
Title IX Investigator Training for K-12 Districts & COEs

Session One



Septemebr 30, 2026

Presented by:

Lexe Davidson, Partner

adavidson@aalrr.com • (949) 453-4260

Beverly Nwanna, Partner

beverly.nwanna@aalrr.com • (951) 683-1122



aa/rr Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Title IX Investigator Training for K-12 Districts & COEs

Title IX Investigator Training

SESSION ONE

PRESENTED BY:
Alexandria Davidson, Partner
Beverly Nwanna, Partner

Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego



0

Agenda

- Definitions for Training
- Review Title IX Investigator Roles
- Introduce the Hypothetical & Investigation Plan
- Plan the Investigation & Prepare for Interviews
- Interviewing Tips
- Weigh the Evidence & Determine Disputed and Undisputed Issues
- Application to Hypothetical



aa/rr

1

1

Definitions for Training

- Complainant
- Respondent
- Parties
- Witness
- Advisor
- Grievance Process
- Other

aa/rr

2

2

Review Title IX Investigator Roles

Investigator Role:

- Must be trained, knowledgeable, impartial, unbiased & free from general or specific conflicts of interest
- Reviews formal complaint & interviews parties and witnesses; gathers, reviews & synthesizes evidence
- Assesses relevance, credibility & weight of evidence
- Provides **Draft Report of Evidence** to Complainant/Advisor & Respondent/Advisor for review and comment; investigator revises as needed
- After considering responses, provides **Final Investigative Report** to parties/advisors for review and comment; report includes disputed and undisputed facts & summary of relevant evidence
- Investigator does **not** make decision about whether Respondent has engaged in sexual harassment

aa/rr

3

3

Review Title IX Investigator Roles

- Presume Respondent is *not responsible* for the alleged conduct
- Complainant and Respondent do *not* have the burden of proof or the burden to gather sufficient evidence
- Provide written notice for all interviews with sufficient time for a party to prepare to participate with advisor
- Do not give confidentiality admonishments to Complainant or Respondent; consider advising against tampering with evidence or witnesses
- Provide parties with equal opportunity to present witnesses, including expert witnesses and other inculpatory and exculpatory evidence
- Do not gather privileged information without voluntary, written consent (e.g., physician or psychiatrist records, etc.)

REVIEW HYPOTHETICAL & INVESTIGATION PLAN

Promptly Review the Complaint

- Review **Hypothetical Complaint** and **Notice of Allegations**
 1. Who are the **parties**?
 2. Who are potential **witnesses**?
 3. Identify other potential **evidence**?
 4. What general **claims** are asserted or described?
 5. What **policies** are potentially violated?
 6. What **allegations** should you ask questions about?
 7. What's the **chronology**?
- Create an **Investigation Plan**

PLAN THE INVESTIGATION & PREPARE FOR INTERVIEWS

Create an Investigation File

- Paper file, binder with tabs, electronic file, etc.
 - Section for Formal Complaint, Supportive Measures, Notice of Allegations, Policies/Regulations, Definitions, etc.
 - Section for Investigation Plan and updates
 - Section for communication with Complainant/Advisor, Respondent/Advisor, Witnesses, Title IX Coordinator
 - Phone/email log
 - Notice of Interview for parties/advisors
 - Notice to extend timelines
 - Section for each party and witness with interview notes, draft witness summary, final witness summary, and list of evidence submitted
- Create a timeline for investigation, calendar important dates, and foresee holidays, office closures, and busy times

aa/rr

8

8

Create a Timeline for the Hypothetical

- Looking at a calendar, assume you have **45 calendar days from October 6, 2020**, to complete your investigation, exchange evidence (10 days), and deliver the Final Investigative Report to the parties and their advisors (if any) to review and provide written responses (10 days)
- Calendar your goals to complete the following tasks:
 - Date to complete all interviews and gather evidence
 - Date to complete witness statements (signed statement process optional)
 - Date to send Draft Report of Evidence to the parties and their advisors
 - Date to send Final Investigative Report to parties and their advisors
 - Date to send Final Investigative Report with attached written responses to Title IX Coordinator & Decision-Maker

aa/rr

9

9

Prepare Interview Environment

- General Location or Platform (school office, county office, district office, Zoom?)
- Waiting Area
- Interview Room
 - Private
 - No distractions
 - Choices
 - Easy access to exit
 - Enough room for more than one advisor
 - Clear visual of interviewee
 - Water, tissues, paper, and pencil
- Exiting considerations

