

VIRTUAL CERTIFIED K-12 TITLE IX INVESTIGATOR TRAINING

Session 1

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INSTITUTIONAL COMPLIANCE SOLUTIONS

"Compliance at Your Fingertips!"

Leadership Team



Betsy Smith
Director of Title IX Services



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Director of EEO Services

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Housekeeping



- Materials
- Breaks
- Virtual Environment
- Not recorded

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Agenda

Session 1
The Why Before the How

Session 2
Investigative Techniques

Session 3
Report Writing

Session 4
Hypos (if time allows)



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Purpose of ICS Training



Not Legal Advice

Designed to provide you with options so that you can make the decisions that make the most sense for you/your district.



We Are All In This Together!

We love when our participants bring information to us and provide their perspectives.



This is new for many!

Most decisions will be district specific and the regulations allow for flexibility.

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Nuts and Bolts of Title IX Compliance

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What is Title IX?

> 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.

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TITLE IX IS:

- Federal law
- Enforced by the Office for Civil Rights (OCR)
- Prohibits discrimination based on sex
- Historically viewed as simply requiring gender-equity in athletics



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What Is/Is Not Title IX Conduct?

Is or May Be Title IX

- Discrimination based on sex
- Sexual Harassment
- Pregnancy discrimination
- Retaliation
- Bullying/Cyber-Bullying when it involves sexual misconduct
- Hazing when it involves sexual misconduct

Is NOT Title IX

- Disability discrimination (ADA)
- Employment discrimination based on race, religion, or national origin (Title VII)- Note overlap with sex
- Student discrimination based on race, religion, or national origin (Title VI)
- Age Discrimination (ADEA)

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The Evolution of Title IX

Sexual Harassment

2001
Title IX Guidance on Sexual Harassment

2011
Title IX Guidance (DCL)

2014
Title IX Guidance (Q&A)

2015
Title IX Guidance (DCL)

2017
Q&A and DCL Withdrawing 2011 & 2014 Guidance

2018
Notice of Proposed Rule Making

May 6 2020
Title IX Regulations w/Aug. 14 Implementation Deadline

April 6 2021
DOE Launches Comprehensive Review of Title IX Regulations

June 16 2021
Notice of Interpretation

July 20 2021
Q&A on Title IX & Sexual Harassment

2022
Notice of Proposed Rule Making

2023
October 2023 Release

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Title IX Regulations, Then & Now

2018 — NPRM

100,000+ Comments

May 2020 — Regulations

Aug 2020 — Implementation

June 2022 — NPRM

230,000+ Comments

YOU ARE HERE

October 2023 — Regulations

July or Fall 2024 — Implementation

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Top 10

1. Scope Expanded
2. Mandated Training Expanded
3. Additional/Modified Definitions
4. Complexity of Title IX Coordinator Role
5. Sexual Harassment is now Sex Based Harassment
6. Less Prescriptive Grievance Process
7. Informal Resolution- Initiated without "Formal Complaint"
8. Retaliation Protections
9. Discrimination Based on Pregnancy
10. Expands Recordkeeping

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REMINDER

It is a proposed rule, NOT a final rule.

The 2020 regulations still apply. Continue your compliance efforts under the 2020 Regulations.



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2020 Title IX Regulations Have Specified Defined Terms

Education Program/Activity

Sexual Harassment

Complainant

Supportive Measures

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TITLE IX TEAM



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TITLE IX TEAM

INVESTIGATOR

Cannot serve as the Decision-Maker or Appellate Decision-Maker. May be the Title IX Coordinator but if possible, it is recommended that this individual be separate from the Title IX Coordinator. It is not recommended that an Investigator serve as the Informal Resolution facilitator in a case that they have started, or later serve, as an Investigator.

APPELLATE DECISION MAKER

Cannot be the Title IX Coordinator. Cannot serve as the Investigator or Decision-Maker. It is not recommended that an Appellate Decision- Maker serve as the Informal Resolution facilitator in a case that they may later serve as an Appellate Decision-Maker.

TITLE IX COORDINATOR

Cannot serve as the Decision-Maker or Appellate Decision-Maker. May serve as an Investigator-though if possible, it is recommended that another individual serve as an Investigator. May serve as an Informal Resolution Facilitator.

DECISION MAKER

Cannot be the Title IX Coordinator. Cannot serve as the Investigator or Appellate Decision-Maker. It is not recommended that a Decision- Maker serve as the Informal Resolution facilitator in a case that they may later serve as a Decision-Maker.

INFORMAL RESOLUTION FACILITATOR

May be the Title IX Coordinator. It is not recommended that an individual who has or will serve as an Investigator, Decision-Maker or Appellate Decision-Maker in the same case serve as the Informal Resolution Facilitator.

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Individuals in an Investigation

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Formal Title IX Grievance Process

PARTIES



COMPLAINANT

RESPONDENT



PARENT/LEGAL GUARDIAN

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Title IX Applies To:

- Student on Student
  - Employee on Employee
    - Student on Employee
      - Employee on Student

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Title IX Applies To:

- Male on Male
- Female on Female
- Male on Female
- Female on Male
- Gender Identity/Sexual Orientation

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INVESTIGATOR'S ROLE IN COMPLIANCE

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Handling of a Report

Policies, Procedures, Trainings

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TITLE IX COMPLIANCE LAYERS



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Sexual Harassment + Education Program or Activity

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Sexual Harassment



- Conduct on the basis of sex that satisfies one or more of the following:
  - An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
  - Unwelcome conduct determined by a reasonable person to be so severe, pervasive AND objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
  - "Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.

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Severe, Pervasive, AND Objectively Offensive



UNWELCOME CONDUCT



SEVERE, PERVASIVE, AND OBJECTIVELY OFFENSIVE

- Severe- can be non verbal through sexual assault (touching/fondling)
- Pervasive- how often and how widespread
- Objectively Offensive- behavior that would be offensive to a reasonable person under the circumstances



DENIES EQUAL ACCESS

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Sexual Assault is:



An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBl's Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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 incapacity.

Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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.

Statutory Rape

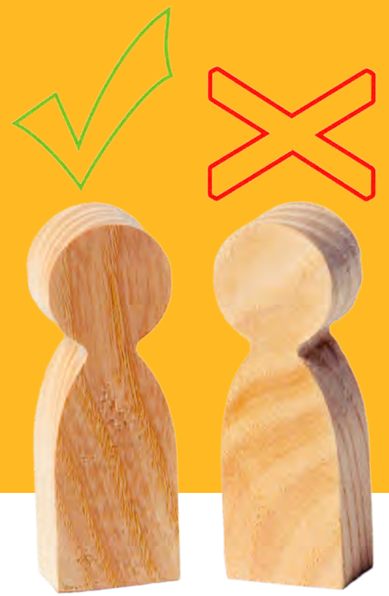
Sexual intercourse with a person who is under the statutory age of consent.

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Consent

The Assistant Secretary will not require recipients to adopt a particular definition of consent with respect to sexual assault.



WHAT DOES THIS MEAN?

DEFINITION OF CONSENT

Create/use a definition of consent that makes sense to you and your district. Make sure you can 1) explain it and 2) apply it.

SITUATIONAL CLARITY

Make sure to include situations where consent cannot be obtained/given (ie. coercion, incapacitation) and clearly define those situations.

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Domestic Violence

A FELONY OR MISDEMEANOR CRIME OF VIOLENCE COMMITTED BY A:

- current or former spouse or intimate partner of the victim
- person with whom the victim shares a child in common
- person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.



