



Title IX Investigator Training

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Agenda

- Quick Title IX Refresher
- Title IX Grievance Process
- Serving as Title IX Investigator
 - Impartiality, Bias, and Conflict of Interest
 - Consent
 - Investigation Techniques
 - Writing Interview Summaries and Investigation Reports





Quick Title IX Refresher

The School's Obligation

- A recipient with **actual knowledge** of sexual harassment in an **educational program or activity** of the recipient against a person in the United States must **respond promptly in a manner that is not deliberately indifferent**
- A recipient is only deliberately indifferent if its response to sexual harassment is **unreasonable in light of known circumstances**



Title IX Definition of Sexual Harassment

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- **Quid pro quo** – An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct
- **Hostile environment** – Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- **Clery crimes** – Sexual assault, dating violence, domestic violence, or stalking [Clery regulatory definition cites omitted]



Prohibition on Retaliation

“No recipient or other person may **intimidate, threaten, coerce, or discriminate against** any individual for the purpose of **interfering with any right or privilege secured by Title IX** or this part, because the individual has **made a report or complaint, testified, assisted, or participated or refused to participate** in an investigation, proceeding, or hearing under this part.” *34 CFR § 106.71*



District Obligations

- Address complainant and provide supportive measures
- Mandatory reporting
- Informal Resolution
- Investigation
- Formal grievance process: notice, report, decision, appeal



Title	NONDISCRIMINATION ON THE BASIS OF SEX AND FORMAL COMPLAINTS OF SEXUAL HARASSMENT IN EDUCATION PROGRAMS OR ACTIVITIES
Code	po2266
Status	Active
Adopted	October 20, 2020
Last Revised	October 19, 2021

2266 - NONDISCRIMINATION ON THE BASIS OF SEX AND FORMAL COMPLAINTS OF SEXUAL HARASSMENT IN EDUCATION PROGRAMS OR ACTIVITIES

Introduction

The Board of Education of the Reynoldsburg City School District (hereinafter referred to as "the Board" or "the District") does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to the enrollment of students and

Reynoldsburg Board Policy 2266

General Requirements

Due Process / Fundamental Fairness

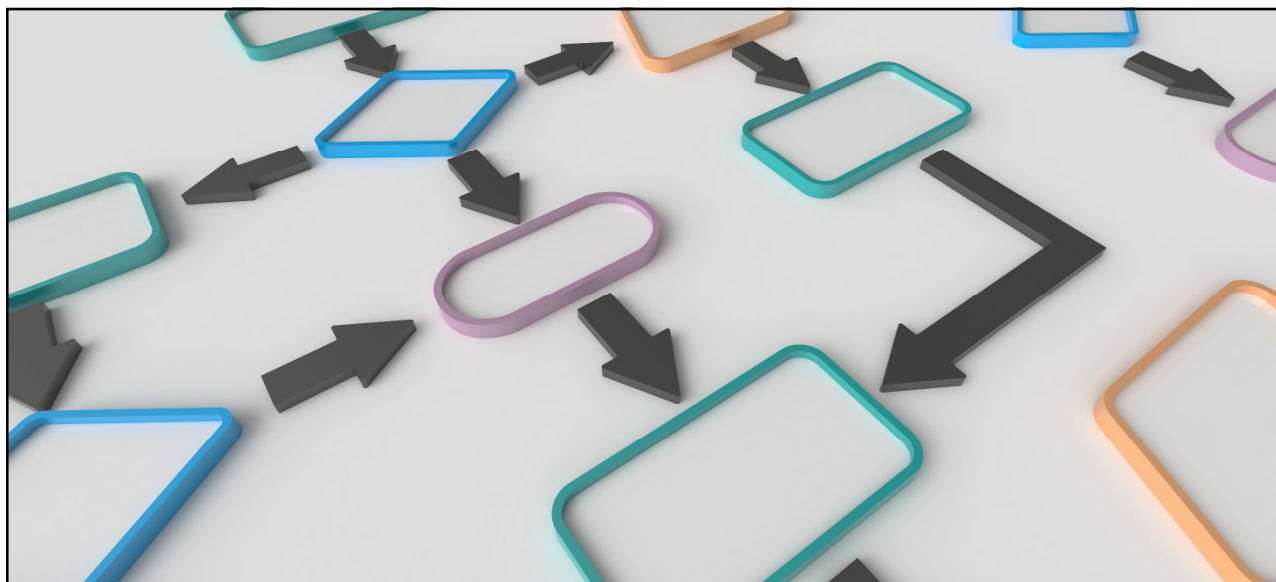
- Treat complainants/respondents equitably; no sanctions until process complete
- No conflict of interest or bias; trained staff
- Presumption that respondent is not responsible
- Reasonably prompt timeframes
- Range of possible sanctions/remedies