aa/rr

10

10

Prepare Notice of Interview

- Provide written notice of the investigative interview to each **party** with sufficient time for the party to prepare to participate.
 - Query: Will Title IX Coordinator or Investigator prepare and/or send notice?
- The Notice shall include:
 - Date
 - Time
 - Location
 - Participants
 - Purpose
 - A party may bring advisor of choice
- Consider reiterating what evidence to bring, if any

aa/rr

11

11

Prepare Interview Introduction & Advisements

- Sample Introductory **Comments by Investigator**
 - Introduce yourself and your role:
 - Review the complaint and relevant policies
 - Interview witnesses
 - Gather and review relevant and directly related evidence on all sides
 - Ask follow-up questions, as needed
 - Weigh the evidence and determine what is undisputed or in dispute
 - Maintain confidentiality **outside** of the complaint process
 - **For Complainant and Respondent:** Provide the parties and advisors with a Draft Report of Evidence and then a Final Investigative Report which fairly summarizes the relevant evidence, both for review and comment

aa/rr

12

12

Prepare Interview Introduction & Advisements

- Sample **Introductory Instructions** for Parties and Witnesses
 - Listen carefully to questions, answer truthfully, and be forthcoming with relevant information
 - We want evidence in its best, most original form, so do not tamper with any evidence (give examples of tampering)
 - Retaliation is against the law and policy. Please report retaliation to Title IX Coordinator or Supt and do not retaliate against anyone involved in this process
 - **For witnesses only:** Maintain confidentiality about the identities of the parties or witnesses and the information revealed during the interview
 - **For advisors only:** Discuss protocols established by educational institution, such as not answering for a party, not interrupting questions or answers, asking for a break after an answer and before next question, confidentiality, etc.

aa/rr

13

13

Prepare Scope of Questions

- For Complainant, prepare for the interview by outlining subjects to cover and/or questions to ask
 - **Review Hypothetical**
- After interview with Complainant, prepare an outline or list of questions for each Witness based on their likely scope of knowledge
- After interviews with Complainant and Witnesses, prepare an outline of subjects to cover, general questions, **and** specific questions for the Respondent
- Provide Respondent with a full and fair opportunity to respond to all of the allegations
- Prepare specific follow-up questions as needed

aa/rr

14

14

INTERVIEWING TIPS

aa/rr

15

15

Trauma-Informed Interviewing Tips

- Complainant, Respondent, and/or Witnesses may experience some type of discomfort or trauma related to the allegations or involvement in a Title IX complaint and investigation
- Consider the tone of your communications and questions
 - Are you showing respect to all people involved in the investigation?
 - Are you empathetic about the difficulty of this process?
 - Are you compassionate about what it's like to be in this situation?
 - Are you exhibiting patience?
- Investigator's **goal is to objectively and thoroughly gather relevant evidence with a respectful and compassionate demeanor**

Initial Questions

- After the introduction and advisements, consider asking routine **questions to “warm-up”** and provide an opportunity to observe any baseline communication patterns. Sample questions:
 - What grade/year are you? What are you studying? What class are you missing right now? What are your plans after graduation?
 - What is your job title? How long have you worked in that position? Who is your supervisor? What are your general job responsibilities?

Narrative Questions

Explain you have reviewed the Complaint and the NOA

- Tell me what happened on August 21, 2020, with Respondent
 - Allow for a narrative and, generally, do not interrupt
 - Take copious notes and identify areas for follow-up questions
- Acknowledge their story (e.g., “Thank you for explaining this to me.”)
- Explain you will now go back and ask follow-up questions for additional information and/or a better understanding
- Ask all relevant follow-up questions

Open-ended Questions

- Ask **Who, What, Where, When, Why, and How** questions **for every allegation**, as well as any follow-up questions to understand the alleged incidents
- If there are multiple allegations, consider asking the Complainant to start from the first incident or start with the most recent incident and work in chronological order. *Caveat:* Some witnesses do not recall or think in a chronological fashion; follow witness’s lead
- For each allegation, start broad but circle back for additional details

Listen Closely & Follow-up

Example:

- Q: When did it happen? A: Yesterday.
- Q: What time yesterday? A: Fourth period.
- Q: What time of day was that exactly? A: About 11:50 a.m.
- Q: Where did it happen? A: At school.
- Q: Where at school? A: On the yard.
- Q: Where on the yard? A: Right by the hopscotch court.
- Q: Who was there? A: My friends.
- Q: What are your friends' names? A: Quentin and Jeremy.
- Q: What are their last names? A: Quentin James and Jeremy Brown.