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Dating Violence



Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting party's statement with consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

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Stalking



ENGAGING IN A COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON THAT WOULD CAUSE A REASONABLE PERSON TO

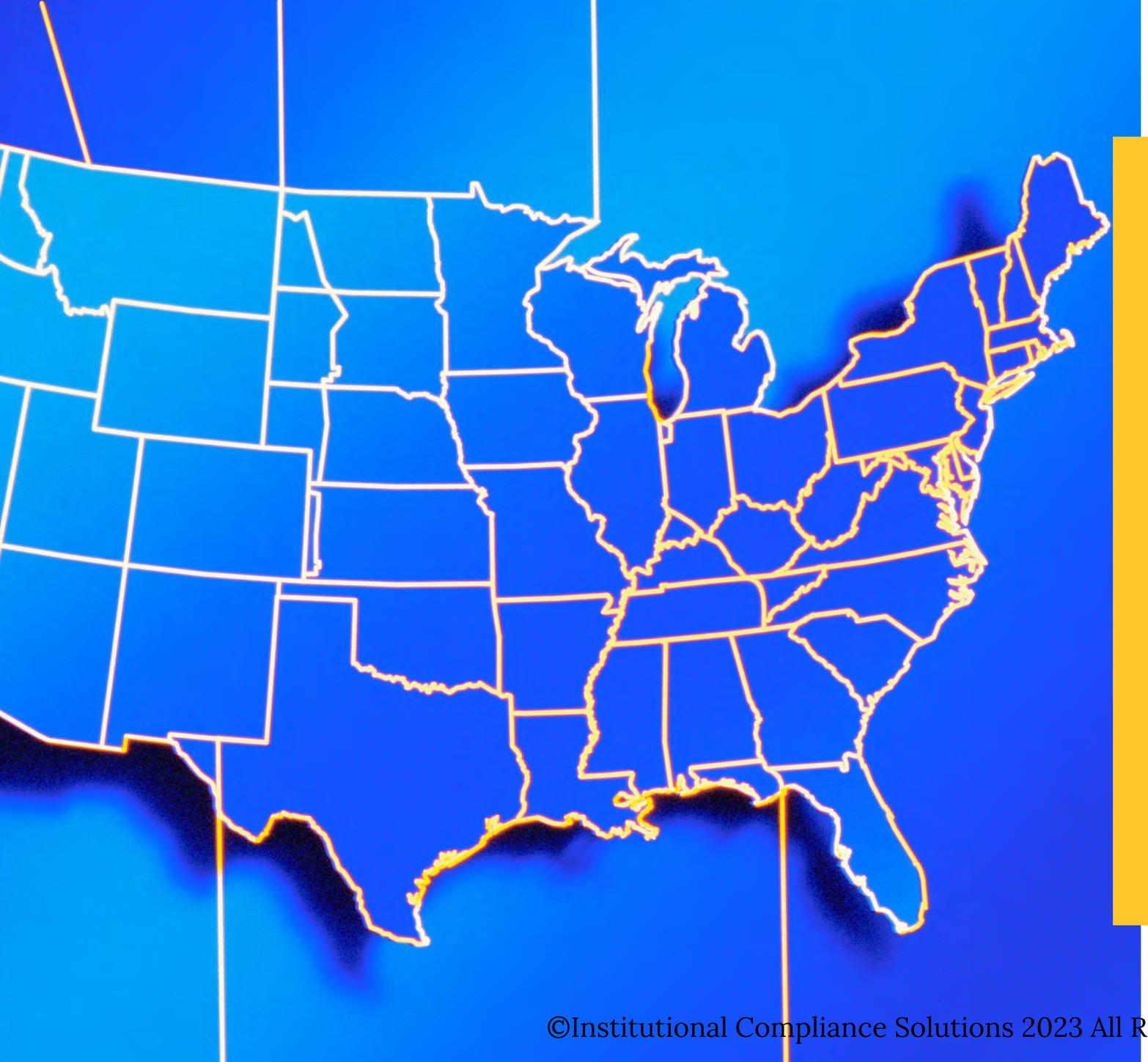
- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For purposes of this definition:

- 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.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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REMINDER:

Even if your policies do not have state definitions written in, you may have to access them to determine correct language for alleged violations

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Conduct + Education Program or Activity



It's more than the behavior...
Must evaluate location/ jurisdiction as well

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Jurisdiction



Education Program or Activity

Locations, events, or circumstances (operations) over which the district exercised substantial control over both the respondent AND the context in which the sexual harassment occurs.





Includes online sexual harassment but it must be analyzed to determine if it occurs in education program or activity.

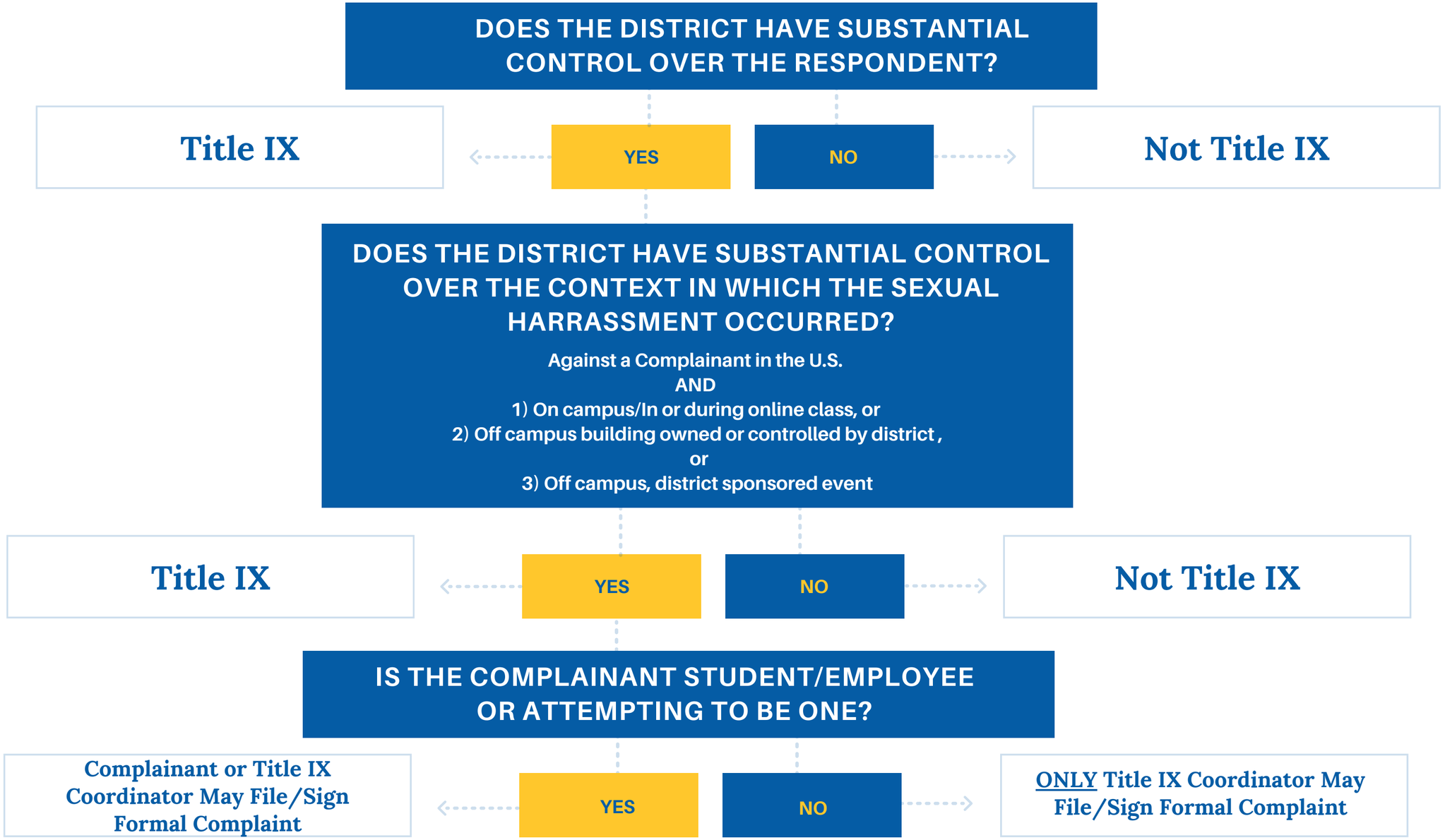
Does not create or apply a geographic test, does not draw a line between “off campus/property” and “on campus/property,” & does not create a distinction between sexual harassment occurring in person vs online.



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Education Program or Activity/Jurisdicton



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REMINDER:

Your policies and procedures are your guide!!!

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Others Involved in the Process...



