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# Title IX Investigator Training

**September 28, 2026**

***SESSION ONE***

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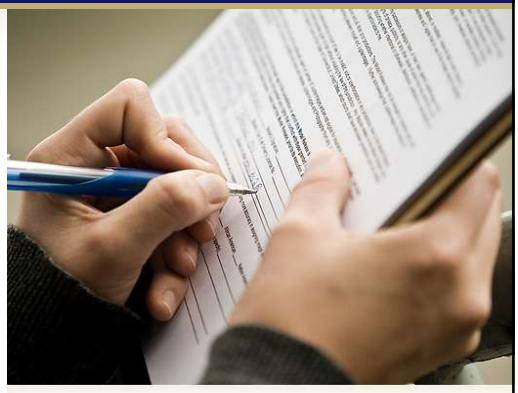
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## Agenda

- 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



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## Definitions for Training

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

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## 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

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## 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.)

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## REVIEW HYPOTHETICAL & INVESTIGATION PLAN

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## 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**

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## PLAN THE INVESTIGATION & PREPARE FOR INTERVIEWS

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## 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

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## Create a Timeline for the Hypothetical

- Looking at a calendar, assume you have ***45 calendar days from November 1, 2026*** 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

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## 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

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## 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

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## 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

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## 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.

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## 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

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## INTERVIEWING TIPS

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## 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***

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## 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?

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## 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

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## 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

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## 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.

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## 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

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## 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?"

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## 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

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## 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?"

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

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## 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

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## 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

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## 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

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## WEIGH THE EVIDENCE & DETERMINE DISPUTED AND UNDISPUTED ISSUES

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## 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

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## 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

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## 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.

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## 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

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## APPLICATION TO HYPOTHETICAL

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## Undisputed and Disputed Material Evidence

- Review the hypothetical and compare Complainant's version of events (1-11) with Respondent's version of events (A-I)
  - What material information is ***not*** in dispute or **UNDISPUTED**?
    - Example: The 2026-27 school year began on August 14, 2026. Complainant and Respondent met on the first day of school, August 14, 2026, during first period Math class.
    - Example: Complainant and Respondent shared their phone numbers with each other.
  - What material information is in dispute or **UNDISPUTED**?
    - Example: Complainant stated Respondent asked for Complainant's Instagram account. Respondent does not remember who asked for the Instagram account first.
  - Create a list of **UNDISPUTED** and **DISPUTED** evidence…..***for Session Two.***

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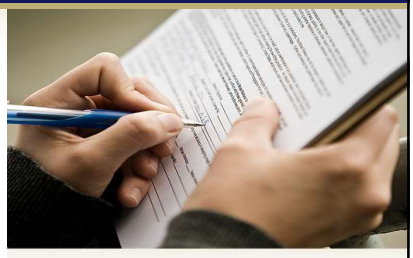
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# Question & Answer Session

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Thank You
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