

# Investigator Training



Spring 2025

Thank You!!

Investigator–  
Decision Maker–  
Advisor–

01	INTRODUCTIONS
02	LAWS & POLICIES
03	ROLE & EXPECTATIONS
04	PHASES OF THE INVESTIGATION

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# Acknowledgements

Content

Language

Examples

Learning Style

# TITLE IX

What is Title IX?



# THE CLERY ACT & TITLE IX

**1972**

Title IX, a federal civil rights law prohibiting sex discrimination in educational programs, is signed into law.

**1986**

Jeanne Clery was raped and murdered in her college residence and the Clery family begins to advocate for transparency and accountability related to campus crimes.

**1990**

The Crime Awareness and Campus Security Act, later renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, was signed into law, requiring colleges and universities to record campus crime statistics and safety policies.

**1992**

Amendments are made to the Clery Act to implement policies and procedures to protect the rights of sexual assault survivors.

**2011**

The Office of Civil rights issues a "Dear Colleague Letter" with guidance on what measures institutions should take to address sexual harassment.

**2013**

The Clery Act was expanded to include all incidents of sexual violence, sexual assault, domestic violence, dating violence and stalking.

**2020**

Updated Title IX regulations came into effect, resulting in significant changes to how institutions must define and respond to sexual harassment.

**2022**

Celebrating the 50th anniversary of Title IX!

# Flowchart of Process

Information  
received &  
reviewed

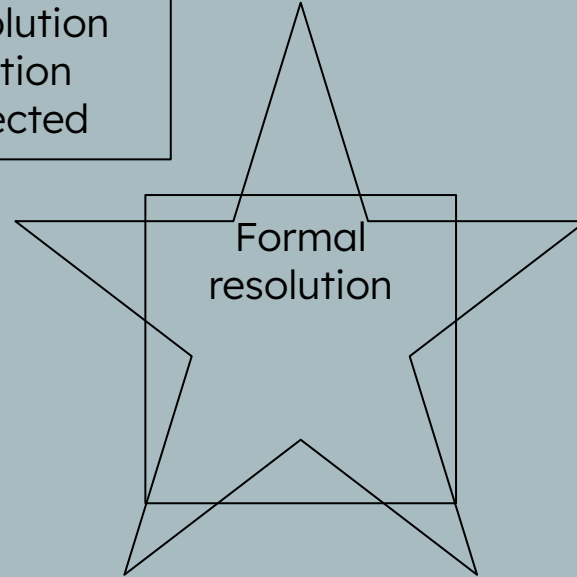
Resolution  
option  
selected

No action -  
only requests  
supportive  
measures

Informal  
resolution

Formal  
resolution

Alternative  
resolution



# Supportive Measures

## Available for both parties

- Safety Measures
  - a. NCD
  - b. BOLO
  - c. Adjust schedule/living situation
- Academic Measures
  - a. Notifications
- Referrals
  - a. CAPS
  - b. Off-campus