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Officials with Authority





- "Responsible Employee" is gone, actual knowledge only to Title IX Coordinator or "official with authority"
- ALL employees are responsible for reporting at K-12 level
- Actual Knowledge = NOTICE
- Notice without action = deliberate indifference



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Parents and Guardians

“While elementary & secondary school students retain less control over when disclosure of sexual harassment triggers the school’s mandatory response obligations, these students (with involvement of their parents as appropriate) do retain control over whether to accept supportive measures, &
whether to also file a formal complaint.”



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ADVISORS

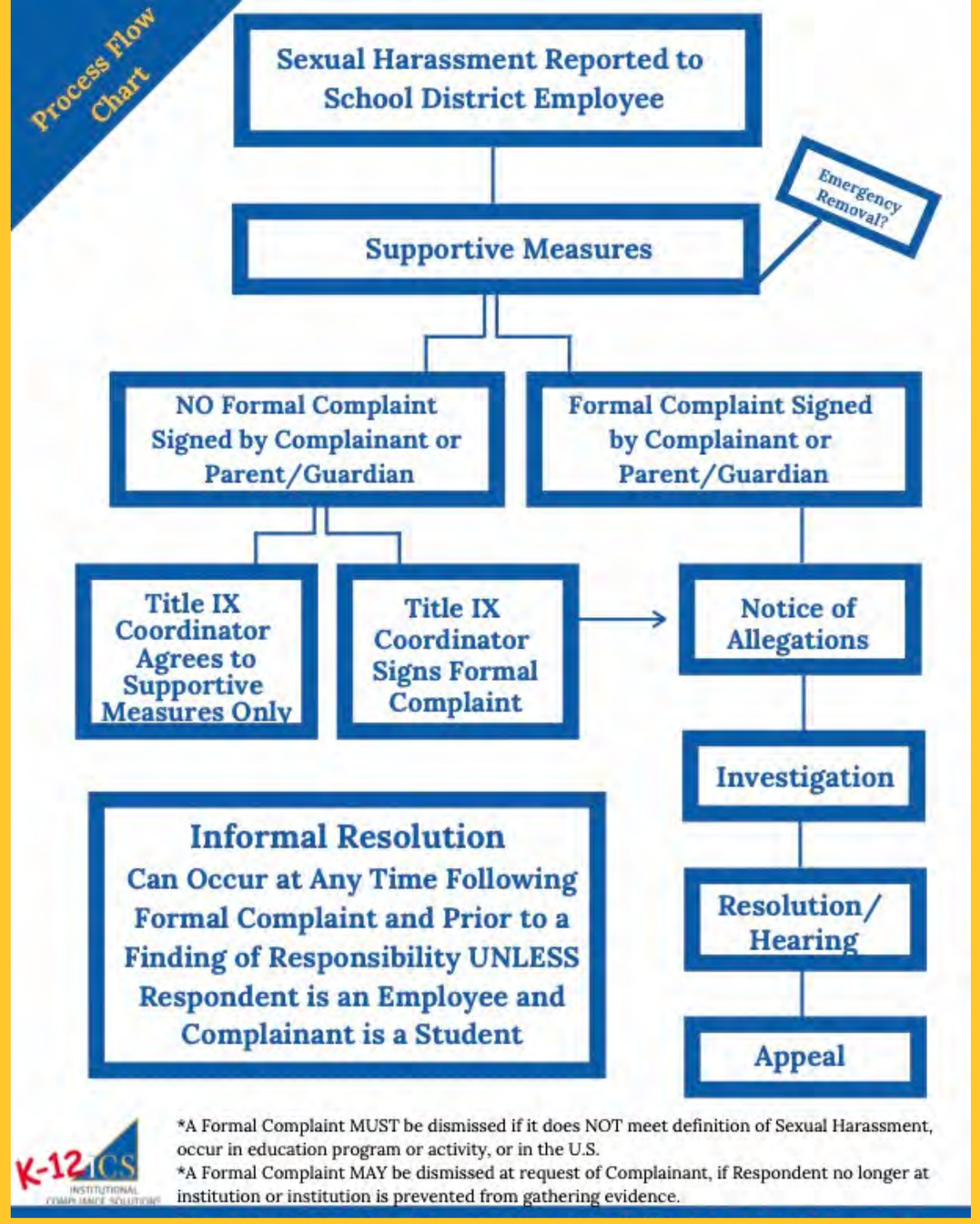


- Of choice
- Can be an attorney, doesn't have to be
- Your policy defines how they can be involved in your process
- Challenges with advisors
- Benefits to advisors

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General K-12 Process Flow Chart



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Title IX Grievance Process

- Specific requirements
- Focus on equity
- Opportunities for review
- Need for "forms"

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BASIC TITLE IX PROCESS

1

SEXUAL HARASSMENT REPORTED

2

FORMAL COMPLAINT BY COMPLAINANT/ TITLE IX COORDINATOR

3

NOTICE OF ALLEGATIONS

4

INVESTIGATION



5

Q & A AND RESOLUTION

6

APPEAL

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K-12 INVESTIGATION FLOWCHART



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Formal Complaint



✓ In Writing

- Hard copy
- Electronic
- Online submission

✓ Signed by:

- Complainant or Parent/Guardian
- Title IX Coordinator

✓ Alleging Sexual Harassment

✓ Requesting an Investigation

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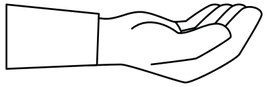
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Supportive Measures



What

- defined term and intentional deviation from "interim measures" individualized services provided to a complainant or respondent that are non-punitive, non-disciplinary, and do not unreasonably burden the other party yet are designed to restore or preserve a person's equal access to education
- Non-disciplinary
- non punitive
- individualized services
- interactive process



Offered

- to complainant and respondent (can be refused)
- as appropriate
- as reasonably available
- without fee or charge



When?

- promptly
- before or after the filing of formal complaint OR
- where no formal complaint has been filed

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Supportive Measures Continued



Purpose

- restoring or preserving equal access
- protecting safety
- deterring sexual harassment



Title IX Coordinator

- ultimately responsible for effective implementation, but others can also implement



Not

- punitive or disciplinary



Document

- when provided, when not provided and why



Burden

- remains on the district not the parties



Confidential

- as much as possible



Examples

- in section 106.3

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Dismissal of Formal Complaint



✓ Required Dismissal

- Would not constitute Sexual Harassment as defined in Title IX regulations
- Did not occur in education program or activity
- Did not occur against a person in the U.S.

✓ Permissive Dismissal

- Complainant notifies Title IX Coordinator in writing that Complainant would like to withdraw Formal Complaint or allegations
- Respondent is no longer enrolled or employed by the district
- Specific circumstances prevent the district from gathering evidence sufficient to reach a determination

✓ If Mandatory Dismissal:

- Must Promptly send written notice of dismissal and reasons for dismissal simultaneously to parties
- May proceed with disciplinary process outside of Title IX

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Response to a Formal Complaint (Grievance Process)

- Treat parties equitably
- Require an objective evaluation of all relevant evidence (inculpatory and exculpatory)
- No conflict of interest or bias by Title IX Coordinator, investigator, decision-maker or facilitator of informal resolution process
- Trained Title IX Team
- Presumption that respondent is not responsible
- Include reasonably prompt time frames for process and appeals with written notice for limited extensions with good cause (may include absence of party, witness, or advisor, law enforcement activity or the need for language/accommodation of disability)
- Describe range of sanctions and remedies
- Standard of evidence (same for students and employees)
- Procedures and permissible bases for appeals
- Notice of Allegations containing specific information as outlined in regulations



