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Title IX Investigator- Sex-Based Harassment Investigations (Tier 1)

Presented by DSA Associates:

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Sex-Based Harassment Investigations

- The Investigator
- Sex-based Harassment
- Unwelcome Conduct & Consent
- Investigative Strategy & Evidence Collection
- Interviewing
- Trauma & The Interview
- Evidence Evaluation
- Reports



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Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.

Catherine Cocks, M.A.
Consultant, Student Affairs, Title IX, and
Equity Compliance Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.

Ann Todd
Consultant, Equity Compliance and Civil Rights Investigations



Ann Todd, Esq is a seasoned civil rights investigator in higher education for D. Stafford & Associates (DSA). Ms. Todd is a graduate of Davidson College with a degree in psychology and holds a JD from the University of Nebraska. Prior to joining DSA, she practiced law in Charlotte, NC, specializing in employment and civil rights and worked for a number of non-profit organizations. She returned to her alma mater (Davidson College) in 2008 and worked there through March of 2016 serving as the Assistant Director of Human Resources with the responsibility of managing employee relations and the learning and development function while also serving as the deputy Title IX Coordinator.

Ms. Todd joined the DSA in 2015 and currently serves as the Consultant, Equity Compliance and Civil Rights Investigations. She is the Senior Investigator for the DSA Title IX Investigation Team. She conducts external investigations on behalf of colleges and universities, specializing in investigating student allegations of sex discrimination, sexual assault, intimate partner violence, and stalking. Additionally, she brings a strong Human Resources background to investigating a range of employee misconduct—from performance issues to discrimination.

In addition to conducting investigations, Ms. Todd is a frequent speaker and consultant on Title IX investigations, conducting 20-30 courses every year on best practices for investigating sex discrimination and sex crimes on campus. She works with schools to draft policies and processes that provide equity and fairness to



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all parties involved and is adept at facilitating discussions with institutions to ensure the end product represents the values of the campus community.

Ms. Todd is licensed private investigator and a member of the NC Bar. She is a Certified Clery Compliance Officer through the National Association of Clery Compliance Officers and Professionals (NACCOP) and she is also a certified 360 facilitator through the Center for Creative Leadership. Ms. Todd lives in Davidson, NC where she volunteers on a number of local and town boards.

INVESTIGATION CLASS ACRONYMS

- ASR:** Annual Security Report (often used as a reference to the Annual Security Report and/or the Annual Security and Fire Safety Report) that must be published by each institution of higher education.
- CSA:** Campus Security Authority—Individuals on each campus who have been identified by the Department of Education as persons who are required to report crimes that they become aware of to the Reporting Structure at each institution.
- DCL:** Dear Colleague Letter—this is a formal name of the method of communication from the Department of Education to college campuses. It is like naming their official “memo” to campuses.
- FERPA:** Family Educational Rights and Privacy Act—governs the confidentiality of student records.
- FNE:** Forensic Nurse Examiners
- GO:** General Order—some departments describe their operating procedures as general orders
- HEOA:** Higher Education Opportunity Act—the broader law that contains the Clery Act language and the fire safety and missing person language that is in the law but not contained within the “Clery Act” portion of the law.
- HIPAA:** Health Insurance and Privacy and Portability Act—governs privacy of medical records.
- MOU:** Memorandum of Understanding—an official agreement developed between agencies.
- NIBRS:** National Incident-Based Reporting System. 1 of 2 crime reporting systems developed by the FBI, but not the system that you are required to use for Clery Reporting—the only portion of this system that is used for Clery Act purposes are the 4 forcible and 2 non-forcible sex offense definitions.
- OCR:** Office of Civil Rights—the unit of the Department of Education that oversees Title IX Compliance.
- PD:** Police Department
- PS:** Public Safety
- PNG:** Persona-non-Grata—process used by some campuses not keep students from entering certain areas of the campus or the entire campus (administrative process) versus legal bar notice or trespass warning.
- SACC:** Sexual Assault Crisis Center, also known as Women’s Center.
- SANE:** Sexual Assault Nurse Examiner

SART: Sexual Assault Response Team

SOP: Standard Operating Procedures—some departments describe their operating procedures as Standard Operating Procedures. Some call them General Orders, etc...

SWA: Senior Women's Administrator (Athletics)

TWN: Timely Warning Notice

UCR: Uniformed Crime Report. This is 1 of 2 crime statistics reporting systems developed by the FBI. Institutions are required to use UCR Standards for counting and classifying crimes for reporting the Clery statistics.

VAWA: Violence Against Women Act



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TITLE IX

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ISSUANCE OF CERTIFICATES FOR COMPLETION OF DSA/NACCOP CLASSES

To receive a certificate for classes held by D. Stafford & Associates, LLC or the National Association of Clergy Compliance Officers and Professionals (NACCOP), attendees must attend the majority of the class. This includes in-person classes and virtual classes. DSA and NACCOP understands that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. That said, our general rule of thumb for our 4 and 5 day classes is that if an attendee misses more than 1 hour of class time, they will not be issued a certificate of completion for the class. If the class is a 1, 2 or 3 day class, the amount of time that can be missed may be less, as classes of those lengths are more condensed.

For virtual classes, because we can't see all of the attendees all of the time like we can in an in-person class (based on the attendee controlling whether they have their camera turned on or not), the criteria for receipt of a certificate is determined based on missed class time (no more than 1 hour or less, depending on the length of the class) and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched before doing so, to ensure that everyone who is there can/will respond to the poll. If there is an issue with responding to the attendance poll, the attendee would need to **immediately notify the Administrative Support person** in the course via the chat function in the zoom platform. That way we can immediately resolve any issues and give the attendee credit for being in attendance for the poll. Notifying us hours or days after having an issue with not being able to complete the attendance poll will not allow us to give the attendee credit for being in class during the poll.

