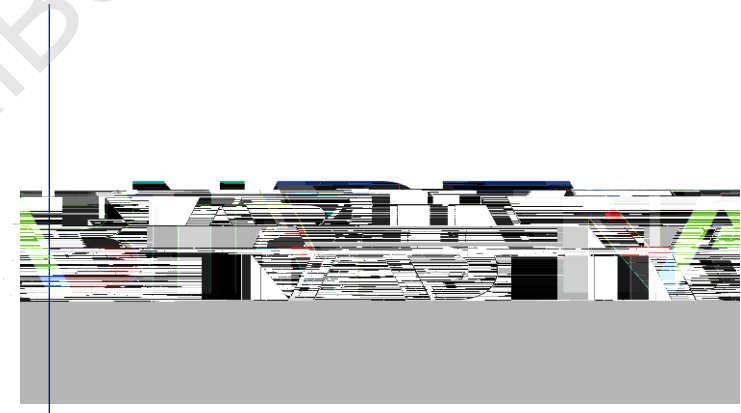
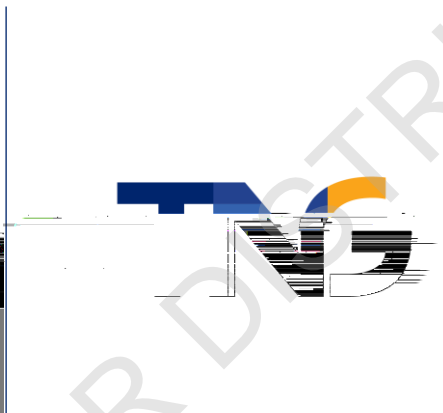




Civil Rights Investigator Level One: Foundations



NOT FOR DISTRIBUTION

CONTENT ADVISORY

NOT FOR DISTRIBUTION

AGENDA

1

2

3

4

5

6

NOT FOR DISTRIBUTION

AGENDA

7

8

9

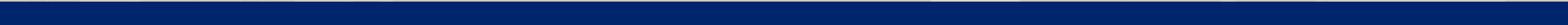
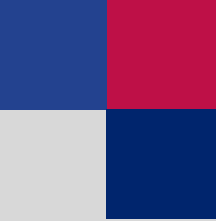
10

11

12

NOT FOR DISTRIBUTION

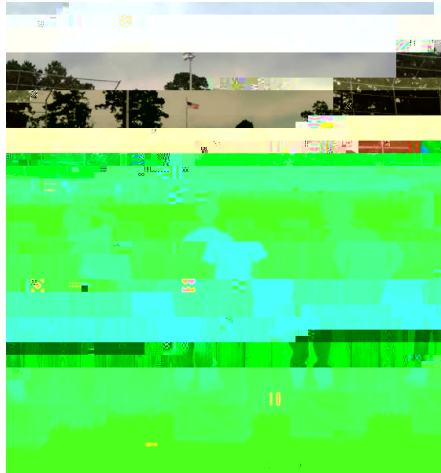




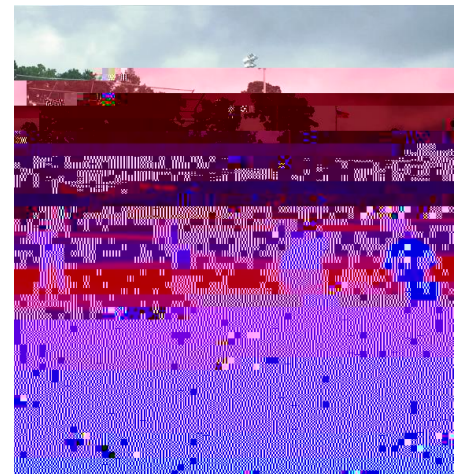


THE IX COMMANDMENTS

Thorough	Reliable	Impartial
Prompt	Effective	Equitable



The journey starts by asking those affected how they see and are impacted by the conditions, rules, and resources.





LEGAL BASIS FOR TITLE IX LIABILITY

unless

GEBSER V. LAGO VISTA INDEP. SCHOOL (CONT.)

actual notice

institute

corrective measures

AND

failed to adequately respond

deliberate indifference

NOT FOR DISTRIBUTION

NOT FOR DISTRIBUTION

DAVIS V. MONROE COUNTY BD. OF ED. (CONT.)