aa/rr

20

20

Listen Closely & Follow-up

- When you listen closely, you may notice gaps in the Party's or Witness's statements. Ask follow-up questions to fill in those gaps. Some examples:
 - “**Before I knew it**, Respondent was fondling my breast.”
 - “**Eventually**, Respondent told me what I was supposed to do.”
 - “**After a while**, I knew what Complainant wanted.”
 - “**One thing led to another**, and Respondent touched my private area.”
- Ask questions to elicit additional information

aa/rr

21

21

Listen Closely & Follow-up

- When you hear conclusory language, ask more questions:
 - “***It happens all the time.***”
 - Ask, “How often?”
 - “Over what time period?”
 - “***Sam never made that statement.***”
 - Ask, “How much time do you work together during the day and over the week?”
 - “How long have you been in the same classes?”
 - “Is it possible Sam said something like that?”
 - “***Sam can’t stand me.***”
 - Reply, “Tell me more about that.”
 - “How did you come to know that?”
 - “Can you give me some examples?”

aa/rr

22

22

Do Not Avoid Difficult Questions

- Learn to note and address the following:
 - Repetitive use of “I don’t remember” or “I don’t recall”
 - Evasive, rambling responses
 - Refusals to answer
 - Answers that are self-contradictory or obviously false
- Ask questions about authenticity of electronic evidence
 - Are texts, videos, photos, or screenshots altered?
 - Ask for properties information for photos, date taken, etc.
- May need to explain potential effect of editing their testimony or changing a written witness summary after interview

aa/rr

23

23

Types of Questions for Investigator to Avoid

- Avoid **leading** questions
 - “You felt helpless, didn’t you?”
 - “You wanted to be there, didn’t you?”
 - “They are treating you this way because of your gender and skin color, right?”
- Avoid **negative** questions
 - “You don’t know the password, do you?”
- Avoid **compound** questions
 - “What time did you arrive, and how long were you there?”
- Avoid **vague** questions
 - “Why is that?”

Summary: How to Get the Most Out of an Interview

Ask the right questions	Be a good, impartial listener and keen observer	Ask witness to demonstrate	Document	Be prepared to assess credibility
• Begin with narrative questions • Ask who, what, where, when, why, and how questions • Ask specific questions to elicit key information	• Notice vague answers • Ask follow-up questions • Repeat the questions if witness fails to answer • Observe unusual non-verbal cues & ask more questions	If appropriate: • Have witness demonstrate the behavior • Tour the scene of the incident with you • Ask witness to draw a diagram	• Take thorough notes of questions and answers • Consider creating written summaries for parties & witnesses to review & sign, (depending on policy, regs, or procedures)	Make note of: • Consistent and inconsistent statements • Corroboration • Inherent plausibility or lack thereof • Recognize bias, motive to falsify

Problem Solving Common Issues

- Unavailable Witness
 - Document attempts to contact; use various methods (e.g., phone message, email, text, etc.)
- Reluctant Witness or Witness Refusal to Participate
 - Acknowledge, answer questions, explain role in process, explain not likely only witness
- Difficult Advisors
 - Remind of protocols
 - Answer or refer questions
 - Give warning
 - Stop interview and notify Title IX Coordinator
- Recover from change in direction of interview
- Capture electronic evidence in best form

aa/rr

26

26

Close the Interview

- Ask closing questions:
 - “Is there anything else you think I **should know**?”
 - “Is there anything else I should have **asked** you?”
- Explain your **follow-up** process:
 - “I may need to ask you follow-up questions at some point during the investigation. How would you like me to contact you?”
 - “Are there any times of the day that are off-limits to call or text you?”
 - “Do you want your advisor present for any further communications?”
- Consider acknowledging the difficulties of this important process, especially if you observed stress during the interview
- **Thank** each and every person for their participation

aa/rr

27

27

Prepare Interview Notes and/or Summaries

- **Review interview notes** as soon as possible
 - Schedule time after each interview to review notes
 - Fill-in abbreviated words & sentences, correct spelling & grammar, clarify vague pronouns, add correct names, note your relevant observations
 - Do not add or embellish information that was not discussed
 - Make a list of any questions missed or areas needing clarification; seek follow-up information
- **OPTIONAL:** Create a typed, double-spaced witness summary for Complainant, each Witness, and Respondent; consider using a format with numbered lines in margin
 - Send Draft Witness Summary to Complainant/Advisor, each Witness, and Respondent/Advisor with directions to review, edit mistakes, sign, and return
 - Keep track of any substantive changes and/or comments

