



TITLE IX INVESTIGATOR TRAINING

Conducting Fair and
Thorough Trauma-
Informed Investigations

Part Two

PART TWO AGENDA

Title IX Investigator Training

Developing an
Investigation Strategy



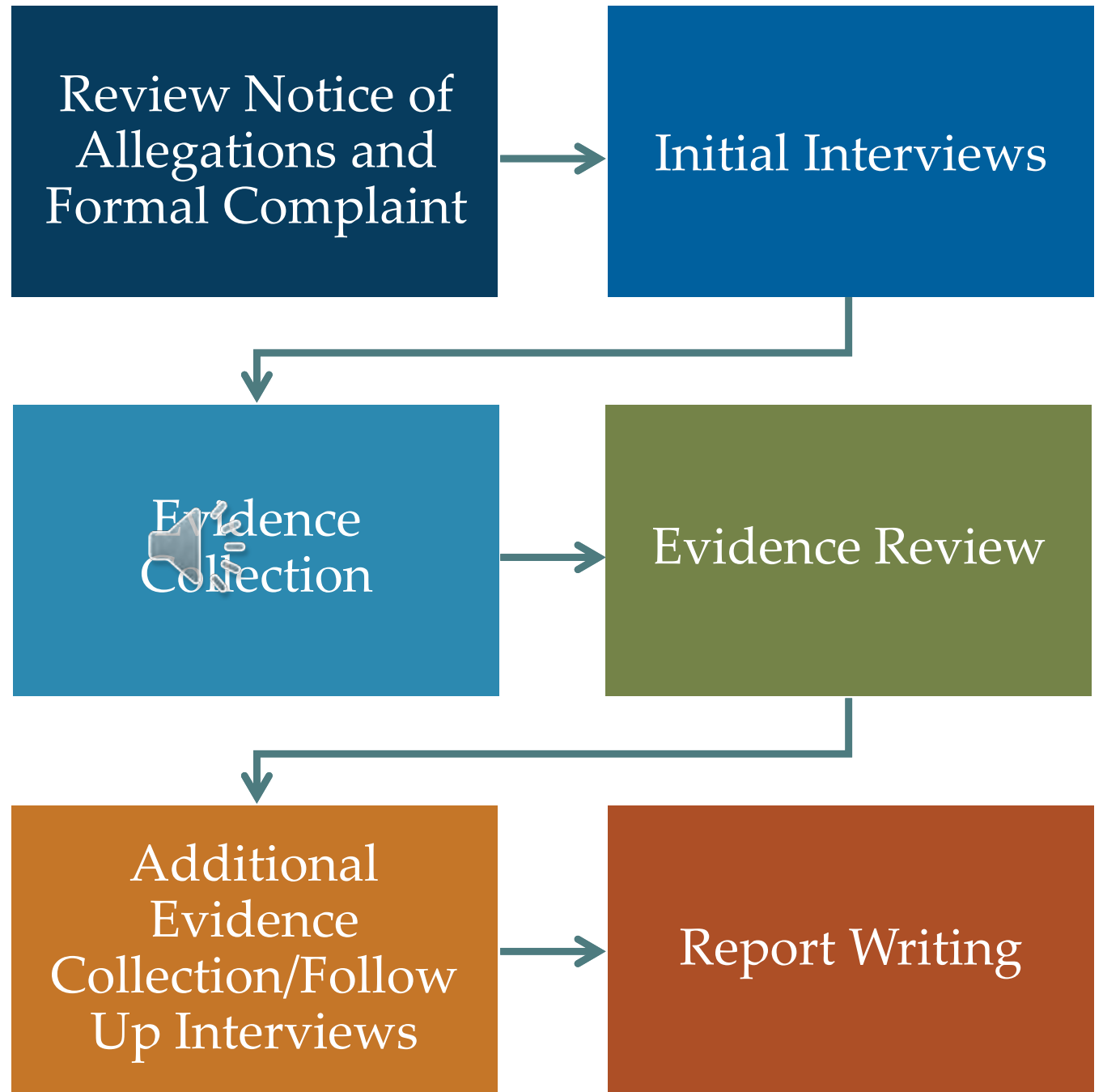
Investigation Interviews

Evidence Gathering

DEVELOPING AN INVESTIGATION STRATEGY

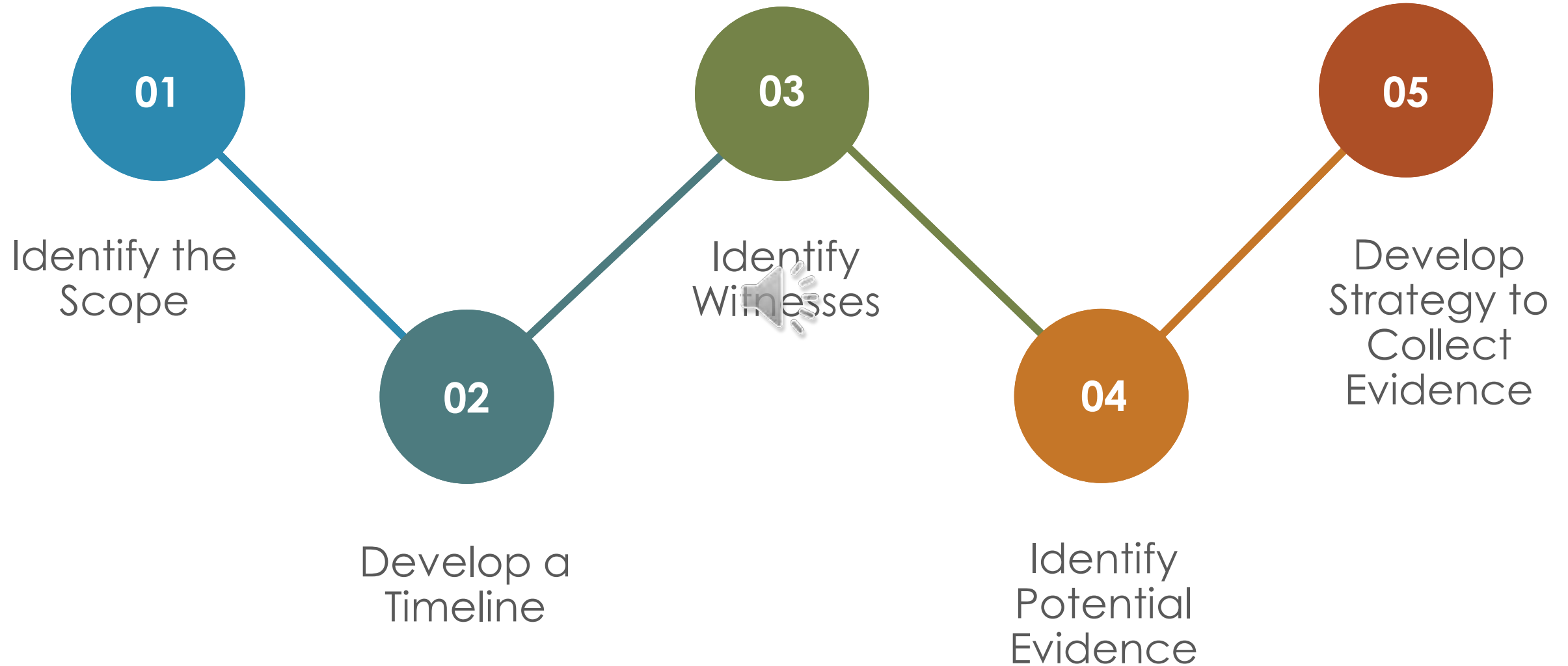


ESSENTIAL STEPS OF AN INVESTIGATION



THE PROCESS:

DEVELOPING AN INVESTIGATION STRATEGY



STEP ONE: UNDERSTAND THE SCOPE OF THE INVESTIGATION



Review the Notice of
Allegations and the
Formal Complaint

Ask questions if unsure

STEP ONE:

IDENTIFY THE ALLEGATIONS AND WHAT NEEDS TO BE PROVEN

- What will the decision maker be asked to decide?
- What does the formal complaint allege?
- What are the elements of each act of prohibited conduct alleged?

RAPE

Definition: 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 consent.

Elements/points of inquiry:

1. Penetration

- a) How?*
- b) With and of what?*



2. Consent

- a) Was it present or absent? How so?*
- b) Were there other factors contributing to consent or lack thereof?*
 - i. Incapacitation? Coercion?*

STALKING

Definition: 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.

Elements/points of inquiry:

1. Did Respondent engage in a course of conduct?
2. Was that course of conduct directed at Complainant?
3. Would Respondent's conduct cause a reasonable person to either
 - a. *Fear for their safety or the safety of others, or*
 - b. *Suffer substantial emotional distress?*

STEP TWO: INCIDENT TIMELINE

Prior History

- Between the Parties?
- Of the Parties?

Incident

- Consent?
- Type of Contact?
- Injuries?