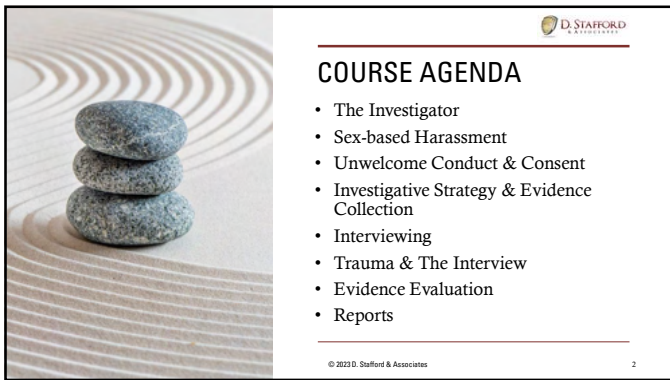
Our classes qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, but accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate, which equates to verification that the participant attended the complete class. For DSA and NACCOP, issuance of a Certificate of Completion is verification of that fact.

If the attendee missed class for a legitimate reason, that doesn't mean that an attendee wasn't there for much of the class and that they didn't benefit from that attendance. It just means that based on the missed time and/or attendance polls (in virtual classes only), we aren't able to issue you a certificate of completion.

If an attendee has to miss time in class, the instructions attendees receive before the class provide instructions for notifying the Administrative Support person about the time that will be missed **IN ADVANCE**, so we can jointly identify what blocks of instruction will be missed, and the DSA/NACCOP team will then work with the attendee to see if we can get them in a future class module to make up that material, which would result in us being able to issue the attendee a certificate. We provide this service and opportunity at no additional cost, as we want each attendee to finish the class and get a certificate of completion. Effective communication by each attendee is the key to this option.



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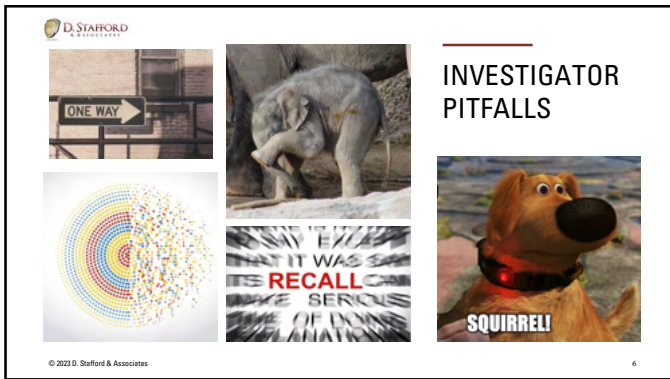
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CONFLICT OF INTEREST OR BIAS

Generally

Individually

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PROCEDURAL FAIRNESS

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"The Investigator"

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SEX-BASED HARASSMENT

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UNDERSTANDING THE ELEMENTS

Behavior

→

Condition

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DECISION-MAKER'S PATH

- What was the conduct?
 - Was the conduct on the basis of sex?
 - Was the conduct unwelcome or without consent?
- Does the conduct meet the definition of a violation of institutional policy?

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SAMPLE
DEFINITIONS



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QUID PRO QUO



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QUID PRO QUO - SAMPLE DEFINITION

An employee, agent, or other person authorized to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

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QUID PRO QUO INVESTIGATIONS

Respondent	Aid, Benefit, or Service	Sexual Conduct
• Is the respondent an employee? • What is the relationship to the complainant? • What, if any, perceived or actual power exists?	• What was offered? • How was it communicated?	• What was the conduct requested? • Was it sex-based? • How was it unwelcome? • How was it communicated?

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HOSTILE ENVIRONMENT

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HOSTILE ENVIRONMENT - SAMPLE DEFINITION

Unwelcome sex-based conduct that is sufficiently severe or pervasive, that, based on the totality of the circumstances and evaluated subjectively and objectively, denies or limits a person's ability to participate in or benefit from the recipient's education program or activity.

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HOSTILE ENVIRONMENT INVESTIGATIONS

Type, frequency, and duration of the conduct

Location of the conduct, context, and control

Parties' ages, roles, previous interactions, other factors

Impact on ability to access program or activity

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SEXUAL ASSAULT



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SEXUAL ASSAULT - SAMPLE DEFINITIONS

- 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. This offense includes the rape of both males and females.
- 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 age or because of 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.
- Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

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SEXUAL ASSAULT INVESTIGATIONS

What was the sexual behavior?

Who was the initiator?

What, if any, were the words or actions to indicate consent?

- Is there an issue of incapacitation or force?

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STALKING

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STALKING - SAMPLE 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.

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STALKING INVESTIGATIONS

What was the course of conduct?

What was the frequency?

What was the impact?

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INTIMATE PARTNER VIOLENCE

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DATING VIOLENCE - SAMPLE DEFINITION

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant.

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DOMESTIC VIOLENCE - SAMPLE DEFINITION

Violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a 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;
- By 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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INTIMATE PARTNER VIOLENCE INVESTIGATIONS

Parties

- Type of relationship
- Length of the relationship
- Frequency of interaction between the persons

Behaviors

- Type of violence
- Possible patterns of behaviors
- Other behaviors that may fall under other policy definitions

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UNWELCOME CONDUCT & CONSENT



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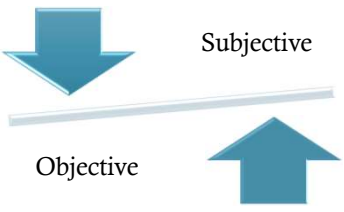
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TESTING FOR UNWELCOMENESS



Objective Subjective

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CONSENT

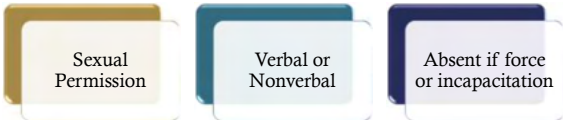


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CONSENT



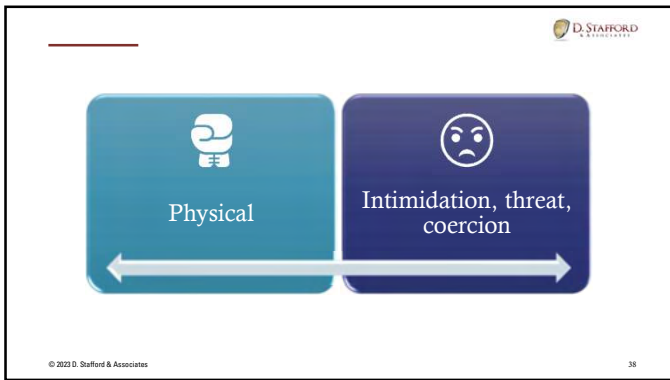
Sexual Permission Verbal or Nonverbal Absent if force or incapacitation