Finding in favor of Davis, the Supreme Court expanded on Gebser:

actual notice

deliberate indifference

severe, pervasive, and

objectively offensive
systemic



INTERSECTION OF TITLE VII AND TITLE IX



TITLE IX AND TITLE VII INVESTIGATIONS





" PROCESS A" OR " PROCESS B" ? (CONT.)

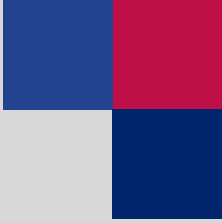
none

NOT FOR DISTRIBUTION

DUE PROCESS: CURRENT ISSUES

Due Process is at the heart of OCR's Title IX regulations.

NOT FOR DISTRIBUTION



NOT FOR DISTRIBUTION

TITLE IX COORDINATOR OVERSIGHT



TIXC: SUPERVISOR OF THE INVESTIGATION STRUCTURE

The Title IX Coordinator is responsible for:

NOT FOR DISTRIBUTION



TRAINING FOR INVESTIGATORS – REGULATIONS

NOT FOR DISTRIBUTION

BIAS – REGULATIONS

Let's explore both bias and conflict of interest. What do these mean?



Remember: As an

10 STEPS OF AN INVESTIGATION

NOT FOR DISTRIBUTION

10 STEPS OF AN INVESTIGATION



THE CONSENT CONSTRUCT

NOT FOR DISTRIBUTION

THE CONSENT CONSTRUCT

THIS IS COVERED IN MORE DETAIL IN INVESTIGATOR TWO

NOT FOR DISTRIBUTION

WHO SHOULD INVESTIGATE?



ROLE OF LAW ENFORCEMENT IN CIVIL RIGHTS INVESTIGATIONS

NOT FOR DISTRIBUTION

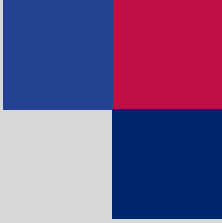


TEAM INVESTIGATIONS

Other benefits:

INVESTIGATION TEAM PROCESS OVERVIEW





NOT FOR DISTRIBUTION

NOTICE TO THE RECIPIENT



ACTUAL KNOWLEDGE

NOT FOR DISTRIBUTION

NOTICE/ACTUAL KNOWLEDGE – REGULATIONS (CONT.)

Actual Knowledge

NOT FOR DISTRIBUTION

FORMAL COMPLAINT – REGULATIONS

Formal Complaint:

NOT FOR DISTRIBUTION

VAWA SECTION 304 INFORMATION FOR COMPLAINANT

NOT FOR DISTRIBUTION

WHEN DO YOU INVESTIGATE?



WHEN DOES TITLE IX APPLY?

must

Davis standard

WHEN DOES TITLE IX APPLY?

Jurisdiction

NOT FOR DISTRIBUTION

WHEN DOES TITLE IX APPLY?

Jurisdiction for Off-Campus Incidents:

NOT FOR DISTRIBUTION



DISCRETIONARY OR PERMISSIVE DISMISSAL

The Title IX Coordinator MAY dismiss a complaint if at any time during the investigation or hearing:

NOT FOR DISTRIBUTION

NOTICE OF DISMISSAL

NOT FOR DISTRIBUTION

INITIAL ASSESSMENT IN SUMMARY



INITIAL ASSESSMENT IN SUMMARY

If proceeding under Title IX:

i

NOT FOR DISTRIBUTION



SUPPORTIVE MEASURE EXAMPLES

NOT FOR DISTRIBUTION

EMERGENCY REMOVAL

NOT FOR DISTRIBUTION

INVESTIGATION PHILOSOPHY

NOT FOR DISTRIBUTION

"REASONABLY PROMPT" TIMEFRAMES FOR GRIEVANCE PROCESS

60-90 days to resolution is a good guide for more complex cases in higher education

For K-12, the timeframe will be much shorter.

TIMELINES

NOT FOR DISTRIBUTION



INFORMAL RESOLUTION PROCESS

NOT FOR DISTRIBUTION

FORMAL COMPREHENSIVE INVESTIGATION



STRATEGIZE THE INVESTIGATION

Common questions to consider:



CASE STUDY: GWEN AND MARK

GWEN'S STATEMENT

NOT FOR DISTRIBUTION

GWEN'S STATEMENT

NOT FOR DISTRIBUTION

GWEN'S STATEMENT

NOT FOR DISTRIBUTION

GWEN'S STATEMENT



GWEN'S STATEMENT

NOT FOR DISTRIBUTION

CASE STUDY

NOT FOR DISTRIBUTION

NOTICE TO THE PARTIES - REGULATIONS

Upon receipt of a formal complaint, a Recipient must provide written notice to the parties who are known:

NOTICE TO THE PARTIES - REGULATIONS (CONT.)