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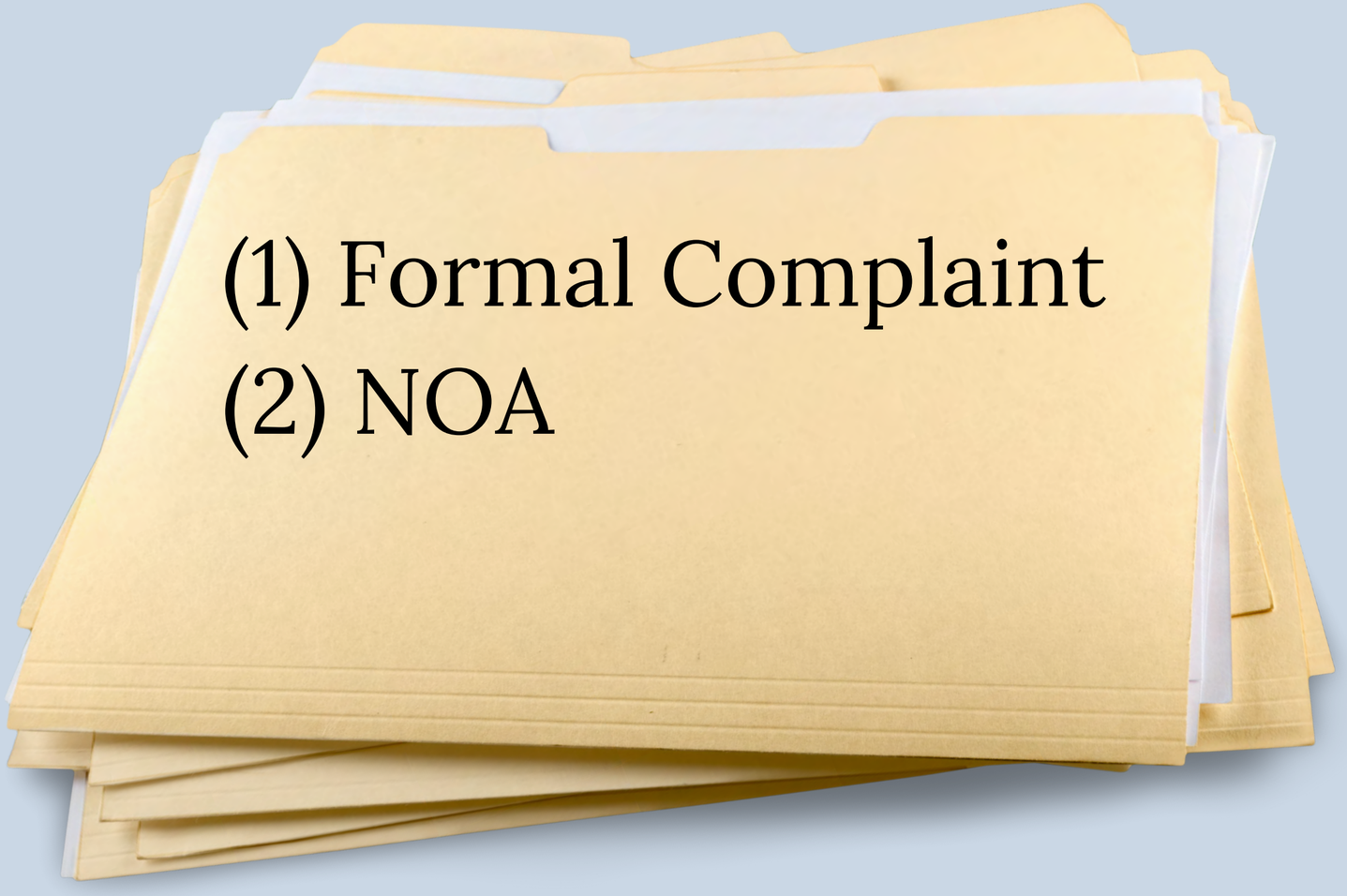
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Notice of Allegations Checklist

- [ ] Notice of Grievance Process; Including Informal
- [ ] Allegations Potentially Constituting Sexual Harassment
  - Identities of the Parties
  - Conduct Constituting Sexual Harassment
  - Date of Incident
  - Location of Incident
- [ ] Statement: Respondent Presumed Not Responsible/Responsibility Determined After Process
- [ ] Right to Advisor of Choice
- [ ] Code of Conduct Provision Prohibiting False Statements or False Information in Process

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THE TWO MOST IMPORTANT DOCUMENTS



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IEP/504

OVERLAP

- Change of placement
- Interaction for interview/notices
- Discipline

TITLE IX

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Investigation



- ✓ **Interviews with parties and witnesses**
  - Including Notice with sufficient time to prepare for the meeting/interview
  - Document date of meeting and date notice provided
- ✓ **Collect evidence and information**

  Document when and how evidence/information was collected
- ✓ **Allow parties and advisors to review "evidence directly related to the allegations" (10 days)**
- ✓ **Write investigation report that "fairly summarizes relevant evidence"**
- ✓ **Provide opportunity for parties and advisors to review the report (10 days)**

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Decision-Maker
Determination Regarding Responsibility Checklist

- [ ] **Identification of the Allegations**

- [ ] **Description of Procedural Steps Taken**
  - Notifications to the Parties
  - Interviews with Parties and Witnesses
  - Site Visits
  - Methods Used to Gather Other Evidence
  - Hearings Held

- [ ] **Findings of Fact Supporting Determination**

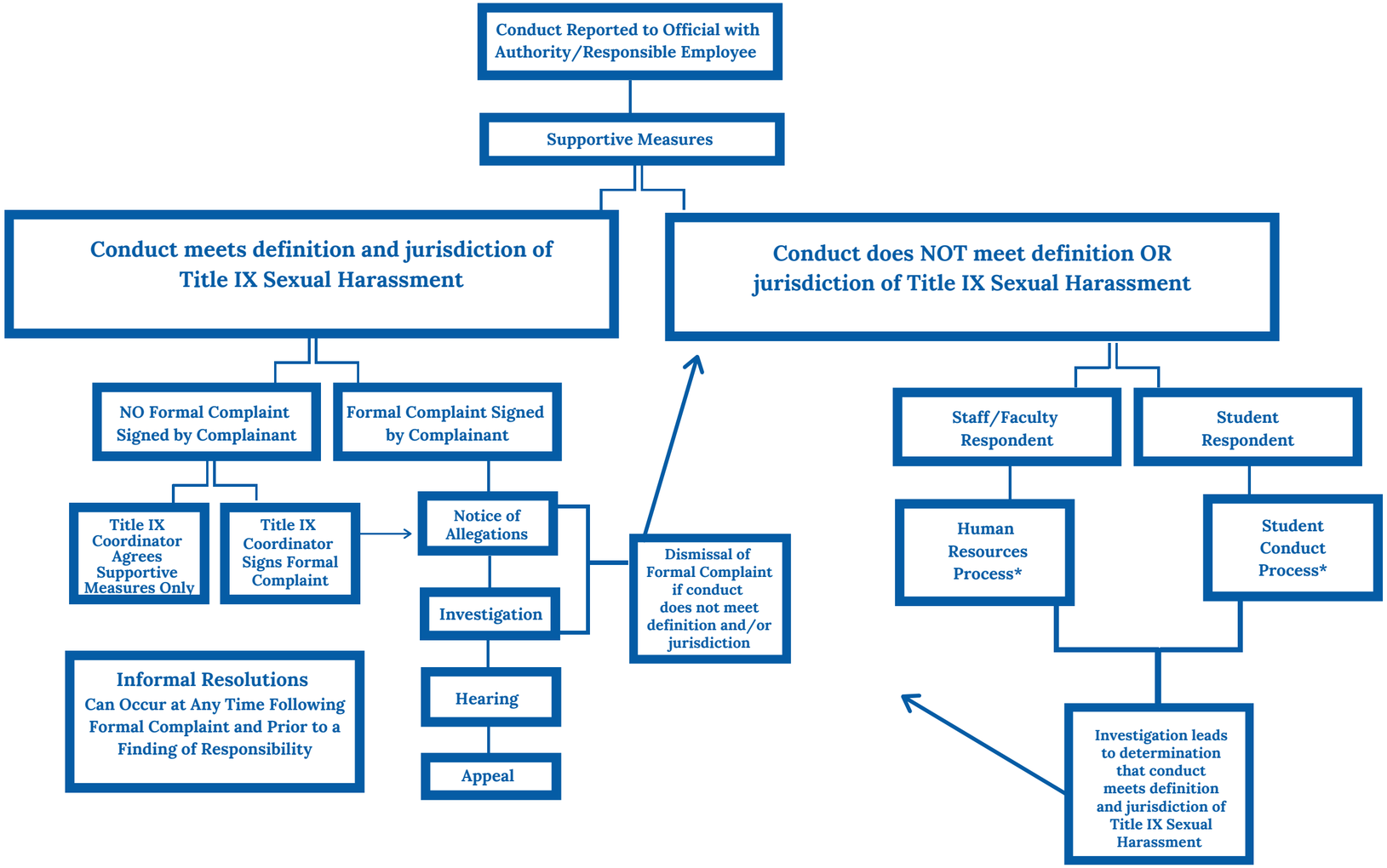
- [ ] **Conclusions Regarding the Application of the Code of Conduct to the Facts**