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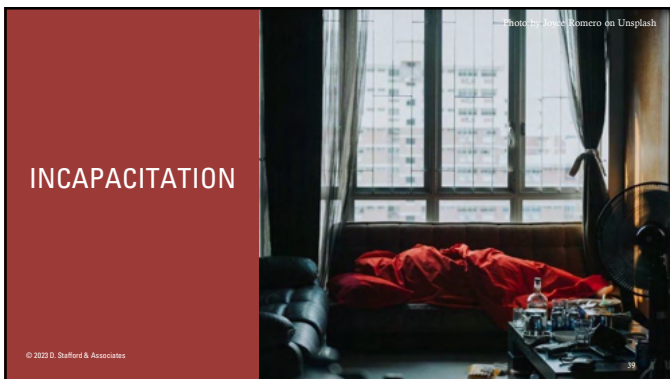
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INCAPACITATION - SAMPLE DEFINITION

Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare.

Alcohol

Drugs

Disability

Other

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TWO-STEP DETERMINATION

Was the complainant incapacitated?

➔

Did the respondent (or would a reasonable person) know?

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ALCOHOL & OTHER DRUGS

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SUBSTANCE USE AND SEX

“...analysis of SHIFT survey data showed that two-thirds of sexually active students who had sex in the prior three months reported some substance use prior to or during sex.”

Jennifer S. Hirsch & Shamus Khan. "Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus."
SHIFT survey = Alexander Wamboldt et al., "Wine Nights, 'Bro-Dinners,' and Jungle Juice: Disaggregating Practices of Undergraduate Binge Drinking," Journal of Drug Issues, 2019, 49(4): 643-67.

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HALLUCINOGENS AND OPIOIDS

Hallucinogens

- Change how the world is perceived
- Colors, sounds, movement and time are all experienced in an altered state of mind

Opioids

- Block pain by sealing off the receptors that trigger the sensation
- Provide a sense of euphoria

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STIMULANTS AND DEPRESSANTS

Stimulants (Uppers)

- Raise levels of physiological or nervous activity in the body
- Enhance alertness, concentration, and energy

Depressants (Downers)

- Inhibit the function of the central nervous system
- Reduce intrusive thoughts, providing a sense of relaxation

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ALCOHOL STANDARD MEASUREMENTS



12 oz. of beer



4-5 oz. of wine



1.5 oz. and 80 proof of liquor

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HOW DO COLLEGE STUDENTS MEASURE THEIR DRINKS?

Hint: They don't!

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Levels of Alcohol/Drug Consumption



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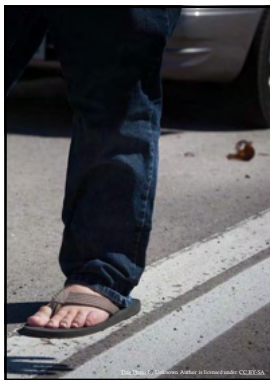


IMPAIRMENT

- The state of being diminished or weakened due to the consumption of alcohol
- Begins as soon as alcohol enters the bloodstream
- Increases with consumption of alcohol

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INTOXICATION

- An act or instance of inebriation, drunkenness
- Intoxication is legally met when an individual's blood alcohol level reaches .08 or greater

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INCAPACITATION

- So impaired as to be incapable of giving consent
- Lacking the capacity to consent
- If a person cannot understand the nature of the proposed act or cannot understand they have a right to refuse or are otherwise unaware that the activity is occurring

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BLACKOUTS

Fragmentary Blackout

Also known as "grayout" or "brownout"

Gaps in memory with some level of recollection

En Bloc Blackout

No recollection of events

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What about "passed out"?



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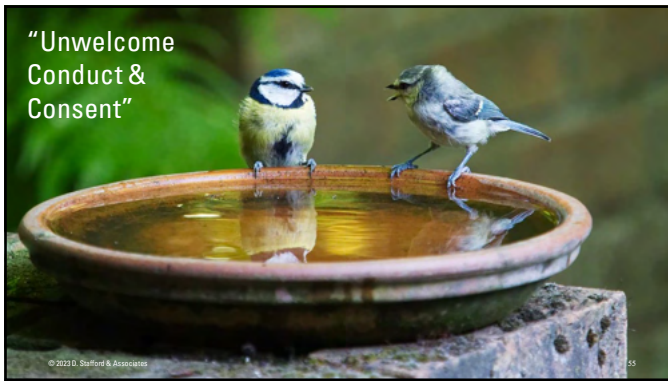


ASKING ABOUT INCAPACITATION

Context	Alcohol	Behaviors
Timelines Location Respondent's role Witnesses Other factors (e.g., food)	Type(s) of alcohol Alcohol content Quantity Pace	Baseline Presenting behaviors Witness observations Party observations

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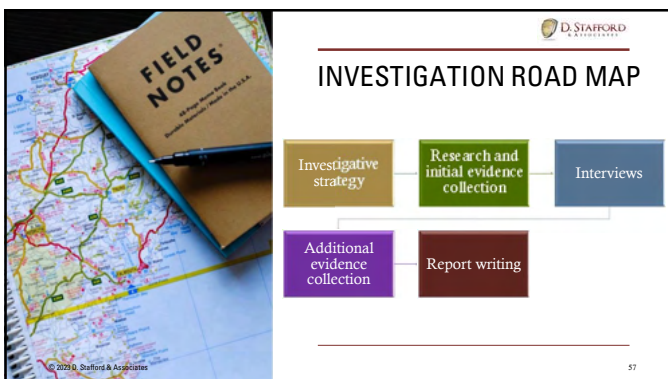
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DEVELOPING
AN
INVESTIGATIVE
STRATEGY