# Our Policy

# Title IX vs. Sexual Misconduct

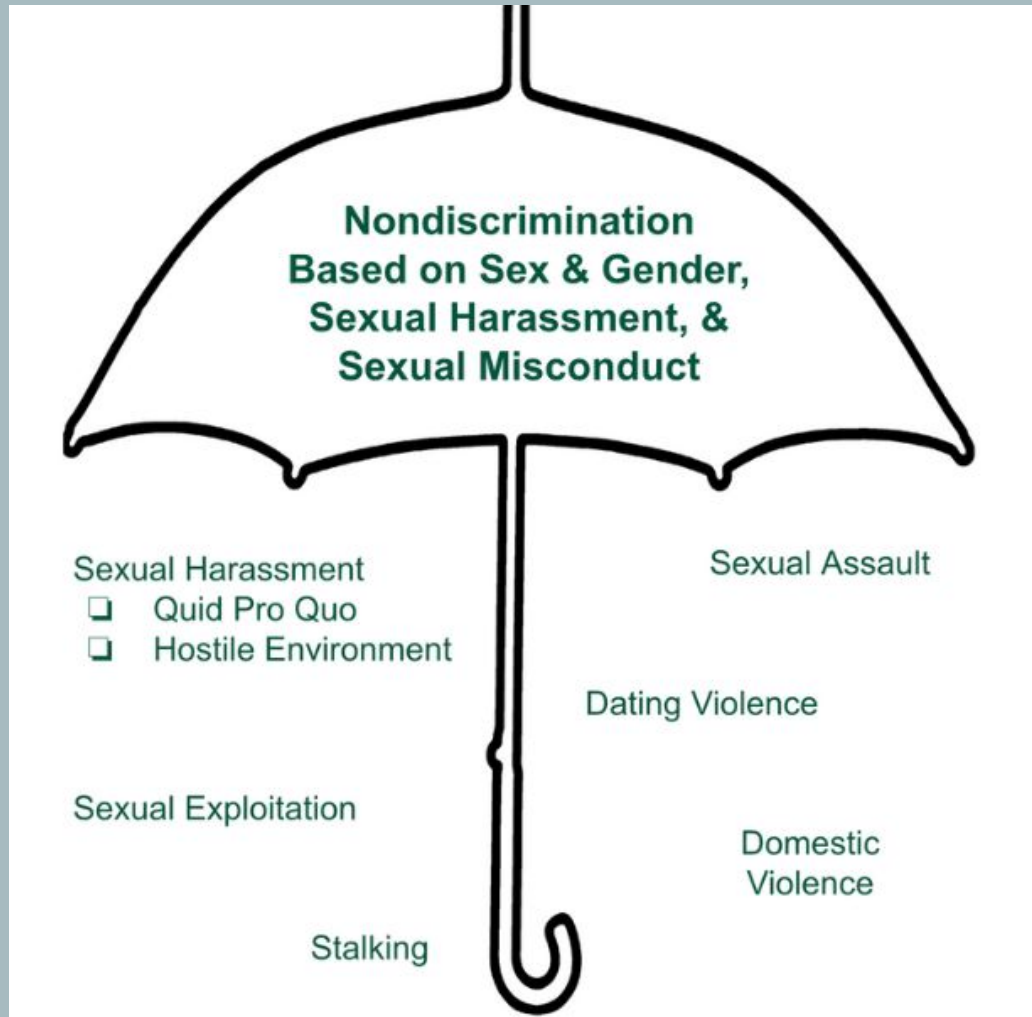
## Title IX

- Occurs on campus
- Occurs in university education program or activity
- Occurs in the US
- The complainant is a student

## Sexual Misconduct

- Off campus
- Study abroad
- Non-Student complainant
- California definition might apply
- Anything not covered by Title IX

# Title IX



# Sexual Harassment

**Sexual Harassment** is a form of sex discrimination within the forms of:

1. *Quid Pro Quo* Harassment
2. Hostile Environment Harassment

1. *Quid Pro Quo* - relies on a power, or authority, imbalance between the persons involved, such as an intimate relationship between a supervisor and a supervisee, or a faculty member and a student. *Quid Pro Quo* literally means "something for something," or "this for that" in Latin.

This behavior may include:

- unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- by a person having power or authority over another
- when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating, evaluating, or providing a benefit to an individual's educational or employment development or performance.

# Sexual Harassment (continued)

2. Hostile Environment – Title IX applies when the conduct or speech reaches a level of creating a hostile environment.

*Sexual Harassment* is:

- unwelcome,
- sexual, sex-based and/or gender-based,
- verbal, written, online, and/or physical conduct

and *Hostile Environment* is created when the sexual harassment is:

- severe, or
- persistent or pervasive, and
- objectively offensive, such that it:
  - unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the institution's education or employment programs.

# California Sexual Harassment

This definition of SH will be used in addition to and when formal complaints of TIX SH are mandatorily dismissed.

- Unwelcome sexual advances or request for favors
- Verbal, visual, or physical conduct of a sexual nature
- Made by someone from the work or educational setting
- Under the following conditions
  - Conduct is explicitly or implicitly made a term or condition of academic status/employment
  - The environment is made hostile
  - A program/service/honor is denied

# Non-Consensual Sexual Contact

**Non-Consensual Sexual Contact is :**

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

*Sexual Contact* includes:

- intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- any other intentional bodily contact in a sexual manner.

# Non-Consensual Sexual Intercourse

**Non-Consensual Sexual Intercourse is:**

- any sexual intercourse,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

*Intercourse includes:*

- vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

# California Sexual Violence

- Physical sexual acts
  - a. Rape – same as TIX
  - b. Sexual Battery – intentional touching of another person's intimate part without consent, or forcing someone to touch another person's intimate parts

# Sexual Exploitation

**Sexual Exploitation** is when one person takes non-consensual, or abusive, sexual advantage of another person for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

This is behavior where circumstance information is extremely important to gather. At the moment, examples included in our policy include, but is not limited to:

# Sexual Exploitation (continued)

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaging in sexual activity without the consent of the person(s) observed)
- Prostitution of another person
- Taking pictures, video, or audio recording of another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Engaging in sexual activity with another person(s) while knowingly infected with human immunodeficiency virus (HIV), or other sexually transmitted infections (STI), and without informing the other person(s) of the infection
- Administering alcohol or drugs (such as "date rape" drugs) to another person without their consent

# Sexual Exploitation (continued)

Other examples include:

- Invasion of sexual privacy,
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances
- Inducing another to expose their genitals

While we don't have an exhaustive list of the behaviors included in exploitation, since new things are being created by people all the time, we would assess the reported conduct and if it did not fit into the other sexual conduct categories, we would assess if exploitation was the appropriate violation to allege.

