**INVESTIGATIONS AGENDA**

In this training, we will focus on how to structure an appropriate civil rights investigation model from a process perspective, conduct investigations, and reach appropriate findings, by answering questions such as:

**Introductory Course**

-Expanded Legal basis for Title IX liability

* Deliberate indifference
* Actual v. constructive notice
* Important cases and the expansion of Title IX
* Personal liability
* Intersection of Title VII and Title IX in investigations

-Due process myopia as a legacy of Dixon v. Alabama

-Title IX era — Equity by and through the process

-Overview of the civil rights investigation and grievance model – 10 Steps

* Complaint or notice
* Preliminary investigation
* Gatekeeper determination
* Charge
* Formal comprehensive investigation
* Strategy of investigation
* Witness interviews
* Evidence gathering
* Finding

-Presentation of Finding

* Accept
* Reject
* Accept in part, reject in part

-Title IX Coordinator oversight

-How does this model alter the current student conduct model used to address sexual assaults, stalking, intimate partner violence, etc.?

-How is investigation different in HR contexts than in student conduct contexts?

-Structure (stand alone, integrated into student conduct, integrated into HR, both)

**Introductory Course - Part 2**

-Who should investigate?

-Should there be more than one investigator?

-Should the investigator interview witnesses, gather evidence, or do more?

-What kind of notes should be kept?

-How is a decision rendered?

-What happens after the decision?

-How is notice given to the accused individual?

* Elements of civil rights notice

-What is the gatekeeping function, and why is it essential?

-What is the role of campus law enforcement in civil rights investigations?

-What is the appropriate standard of proof?

-Is a hearing necessary?

-What role does the investigator play in any eventual hearing?

-How important is the creation of an investigation report?

-How does this model meet due process and/or collective bargaining requirements of procedural fairness?

-Why does this model work better than and with other models of resolution?

-Strategizing when to interview parties and witnesses

-Timeline and timeliness (promptness)

-Sequestering witnesses

-Interview skills

* Rapport
* Good cop, bad cop
* Setting up reasonable expectations
* Play an open hand or close to the vest
* Feeding back to witnesses
* Questioning skills

-Evidence collection, custody and issues of concurrent criminal action

-Witness lists and flowcharts

-Incident timeline

-Keeping policy and procedure copies

-Confidentiality (privacy) of process

-Due process for all parties

-Focus on remedies

-Investigation records as smoking guns in litigation

-Sharing of outcomes

-Informal and formal resolution options

-Appeals

-Retaliation

-Outside investigation/investigation support resources

-Patterns and Predation

-Sanctioning

-Post-Finding Actions

-Remedies

**Advanced Course**

-Brainstorming session by campus on implementation and integration of elements of this model

-Expanded (half day likely) Evaluation of evidence and decision-making skills (coupled with half-day case study application)

* Fact
* Opinion
* Circumstantial

-Note-taking, recordkeeping and report writing

-Reviewing templates for recordkeeping and report writing

-Report writing exercise

-Evidence analysis

* Relevance
* Credibility

-Questioning modeling by presenters (lying witness, recalcitrant witness, quiet witness)

-Questioning activity with participants

**Advanced Course - Part 2**

-Policy overview

* Sexual Misconduct
* Sexual Harassment
* Non-Consensual Sexual Contact
* Non-Consensual Sexual Intercourse
* Sexual Exploitation
* Stalking
* Relationship violence
* Bullying and Cyberbulling
* Hazing
* Discrimination

-Sexual Assault without alcohol case study

-Sexual Assault with alcohol case study

-Sexual Harassment case study (same sex)

-Stalking case study

-IPV case study