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INVESTIGATIVE
STRATEGY



 Scope

 Methodology

 Preparation

 Challenges

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SCOPE



 Notice of Allegation

 Notice of Investigation

 Policy Definitions

 Rights of the Parties

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METHODOLOGY

File Management

Liaisons

Logistics

Internal Communications

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PREPARATION

Review Complaint

Research

Draft Questions

Initial Evidence Collection

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Investigation Challenges

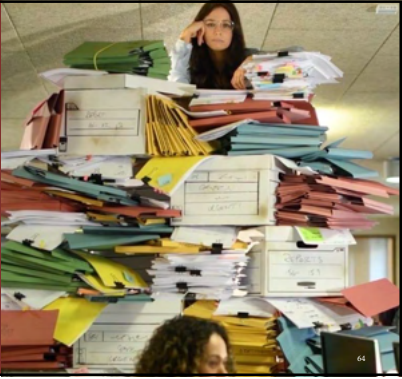
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SIDEBAR:

INVESTIGATIVE
CASE FILE


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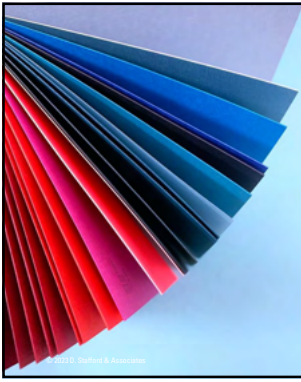


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Internal vs. External
Notes and Documents

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ORGANIZE IT!

- Formal complaint
- Communications
- Notices
- Evidence (who provided, when it was received)
- Research
- Interview times/locations/attendees
- Names/nicknames/pronouns/titles/relationships
- Timeline

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EVIDENCE COLLECTION

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EVIDENCE

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TYPES OF EVIDENCE

Real evidence Demonstrative Documentary Testimonial

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PROVIDERS OF EVIDENCE



Parties



Witnesses



Institution



Investigators

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INITIAL EVIDENCE COLLECTION

Complaint

Other “statements”

Evidence from campus sources

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RESEARCH



Websites



Organizations



Calendars



Schedules



Party
“directory
information”

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OTHER SOURCES OF EVIDENCE

Photographs

Text messages

Social media/dating apps

Documents (memos, letters, notes)

Voicemail

Phone logs

Guest lists

Investigator-created evidence

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FLOORPLANS

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INVESTIGATOR-CREATED EVIDENCE

During the Complainant's interview, the Complainant drew a model demonstrating the movements of the parties:

- The Respondent arrived and went over to the Complainant who was at her desk.
- The Respondent and Complainant moved to the couch and watched a movie.
- The Complainant woke up as the Respondent was carrying her to her bed.
- The roommate was in her bed across the room.

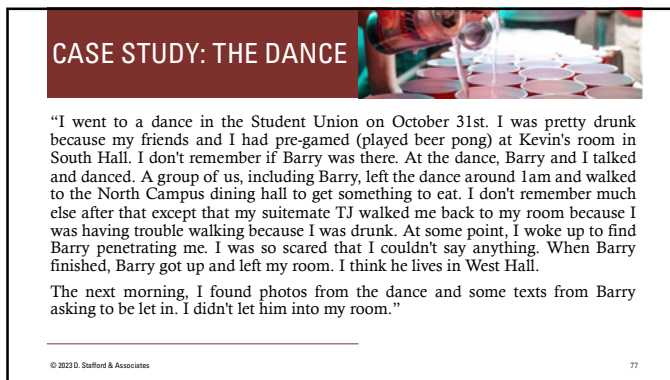
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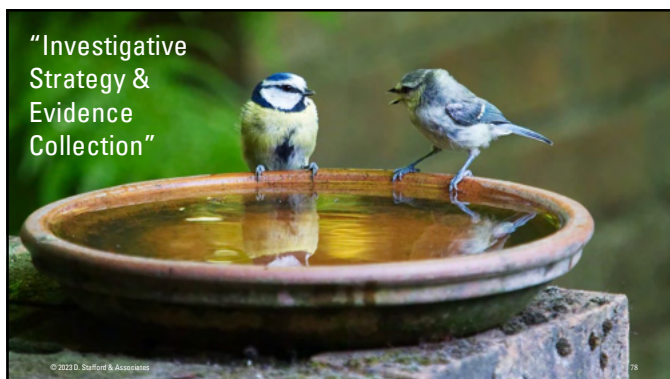
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INTERVIEWING



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INTERVIEWING
BASICS



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INTERVIEWS



Testimonial Evidence



Conversation



Structured

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THE INTERVIEWEES

Complainant

Respondent

Witness

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KEYS TO A
GREAT
INTERVIEW



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PREPARATION

Logistics	Procedures (communication, scheduling)
	Notice documents
	Case file
Research	Policy review
	Preliminary evidence
	Topics of inquiry
Pre-drafted questions	Background
	Narrative
	Case specific

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COMFORTABLE ENVIRONMENT

- The space
- Investigative tools
- Coping items
- Safety measures

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HELPFUL PROMPTS

Recreate the Scene

Physical Space

Sensory

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AVOID BAD HABITS

- Interrupting
- Asking two questions at once
- Not listening for the answer
- Avoiding the hard questions
- Not focusing on the elements

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BE FULLY PRESENT

- Treat the interviewee ethically and with dignity
- Be non-judgmental and non-adversarial
- Be objective - you are not “making a case” or pushing a theory
- Adjust and adapt

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THE INTERVIEW

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THE D. STAFFORD INTERVIEW OUTLINE

- Preliminaries
- Background
- Narrative
- Clarification
- Case Questions
- Closing
- Self Evaluation



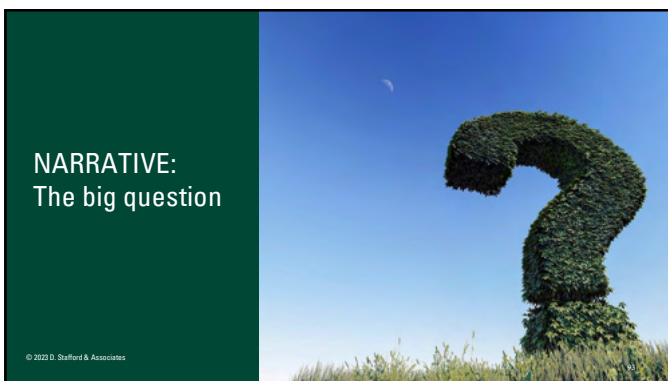
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SELF
EVALUATION:
How did it go?



