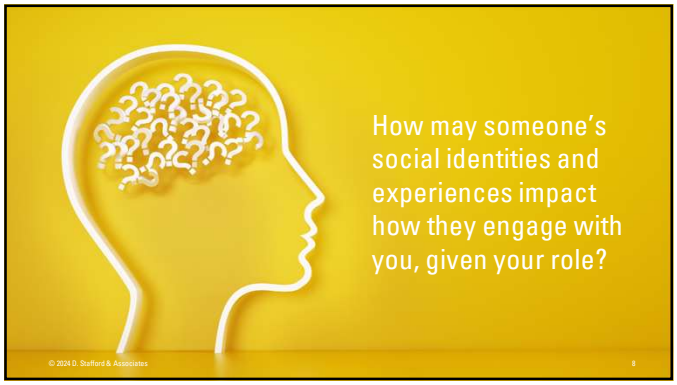

Once categorized into a particular group, it is nearly impossible to move

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6


"People bring aspects of their lives from outside a situation with them, shaping how they see new situations and how they behave in them."
(Cohen, 2022)

7


How may someone's social identities and experiences impact how they engage with you, given your role?
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How may your social identities and experiences affect how you perceive respondents, complainants, and witnesses?
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FUNDAMENTAL ATTRIBUTION ERROR

"an impulsive cognitive bias that leads us to see the behavior of others as emanating from some underlying essences — who the person is—rather than from the situation they are in."

(Cohen, 2022)

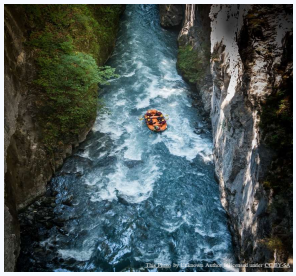
- Overemphasize personal characteristics regardless of actual knowledge of the person's character
- Ignore situational factors
- People do bad things because they are bad people
- We often rationalize our own unethical behavior by blaming the situation

(University of Texas, 2022)

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STRATEGIES



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CULTURAL HUMILITY



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CULTURAL HUMILITY

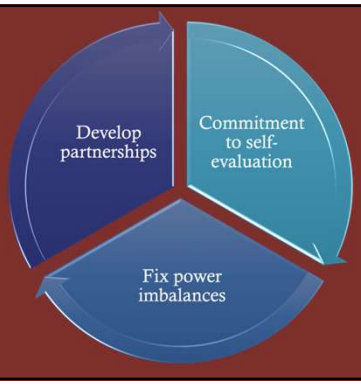
"the ability to maintain an interpersonal stance that is other-oriented (or open to the other) in relation to aspects of cultural identity that are most important to the [person]"

(Hook et al., 2013)

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THREE ASPECTS OF CULTURAL HUMILITY



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14

COMMITMENT TO SELF-EVALUATION

"Willingness to act on the acknowledgment that we have not and will not arrive at a finish line is integral to this aspect of cultural humility as well. Understanding is only as powerful as the action that follows."

(Waters, 2013)

- Never stop learning
- Be humble and flexible
- Look at yourself critically
- If you don't know, acknowledge it

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FIX POWER IMBALANCES

"Both people must collaborate and learn from each other for the best outcomes. One holds power in scientific knowledge, the other holds power in personal history and preferences."

(Waters, 2013)

- Fix power imbalances where none ought to exist
- Recognizing that each person brings something different to the situation helps us see the value of each person
- The party is the expert on their life
- You bring a body of knowledge; the party has an understanding outside of your scope of knowledge

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DEVELOP PARTNERSHIPS

"Cultural humility, by definition, is larger than our individual selves — we must advocate for it systemically."

(Waters, 2013)

- Develop partnerships with people and groups who support and advocate for others
- Break down silos

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PSYCHOLOGICALLY ATTUNED COMMUNICATIONS



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18

BRADY'S RESEARCH ON ACADEMIC PROBATION LETTERS

"Surveying student affairs officers at various colleges, she found that most of them want students to feel they belong on campus. But when [Shannon] Brady looked at the actual impact of the letters they sent to inform students that they were underperforming, she found that the students' overwhelming reaction was shame. Shame is the bane of belonging. It makes people want to 'sink into the floor and disappear,' according to clinical psychologist June Tangney, and discourages people from seeking the help they need and from discovering that many others have 'been there' too."

(Cohen, 2022)

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WEBSITE - LEADING WITH LEGALESE (NOT PAC)

[Institution] complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, and is an equal opportunity institution that does not discriminate on the basis of race, color, sex (including pregnancy), national origin, age (40 or older), disability, veteran status or genetic information.

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WEBSITE - LEADING WITH COMMITMENT (PAC)

Title IX and Violence Prevention

Rollins College is committed to creating and maintaining a safe, healthy, and respectful community in which students, faculty, and staff can work together in an atmosphere free from discrimination on the basis of sex, gender, gender identity, gender expression, sexual orientation, and pregnancy/pregnancy-related conditions.

Sexual harassment (which includes sexual assault, dating violence, domestic violence, and stalking) is a form of sex discrimination. Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, other applicable statutes, and College policy.

Title IX 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.*" Rollins does not discriminate on the basis of sex in its educational program or activity or in the context of employment.

The Office of Title IX leads Rollins' efforts to prevent and respond to discrimination on the basis of sex, including sexual harassment.

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INTAKE - TRANSACTIONAL (NOT PAC)

Dear Betty:

This letter is to inform you that a Title IX report has been submitted identifying you as a victim. In compliance with Title IX, please call 999-999-9999 to schedule a meeting with the Title IX Coordinator to discuss the grievance procedures, supportive measures, and your rights and options.

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INTAKE - HELPING (PAC)

Dear Betty:

I am the Title IX Coordinator. I have received a report of an incident that may be a violation of [institution]'s [policy name]. The report indicated that you were the individual harmed. Therefore, I would like to meet with you to discuss supportive measures I can provide, the process for addressing such reports and your options for participating in the process.

I looked at your schedule to find a time that we may talk that does not interfere with your class schedule. Please come to my office, located at…, at 9:00 am on Tuesday, May 4, 2023.

I am including a link to our resources and policy so you can review it before our meeting.

You are welcome to bring a support person or advisor to the meeting. Please contact me if you need any accommodations or assistance during this meeting. This meeting is not an investigative interview. Instead, it is an opportunity for us to discuss your options and resources.

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What other ways can you use Psychologically Attuned Communications with Title IX and the Clery Act?



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THANK YOU

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