

**Young
Harris**

C O L L E G E



EST. 1886

Title IX Training Documentation

Updated 08.14.2020

**Training for Members of
the Young Harris College Title IX Team**

DATE	TRAINING	ATTENDEES	TYPE
2/4/2020	Trauma Informed investigation (1 hour)	Julie Payne Marti Slaughter Leeah Hughes Marti Slaughter	Webinar Webinar Webinar Webinar
3/11/2020	Reid Investigative Techniques (6 hours)	Hope Clark Leeah Hughes Jackie Lewis-Burton Ryan Reinhart Robbie Rich Marti Slaughter Laura Whitaker-Lea	In person In person In person In person In person In person In person
5/4/2020	Clery Act (1 hour)	Leeah Hughes	Webinar
5/12/2020	Title IX-Final Rules-Part I (1 hour)	Laura Whitaker-Lea	Webinar
5/19/2020	Title IX-Final Rules-Part II (1.5 hours)	Laura Whitaker-Lea	Webinar
5/26/2020	Title IX-Final Rules-Part III (1.5 hours)	Laura Whitaker-Lea	Webinar
6/2/2020	Title IX-Final Rules-Part IV (1.5 hours)	Laura Whitaker-Lea	Recorded
6/9/2020	Title IX-Final Rules-Part V (1.5 hours)	Laura Whitaker-Lea	Webinar
8/3/2020	Title IX Training Investigator Training (6 hours: Parts I-III=2 hours, Part IV=1 hour. Part V=2 hours)	Diane Bauman Marti Slaughter Leeah Hughes Julie Payne Laura Whitaker-Lea Ryan Reinhart Jackie Lewis Burton Melissa Wall Tyler Zettle Jennifer Schroeder Michelle Gernannt Steven Rivera Eugene Burton Hope Clark Matt Bruen	In person In person In person In person In person In person In person In person In person In person In person In person In person In person In person



GICA Compliance Collaborative

2020 Webinar Training

Title IX - Trauma Informed Investigation and Questioning

(1 Hour Webinar – February 4, 2020)

AGENDA

Dynamics of Sexual Violence

- Common characteristics
- Reasons for not reporting

Fact Finding

- OCR guidelines
- Current legal cases/precedent
- Institution's policies and procedures
- Dynamics of sexual violence and violation
- History of legal and law enforcement response
- Student perceptions of sexual violence
- Campus climate data
- Understanding of gender socialization
- Understanding of trauma
- Your own biases

Basics of Trauma

- Review
- Intersectionality

Specific Skills and Techniques for Interviewing

- Open ending questioning
- Environmental considerations
- Consent questions
- Detail questions
- Clarification questions or reflective statements

Vicarious and Secondary Trauma

Action Items

Resources

Presenter: Presenter: Carol Mosely, MA

Carol served as the Healthy Campus Project Director for the Georgia Healthy Campus Initiative, 2017 - 2019. Prior to that initiative, Carol was a Director at We End Violence, a company that provided sexual violence prevention materials and training to higher education institutions and the U.S. military. Carol was the Director of the Rape Prevention Education Program at the University of California at Santa Barbara for 12 years. During that time, she was also a Subject Matter Expert for California POST (Peace Officers Standards and Training), serving on the team that developed and provided training on trauma-informed investigations.

Presenter: Judy Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant. She is a tenured Professor, an attorney licensed in Kentucky, Ohio, New York, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. Judy is the author of the first book on higher education compliance, *“Higher Education Compliance: Blueprint for Success”*. Judy is also the author of *“Compliance Risk Assessments: An Introduction”* published by the Society for Corporate Compliance and Ethics.

The Reid Technique of Investigative Interviewing and Positive Persuasion

Presented by
Joseph P. Buckley
President
JOHN E. REID AND ASSOCIATES, INC.
209 W. Jackson Blvd. Suite 400
Chicago, Illinois 60606
800-255-5747
312-583-0700
info@reid.com
www.reid.com

March 11, 2020
9:00 a.m. to 4:00 p.m.
Brenau University

Training program consists of three primary topics:

1. Behavior Symptom Analysis
2. The Behavior Analysis Interview
3. The Seven Steps of Positive Persuasion

Behavior Symptom Analysis

During this segment of the program we discuss the verbal and nonverbal behavior symptoms that are displayed by a person who is telling the truth during a non-accusatory interview, as well as those displayed by a person who is fabricating or withholding relevant information. The specific behaviors discussed include attitude; posture; significant posture changes; grooming, personal and protective gestures; eye contact; and, verbal responses. The ability to recognize and evaluate these behaviors becomes particularly important in those cases in which the available investigative information does not definitively establish the credibility of the subject.