# Relationship Violence

**Relationship Violence** (commonly broken out into Dating Violence and Domestic Violence) is abuse or violence between partners, or former partners, involving one or more of the following elements:

- Battering (physical contact) that causes bodily injury;
- Purposefully, or knowingly, causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage; and/or
- Repeated telephonic, electronic, or other forms of communication – anonymously or directly made – with the intent to intimidate, terrify, harass, or threaten.

Furthermore, the definition is written fairly broad to encompass the numerous types of violence or abuse that can occur. We can think about violence or abuse as occurring in three main forms: verbal, physical, and emotional/psychological.

# Stalking

Stalking is a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear. This includes, but is not limited to, repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely, or knowingly, causes substantial emotional distress.

- being watched or followed;
- being spied on with a listening device, camera, or GPS system;
- being approached in unwelcome places (e.g., home, school, or work);
- receiving unwelcome voice, text, or computer (social media or instant) messages;
- receiving unwelcome telephone calls, including hang ups.

We will tell you which  
behavior is being  
investigated.

# Other important definitions

- Force
  - a. “Have sex with me or I’ll hit you.”
- Coercion
  - a. Unreasonable pressure for sexual activity
- Affirmative Consent
  - a. Knowing (conscious), voluntary, clear permission
- Incapacitation
  - a. Different that intoxicated

Decisions are often centered around these.

When do we  
investigate?

- 1) an initial inquiry into the original report returns that behavior reported does fall within the jurisdiction of the Policy; AND
- 2) the complainant would like to pursue the formal resolution process; OR
- 3) Campus safety is at risk

# Investigator Role

What are important traits you think investigators should have?

Prompt
Thorough
Impartial
Empathetic

How might bias show up in an investigation?

# How might bias show up?

- Different format of interviewing
- Empathy/sympathy being misread
- Making promises
- Making assumptions about perspectives/stories

# Investigation

What does the policy  
say?

# Expectations of Investigations

- Uphold the integrity of the formal grievance process
- Communicate with all involved
  - a. TIXC
  - b. Complainant/Respondent
  - c. Witnesses
  - d. Advisors???
- Seek support in answering questions
- Treat all parties with respect
- Document all measures and actions taken
- Take care of yourself

What are important traits you think an investigation should have?

# Expectations of Investigations

- Non-judgemental
- Non-bias
- Thorough
- Can understand the timeline
- Can understand what the next step is
- Parties are able to respond to the other person's perspective
- All information gathered

# Investigation Process

1. Investigators meet with TIXC
2. Set up interviews with parties
3. Write summaries of each interview, in a timely fashion
4. Send the summary to the party
5. Conduct secondary interviews
6. Send draft of the Investigation Report to the complainant/respondent
7. TIXC reviews final investigation report
8. Move into hearing process

# What's next?

- Phases of investigation
  - Writing summaries
- Communication templates
  - Question asking
  - Assessing credibility

# Four Phases of the Investigation

Interviews

Types of Evidence

Report writing

Report Review

# Questioning

## Do

- Turn over every feather
- Active listening
- Re-ask questions in different ways
- Run timeline back to them

## Don't

- Place judgement
- Avoid start questions with “why”
- Ask yes/no questions\*\*
- Never assume a piece of information isn't important

# Questioning Video

# Types of Evidence

- **Direct**
  - **Links a specific person to the violation. Eyewitness testimony.**
- Circumstantial
  - Implies a specific person violated a policy
- Physical
  - Material object that may play a role in the matter
  - Not common, consult on this
- Forensic
  - Scientific evidence, like DNA matching, fingerprints
  - We do not collect nor test forensic evidence
- **Testimonial**
  - **Given by a witness (including complainant/respondent)**

# Types of Evidence

- Expert
  - Provided by someone with expert knowledge on a specific topic
- **Digital**
  - **Text messages, pictures, email chains**
- Documentary
  - Other relevant documents, court records, results of a sexual assault exam
- Demonstrative
  - Uses a model to demonstrate or explain a fact
  - Floorplan of a residence hall
- Character
  - Demonstrates the moral standing of a person
- **Corroborating**
  - **Evidence used to confirm already-existing/known evidence**

# Credibility Video

# Credibility

- Credible is not synonymous with truthful
- Memory errors do not destroy credibility
- Nor does some evasion
- Refrain from focusing on irrelevant inaccuracies

# What to look for

- Demeanor
- Non-cooperation
  - Short/abrupt answers
- Logic/consistency
  - Does this make sense?
- Corroborating evidence

Credibility assessment is a  
required part of the report

# Resources