Pre-Incident

- Communications?
- Interactions?
- Conduct?

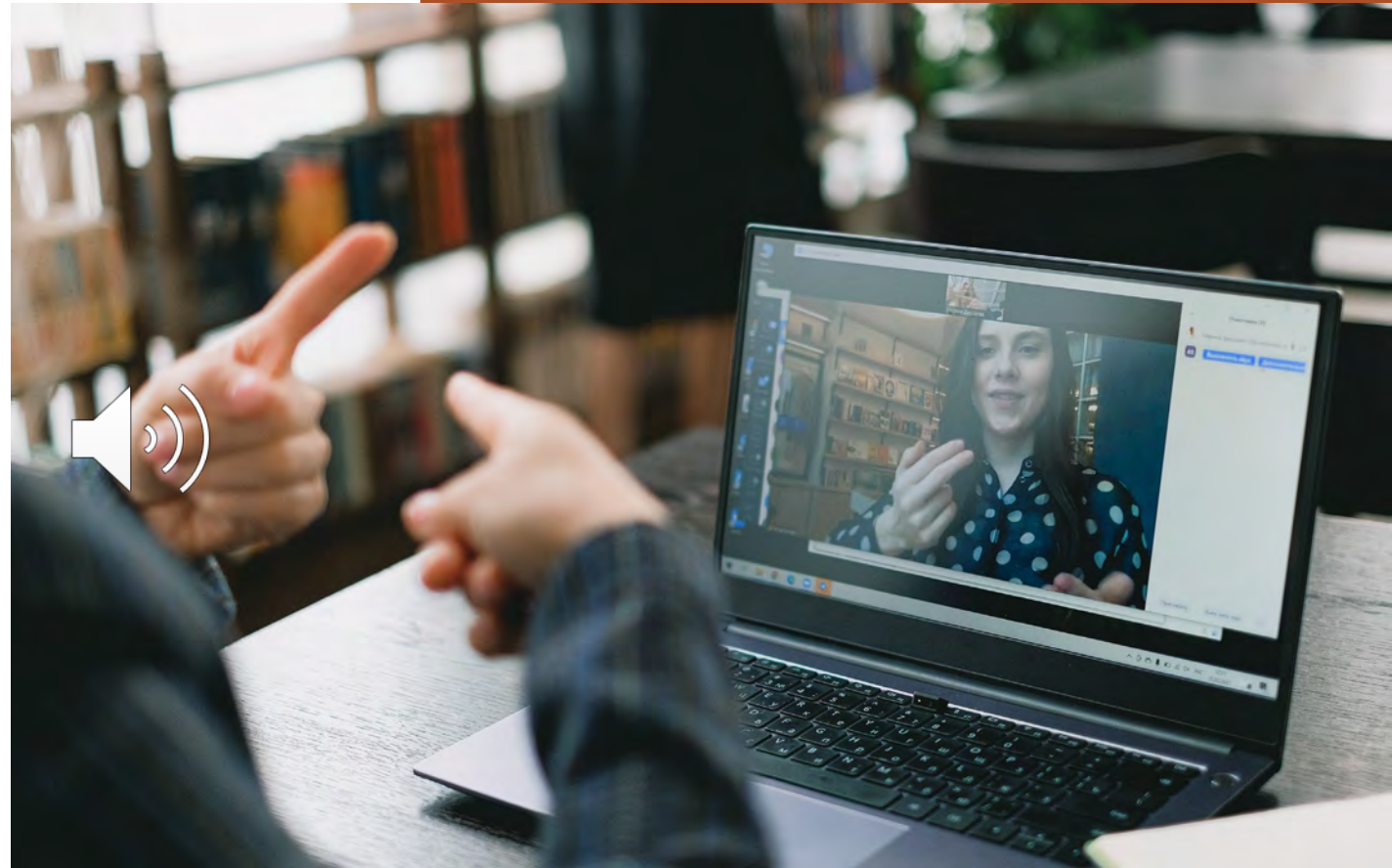
Post Incident

- Behaviors?
- Communications?

The Importance of Organization



INVESTIGATION INTERVIEWS



INTERVIEW LOGISTICS

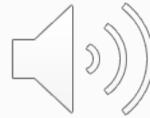
● Secure an appropriate meeting location

● Allow for enough time to conclude the meeting

● If interviewing a party, inform them of their right to have an advisor present

● Prepare for the meeting

● Provide written notice of the meeting



INTERVIEW OBJECTIVES



Listen

Allow interviewee to share their experience



Evidence Preservation

Text messages

Photographs

Names and contact info for witnesses

Connect

Build rapport

Build trust

Empower



Clarify

Understand what you have heard

Seek additional information



OBJECTIVE ONE

Connect with the interviewee by building rapport, trust, and a sense of empowerment.