**WEIGH THE EVIDENCE &
DETERMINE DISPUTED AND
UNDISPUTED ISSUES**

Review All of the Evidence Gathered

- Review the formal complaint, NOA, and policies again to refresh your memory of allegations and the policy definitions for the type of sexual harassment allegations
- Review all documents, photos, texts, videos, or other evidence gathered
 - Determine and set aside any evidence provided to you which is irrelevant and will not be considered

Identify Undisputed and Disputed Issues

- **Common Undisputed Issues**
 - Nature of relationship, age, how met, prior communications
 - Date, general time, location, who was present
 - Sexual or intimate relationship
- **Common Disputed Issues**
 - Sexual activity
 - Consent
 - Force, duress, or threats
 - Incapacitation
 - Intent
 - Words
 - Tone

Important Definitions Regarding Evidence

- **Direct Evidence**
 - Evidence in the form of testimony from a **witness who actually saw, heard, touched, tasted, or smelled the subject of questioning**. Evidence, which if believed, proves existence of a fact in issue without inference or presumption.
- **Circumstantial Evidence**
 - Testimony which is *not* based on actual personal knowledge or observation of the facts in dispute, but testimony of **other facts from which deductions are drawn, showing indirectly the facts sought to be proved**. Inferences drawn from facts proved.
- **Corroborating Evidence**
 - Evidence **supplementary** to that already given and **tending to strengthen or confirm it**. Additional evidence of a different character to the same point.

Credibility Factors to Weigh Disputed Evidence

- Actual Knowledge/Opportunity to Observe or not Observe
- Inherently Plausible or Implausible
- Direct or Indirect Corroboration
- Consistent or Inconsistent Statements
- Material Omission or Material Admissions

APPLICATION TO HYPOTHETICAL

Undisputed and Disputed Material Evidence

- Review the hypothetical and compare Complainant's version of events (1-7) with Respondent's version of events (A-I)
 - What material information is **not** in dispute or **UNDISPUTED**?
 - Example: The Parties both attend pull-out speech sessions at the same time.
 - Example: The Complainant and Respondent went to the library after school on August 21, 2020, and the Librarian was present when the parties were there.
 - What material information is in dispute or **DISPUTED**?
 - Example: Respondent was flirting vs. Respondent was friendly like a sibling.
 - Example: Respondent chose a table far away from the Librarian to avoid bothering the Librarian vs. Respondent did not want the Librarian to observe/hear them.
 - Create a list of **UNDISPUTED** and **DISPUTED** evidence.....**for Session Two.**

Question & Answer Session

36

Disclaimer

This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The firm is not responsible for inadvertent errors that may occur in the publishing process.

© 2026 Atkinson, Andelson, Loya, Ruud & Romo





37

37

Thank You

For questions or comments, please contact:

{

{

Alexandria Davidson
(949) 453-4260
adavidson@aalrr.com

Beverly Nwanna
(951) 683-1122
beverly.nwanna@aalrr.com

}

}

aa/rr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Alexandria M. Davidson

Partner

949-453-4260

adavidson@aalrr.com



Alexandria Davidson represents California public school districts as general counsel. She has experience with employment-related matters, including certificated and classified employee discipline, reductions of force, collective bargaining interpretations, and general labor and employment issues. Ms. Davidson has experience representing clients before the Office of Administrative Hearings, the Civil Rights Department (formerly the Department of Fair Employment and Housing), Equal Employment Opportunity Commission, the Public Employment Relations Board, Department of Industrial Relations, and the Labor Commissioner. Ms. Davidson also advises on general governance issues, the California Public Records Act, and the Brown Act.

Ms. Davidson is an experienced investigator and manager of investigations conducted under District policies and processes, including Uniform Complaint processes and complaints against employees. She routinely advises clients regarding Title IX processes. Her practice also includes student discipline and general student matters.

Ms. Davidson provides regular updates and trainings for her clients. Her most sought-after trainings include FRISK, PROOF, Title IX, and investigation practices.

OFFICE

20 Pacifica
Suite 1100
Irvine, CA 92618

INDUSTRIES

Private Colleges and Universities
Private Schools

EDUCATION

J.D., Chapman University, Dale E.
Fowler School of Law
B.A., University of California, Santa
Barbara

ADMISSIONS

2007, California

PRACTICE AREAS

Contract Enforcement &
Collective Bargaining
Education
First Amendment in Higher
Education
Investigations
Labor & Employment Law
Litigation
Title IX

Beverly A. Nwanna

Partner

951-683-1122

beverly.nwanna@aalrr.com



Beverly Nwanna represents educational agencies throughout Southern California in all employment matters, including employee evaluations, discipline, reasonable accommodations, interactive process meetings, restraining orders, contract enforcement, and other areas of general education law. She has represented clients before state courts and administrative bodies, including the Office of Administrative Hearings, California Civil Rights Department, Equal Employment Opportunity Commission, and Public Employment Relations Board.