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INTERVIEW
NOTES



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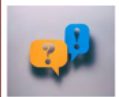
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CAPTURING THE INTERVIEW



Transcription



Q & A



Meeting
Chronology



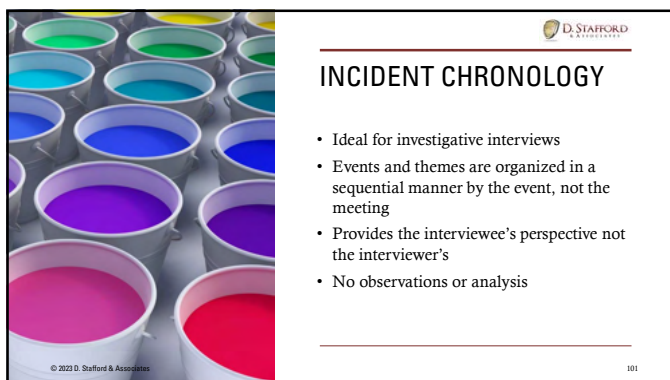
Incident
Chronology

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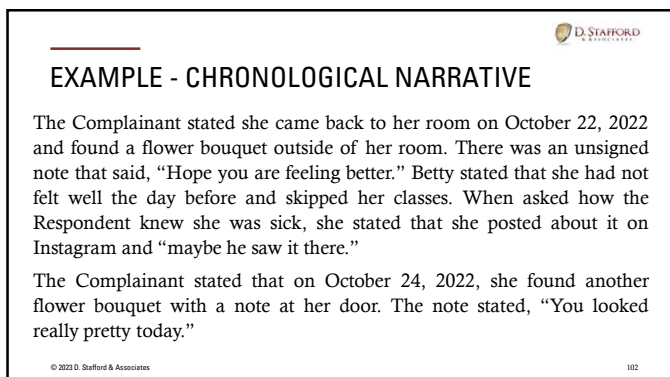
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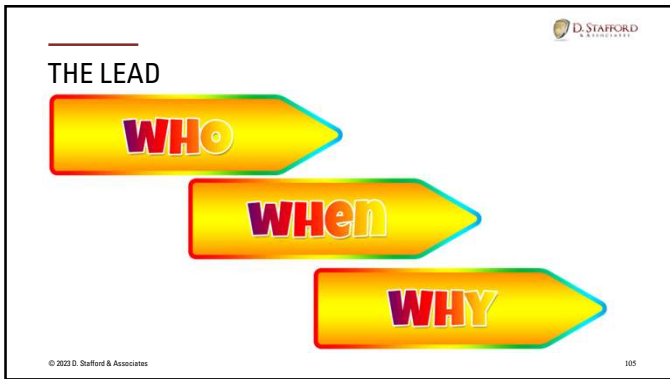
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USING QUOTES

Added Value

- Increases the credibility of your notes
 - demonstrates listening and comprehension
- Provides an opportunity to highlight key points of the meeting
- Gives the interviewees a direct voice on important aspects
- Avoids the appearance of the interviewer having an opinion

Pitfalls

- Quoting for the sake of quoting
- Confuses the reader if there are too many quotes
- Giving importance to something that is irrelevant
- Disrupts the flow or clarity of your notes

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EXAMPLE - THE CONVERSATION

Shelby (interviewer): Tell me about how much alcohol you had that night.

Betty (interviewee): I believe I had four to six shots.

Shelby: Shots of what?

Betty: Pink Whitney Vodka

Shelby: What did you use to drink the shots?

Betty: A shot glass that Riley had

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EXAMPLE - PICK THE BEST OPTION

Version 1

- Betty stated she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 2

- Betty believed she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 3

- Betty stated she "believed" she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 4

- Betty stated, "I believe I had four to six shots of Pink Whitney Vodka." Betty stated she used one of Riley's shot glass.

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SLANG AND OTHER INFORMAL WORDS

- Quote words or phrases that are slang, informal, or pejorative.
- Examples:
 - Riley stated Betty was “wasted.”
 - Betty stated that she could no longer live with her roommate because “she is unstable.”
 - Riley described Betty’s behavior as “creepy.”
- “Uncommon slang” may need a definition, either in the notes or as a footnote.

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“Interviewing”