Reporting Under Title IX

- Title IX regulations – **Any District employee** who learns of potential sexual harassment **must report it to the Title IX Coordinator**
 - **Reynoldsburg's Policy** – employees must report potential TIX violations within **3 days** of learning of them
 - **Reynoldsburg's Title IX Coordinator** – Director of HR
- Don't forget your other reporting obligations:
 - Mandatory reporting obligations under Ohio law (child abuse, felonies, school employee→student sexual conduct)
 - ODE conduct reporting





Title IX Grievance Procedures

Formal Complaint

- **Formal Complaint** – “a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment”
- **Complainant** – “an individual who is alleged to be the victim of conduct that could constitute sexual harassment”



Due Process/Fundamental Fairness (1 of 2)

- Treat complainants/respondents equitably
- **Presumption that respondent is *not* responsible**
- Range of possible sanctions/remedies
- No sanctions until process complete
- No conflict of interest or bias
- Trained staff
- Reasonably prompt timeframes
 - **Reynoldsburg's policy** sets goal of **60 days** for whole process



Due Process/Fundamental Fairness (2 of 2)

- **Evidentiary Standard** – Preponderance of Evidence
 - Same standard applicable to complaints against students and employees
 - Same standard applicable to all complaints of sexual harassment
- Describe supportive measures
- Exclude privileged information



TIXC May File Formal Complaint *(34 CFR § 106.30(a))*

- After receiving multiple reports about same respondent
- Must remain free from conflicts of interest and bias, and must serve impartially
- Is not acting as complainant
 - Not participating in the investigation
 - Not submitting questions or cross examining on behalf of the complainant



Jurisdiction – Dismissal and Consolidation

Dismissal of Formal Complaints by the Title IX Coordinator

- Must provide notice of dismissal to parties
- **Mandatory**
 - Alleged conduct, even if proved, would not fall within scope of Title IX
 - Does not preclude action under other Code of Conduct provision
- **Permissive**
 - Complainant withdraws formal complaint
 - Respondent is no longer enrolled/employed
 - Specific circumstances prohibit gathering sufficient evidence

Consolidation of Formal Complaints – Permissive where allegations arise out of same facts/circumstances



Jurisdictional Determinations (34 CFR § 106.45(b)(3))

- Preamble discussion notes that permitting districts to dismiss because they deem an allegation meritless or frivolous without following the grievance procedure would defeat the purpose of the regulations
- Must promptly send written notice of dismissal (including the reasons) simultaneously to both parties
- Jurisdictional issues can arise at any time – even during the investigation



Notice to Parties – Required Contents

- | | |
|--|---|
| <ul style="list-style-type: none">• Grievance Process• Allegations<ul style="list-style-type: none">– Sufficient details known at the time (identity of parties, date and location of alleged incident, alleged conduct)– Sufficient time to prepare response• Inform of standards prohibiting false statements | <ul style="list-style-type: none">• Statement that respondent is presumed not responsible and that determination will be made at conclusion of grievance process• May have advisor of choice• May inspect/review evidence• Notice of any additional allegations that may arise |
|--|---|