Ms. Nwanna frequently conducts impartial, thorough, and effective investigations following student and staff complaints, including complaints of discrimination, harassment, and bullying. She is also an experienced and effective trainer in a variety of areas, including Title IX sexual misconduct matters; investigations; the Brown Act; mandated reporting; prevention of harassment, discrimination, bullying and retaliation; and the FRISK® Documentation Model.

Prior to joining the firm, Ms. Nwanna was a civil litigation attorney, handling medical malpractice and personal injury cases. While in law school, Ms. Nwanna served as the Executive Managing Editor for the Los Angeles Public Interest Law Journal and the Director of Communications for the Western Region Black Law Students Association.

OFFICE

3390 University Avenue
Suite 300
Riverside, CA 92501

INDUSTRIES

Public Educational Agencies &
Institutions

EDUCATION

J.D., Loyola Law School
B.A., University of Notre Dame

ADMISSIONS

2014, California
U.S. District Court, Central District
of California

PRACTICE AREAS

Discrimination & Harassment
Education
Education Litigation
Employee Performance &
Evaluation
Investigations
Labor & Employment Law
Title IX

Title IX Investigator Training for K-12 Districts & COEs

Session Two



California Schools JPASM

Septemebr 30, 2026

Presented by:

Lexe Davidson, Partner

adavidson@aalrr.com • (949) 453-4260

Beverly Nwanna, Partner

beverly.nwanna@aalrr.com • (951) 683-1122

aa*lrr* Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

aa/rr Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Title IX Investigator Training for K-12 Districts & COEs

Title IX Investigator Training

SESSION TWO

PRESENTED BY:
Alexandria Davidson, Partner
Beverly Nwanna, Partner

Cerritos • Fresno • Irvine • Marin • Pasadena • Pleasanton • Riverside • Sacramento • San Diego

0

Agenda

- Reminder of Investigator Role
- Build a Draft Report of Evidence and Attachments
- Share Draft Report of Evidence with the Parties and Advisors
- Prepare & Share Final Investigative Report
- Application to Hypothetical: Undisputed and Disputed Material Evidence
- Conclusion

aa/rr

1

1

Investigator
Role:

- Prepares and provides a **Draft Report of Evidence and Attachments** to Complainant/Advisor & Respondent/Advisor for review and comment; investigator gathers more evidence and/or revises, as needed
- After considering responses, prepares and provides **Final Investigative Report** to Parties/Advisors for review and comment; report describes relevant disputed and undisputed material facts
- Investigator does **not** make factual findings or decision about whether Respondent has engaged in sexual harassment

aa/rr

2

2

BUILD A DRAFT REPORT OF
EVIDENCE AND ATTACHMENTS

aa/rr

3

3

Draft Report of Evidence and Attachments

- Before completing the investigation, provide a ***Draft Report of Evidence and Attachments*** to both parties & advisors via electronic format or a hard copy.
 - Parties shall have an equal opportunity to inspect and review any evidence obtained during the investigation that is directly related to the allegations, including evidence which the investigator does *not* intend to rely upon, as well as inculpatory and exculpatory evidence regardless of where it was obtained, so the parties can meaningfully respond to the evidence *before* the conclusion of the investigation.
 - Prior to completion of the final investigative report, the parties must have at least 10 days to review the evidence and submit written responses for the investigator's consideration.
- During this review process, the investigator must share any new evidence with the parties and continue the investigation related to new information, if needed.
See 34 CFR §106.45(b)(5)(i-vii)

Contents of Draft Report of Evidence and Attachments

- Cover Page
- Body of Report with Headings
 - **Brief Introduction**
 - Date of formal complaint
 - Date investigator assigned
 - Name of Complainant and Respondent, with brief summary of allegation(s) against Respondent
 - Summary of scope of the investigation consistent with Notice of Allegations
 - *Type of writing:* Clear, concise, easy to read and understand; this section of the report sets the stage and provides first impression

Contents of Draft Report of Evidence and Attachments

- Body of Report with Headings, continued
 - **Investigative Background**
 - List witnesses interviewed
 - Note unavailable witnesses & efforts to reach, refusals to participate, or decisions not to interview
 - Note advisor names, if any
 - Note any advisements, protocols, releases, and/or agreements, if any
 - List documents reviewed, released, unavailable, withheld, or not sought
 - List evidence not considered, not released, unavailable, withheld, or not sought
 - Examples may include audio/visual information, previously deleted evidence, or privileged information (e.g., mental health files, SANE evidence, etc.)