At the conclusion of this segment of the program, the participant will have a behavioral profile for both the truthful and deceptive individual that can be used as a model for the evaluation of subjects in future investigative interviews.

The Behavior Analysis Interview

Most investigative interviews consist of two types of questions – investigative and behavior provoking. Investigative questions concern the subject's version of events, alibi or activities at the time in question, developed by the traditional who, what, where, when, why and how type of questions. Behavior provoking questions are ones that are used to assess the subject's truthfulness by evaluating the nature of their response. Truthful people answer the behavior provoking questions one way, while a deceptive person usually offers a different verbal response.

During this segment of the program we will discuss how to phrase and ask the behavior provoking questions and describe the type of answers to anticipate from the truthful and deceptive individuals.

The Steps of Positive Persuasion

Through the use of understanding, logic, empathy and rationalization the investigator presents persuasive statements to motivate the subject to want to tell the truth. The process involves Stating your Position; Developing Persuasive Statements; Overcoming Resistance; Addressing the subject's Fears and Concerns; the Closing; Establishing the Details; and Document the Subject's Statement.

Information about John E. Reid and Associates

John E. Reid and Associates began developing interview and interrogation techniques in 1947. The Reid Technique is now the most widely used approach to question subjects in the world. The content of our instructional material has continued to develop and change over the years.

U. S. Supreme Court Recognition – In June 2004, in the case of *Missouri v. Seibert*, the United State Supreme Court referenced our company and our book, Criminal Interrogation and Confessions, as examples of law enforcement resources that offered proper training. In 1994 the United States Supreme Court referenced our textbook, Criminal Interrogation and Confessions, in making their decision in the case *Stansbury v. California*. Courts throughout the country have recognized The Reid Technique as the leading interview and interrogation approach used today in both the law enforcement and business communities.

Government Recognition - Our expertise on the topic of behavior symptom analysis, interviewing and interrogation techniques was recognized by the National Security Agency which awarded John E. Reid and Associates (in conjunction with Michigan State University) a sole source bid for a scientific study on the use of behavior symptoms in the detection of deception. The results of the study were published in the Journal of Forensic Sciences.

Exonerating the Innocent - Over the years John E. Reid and Associates has assisted the Innocence Project (New York) on several cases as expert witnesses on proper interview and interrogation techniques, as well as the exoneration of one of their clients by obtaining a confession from the actual offender. This case was detailed in the story, "I Did It" in New York magazine (<http://www.reid.com/pdfs/Ididit.pdf>). We have also assisted other attorneys (for example, Kathleen Zellner) in wrongful conviction cases.

Reid as the Gold Standard - In the Netflix series, *Making a Murder Part 2*, (2018) the interrogation of Brendan Dassey is discussed by Attorney Steve Drizen and Attorney Laura Nirider during the first 15 minutes of Episode 2. (Attorneys Drizin and Nirider represent Dassey in his appeals). The two attorneys are shown on screen giving a presentation to lawyers at Northwestern University Law School, discussing the Brendan Dassey interrogation. During their presentation they reference John E. Reid and Associates as the benchmark for proper interrogation practices and procedures.

Reid Featured on the Oxygen Channel - December 8, 2018 John E. Reid and Associates was featured in the series, **Criminal Confessions**, on the Oxygen channel. "Detectives were unable to generate any new leads ... they decided to "try and re-interview Chris to get at the truth," said Detective Hall. Before bringing Christopher back in, however, they contacted cold case homicide interview expert Rich Byington, who is a senior investigator with leading interrogation company John E. Reid & Associates. Using the Reid technique — a three-part process that includes Fact Analysis, Behavior Analysis Interview and the Reid Nine Steps of Interrogation, Byington was able to get Christopher to open up about the night his parents were murdered. The episode is entitled **Tazwell, VA** and can be found at <https://www.oxygen.com/criminal-confessions/season-2/tazwell-va>

The Authoritative Text - Our book, Criminal Interrogation and Confessions (5th edition, 2013) is considered by the courts and practitioners to be the "Bible" for interviewing and interrogation techniques. The book has been translated into numerous foreign languages.