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TRAUMA & THE INTERVIEW



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IMPACT OF TRAUMA

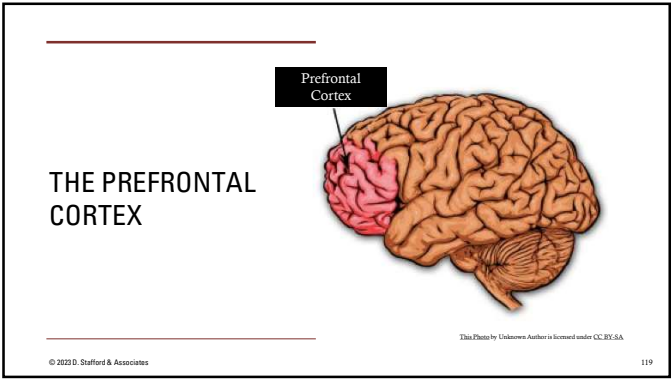
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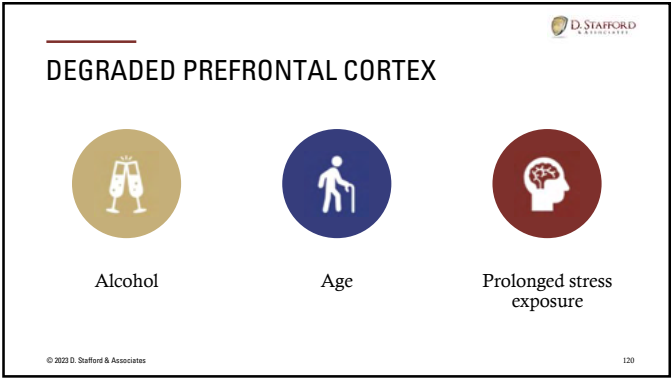
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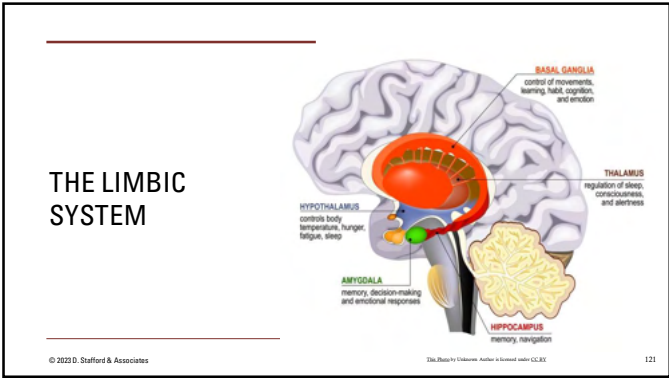
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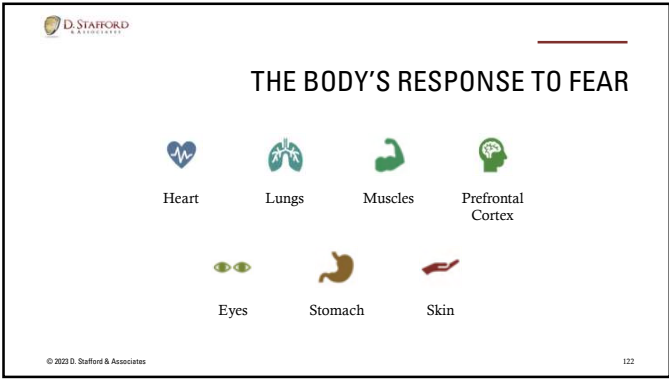
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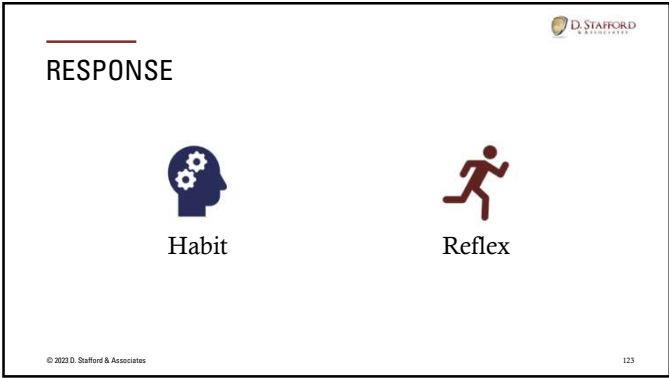
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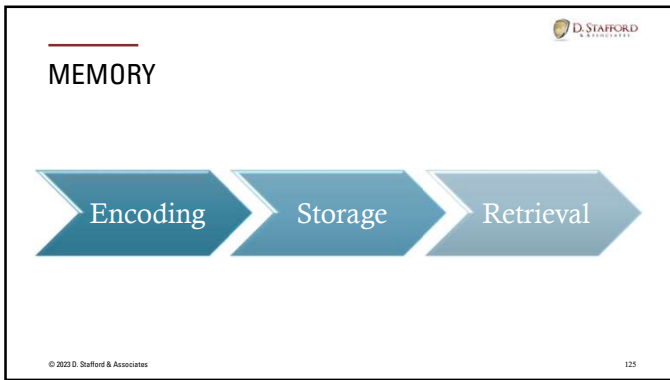
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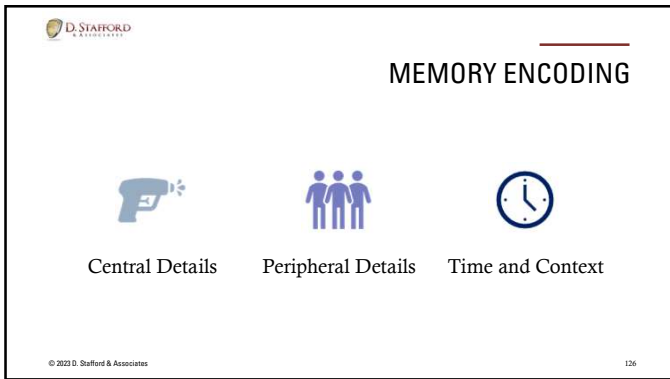
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TRAUMA MEMORY ENCODING

Sensory

Emotional

Flashbulb memories

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Memory Storage Over Time

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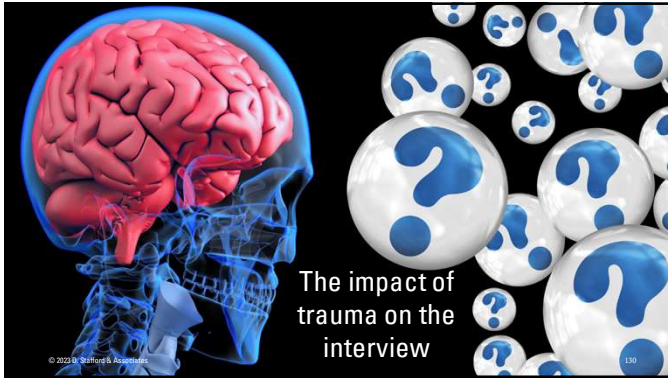
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LONG TERM RESPONSE: IMPACT