Contents of Draft Report of Evidence & Attachments

- Body of Report with Headings, continued
 - **Investigative Background**
 - Relevant Policies and Procedures/Regulations guiding the investigation
 - Summarize and/or quote relevant parts
 - Evidentiary Standard for the Complaint Process
 - Preponderance of the Evidence or Clear and Convincing Evidence
 - Independence of the Investigator
 - Timing or Duration Issues
 - Other, if needed
 - *Type of Writing*: Demonstrates impartiality, fairness, and thoroughness of your investigation methods & your consideration of issues raised; preemptively addresses various reader questions (parties, decision-maker, appeal officer, etc.)

Contents of Draft Report of Evidence & Attachments

- Body of Report with Headings, continued
 - **Evidence Regarding Allegations**
 - Complainant's Allegations & Perspective
 - Include interview summary and summary of documents provided by Complainant, if any
 - Respondent's Response & Perspective
 - Include interview summary and summary of documents provided by Respondent, if any
 - Witness Perspectives
 - Include interview summary and summary of documents provided, if any, by each witness

Contents of Draft Report of Evidence & Attachments

- Body of Report with Headings, continued
 - **Evidence Regarding Allegations**
 - Documents or Other Evidence Gathered
 - Screenshots, photographs, text messages, videos, audio recordings, etc.
 - School calendars, bell schedules, and/or campus maps
 - Student or employee handbooks
 - Closing Statement
 - “This concludes the confidential Draft Report of Evidence”
 - *Type of Writing*: Write in a simple, clear, and “readable” style **without** altering the content or the meaning of the parties’ or witnesses’ testimony; use legal thinking to help identify and summarize the relevant, directly related, and material information for the parties, Decision-Maker, and other readers

SHARE DRAFT REPORT OF EVIDENCE WITH PARTIES AND ADVISORS

Consider Consent & Release Agreements

- Consider seeking Student/Parent Permission and Consent for the District to Share Evidence with Parties and Advisors
 - Seek written consent from Complainant for the District to speak with to the Respondent and both party advisors about the specific Title IX complaint process
 - Seek written consent for the District to provide the Parties and Advisors with the opportunity to review the Draft Report of Evidence and Attachments or other confidential documents
 - The goal is to seek permission to review confidential pupil records within the Title IX complaint process and to maintain confidentiality outside of the Title IX complaint process
 - Query: Response to refusals to consent? Deny access to information?

Consider Consent & Release Agreements

- Consider seeking Agreement from Advisors Not to Disclose Confidential Information Outside of the Title IX Complaint Process
 - Seek agreement with Advisors to maintain the privacy and confidentiality of the records and evidence shared with Advisors during the complaint process
 - Seek agreement with Advisors not to share the records and evidence with other witnesses during the process or with the public outside of the Title IX process. Clarify that Advisors cannot use the records or evidence for purposes not explicitly authorized by the agreement
 - The District may restrict the role of any Advisor who does not respect the sensitive and confidential nature of the complaint process or who fails to abide by the District's privacy expectations; apply restrictions equitably

Consider Redaction, Initials, or Pseudonyms

- Another tool to help protect confidentiality is to provide the Draft Report of Evidence and Attachments with:
 - Use redacted names
 - Use initials instead of full names
 - Use pseudonyms (i.e., Complainant, Respondent, Witness 1, Witness 2, etc.)
- Provide a “key” to the Parties and Advisors via a different delivery method to reduce risk of public disclosure

Consider Logistics of Electronically Sharing Evidence

- Sharing the Draft Report of Evidence and Attachments Electronically
 - The goal is to allow the review of evidence with tools to maximize the confidentiality of the information and minimize the ability to share the confidential information or documents with people other than advisors
 - Consult IT staff about electronic options available within your organization
 - Electronic options may include, but are not limited to:
 - Dropbox
 - Google Drive
 - Adobe
 - One Hub
 - Box
 - Lock Lizard
 - One Drive