Staff Experience- The accumulated experience level of our instructors exceeds 250 years, during which time they have conducted over 75,000 interviews and interrogations. Many of the staff hold a Masters of Science Degree in the Detection of Deception.

Courts Support the Core Values of the Reid Technique – The core values of the Reid Technique include the following:

- Always treat the subject with dignity and respect
- Always conduct interviews and interrogations in accordance with the guidelines established by the courts
- Do not make any promises of leniency or threats of harm or inevitable consequences
- Do not conduct interrogations for an excessively lengthy period of time
- Do not deny the subject any of their rights
- Do not deny the subject the opportunity to satisfy their physical needs
- Exercise special cautions when questioning juveniles or individuals with mental or psychological impairments

Best Practices - The successful interrogation is one in which (1) the suspect tells the truth to the investigator and, (2) persuasive tactics used to learn the truth are legally acceptable. With these goals in mind, the following are a list of best practices for applying the Reid Nine Steps of Interrogation (a more detailed discussion of these Best Practices can be found on our website at <http://www.reid.com/pdfs/20180126.pdf>)

- Conduct an interview before any interrogation.
- Conduct an interrogation only when there is a reasonable belief that the suspect is guilty or withholding relevant information.
- Consider a suspect's behavior in conjunction with case facts and evidence.
- Attempt to verify the suspect's alibi before conducting an interrogation.
- A single investigator should be the lead communicator.
- When interrogating a non-custodial suspect, do not deprive the suspect from his freedom to leave the room.
- Do not conduct excessively long interrogations.
- Exercise extreme caution when interrogating juveniles, suspects with a lower intelligence or suspects with mental impairments.
- When using interrogation tactics involving deception the investigator should not manufacture evidence against the suspect.
- When a suspect claims to have little or no memory for the time period when the crime was committed the investigator should not lie to the suspect concerning incriminating evidence.
- Do not reveal to the suspect all information known about the crime.
- Attempt to elicit information from the suspect about the crime that was unknown to the investigator.
- The confession is not the end of the investigation.

Clients include

PRIVATE

ABBOTT LABS
 AT&T
 AETNA LIFE and CASUALTY
 AMERICAN EXPRESS
 AMERICAN HONDA
 AMOCO OIL
 BAXTER DIAGNOSTICS
 BAUSH & LOMB
 BLUE CROSS/BLUE SHIELD
 BRINKS
 BURGER KING CORP.
 COACH, INC
 DOW CHEMICAL
 DUPONT
 EASTMAN KODAK
 FEDERAL EXPRESS
 FORD MOTOR COMPANY
 GATEWAY COMPUTER
 GENERAL MOTORS
 IBM
 JC PENNEY COMPANY
 KROGER
 KMART
 MOTOROLA
 NOKIA
 SEARS
 VERIZON

GOVERNMENT

AIR FORCE
 ATF
 CIA
 DEA
 DEPT. OF DEFENSE
 DEPT. OF EDUCATION
 DEPT. OF ENERGY
 DEPT. OF LABOR
 DEPT. OF JUSTICE
 DEPT. OF STATE
 EEOC
 EPA
 FAA
 FBI
 FDA
 FLETC
 HOMELAND SECURITY
 IRS
 NUCLEAR REG. COMMISSION
 OSHA
 POSTAL INSPECTION SERVICE
 SECRET SERVICE
 TSA
 US ARMY
 US COAST GUARD
 US MARINE CORPS
 US NAVY