Investigation Process *(1 of 2)*

- Burden of proof and gathering evidence is on the District
- Equal opportunity to present witnesses
- May not prohibit parties from discussing allegations or gathering/presenting evidence
- Equal opportunity to have others present including advisor of choice
- Written notice of any hearings/interviews/meetings



Investigation Process *(2 of 2)*

Provide All Evidence to Parties and Advisors

- Allow 10 days to review
- Allow parties to submit a written response before completion of the Investigative Report
- **Reynoldsburg's Policy** states that Investigator is responsible for this

Prepare Investigative Report

- Fairly summarizes relevant evidence
- Provide to parties 10 days prior to determination of responsibility
- Allow parties to submit written response



Questioning Phase

- Allow parties to submit written questions of other parties/witnesses
- Occurs after distribution of Investigative Report, but before determination regarding responsibility
- Provide answers and allow limited follow up
- Questions and evidence regarding complainant's sexual predisposition or prior sexual behavior prohibited (very limited exceptions)



Written Decision

- | | |
|---|--|
| <ul style="list-style-type: none">• Note: Decision-maker cannot be investigator or Title IX Coordinator• Identification of the allegations• Description of procedural steps• Findings of fact• Conclusions | <ul style="list-style-type: none">• Result as to each allegation, including determination, sanctions, and remedies• Procedures, bases for appeal• Provided to parties simultaneously• Reynoldsburg's Policy states that Title IX Coordinator will send it to parties |
|---|--|



Appeals Process

- Notify other party in writing when appeal is filed
- New decision maker
- Allow opportunity for both parties to submit written statement
- Written decision with result and rationale
- Provided to both parties simultaneously



Informal Resolution

- May not be mandatory – must obtain **voluntary, written consent** from both parties
- May not be offered unless formal complaint is filed
- May not be offered in allegation by student against employee



Informal Resolution Notice Requirements

- **Written notice** of:
 - Allegations
 - Requirements of process
 - Right to withdraw from process and resume formal grievance process
 - Consequences of participation, including the records that will be maintained or could be shared



Recordkeeping (34 CFR § 106.45(b)(10)(i)) (1 of 2)

All of the following must be **maintained for 7 years**:

- Investigation Records (including determination, recordings, transcripts, sanctions, remedies)
- Appeal Records
- Record of any Informal Resolution
- Training materials – posted on website/available upon request
- Documentation of recipient's response to all reports and formal complaints



Recordkeeping (34 CFR § 106.45(b)(10)(i)) (2 of 2)

- TIX Coordinator will want to develop a process for required recordkeeping, including:
 - Maintaining all investigatory and appeal records for a period of seven years
 - Collecting and publicly posting on its website all materials used to train TIX Team



Make No Assumptions: Impartiality, Avoiding Bias and Conflict of Interest, and Being Trauma-Informed

Make No Assumptions

Being **impartial**, **unbiased**, and **without conflict of interest**, and **avoiding prejudgment** of facts

- We will discuss each of these individually and provide examples, but some of the factors for each overlap
- For example, being impartial is greatly aided by not prejudging facts



Being Impartial

- The preamble discussion appears to indicate that being impartial means being free from bias (*p. 828-829*)
- “The Department believes that keeping this provision focused on ‘bias’ paired with an expectation of impartiality helps appropriately focus on bias that impedes impartiality”
- **Be neutral** – don’t be partial to a complainant or a respondent, or complainants or respondents generally
- **Do not judge** – memory is fallible, and judging is contrary to your neutral role (*85 FR 30323*)



Bias

Concerns Raised in Comments in Preamble:

- All paid staff members being biased in favor of institution
- Institutional bias – cover-ups
- Past tweets that appear to support complainants or respondents
- Being a feminist
- “Appearance of bias” vs. actual bias