14

14

Consider Logistics of Physically Sharing Evidence

- Sharing a Physical Copy of the Draft Report of Evidence and Attachments
 - The goal is to provide a physical review of evidence while maximizing confidentiality and minimizing the ability to share confidential information or documents with people other than advisors
 - Provide physical documents for review on-site during arranged times
 - Locations may include conference room, empty classroom, after hours in library, or other office space
- Allow multiple opportunities and lengths of time for review
- Retrieve the physical documents after each review, and provide the same physical documents for additional reviews



15

15

Impact of Sharing Draft Report of Evidence

- During the review the evidence, the Parties or Advisors may:
 - Notice missing information
 - Review evidence that elicits an additional response, triggers a memory, helps identify other relevant documents or additional witnesses, and/or identifies additional questions for witnesses
 - Identify and understand the evidence that will not be relied upon during the complaint process
 - Seek informal resolution process before the determination
 - Identify potential investigator bias, conflict of interest, or lack of impartiality
- Investigator should report any issues to the Title IX Coordinator, as appropriate

PREPARE & SHARE FINAL INVESTIGATIVE REPORT

Final Investigative Report - Overview

- Prepare a **Final Investigative Report** that **fairly summarizes the relevant evidence**
 - Relevant evidence includes the **who, what, where, when, why, and how** information for each **material** allegation within the scope of the investigation
 - Relevant evidence *may* also include pointing out the weight of the evidence related to consistency/inconsistency, corroboration/lack of corroboration, plausibility/improbability, opportunity/lack of opportunity to observe, and material omissions or admissions
- The Final Investigative Report helps the Decision-Maker understand the relevant evidence in order to help the Parties engage in written cross-examination and to ultimately make factual findings & a decision

aa/rr

18

18

Contents of Final Investigative Report

- Similar Organization of Draft Report and duplication
- Amend Title of Cover Page
- Mostly the Same Headings as the Draft Report
 - **Introduction**
 - **Investigative Background**
 - Update the Investigative Background to include the Party's feedback and any new evidence
 - **Evidence Regarding Allegations**
 - Update the Evidence Section with any new evidence obtained by the Parties or Witnesses
 - **Fairly Summarize the Relevant Evidence for the Parties and Decision-Maker**
 - **Identify Undisputed and Disputed Material Facts**
 - Mention Investigator's observations about the weight of the evidence

aa/rr

19

19

Share Final Investigative Report with Parties

- Provide the **Final Investigative Report** to each Party and the Party's Advisor(s) in an electronic format or hard copy for review and written response at least 10 days prior to the time of determination of responsibility by the Decision-Maker
- Investigator reviews written responses, attaches the written responses to the report, and delivers the Final Investigative Report to the Title IX Coordinator, Decision-Maker, and the Parties
- Unless the Decision-Maker has procedural questions or minor requests for additional information from the Investigator, the investigation phase of the Title IX complaint process is complete
- The Investigator could be called as a witness in a hearing, an appeal, or for a student or employee discipline hearing

Application: Undisputed and Disputed Material Evidence

- Compare Complainant's version of events (1-7) with Respondent's version of events (A-I)
 - What material information is **not** in dispute or **UNDISPUTED**?
 - Example: The Parties both attend pull-out speech sessions at the same time.
 - Example: The Complainant and Respondent went to the library after school on August 21, 2020, and the Librarian was present when the parties were there.
 - What material information is in dispute or **DISPUTED**?
 - Example: Respondent was flirting vs. Respondent was friendly like a sibling.
 - Example: Respondent chose a table far away from the Librarian to avoid bothering the Librarian vs. Respondent did not want the Librarian to observe/hear them.
 - **Discuss Audience Identification of Undisputed and Disputed Material Facts**

Conclusion: Seek Assistance When Needed

- The new Title IX regulations and the Office for Civil Rights' commentary on the regulations include extensive, complex, and legalistic principles
- When in doubt, consider seeking:
 - Additional training opportunities
 - Advice from legal counsel
 - Opportunities to shadow an experienced investigator, or
 - Legal counsel review of your Draft Report of Evidence or your Final Investigative Report
 - Outside, trained professionals to investigate for your educational entity

Question & Answer Session

Disclaimer

This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The firm is not responsible for inadvertent errors that may occur in the publishing process.



© 2026 Atkinson, Andelson, Loya, Ruud & Romo



24

24

Thank You

For questions or comments, please contact:



Alexandria Davidson
(949) 453-4260
adavidson@aalrr.com



Beverly Nwanna
(951) 683-1122
beverly.nwanna@aalrr.com



aalrr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

25

Alexandria M. Davidson

Partner

949-453-4260

adavidson@aalrr.com



Alexandria Davidson represents California public school districts as general counsel. She has experience with employment-related matters, including certificated and classified employee discipline, reductions of force, collective bargaining interpretations, and general labor and employment issues. Ms. Davidson has experience representing clients before the Office of Administrative Hearings, the Civil Rights Department (formerly the Department of Fair Employment and Housing), Equal Employment Opportunity Commission, the Public Employment Relations Board, Department of Industrial Relations, and the Labor Commissioner. Ms. Davidson also advises on general governance issues, the California Public Records Act, and the Brown Act.