- [ ] **Result of Each Allegation Including Rationale**
  - Determination Regarding Responsibility
  - Disciplinary Sanctions
  - Whether Remedies Designed to Restore or Preserve Equal Access to Education Program or Activity Provided to the Complainant

- [ ] **Procedures and Permissible Bases for Appeal**

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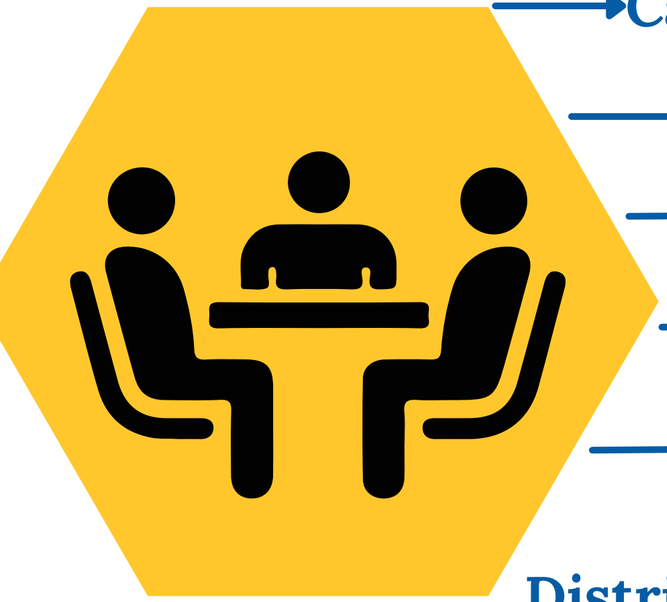
Title IX Process Flow Chart



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Informal Resolutions



- Cannot be offered as a condition of enrollment or continued employment
- Cannot be offered to resolve employee on student allegations
- After a Formal Complaint is filed
- Prior to decision regarding responsibility
- Parties cannot be required to participate

District Must:

- Provide written notice disclosing allegations, requirements of the informal resolution process including circumstances under which it preclude the parties from resuming a Formal Complaint arising from the same allegations
- Allow any party the right to withdraw from the informal resolution process and resume grievance process with respect to Formal Complaint
- Provides consequences resulting from informal resolution process including records maintained or shared
- Obtain both parties voluntary, written consent to the informal resolution process

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Appeals



- ✓ Offered to both parties
- ✓ Can appeal dismissal of Formal Complaint or any allegations therein or determination regarding responsibility
- ✓ On the Following Basis:
  - Procedural irregularity that affected the outcome of the matter
  - New Evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter
  - Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter
  - Additional basis if offered equally to both parties
- ✓ Written decision describing the result and rationale for the result
- ✓ Notify the other party in writing when an appeal is filed
- ✓ Provide written decision simultaneously to both parties
- ✓ Give both parties a reasonable opportunity to submit a written statement in support of or challenging the outcome

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2020 Regulations Require the Following Training for Title IX Investigators

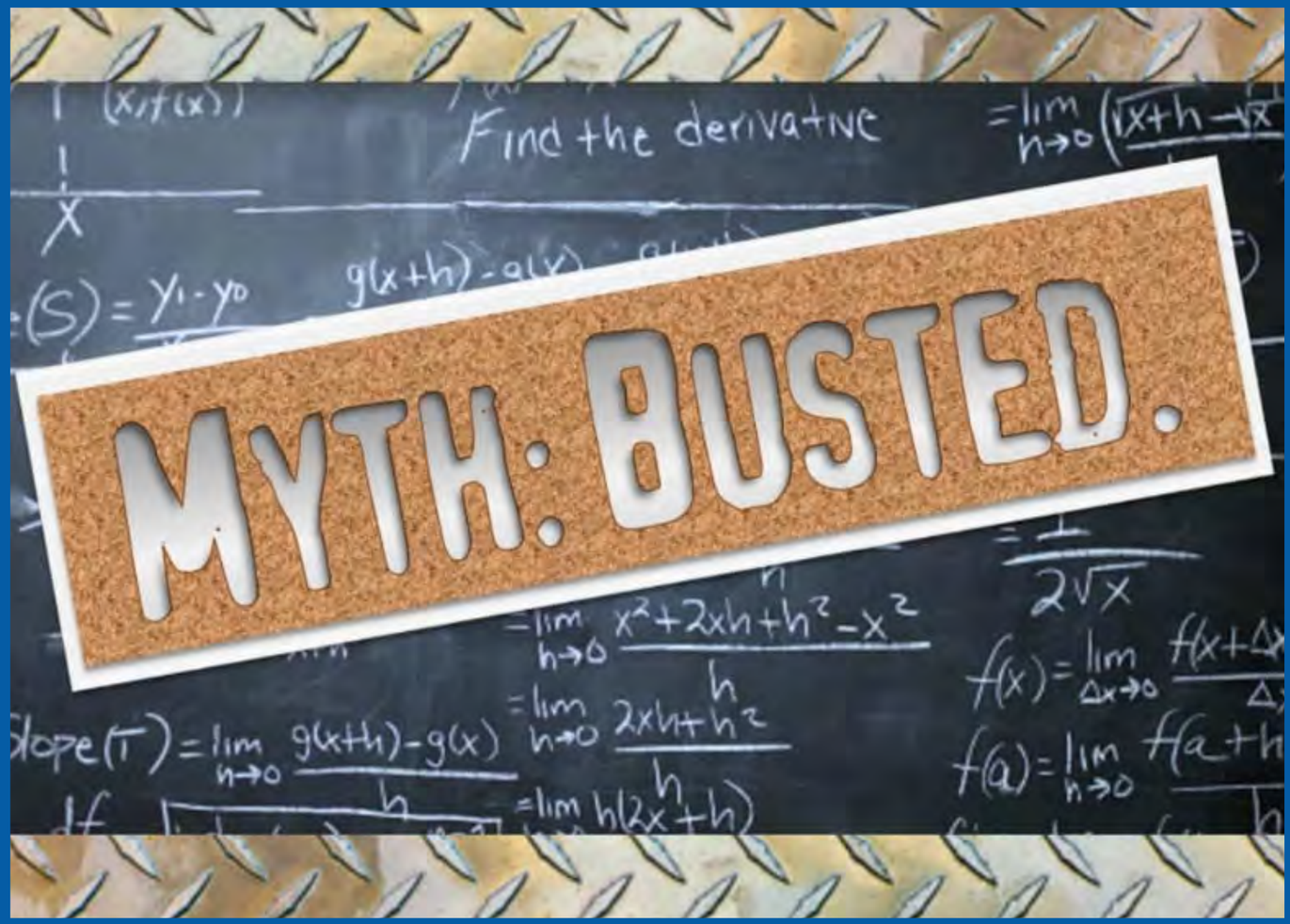
- Definition of Sexual Harassment
- Scope of Education Program/Activity
- Investigation/Grievance Process
  - Hearing
  - Appeals
  - Informal Resolution Process
- How to Serve Impartially
  - Avoiding Prejudgment of the Facts
  - Conflicts of Interest/Bias
- Investigative Report Writing
- Fairly Summarize Relevant Evidence

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MYTH BUSTERS

- You must be a _____ to be a good investigator (lawyer, police officer)
- There is only one way to conduct an investigation
- You must be "certified" to be an investigator



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SERVING IMPARTIALLY- CONFLICTS OF INTEREST, BIAS, RESERVING JUDGMENT