Clear introductions and expectations

Preparedness

Expertise

Transparency



Empathy

Autonomy

Environment control

OBJECTIVE TWO: LISTEN

1. Start by eliciting a narrative

2. Listen

3. Interview  for Clarification

4. Listen

5. Avoid leading or blaming questions, interrogation

INTERVIEW QUESTIONS

Eliciting a narrative



Help me
understand
your
experience.



What are you
able to tell me
about your
experience?

Start where
you are
comfortable.

Seeking clarification



Is there
anything else
you can share
about...?

Can you tell
me more
about...?

Help me
understand...?

THE BEFORE

At some point during the interview, it is also important to explore the prior history, if any, between the complainant and the respondent, and the history of the parties, individually.



MORE ON INTERVIEW QUESTIONS: CAPTURE THE ENTIRE EXPERIENCE

- Ask about the physical and emotional reactions to the incident.
- Conclude with very open-ended questions:
 - Is there anything I did not ask about that you feel is important to note?
 - Is there anything more that you would like me to know?



THROUGHOUT THE INTERVIEW



Explain questions, especially the difficult ones.

Be careful about leading questions.

Watch your tone.

Do not rush.

Listen.

Pay attention to and document information.

Document questions asked.

AT THE CONCLUSION OF THE INTERVIEW

Discussion submission of evidence.

Explain statement review process.

Explain  next steps in the process.

Keep the lines of communication open.

Review available support, privacy requirements, and prohibition against retaliation.

AFTER THE INTERVIEW: REFLECTION

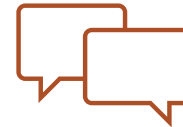


Reflect.

Is there something you missed or forgot to ask?



Do you need clarity on any of the information shared?



Has this interview revealed additional evidence that you want to explore or collect?



Has evidence of additional policy violations been shared?

AFTER THE INTERVIEW: ACTIONS

Memorialize the interview in writing.



Provide opportunity for the party or witness to review it.



Provide opportunity for party or witness to provide a response.



Incorporate the response.



A NOTE ABOUT WITNESS SUMMARIES

- The reader of any report should not know of the investigator's presence in the report; for example, the report should not say "I then asked . . ."
- Use the interviewee's words and put the words in quotes if it is their words 
- Avoid conclusory words, or words that suggest that the investigator has an opinion about the information offered

FOLLOW UP INTERVIEWS

- Seek clarification
- Explore inconsistencies
- Explore contradictions
- Explore difficult issues
- Opportunity to respond

FOLLOW UP INTERVIEW APPROACH

01

Explain the purpose of the follow up

02

Set the stage for the topics you will be covering



03

Prepare the interviewee for “the shift”

04

Do not avoid asking the hard questions

THE “HARD” QUESTIONS

Details about the sexual conduct

Seemingly inconsistent behaviors



Inconsistent evidence/information

What they were wearing

Alcohol or drug consumption

Probing into reports of lack of memory

HOW TO ASK THE HARD QUESTIONS

- **Lay a foundation for the questions**

- Explain why you are asking it
- Share the evidence that you are asking about, or that you are seeking a response to



- **Be intentional**

- “Can you tell me what you were thinking when...”
- “Help me understand what you were feeling when...”
- “Are you able to tell me more about...”

UNDERSTANDING EVIDENCE



EVIDENCE:

“Something (including testimony, documents, tangible objects) that tends to prove or disprove the existence of an alleged fact; anything presented to the senses and offered to prove the existence or non-existence of a fact.”

-Black's Law Dictionary

TYPES OF EVIDENCE

Direct Evidence

Evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.

Circumstantial Evidence



Evidence based on inference and not on personal knowledge or observation.

Corroborating Evidence

Evidence that differs from but strengthens or confirms what other evidence shows

EVIDENCE

Testimony

Text
Messages

Social Media
Posts and
Messages

Emails

Surveillance



Videos

Photographs

Police Body
Camera
Footage

Swipe Records

Medical
Records

Phone Records

Audio Recordings



info@grandriversolutions.com



/Grand-River-Solutions



/GrandRiverSolutions



/GrandRiverSolutions



/GrandRiverSolutions.com



@titleixandequity.bsky.social

CONNECT WITH US