



COLORADO LEAGUE *of*  
CHARTER SCHOOLS



Title IX Investigator Training  
Session 2  
October 20, 2022

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# Investigator Training Outline

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~~Session 1: Standards for Title IX Investigations,  
Investigators, and the 5 Phases of an  
Investigation~~

**Session 2: Information Gathering**

Session 3: Information Review

Session 4: Creating a Report with Analysis and  
Determinations of Facts and Policy



# Session Handouts

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Handout 1 – Investigation Work Plan Template

Handout 2 – Evidence Tracking Form

Handout 3 – Communication Log

Handout 4 – Statement Template

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# Planning the Investigation



# Goals for Phase Two: Information Gathering

- The investigator gathers all available and relevant information related to the allegations through:
  - Conducting **interviews**
  - Collecting **other evidence** including documents, electronic materials (e.g., texts, social media posts, emails, phone logs), video and audio recordings.
- The Complainant and Respondent are each provided an opportunity to:
  - interview with the investigator
  - provide information to the investigator to review
  - identify other witnesses for the investigator to interview

# Goals for Phase Two: Information Gathering

See [Handout 1 – Investigation Work Plan Template](#)

- Identify and outline specific allegations made by Complainant (and Respondent if applicable)
  - Notices of Investigation should list the allegations – work with the Title IX Coordinator to ensure accuracy
  - Ensure that you understand the allegations
  - Review policy and procedures

# Identifying What Is Being Alleged

- Misconduct towards another because of:
  - **protected class** (discrimination or harassment)
  - **someone reporting wrongdoing** (retaliation)
- Does the misconduct violate:
  - Title IX law or regulations?
  - Harassment or discrimination prohibitions?
  - A school policy?
- How big is the problem?
  - How many people have been accused?
  - How many people have been affected?
  - Was this a single incident or pattern of behavior?

# Goals for Phase Two: Information Gathering

- Interview Complainant and Respondent
- Identify and interview witnesses
- Identify and collect documents or other relevant information
- Explore whether there may be information available that the parties may not know about (e.g. security footage, police reports, etc.)
- Once you have collected the evidence, provide Respondent and Complainant with opportunity to respond to allegations and identify witnesses and provide additional information



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Information  
Gathering Phase:  
Collecting  
Evidence

# Forms of Evidence

- **Documentary** (attendance records, school calendars, police reports, medical reports, etc. )
- **Physical evidence** (letters, visits to a location, property damage, etc.)
- **Demonstrative** (photographs, drawings, diagrams, security footage, etc.)
- **Electronic evidence** (text messages, emails, time records, etc.)

# Categories of Evidence

- **Direct:** The most powerful type of evidence, direct evidence requires no inference. The evidence alone is the proof.
- **Demonstrative:** An object or document that directly demonstrates a fact. Examples of this kind of evidence are photographs, video and audio recordings, charts, etc.
- **Circumstantial:** used to infer something based on a series of facts separate from the fact is trying to be proven. It requires a deduction of facts from other facts that can be proven.
- **Corroborating:** evidence used to confirm an assertion of a witness

# Collecting Evidence

- Consider reviewing any school-sponsored email systems for communications between the party.
- Become social media savvy (if you aren't already), particularly social media platforms that your school community uses.
- Make sure you have some way to track evidence you collect (see [Handout 2 – Evidence Tracking Form](#)).

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# Witness Interviews

The background is a dark blue gradient. A diagonal line runs from the bottom left towards the top right, creating two triangular sections. A thin, light blue horizontal line is positioned near the top of the page.

# Hierarchy of Witnesses

1. Complainant & Respondent
2. Eye-witnesses (individuals who observed the event or events)
3. Outcry witnesses
4. Informational witnesses
5. Similarly situated witnesses

“Character” witnesses have limited value – be cautious!

# Contacting Witnesses

- Contacting witnesses
  - In writing or verbally?
  - Ensuring a consistent message
  - Utilizing the Investigation Log (and why it matters)
  - Steps for every witness: Initial contact, schedule interview, conduct interview, draft summary, send summary, edit summary, obtained signed summary
- Maintain a Communications Log (see [Handout 3](#)) for each investigation.

# Witness Interviews

- Order of interviews depends on the circumstances
- Typical approach:
  - Interview Complainant first
  - Two theories concerning Respondents
    - Interview them after Complainant
    - Gather information from witnesses first and then interview the Respondent
  - Repeat interviews are encouraged



# Documenting Witness Interviews

- See [Handout 4 – Witness Statement Form](#)
- Witness summaries:
  - Provide an overview for the witness to include:
    - The Purpose of the Investigation
    - Request they maintain confidentiality
    - Explain the retaliation protections
    - Ask them to be truthful and complete in their answers
  - Explain that you will create a summary that they will review (if they are able to) and they will be expected to sign after review

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# Interviewing Strategies



# Plan the Interview

- Order of questioning can be important – organize your questions ahead of time
- Start with broad open-ended questions and keep narrowing
- Plan how you will approach sensitive subjects very carefully
- Try not to make assumptions
- Remember to capture the basics:
  - Who
  - What
  - Where
  - When
  - How

## Create a distraction-free environment

- Create conditions that feel safe and comfortable.
- Choose a convenient time to meet. Avoid scheduling a Title IX meeting between existing meetings so you do not feel rushed.
- Find a suitable meeting location and make any adjustments to the room.
  - A quiet place to reduce distraction.
  - Cover or minimize obvious distractions like televisions, windows, computers, etc.