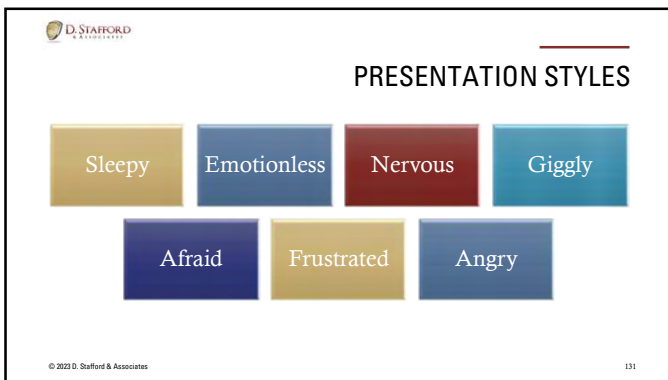
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QUESTION FORMAT

 Tone
  Phrasing
  Open-ended
  Safe
  Judgment-free

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INTERVIEW TECHNIQUES

 Clarify linear information
  Use sensory prompts
  Ask for feelings and emotions
  Understand statement variations

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IMPARTIAL INVESTIGATIONS

 Consistent application
  Ask clarifying questions
  Avoid bias

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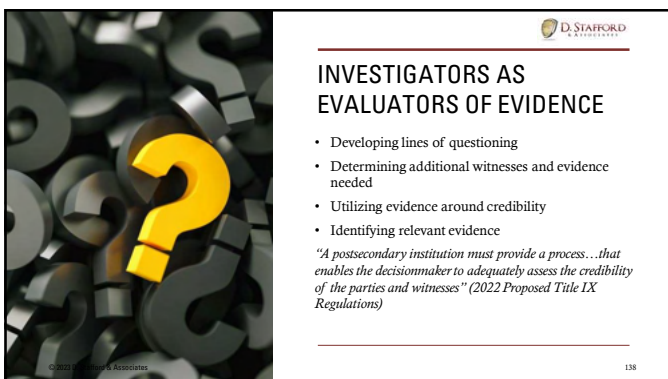
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CREDIBILITY

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CREDIBILITY OF THE STORY

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CORROBORATING EVIDENCE

Physical

Contemporaneous Documentation

Personal Documents

Admissions

Eyewitness

Outcry

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PLAUSIBILITY

?

Possible

😊

Believable

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CREDIBILITY OF THE STORYTELLER



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MOTIVATION

Afraid

Pressured

Revenge

History

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BIAS

Past Relationship

Identity

Internal Biases

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ABILITY TO PERCEIVE

Distance

Knowledge

Credentials

Competence

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ABILITY TO REMEMBER

Passage of Time

Alcohol

Trauma

Peripheral Details

History of Memory

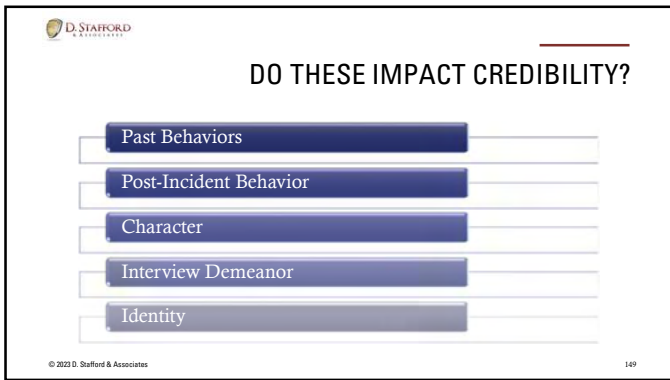
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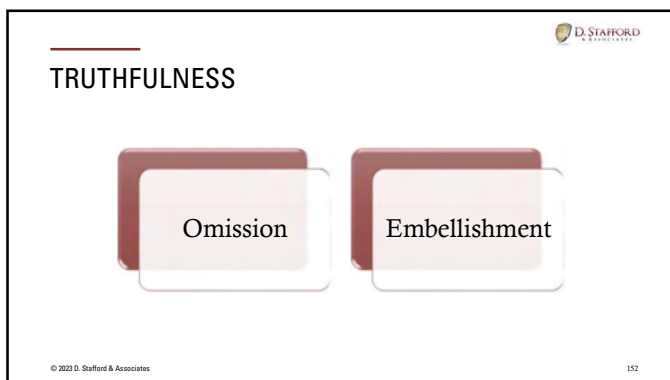
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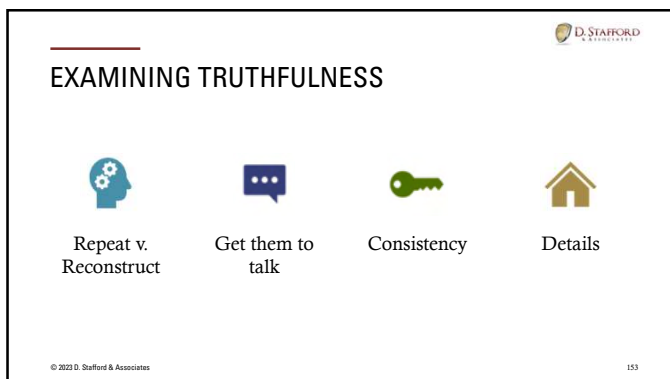
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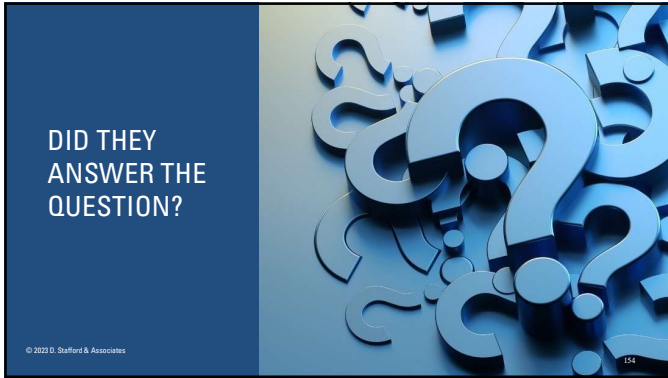
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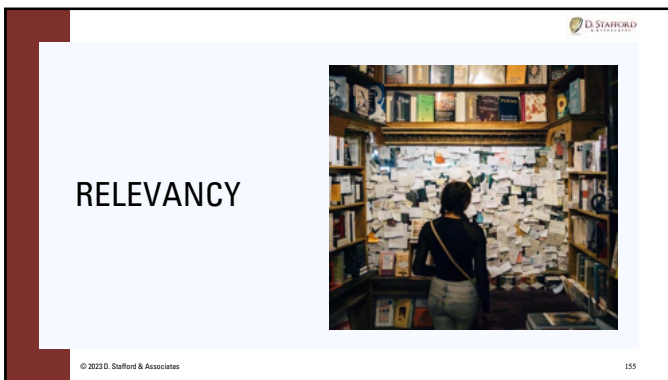
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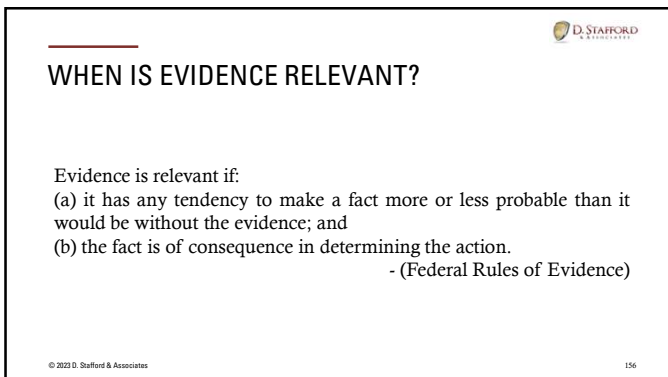
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KEY RELEVANCY POINTS