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Avoid Conflict of Interest/Bias

- Generally toward Complainants/Respondents
- Occurs when personal or private interests possibly can compromise one's judgment, decisions, or actions
- Three types of COI:
  - Actual
  - Perceived
  - Potential



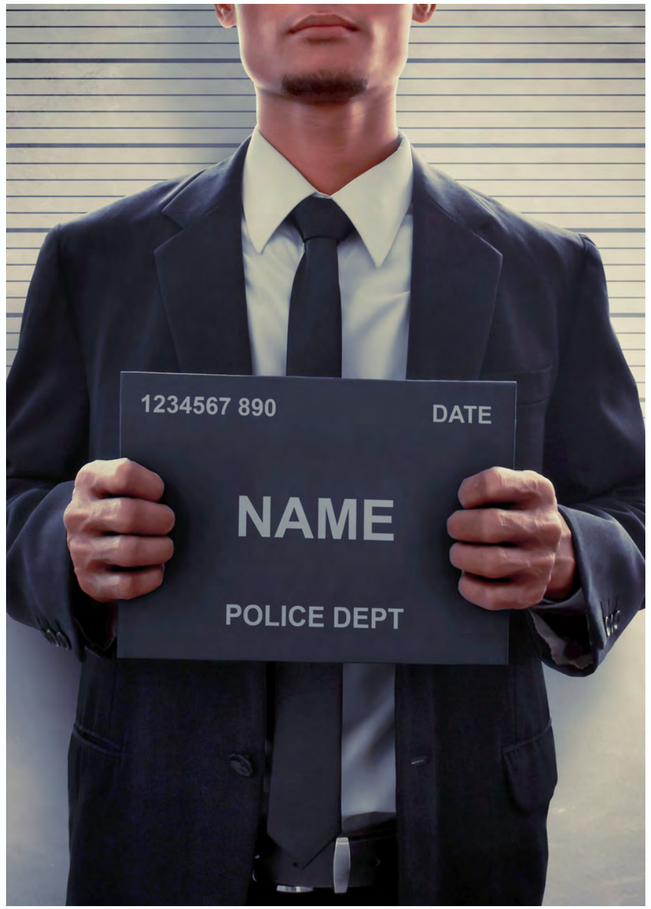
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END GAME



CIVIL
LAWSUIT



CRIMINAL
INVESTIGATION



TITLE IX
INVESTIGATION

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During the Investigation:

STAY IN YOUR LANE

- Your role as fact gatherer
- Burden on you to gather information- not on parties to provide it
- Investigating violations of specific policy: not law or policies outside of your charge/responsibility
  - Ex: Discovering a management issue while investigating harassment complaint

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During the Investigation:

SUSPEND YOUR MIND

- Daily Choice
- Reserve judgments until all facts are gathered

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Recordkeeping



DISTRICTS MUST MAINTAIN THE FOLLOWING RECORDS FOR SEVEN YEARS:

- Records and action taken in response to a report or Formal Complaint, including:
  - Supportive measures,
  - The basis for district's conclusion that its response was not deliberately indifferent,
  - Measures taken to restore and preserve equal access to district's Education Program or Activity,
  - Reasons why district's response was not clearly unreasonable in light of the known circumstances if district does not provide a Complainant with supportive measures.
- Each Sexual Harassment investigation including:
  - Any determination regarding responsibility and all audio or audiovisual recording or transcript,
  - Disciplinary sanctions imposed on the Respondent, and
  - Any remedies provided to the Complainant.
- Any appeal and result of appeal.
- Any informal resolution and result therefrom.
- All materials used to train Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators.

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KNOW YOUR POLICIES AND PROCEDURES

- Working knowledge of your policies.
- Use policy consistent language.
- Who is the point of contact for complainant/respondent?
- Who is the point of contact re: retaliation?
- What it is the hearing/resolution and/or appeal process?
- Informal resolutions?



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Questions?

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Groups:
Title IX Coordinators Closed Group
K-12 Title IX Coordinators

@TitleIXLawyer

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New Training Dates Released!

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VIRTUAL CERTIFIED TITLE IX INVESTIGATOR TRAINING

Session 2: Investigative Techniques

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THEMES/END GAME



Fair/Balanced approach



Uncover all relevant facts/information
*stone analogy



Common sense approach- beware of rabbit holes

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BE CURIOUS

It is the number one skill for an investigator.



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Timeliness

- Policy must designate reasonably prompt timeline
- Interview witnesses as soon as possible
- Unavoidable delays
- Notice of extensions
- Addressing delays in record keeping/report

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Organize

- Plan order of interviews/when to interview respondent
- In person vs. virtual vs. phone
- Explaining process and your role
- Reassurance/retaliation

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INTERVIEW SKILLS

- Develop rapport
- Observe
- Be professional
- Outline questions/flexibility

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Types of Questions

- Who, what, when, where, why
- Open ended
- Repeat, repeat, repeat
- Circling techniques
- Clarity on timelines/who is involved etc.
- Openings
- Closing questions
- Opportunity to provide clarification after interview

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Relevancy

- Regulations do not define relevancy
- Regulations define some things that are not relevant:
  - Treatment unless parties agree
  - Privileged Information
  - Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior unless they are offered to prove that someone other than Respondent committed the sexual harassment, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with the respondent and are offered to prove consent.

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Relevancy Continued

- Ordinary Meaning (Not a legal term)
- Does the evidence tend to make a fact more or less likely to be true



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Note Taking

- Explain your role as note taker
- Note taker vs. dual investigator
- Use quotations if possible
- Ask for a pause or clarification if necessary



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Types of Information/ Evidence

Direct Information/ Evidence	First person observation of an incident
Circumstantial Information/Evidence	Reported observation of information that offers inferences about the facts of the event
Documentary Information/Evidence	Written description of an incident *Police Report *Write up from staff member
Hearsay Information/Evidence	Information that is reported through another party
Expert Information/Evidence	Information that is shared from a person who has an acknowledged expertise in related subject matter

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Complainants

- Trauma informed practices
- Managing expectations
- Reluctant complainants and retaliation
- Interim/support measures
- Next Steps
- Bias/Conflict of Interest

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Respondents

- Trauma informed practices
- No presumption of responsibility
- Managing expectations
- Interim/support measures
- Simultaneous and ongoing criminal investigations
- Next Steps
- Bias/Conflicts of Interest



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ADVISORS



- Of choice
- Can be an attorney, doesn't have to be
- Your policy defines how they can be involved in your process
- Challenges with advisors
- Benefits to advisors

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WORKING WITH ADVISORS, CONTINUED

- Set expectations for each meeting
- Communicate often
- Communicate clearly
- Create a "guide"
- Allow time for questions
- Be kind, understanding, and patient (this is new for them too)
- Follow up in writing



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IDENTIFYING OTHER EVIDENCE

- Videos
- Social Media
- Text Messages
- Physical Evidence
- Applications
- SANE Exam
- Other?