NOT FOR DISTRIBUTION

RIGHTS OF THE PARTIES DURING THE INVESTIGATION - REGULATIONS

Right to:

NOT FOR DISTRIBUTION

WITNESS INTERVIEWS - STRATEGIES

Example order*

NOT FOR DISTRIBUTION

PRIVACY – REGULATIONS

Additional permissions from the parties required for:

NOT FOR DISTRIBUTION

EVIDENCE

NOT FOR DISTRIBUTION

RELEVANCE

sexual predisposition

prior sexual behavior

NOT FOR DISTRIBUTION

EVIDENCE GUIDELINES

All

NOT FOR DISTRIBUTION

EVIDENCE COLLECTION AND ISSUES OF CONCURRENT CRIMINAL ACTION

NOT FOR DISTRIBUTION



PRE-INTERVIEW CONSIDERATIONS

NOT FOR DISTRIBUTION

INTERVIEW SCHEDULING



PREPARE FOR EACH INTERVIEW



ESTABLISH PRE-INTERVIEW GROUND RULES

NOT FOR DISTRIBUTION

SHARING INFORMATION WITH PARTIES AND WITNESSES DURING INVESTIGATION

NOT FOR DISTRIBUTION



MEETING WITH THE PARTIES

NOT FOR DISTRIBUTION

ADVISOR OF CHOICE

An "Advisor of choice" may be anyone, including:

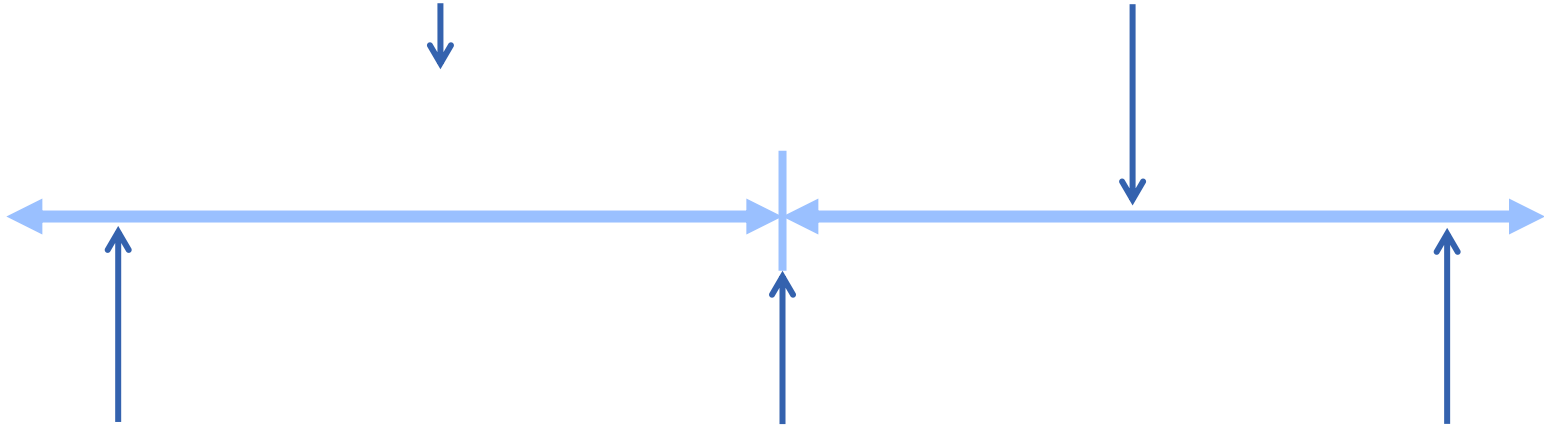
PROVIDING POLICY AND PROCEDURE COPIES



BEGINNING THE INTERVIEW

NOT FOR DISTRIBUTION

EXPLAINING EVIDENTIARY STANDARDS





INTERVIEWING SKILLS



INTERVIEWING THE COMPLAINANT



INTERVIEWING THE COMPLAINANT





REQUESTS FOR CONFIDENTIALITY

The TIXC should explain to the Complainant that:

REQUESTS FOR CONFIDENTIALITY (CONT.)