1

The evidence does not need to be conclusive

2

Is sufficient if it constitutes a link in the chain

3

Enough if in connection with other evidence, helps "a little"

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NOT RELEVANT (PER TITLE IX REGULATIONS)

Past Sexual Behavior

Complainant's sexual predisposition or prior sexual behavior unless...

- Offered to prove that someone other than the respondent committed the conduct alleged or
- Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent

Privileged Information

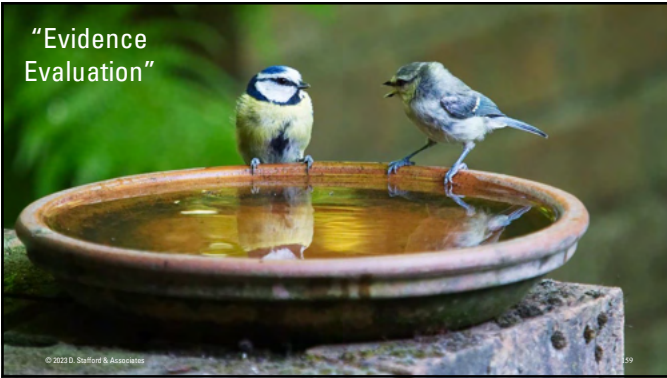
Physician, psychiatrist, psychologist records in connection with the provision of treatment to the party unless there is voluntary, written consent from the party whose record it is

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"Evidence Evaluation"



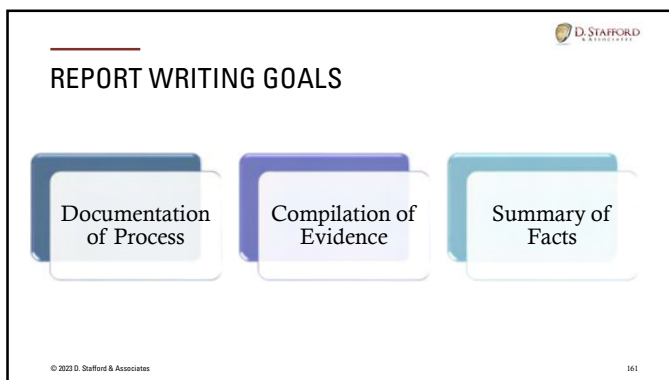
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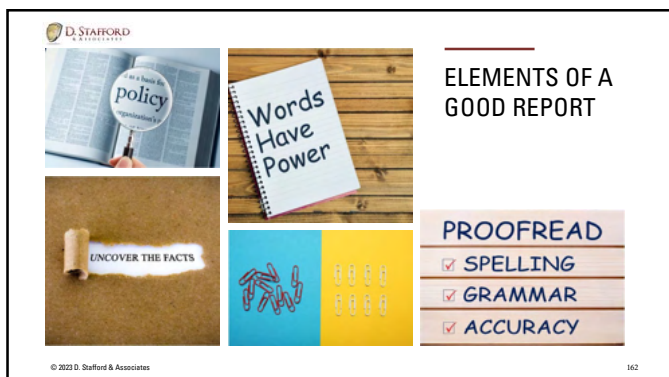
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OTHER D. STAFFORD TRAINING OPPORTUNITIES

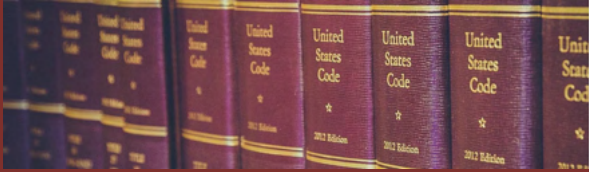
Title IX Coordinator Track	Investigator Track	Related Offerings
☐ Tier 1: Law and Policy	☒ Tier 1: Sex-Based Harassment Investigations	☐ Institutional trainings
☐ Tier 2: Sex Discrimination Response	☐ Tier 2: Dating/Domestic Violence and Stalking (DVIDVS) Investigations	☐ Threat Assessment Teams
☐ Tier 3: Safety & Risk Analyses for Sex-Based Harassment Emergency Removals	☐ Tier 3: Case Study and Simulation (Interviewing)	☐ Clergy Compliance
	☐ Tier 4: Statement Analysis	☐ Procedural Justice
	☐ Tier 5: Report Writing	☐ Appellate Officer (www.naccop.org)
	☐ Tier 6: Technology & Investigations	☐ Constructing Resolution Processes (www.naccop.org)
	☐ Tier 7: Violence Against Men	☐ Title IX Webinars (www.naccop.org)

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THANK YOU



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