## Create a distraction-free environment

- Consider where you sit. Sitting directly across the table, interrogation-style, can be perceived as threatening and creates a barrier. If possible, sit next to the person you are speaking with.
- Look at any materials together.
- Consider the impact your body language has on the meeting environment and tone.
- Crossing your arms, frowning, looking down over your glasses, checking e-mail or text messages, and other body language sends the message that you are not interested.

# Keep it Simple

- Avoid long and complicated sentences.
- Avoid frequent or rapid switches of topic.
- Keep the meeting short.
- Repeat important points several times.

# Use Active Listening

- Ask clarifying questions
- Use empathic statements at appropriate times.
- Repeat what has been said to signal that you understand.
- Make brief, affirming comments throughout a story to let them know that you're hearing them, e.g., *'That sounds really frustrating'* or *'Wow, that must have been really hard'*
  - BUT avoid language that suggests you have made a conclusion, e.g., *'Sure sounds like you were sexually harassed'*

# Opened- ended questions

- Use open-ended questions to optimize the ready exchange of information.
- Be mindful of your phrasing, making modifications as needed.
- Be aware when you are receiving limited, brief, yes-or-no responses, and ask questions that require greater responses.
- Use informal prompts (e.g., 'tell me more') to encourage more information, including key facts.



# Quantify Broad Statements

- When someone says, "He does that all the time."  
*Ask, "How often?"*
- When someone says, "I've never seen him do that."  
*Ask, "How long have you known him?"*
- When someone says, "He was angry"  
*Ask, "What does angry look like?"*  
*Look for **behaviors, not conclusions***

# Breakdown Conclusory Statements

When someone says, "She was totally drunk."

*Ask:*

*"What made you think she was drunk?"*

*"What behaviors did you observe that made you think that?"*

*"How much did you see her drink?"*

When someone says, "I think this happened because he's a boy."

*Ask:*

*"What made you think it was related to his gender?"*

*"Did anyone ever make comments about his gender?"*

*Look for objective facts – observations, statements, actions*

# Interviewing Tips

- Try never to interrupt or suggest an answer.
- Document if a witness shows emotions, like anger or tears, or uses grunts or gestures to respond to a question.
- Remain neutral in your questions and demeanor.
- Use silence to draw out information

## Closing Questions: Complainants & Respondents

- Allow them to provide all the information he/she wanted to provide
- Give them an opportunity to provide any documents he/she wanted investigator to consider
- Provide the opportunity to identify witnesses
- Opportunity to ask any questions about the investigation and adjudication process
- Identify specific allegations and obtain confirmation that there are no other issues related to the investigation

# Closing Questions for Witnesses

- Is there anything else that you think we should know that we have not discussed?
- We do not want to miss something simply because we did not ask the right question
- Is there anyone else that you think we should interview that we have not discussed?
- Are there any documents, text messages, pictures or any other things that you think might be relevant to what we discussed today?

# When do you have enough?

- How many witnesses should you interview?
- What about other witnesses identified by Complainant, Respondent and other witnesses:
  - Probe: what will this person tell me?
  - Decision regarding usefulness of the information is up to you

## Remember: Hierarchy of Witnesses

1. Complainant & Respondent
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# Interviewing Children





## Considerations for Interviewing Children

- Use language the child understands
- Be attentive to the child's language, phrasing, terms, and names of important people, places, or things. Use the terms and names they use.
- Use casual conversation at the beginning of an interaction to draw a sample of the child's language so you can mirror it.
- Get the child to discuss a neutral topic to put the child at ease with the situation.
- Err on the side of using language below or at a child's grade level and become more elaborate if you feel the child understands.

## Considerations for Interviewing Children

- Have objects available that a child can hold or manipulate during the conversation.
- Avoid assuming children cannot comprehend relevant information. Children usually understand more than adults give them credit for understanding.
- Children, especially those with trauma histories, are adept at reading adults and can see when someone is not being truthful or may be withholding information.
- Young children tend to focus on one aspect at a time in conversation. Simple sentence structure with a subject, a verb, and an object will be most successful. This pattern is recommended until at least age ten.

## When Parents or Guardians are Involved

- Always seek parental permission when the child is a complainant or a respondent regardless of their age.
- Witnesses who are over the age of 13 may not need parental permission but it's a good idea to follow up with an email to the parent to let them know the child was interviewed.
- When parents are present, make sure that they understand you need information from the child not the information filtered through the parent.
- If a parent does not want their child to be interviewed, consider getting the information in a written statement.

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# Helpful Links

The Title IX Law:

<https://www.justice.gov/crt/title-ix-education-amendments-1972>

US Department of Education Site:

<https://sites.ed.gov/titleix/>

Colorado Department of Education Resources:

[https://www.cde.state.co.us/cde\\_english/titleix](https://www.cde.state.co.us/cde_english/titleix)

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Next  
Session  
October 27

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