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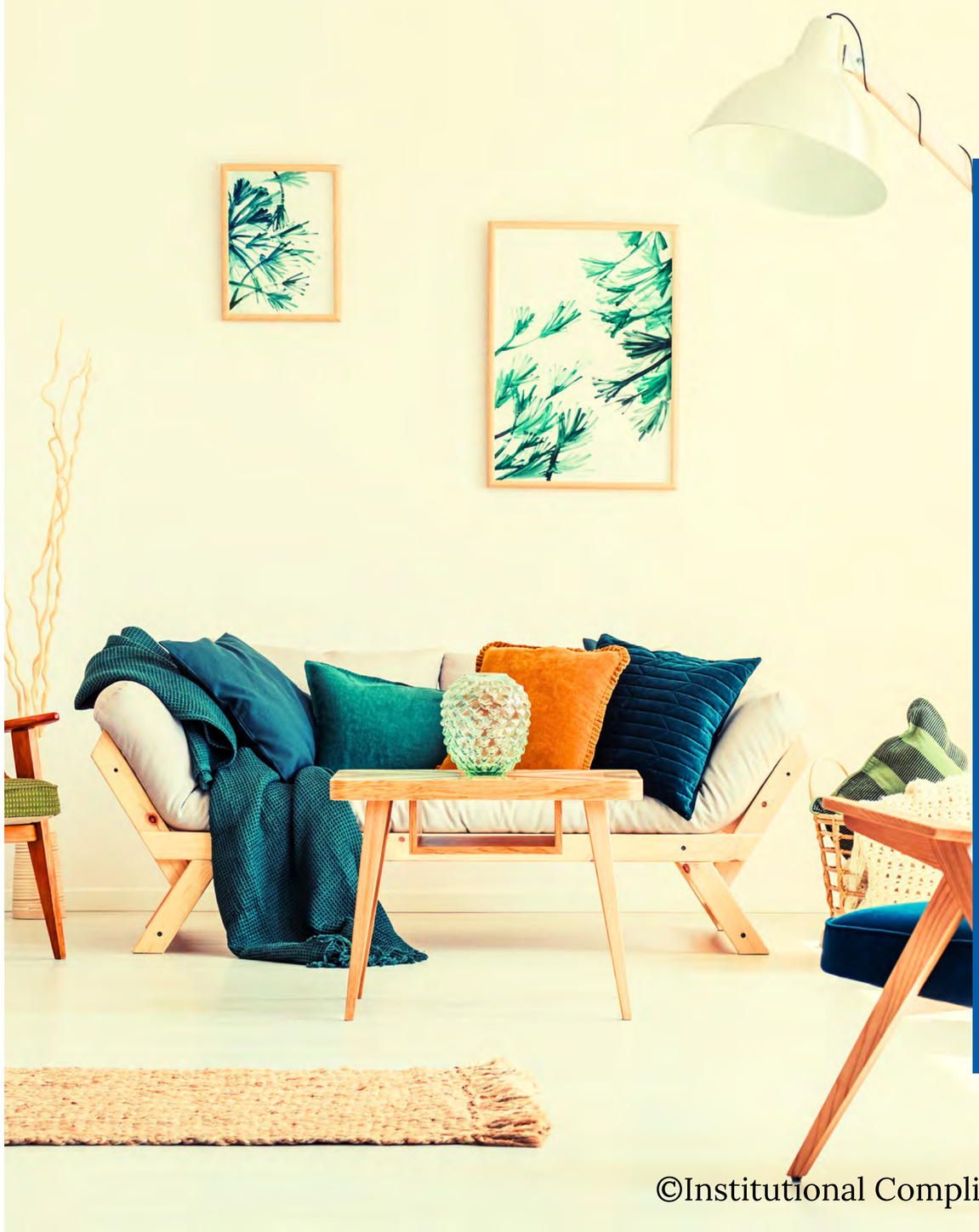
Witnesses

- Eye Witness
- Character Witnesses???
- Hearsay issues
- Witnesses identified by the parties
- Experts



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THE ATMOSPHERE MATTERS

Consider the look and feel of the office/ interview location

- not too formal but still professional
- not intimidating

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Standard of Proof

- All standards related to sexual harassment must be the same
- Preponderance of the Evidence - 50% plus a feather - more likely than not
- Clear and Convincing
- School investigation vs. Criminal investigation

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Creating and Maintaining Your File

- Be Consistent!
- Allow an extra 15-30 minutes after each meeting to scan, save, and update
- Scan your notes immediately
- Keep and electronic copy
- Add information to your draft report as you investigate...especially timelines



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Your Investigative File Continued

- 7 years
- Contingency and Sustainability planning (what will happen to your file if you leave or change roles)
- Anyone should be able to pick up your file and understand what happened

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Investigate as Though You Will be Investigated

- Have a clear/organized plan- but remain flexible
- Document Document Document (delays, objections EVERYTHING)
  - Duplication of documentation
  - To record or not to record?
  - Inclusivity vs. Exclusivity

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INTRODUCTION:

You are wearing a different hat...

- Everyone must understand your role
- You will ask hard questions
- You will talk about difficult topics
- You will provide breaks if necessary
- You will keep the information as private as possible (privacy vs. confidentiality)
- Expectations for the truth and consequences for failure to tell the truth

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Questions?

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VIRTUAL CERTIFIED TITLE IX INVESTIGATOR TRAINING

Session 3: Report Writing

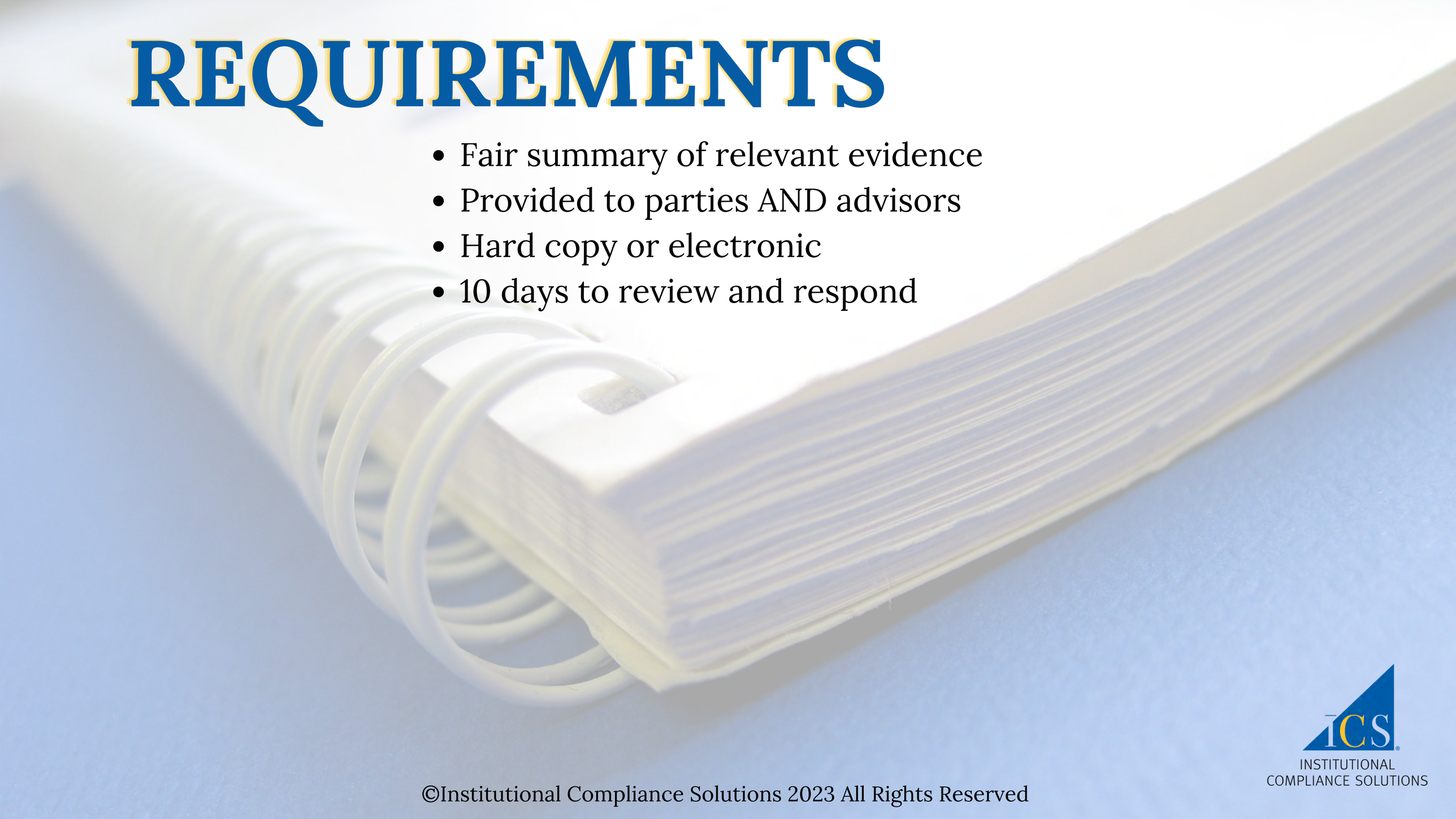
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"Compliance at Your Fingertips!"

