

# Title IX Coordinator Training

Module 4: Overseeing or Conducting Investigations

Part I – Laying the Foundation

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## The Beginning

- Immediate and appropriate action to investigate promptly or to determine what occurred. (DCL 2001 & 2017)
- The procedures the institution will follow and how the institution determines which type of proceeding, including for fact-finding investigations, it will use. (Clery/Campus SaVE)

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## Confidentiality

- Protecting information
- Effect on the institution's ability to respond
- Confidentiality of interim measures
- Retaliation

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### Clery Information

- Student’s or employee’s rights
- Preserving evidence
- Involvement of law enforcement
- Confidentiality
- Available services both on and off campus
- Assistance and accommodations
- Procedures, standards and potential outcomes of disciplinary action

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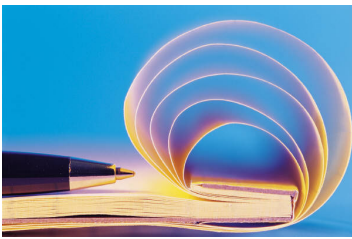
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### Next Steps

- Confer with counsel
- Protect the complainant
- Separate criminal complaint
- And did I mention retaliation?

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### Whether and When to Begin an Investigation

- Is the institution required to investigate?
- Who should conduct the investigation?
- When does “the investigation” begin?

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## The Investigation

- An institutional inquiry to determine what occurred
- One possible activity related to resolution of a disciplinary matter
- An investigation may occur as part of
  - An initial assessment
  - A student conduct procedure
  - A student-to-student grievance procedure
  - A Title IX complaint procedure

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## Elements of a Good Investigation

- Thorough & impartial
- Interview all necessary parties
- Gather and analyze all relevant evidence
- Assess the strength of the evidence
- Rational and defensible result that fairly reflects what occurred

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## Before You Begin: Steps to Take Now

- How does it fit in the process?
- Who is decision-maker?
- What are the elements of a violation?
- Authority

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*Will there be:*

- Conflicts of interest?
- Criminal Investigation?



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*Access to Records:*

- Secure
- Confidential
- FERPA Access
- Other Access



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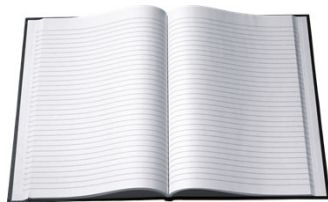
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*Developing a Plan*

- Interviews
- Records
- Other



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## Note

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