NOT FOR DISTRIBUTION

RELUCTANT COMPLAINANTS



INTERVIEWING THE RESPONDENT



INTERVIEWING THE RESPONDENT

NOT FOR DISTRIBUTION

FINAL QUESTIONS FOR ALL INTERVIEWS

NOT FOR DISTRIBUTION





QUESTIONING SKILLS

NOT FOR DISTRIBUTION

QUESTIONING CONSIDERATIONS



QUESTIONING CONSIDERATIONS (CONT.)

Consider before asking questions:

NOT FOR DISTRIBUTION

QUESTIONING CONSIDERATIONS (CONT.)

NOT FOR DISTRIBUTION

TYPES OF QUESTIONS

Use

Avoid

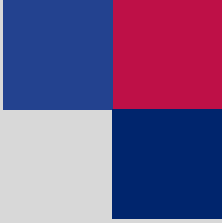
NOT FOR DISTRIBUTION

QUESTIONING EXERCISE

Please critique the following questions:

QUESTIONING EXERCISE

NOT FOR DISTRIBUTION



NOT FOR DISTRIBUTION

TRAUMA-INFUSED INTERVIEWING

THE BRAIN'S RESPONSE TO TRAUMA

This is a neurobiological response, not a choice.



TRAUMA AND INTERVIEWING



TRAUMA AND INTERVIEWING (CONT.)

Avoid:

NOT FOR DISTRIBUTION

WITNESSES

NOT FOR DISTRIBUTION

STARTING THE WITNESS INTERVIEW

Set the tone:

NOT FOR DISTRIBUTION

ANTICIPATING WITNESSES' QUESTIONS

Witnesses may ask or say:

INTERVIEWING WITNESSES



RESISTANT AND QUIET WITNESSES

NOT FOR DISTRIBUTION

LYING WITNESSES



The background features a light gray architectural illustration of a building with columns and a staircase. A large, semi-transparent watermark with the text "NOT FOR DISTRIBUTION" is oriented diagonally across the center. In the top right corner, there is a small graphic consisting of three colored squares: a blue square above a red square, which is above another blue square. The main title text is centered on the left side of the page.

HELPFUL INVESTIGATION DOCUMENTS

INVESTIGATION RECORDS

NOT FOR DISTRIBUTION

INCIDENT TIMELINE

NOT FOR DISTRIBUTION

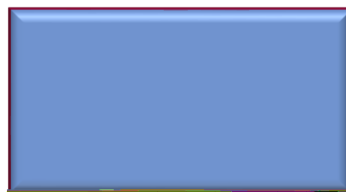
INCIDENT TIMELINE (CONT.)

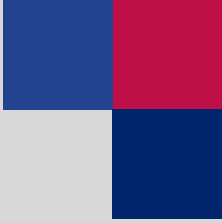
NOT FOR DISTRIBUTION

WITNESS LIST AND FLOWCHARTING BEST PRACTICES

NOT FOR DISTRIBUTION

WITNESS FLOWCHART SAMPLE





NOT FOR DISTRIBUTION

THE INVESTIGATION REPORT



THE INVESTIGATION REPORT

NOT FOR DISTRIBUTION

THE INVESTIGATION REPORT – G.A.S.

G

A

MORE THAN FACT-GATHERING



IMPORTANCE OF THE REPORT



EVIDENCE AND REPORT REVIEW BY PARTIES

PART 1

Prior to the completion of the investigation report:

PARTY ACCESS TO EVIDENCE/REPORT



EVIDENCE AND REPORT REVIEW BY PARTIES

PART 2

At least 10 days prior to making a determination regarding responsibility (hearing):

NOT FOR DISTRIBUTION

LIVE HEARING



WHAT ROLE DOES THE INVESTIGATOR PLAY IN A HEARING?

NOT FOR DISTRIBUTION



ROLE OF THE INVESTIGATOR IN APPEALS

THE APPEAL PROCESS

NOT FOR DISTRIBUTION

THE ROLE OF THE INVESTIGATOR IN APPEALS

NOT FOR DISTRIBUTION

FINALITY OF DETERMINATION

NOT FOR DISTRIBUTION

Questions?

NOT FOR DISTRIBUTION