REQUIREMENTS

- Fair summary of relevant evidence
- Provided to parties AND advisors
- Hard copy or electronic
- 10 days to review and respond



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REPORT CONTENT

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Intro

- Who/How Reported
- Who Investigated
- Allegations
- Policy
- Burden/Standard of Proof
- Definitions
- Timeline of Events
- List of Parties and Witnesses



Info From Parties and Witnesses

- Fair Summary of Relevant Evidence and Information
- By Party
- By Allegation
- Chronological
- If Something Isn't Included, Note Reason



Timeline of Investigation

- Reported
- Formal Complaint
- Notice of Allegations
- Notice of Meetings
- Dates of Meetings
- Dates of Collection of Evidence
- Delays



Appendix

- Screenshots
- Emails
- Photos
- Policy
- Notices
- Transcripts (if Recorded)
- Etc.

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AUDIENCE

- What is the intent of the report?
- Who needs to understand/use it?
- Where/how will it be used?

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ORGANIZATION

Easy to Follow, Clear, Concise

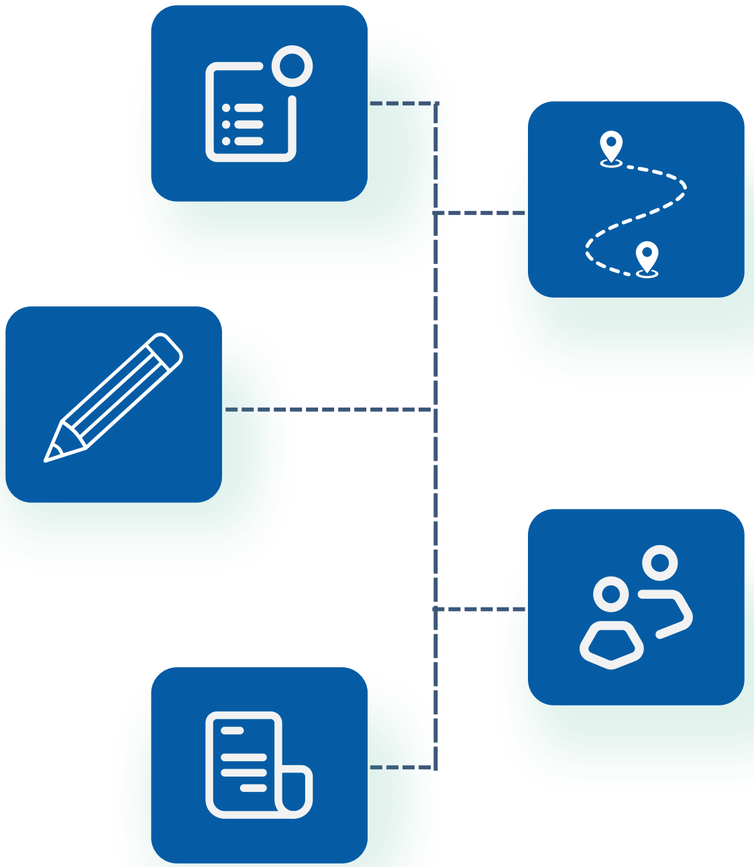
Can the reader follow the report and understand who reported/said what?

Includes the Basics

Assume the reader knows NOTHING

Consistent but Not Identical

There is room for a little flexibility



Roadmap for the Decision-Maker

This report will guide the decision maker, help them ask questions, and provide a road map for their process

Reviewed by Colleague

Trusted, Title IX counterpart

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LANGUAGE MATTERS

- Allegations (not charges)
- Complainant/Respondent
- Anatomically Correct
- Consistent/Inconsistent

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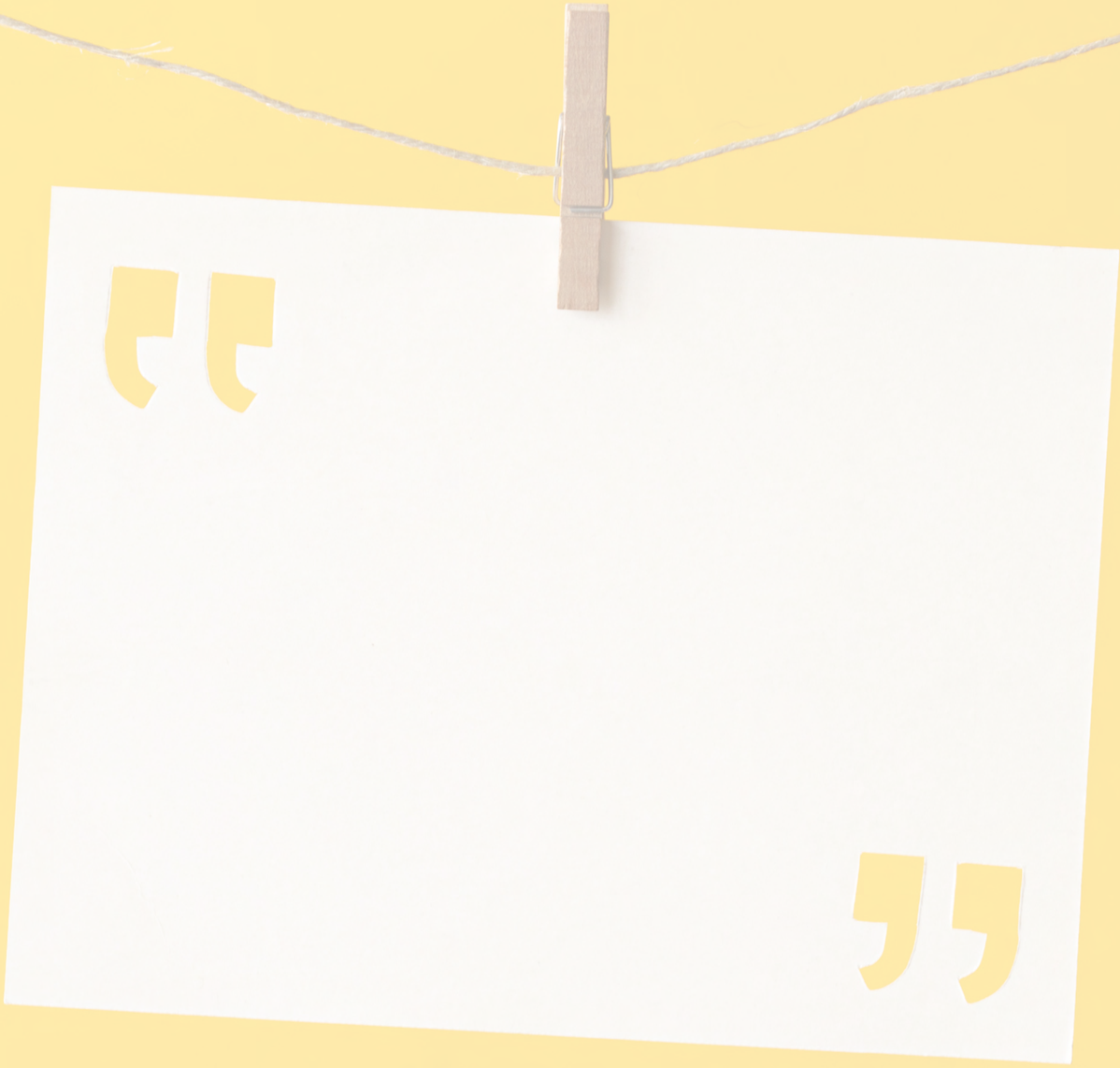
BURDEN

Burden to collect/gather evidence is on the school district (investigator … NOT THE PARTIES

How will you show that you tried?

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QUOTES: WHEN WILL YOU USE THEM?

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DOCUMENTATION



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INVESTIGATIVE TIMELINE

1

INVESTIGATE

2

OPPORTUNITY TO INSPECT AND REVIEW EVIDENCE RELATED TO ALLEGATIONS AND PROVIDE WRITTEN RESPONSE

10 days

3

INVESTIGATIVE REPORT

4

OPPORTUNITY TO REVIEW FINAL REPORT AND PROVIDE WRITTEN RESPONSE

10 days

5

Q & A RESOLUTION / HEARING

6

APPEAL

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Draft Report- Template

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