Conflict of Interest

Concerns Raised in Comments in Preamble:

- Decision-maker and financial and reputational interest aligned with institution (or to protect institution)
- Co-mingling of administrative and adjudicative roles
- Title IX Coordinator supervisor of decision-maker
- Past advocacy for victim’s or respondents’ rights (example also for bias)
- “Perceived conflict of interest” v. actual conflict of interest



Preamble on Bias, Conflict of Interest (1 of 2)

Final regulations “leave recipients **flexibility to use their own employees, or to outsource** Title IX investigation and adjudication functions, and the Department encourages recipients to **pursue alternatives to the inherent difficulties** that arise when a recipient’s own employees are expected to perform functions free from conflicts of interest and bias”



Preamble on Bias, Conflict of Interest (2 of 2)

- No *per se* prohibited conflicts of interest in using employees or administrative staff (*Preamble p. 826*)
- No *per se* violations for conflict of interest or bias for professional experiences or affiliations of decision-makers and other roles in the grievance process (*Preamble p. 827*)
 - Receiving this training can help protect against disqualifying someone with prior professional experience (*85 FR 30252*)



Avoiding Prejudgment of Facts

- Avoiding prejudgment of facts → a good way to avoid bias and ensure impartiality
- If a hearing occurs, the decision-maker should keep an open mind and actively listen to all the facts presented as subjected to cross-examination
- Each case is unique



Sex Stereotypes *(Preamble p. 831-837)*

- **Must not** rely on sex stereotypes
- Comments include **examples of sex stereotypes**, such as:
 - Women have regret about sex and lie about sexual assaults
 - Men are sexually aggressive or likely to perpetrate sexual assault



Sex Stereotypes *(Preamble p. 1723-25, 1732-37)*

- Different from evidence-based information or peer-reviewed scientific research, including impact of trauma
- Cautions against “believing” one party over the other, and notes 106.45(b)(1)(ii) precludes credibility determinations based on a party’s status as a complainant or respondent
- Consideration of marginalized groups – people with disabilities, people of color, people who identify in the “LGBTQ” community



Potential Responses to Trauma

- Delayed reporting
- Difficulty remembering specifics (could also be due to drugs/alcohol)
- Reluctant reporting
- Remaining in relationship or living arrangement with respondent
- Being calm and composed after an assault
- Failing to identify the accused



Disclaimer

- This section is about rape myths and trauma as **context for what may or may not be someone's internal dialogue**, to help you ask sensitive questions
- **Both parties may be traumatized** – and the trauma may be **completely unrelated** to the incident you're investigating
- **Don't assume** that signs of trauma mean it was caused by the respondent and therefore the respondent violated the policy
- Likewise, **don't assume** that because there are no signs of trauma, nothing happened



Know the Facts *(1 of 2)*

- Most rapes are committed by those who know each other
- Rapes can happen in a committed relationship
- Rapes can happen between individuals of any gender
- Victims of intimate partner violence may return to the violent partner for a variety of reasons that may not seem rational to outsiders looking in



Know the Facts (2 of 2)

- Drug-facilitated sexual assault is common, and the most common drug used is alcohol
- Being drunk doesn't excuse behavior
- A wide variety of responses are normal for a those who experience of trauma
 - E.g., calm, hysterical, angry, in denial, detached, withdrawn, or in shock
 - Don't make assumptions about how they "should" act



Trauma Responses

Trauma and the Brain

- Trauma affects the way the brain **encodes and decodes memories** of what occurred
- Fight, flight, or freeze

Why don't people tell right away?

- Fear of retaliation
- Fear of not being believed



Why Is It Important To Be Trauma Informed?

How you handle a person in your first meeting can make the difference between:

- Cooperation in the investigation **vs.** refusal to cooperate
- Retraumatization **vs.** supportive environment
- Putting off other potential complainants or witnesses from coming forward **vs.** encouraging future reports
- Lawsuit or OCR complaint (or both) **vs.** supportive and cooperative relationship



Words Have Power

- Victim **vs.** Survivor **vs.** Complainant
- Perpetrator **vs.** Accused **vs.** Respondent
- Alleged Behavior **vs.** Reported Conduct
- **Stick with policy language** to the extent possible



Culture Affects Response (1 of 2)

- Age of consent
- Dating vs. arranged marriages
- Attitudes towards homosexuality
- Attitudes towards intimate partner violence
- Cooperating with investigations
- Sharing personal information
- Reactions toward authority figures
- Reactions toward male vs. female



Culture Affects Response (2 of 2)

- “I won’t report it if it doesn’t feel wrong”
- “I’ll admit it because I don’t understand it’s prohibited”
- “I won’t report it if I would be a snitch”
- “It’s impolite to look you in the eye, so I’ll look down the whole time”
- “I deserved it, it’s normal”
- “Reporting this would result in serious consequences at home”



Consent: Left to Schools to Define

- No required definition in law, regs, or guidance
- Policy language is going to be critical to your analysis

Consent refers to **words or actions** that a reasonable person would understand as **agreement to engage in the sexual conduct** at issue. A person may be **incapable of giving consent** because of **age** or because of temporary or permanent **mental or physical incapacity**. A person who is incapacitated is not capable of giving consent.

(Reynoldsburg Board Policy 2266)



Who Can Never Give Consent?

- Under age 13 (varies by state)
- Between ages 13-16, if the other person is over 18 (varies by state)
- A student, if the offender is a teacher, administrator, coach, or other person in authority employed by or serving in their school
- Severely cognitively disabled persons
- Those who are incapacitated
- Those who are by law unable to give consent



Consent: Some Policies Require...

- **Clear** – verbal (or non-verbal?) communication
- **Knowing** – Mutually understood as willingness to participate in a sexual activity and the conditions of that sexual activity
- **Voluntary** – Freely and actively given



Consent: Some Policies Include...

- May be withdrawn with clear communication
- Consent for one activity is not consent for everything
- Silence or failure to resist does not constitute consent
- Previous consent does not constitute consent for future activities



When Does Consent Not Exist?

- Use of:
 - Physical force
 - Threats of physical force
 - Physically intimidating behavior
 - Coercion
- Individual from whom consent is required is incapacitated



Evidence of Consent? *(1 of 3)*

- What **words or actions** did complainant use to convey consent/non-consent?
 - Must examine sexual contacts, acts in detail
- Was complainant **capable** of consenting?
 - Asleep?
 - Passed out?
 - Not understanding what was happening?



Evidence of Consent? (2 of 3)

- Who took off what **clothes**?
- Who provided the **condom**?
- Who **initiated** physical contact?
- Who **touched** who where?
- “They gave consent” = What did you say to them, and what did they say to you?



Evidence of Consent? (3 of 3)

- Ask the respondent:
 - What did complainant **say** to you and/or what **actions** did they take to show consent?
 - “How did you know they wanted to have sex?”
- If applicable, what **role did respondent play** in complainant’s intoxication/incapacitation, if any?





Serving as a Title IX Investigator

Serving as Investigator

- As you investigate and write the report, keep in mind that **you are NOT the decision-maker**
- Parties must receive written notice to parties/witnesses before any investigative interview
 - **Reynoldsburg's Policy** requires at least **2 days' notice** for interviews



Evidence Review Period (34 CFR § 106.45(b)(5)(vi))

- Provide both parties an **equal opportunity to inspect and review any evidence** obtained as part of the investigation that is directly related to the allegations raised in a formal complaint
 - **Include evidence you don't intend to rely on**
 - **Include inculpatory or exculpatory evidence**, whether obtained from a party or other source
- Must be sent to each party *and* their advisors **prior to completion of the investigative report**
 - **Reynoldsburg's Policy** states that Investigator is responsible for this



Investigative Report (34 CFR § 106.45(b)(5)(vii))

- Investigator must create an **investigative report** that fairly summarizes relevant evidence
- Report must be sent to each party and the party's advisor for review and a written response **at least 10 days prior to a hearing** (if there is one) **or other time of determination regarding responsibility**
 - **Reynoldsburg's Policy** states that the Investigator is responsible for sending the report to the parties/advisors and Title IX Coordinator





Introduction to Investigative Techniques

Initial Review

- Review notes and information collected by the Title IX Coordinator
- Review Notices to Complainant and Respondent
- Review Policy/Code of Conduct
- Define Scope of Investigation
 - What elements do you think will be disputed?
 - Agreed upon?



Begin Evidence List

- If there is a criminal investigation, work with law enforcement to collect and preserve evidence
- **Types of Evidence**
 - Electronic communications
 - Security information
 - Pictures, videos, audio
 - Police reports
 - Personnel files
 - Prior complaints against respondent



Begin Witness List

- If there is a criminal investigation, work with law enforcement to ensure permission to question witnesses
- Who should be included?
- Who should NOT be included?
- In what order should the witnesses be interviewed?
- Be flexible



Craft Questions for Each Witness

- Refer to the policy
- Consider what information they are likely to have related to each element
- Consider what information they are likely to have that may assist the decision-maker in determining credibility
- Be flexible



What to Have With You at the Interview

- Allegations
- Investigation log
- Investigation notes cover sheet
- Pre-prepared questions
- Evidence you may need to reference or show witness
- Policy or Handbook



Note-Taking Tips

- Use predictable symbols in the margin to easily skim during the interview:
 - ? ← Follow-up questions
 - * ← Potential evidence
 - W ← Potential witness
- Try to record exact quotes when possible



Setting Up the Interview

- Identify yourself, your role, and a general outline of what you're investigating
- Consider requesting the TIX Coordinator check in with those who fail to respond or refuse to participate
- Don't give up on the interview till you've tried at least 3 times, in at least 2 different methods



Set the Stage

- Make introductions
- Be hospitable
- Give overview of why they are being interviewed
- Explain retaliation policy
- Invite questions



Begin Broadly

- **Elicit a monologue** about the incident
 - What happened earlier that day before the incident?
 - What happened with regard to the incident?
 - What happened next?



Freeze Frames

- Ask the witness to “freeze” on the moment and describe details
 - What could they see, feel, smell, taste, hear?
 - Where was the other person? How were they positioned?
 - Where were you? How positioned?
 - What did you say to the other person? Them to you?
 - Describe other person’s tone, demeanor, body language



Ask Follow-Up Questions

- Re-review your notes
- Re-review the elements of each charge
 - Have you elicited all of the information this witness might have about each element?
 - Do you have an understanding of how the witness obtained the information they shared?



Credibility

- Gather facts to **assist decision-maker**
- Ask questions to test memory
- Identify where the witness may corroborate or contradict their own testimony, other witnesses' testimony, and physical evidence
- Be sensitive to potential trauma experienced by witnesses



When Consent is at Issue

- Consider the wording and tone of your questions
- Utilize “freeze frame” strategy
- Ask questions about what happened to determine whether there was unspoken consent
- Ask questions to identify whether alcohol/drugs may have played a role regarding consent
- Apply definition of consent consistently and impartially



Closing the Interview

- Closing questions
- Request copies of all evidence potentially available to the witness
- Discuss confidentiality – but **don't** prohibit a party from discussing allegations
- Inform the witness of next steps and how to reach you



After the Witness Leaves

- Update investigation log
- Review notes, make corrections/clarifications
- Update witness list
- Update list of evidence to be obtained
- Write down questions to ask other witnesses
- Consider whether appropriate to send email



Physical Evidence

- Follow up on anything identified during interviews
- Is law enforcement involved? Could they be?
- Ensure physical evidence is in a secure location and documented in the investigation log



Inspection and Review of Evidence

Provide ALL Evidence to both parties and advisors

- Include everything directly related to allegations, even if you don't expect decision-maker to rely on it
- Allow at least **10 days** to review
- Allow written response
- Follow up where necessary
- Consider responses when preparing report



Key Takeaways *(1 of 2)*

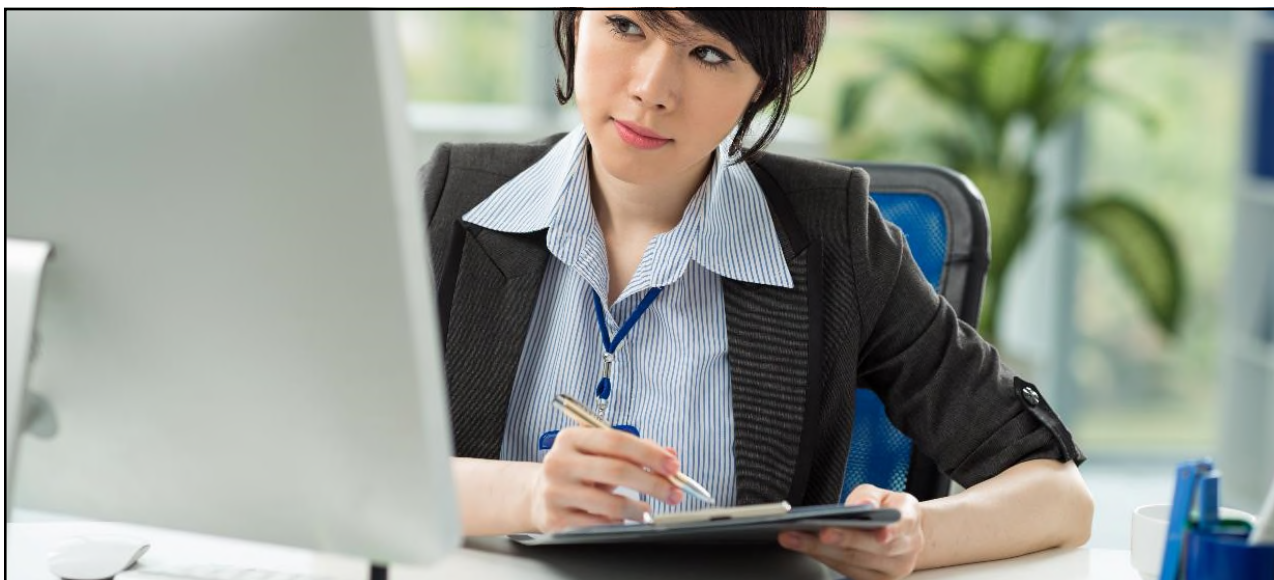
- Study your updated grievance procedures
- Know the definition of sexual harassment and keep the policy language in mind as you interview parties and witnesses
- Identify when/if another policy (such as anti-bullying) is in play



Key Takeaways *(2 of 2)*

- Make sure you understand potential biases (actual or perceived)
- Trauma may affect how someone responds to an incident
- Prepare for your interview with questions and statements
- Start with open-ended questions
- Obtain any documentary evidence that you can





Writing the Facts

Goals

- Write your interview summaries in narrative form so you can drop them into your report
- Be consistent in terminology
- Be clear as to the source of information – compare:
 - “Bob stated that this happened”
 - “This happened”



Structure of an Interview Summary (1 of 4)

- Who, when, where, via what medium?
- Did they have an advisor?
- Did you discuss your role? Their role?
- Did you discuss the prohibition on retaliation?



Structure of an Interview Summary (2 of 4)

- Background
 - How does this person connect with the parties and witnesses?
 - Age, year in school
 - Length of employment, position



Structure of an Interview Summary (3 of 4)

- Background
 - Monologue
 - Follow-up questions you ask, including responses
 - Evidence requested, evidence provided
 - Witnesses suggested



Structure of an Interview Summary (4 of 4)

- Know your policy and procedures
 - Interview summary is often more complete than what is included in report
 - May include information irrelevant to investigative decision, such as discussions about supportive measures



Complete

- Include screenshots and other reference material directly in summary when possible
- Don't paraphrase a document when you can use direct quotes



Unambiguous

- Could my mother pick up the report and understand what happened?
- Make no assumptions that the reader will understand certain aspects of the community
- Write for a judge and jury to understand with no prior background



Relevant

- Is there extraneous information that is unnecessary to resolve the charges or credibility disputes?
- Is the extraneous information nevertheless appropriate to include?
- Does your report contain any information you are prohibited from including?
- Will the parties read this, and if so, will they focus on the wrong things?



Sensitive

- Will the parties feel heard?
- Will the parties feel blamed?
- Will the parties feel vilified?
- Will the tone otherwise inflame the parties unnecessarily?



Empathetic

- Maintain a non-judgmental tone
- Stay away from charged words of advocacy:
 - Clearly/obviously
 - Innocent/guilty
 - Victim/perpetrator
- Watch your adjectives and adverbs – unless they are in a quote
- Recognize the impact of your words



Specific

- Set the scene visually (will help identify inconsistencies in stories)
- Use quotation marks carefully
- Include details to the level that you can thoroughly understand what it looked like





Just the Facts: Synthesizing Evidence Into an Investigative Report

Include Disclaimer

- “This document is intended to be a summary of evidence and a description of what was learned through an investigation. Please refer to the full record, including [information shared in the hearing, and]* the contents of the [hearing packet] [exhibit packet].”*



Basic Information

- | | |
|--|--|
| <ul style="list-style-type: none">• Complainant• Respondent• Investigator• When was the complaint made? | <ul style="list-style-type: none">• Basic description of charges• How did the complaint make its way to an investigation?• Witnesses Interviewed• Witnesses Not Interviewed (and why)• Any procedural anomalies that need explained? |
|--|--|



Jurisdiction

- | | |
|---|---|
| <ul style="list-style-type: none">• Under the new regulations, if you do not have jurisdiction you must dismiss the Title IX complaint• This does not preclude supportive measures or other Code of Conduct violations | <p>No Jurisdiction If:</p> <ul style="list-style-type: none">• Alleged conduct would not be sexual harassment if proved• Occurred outside of the US or• Occurred outside of the District's education program or activity |
|---|---|



Definition of “Educational Program or Activity”

- “Educational program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs...



Does Your Policy Require Witness Sign-Off?

- “Each person interviewed was provided with a written copy of a summary of their interview, and was given an opportunity to provide feedback and approve the accuracy of the summary.”
 - Did everyone do so?



Additional Information to Include

Basic Information

- “All relevant information gathered during the course of the investigation has been included in this report/hearing packet.”

Applicable Policy Provisions

- Definition of prohibited conduct alleged
- Related definitions as appropriate (e.g. consent, substantial incapacitation)
- Include verbatim, in entirety



Summary of Information (1 of 2)

- Ways to arrange:
 - Chronologically
 - By witness summary
 - By allegation/topic
- Explain your structure
 - Example: “The information in this report is a summary of the facts. Where there is a difference in the accounts, it is noted in the report. For the sake of clarity, the report is organized chronologically and by subject matter when appropriate.”



Summary of Information (2 of 2)

- Tell the story chronologically
 - How did the relationship start?
- Citations to the record – always
 - Be helpful for your fact-finders!
- Hearing packet or exhibits – helpful to number the pages sequentially for easy citation



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Bricker
Graydon

The logo for Bricker Graydon, featuring the company name in a bold, sans-serif font. To the right of the text is a graphic of two overlapping squares, one green and one blue, with a small white square in the center where they overlap.