Ms. Davidson is an experienced investigator and manager of investigations conducted under District policies and processes, including Uniform Complaint processes and complaints against employees. She routinely advises clients regarding Title IX processes. Her practice also includes student discipline and general student matters.

Ms. Davidson provides regular updates and trainings for her clients. Her most sought-after trainings include FRISK, PROOF, Title IX, and investigation practices.

OFFICE

20 Pacifica
Suite 1100
Irvine, CA 92618

INDUSTRIES

Private Colleges and Universities
Private Schools

EDUCATION

J.D., Chapman University, Dale E.
Fowler School of Law
B.A., University of California, Santa
Barbara

ADMISSIONS

2007, California

PRACTICE AREAS

Contract Enforcement &
Collective Bargaining
Education
First Amendment in Higher
Education
Investigations
Labor & Employment Law
Litigation
Title IX

Beverly A. Nwanna

Partner

951-683-1122

beverly.nwanna@aalrr.com



Beverly Nwanna represents educational agencies throughout Southern California in all employment matters, including employee evaluations, discipline, reasonable accommodations, interactive process meetings, restraining orders, contract enforcement, and other areas of general education law. She has represented clients before state courts and administrative bodies, including the Office of Administrative Hearings, California Civil Rights Department, Equal Employment Opportunity Commission, and Public Employment Relations Board.

Ms. Nwanna frequently conducts impartial, thorough, and effective investigations following student and staff complaints, including complaints of discrimination, harassment, and bullying. She is also an experienced and effective trainer in a variety of areas, including Title IX sexual misconduct matters; investigations; the Brown Act; mandated reporting; prevention of harassment, discrimination, bullying and retaliation; and the FRISK® Documentation Model.

Prior to joining the firm, Ms. Nwanna was a civil litigation attorney, handling medical malpractice and personal injury cases. While in law school, Ms. Nwanna served as the Executive Managing Editor for the Los Angeles Public Interest Law Journal and the Director of Communications for the Western Region Black Law Students Association.

OFFICE

3390 University Avenue
Suite 300
Riverside, CA 92501

INDUSTRIES

Public Educational Agencies &
Institutions

EDUCATION

J.D., Loyola Law School
B.A., University of Notre Dame

ADMISSIONS

2014, California
U.S. District Court, Central District
of California

PRACTICE AREAS

Discrimination & Harassment
Education
Education Litigation
Employee Performance &
Evaluation
Investigations
Labor & Employment Law
Title IX

Hypothetical for Title IX Investigators' Training***Investigation Planning***

Identify Witnesses. Review the hypothetical. Identify the Complainant, Respondent and potential Witnesses. List potential witnesses and the subjects you would discuss with those witnesses:

Identify Other Evidence. List other tangible, potential evidence:

Identify Relevant Policy Language. Review the potential policy violations listed in the NOA and review the Title IX definitions. (For this exercise, describe the Title IX elements of sexual harassment and fondling):

Elements of Title IX Sexual Harassment:**Elements of Title IX Fondling:**

Identify Allegations. List specific allegations with date and location (Consider whether there are physical, verbal, or visual behaviors on the basis of sex or touching of private body parts for sexual gratification without consent):

Create a Chronology of Events. List dates or time periods set forth in the Complainant and Respondent statements:

Hypothetical for Title IX Investigators' Training***Investigation Planning***

Identify Witnesses. Review the hypothetical. Identify the Complainant, Respondent and potential Witnesses. List potential witnesses and the subjects you would discuss with those witnesses:

Identify Other Evidence. List other tangible, potential evidence:

Identify Relevant Policy Language. Review the potential policy violations listed in the NOA and review the Title IX definitions. (For this exercise, describe the Title IX elements of sexual harassment and fondling):

Elements of Title IX Sexual Harassment:**Elements of Title IX Fondling:**

Identify Allegations. List specific allegations with date and location (Consider whether there are physical, verbal, or visual behaviors on the basis of sex or touching of private body parts for sexual gratification without consent):

Create a Chronology of Events. List dates or time periods set forth in the Complainant and Respondent statements: