TITLE IX

ASAP

AWARENESS & SEXUAL ASSAULT PREVENTION

WORKSHOP AGENDA: CONDUCTING TITLE IX INVESTIGATIONS

Introduction and Overview
This session will provide an overview of the process and the appropriate standard of proof.

Investigating Sexual Violence, Dating & Domestic Violence & Stalking
This session will cover the impact of trauma on survivors and the effect on the investigation process. We will also discuss cultural and religious implications that impact the ability to talk about sexual violence. Investigators will learn how to use culturally competent and trauma-informed investigation techniques.

- Common reasons for not wanting to go forward.
- Neurobiological impact of trauma
- Cultural and religious discussion
- Gender discussion

The Initial Intake Interview
Investigators and other front-line employees will learn how to get the most information possible during the initial intake so that reporting parties do not have to unnecessarily repeat their stories. This session will also cover the required disclosures that must be shared with the reporting party pursuant to OCR's April 2014 FAQs.

- Effective questioning techniques
- Note-taking
- Informal vs. formal complaints
- Required disclosures and notification of rights.

Case Study, Part One
Practice asking questions and getting information based on a case study.

Interim Actions & Assessing Requests for Confidentiality
This session will discuss the balancing of a reporting party's request for confidentiality with the institution's obligation to provide a safe, non-discriminatory learning environment.

- Factors to consider based on FAQs
- Steps to take when engaging in weighing analysis
- Possible interim actions and the requirements for implementing them.

Case Study, Part Two
Practice determining whether an investigation is necessary and which interim actions are appropriate.

Planning & Preparing for an Investigation
This session will cover timing, order of witnesses and other procedural considerations to review before you begin an investigation.

Third Party Witnesses
Conducting an effective investigation requires investigators to gather information in a manner that minimizes the trauma on the survivor and the respondent. This session will cover techniques for managing and interviewing third party witnesses.

- Notice of the allegations
- Timing of the interviews and the 60 day requirement
- Managing group dynamics
- Confidentiality and information-sharing
- Retaliation

Case Study, Part 3: Gathering Information
Practice gathering information and analyzing the order of your witnesses. Practice techniques for maintaining control of the interview and the investigation.

Meeting with the Respondent
This session will cover special considerations when meeting with the respondent such as how to confront the respondent with the allegations, the presence of attorneys, the impact of pending criminal proceedings and due process requirements.

Case Study Part 4: Meeting with the Respondent
Practice interviewing the respondent and confronting them with specific allegations.

Evaluating Evidence and Credibility & Reaching a Conclusion
Techniques and tips for evaluating evidence and credibility will be shared. Trauma-informed credibility resolutions will be addressed. The use of forensic evidence will also be covered. The appropriate standard of proof and the need for a final decision will also be covered.

Case Study, Part 5: Evaluate the Case Study
We'll put it all together and evaluate our case study.

Preparation of the Report
Report writing techniques and structure of the report will be covered. Use of the attorney-client privilege and discoverability of the report will also be discussed.

Dissemination of the Report, Record-Keeping
This session will cover disclosure of the report to the parties and internal employees. This session will also discuss best practices in record-keeping and document retention.

WRAP-UP & CONCLUSION.