POLICE

ALASKA STATE PD
 AMTRAK RR PD
 ANCHORAGE PD
 BOSTON PD
 CHICAGO PD
 CINCINNATI PD
 DALLAS PD
 DENVER PD
 DETROIT PD
 HOUSTON PD
 ILLINOIS STATE PD
 INDIANAPOLIS PD
 INDIANA STATE PD
 LAS VEGAS PD
 LOS ANGELES PD
 LOUISIANA STATE PD
 MARYLAND STATE PD
 METRO D.C. PD
 MIAMI PD
 NEW YORK PD
 OKLAHOMA CITY PD
 PHILADELPHIA PD
 PHOENIX PD
 PITTSBURGH PD
 SALT LAKE CITY PD
 SAN FRANCISCO PD
 TEXAS RANGERS



GICA Compliance Collaborative

2020 Webinar Training

Clery Act

(1 Hour Webinar – May 4, 2020)

AGENDA

Four Cornerstones of Clery Act

- Annual statistics
- Daily crime log
- Timely warnings/emergency notifications
- Policy/procedure disclosures)

Department of Education Audit Process

- Key areas of interest when auditing
- How tests for compliance

Strategies to improve compliance

Questions and Answers

Resources

Presenter: John Graff, J.D.

John is a partner at Hirsch Roberts Weinstein LLP in Boston where he assists colleges and universities throughout the country with legal and operational issues related to campus safety. John frequently advises and represents institutions under audit by the Department of Education's Clery Act compliance unit, assists schools in developing Clery compliance programs and policies, and provides Clery assessment/audit services to clients. John also conducts Title IX investigations involving allegations against institution executives and advises schools on Title IX compliance.



GICA Compliance Collaborative

2020 Webinar Training

Title IX – Final Rules – Part I

{1 Hour Webinar – May 12, 2020}

AGENDA

Title IX – Final Rules

Overview

- Using NACUA Regulatory Grid

Focus:

- Definitions
- General Obligations
- Triggering Events

Utilized:

- Sample template policy to begin inserting language into policy

Discussed:

- Visibility of Title IX Policy and Title IX Coordinator
- Language re: policy under review
- Coordinating changes with institutional stakeholders
 - IT
 - HR
 - Academics
 - Clery Administrator

Presenter: Judy Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant. She is a tenured Professor, an attorney licensed in Kentucky, Ohio, New York, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. Judy is the author of the first book on higher education compliance, *“Higher Education Compliance: Blueprint for Success”*. Judy is also the author of *“Compliance Risk Assessments: An Introduction”* published by the Society for Corporate Compliance and Ethics.



GICA Compliance Collaborative

2020 Webinar Training

Title IX – Final Rules – Part II

(1 ½ Hour Webinar – May 19, 2020)

AGENDA

Title IX – Final Rules

Overview

- Using NACUA Regulatory Grid

Focus:

- Pre-hearing investigations

Utilized:

- Sample template policy to begin inserting language into policy

Discussed:

- Forms to be developed
- Standard of Evidence
- Coordinating changes with institutional stakeholders
 - IT
 - HR
 - Academics
 - Clery Administrator

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GICA Compliance Collaborative

2020 Webinar Training

Title IX – Final Rules – Part III

(1 ½ Hour Webinar – May 26, 2020)

AGENDA

Title IX – Final Rules

Overview

- Using NACUA Regulatory Grid

Focus:

- Formal Resolution
- Informal Resolution

Utilized:

- Sample template policy to begin inserting language into policy

Discussed:

- Role of Advisors
- Forms to be developed
- Recruiting Advisors

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GICA Compliance Collaborative

2020 Webinar Training

Title IX – Final Rules – Part IV

(1 ½ Hour Webinar – June 2, 2020)

AGENDA

Title IX – Final Rules

Overview

- Using NACUA Regulatory Grid

Focus:

- Appeals
- Retaliation
- Record Retention
- Notifications

Utilized:

- Sample template policy to begin inserting language into policy

Discussed:

- Roll-out of policy to stakeholders
- Forms to be developed
- Involvement with stakeholders

Presenter: Judy Spain, J.D., CCEP

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GICA Compliance Collaborative

2020 Webinar Training

Title IX – Final Rules – Part IV

(1 ½ Hour Webinar – June 9, 2020)

AGENDA

Title IX – Final Rules

Overview

- Using NACUA Regulatory Grid and Preamble

Focus:

- Review of NACUA Regulatory Grid and Preamble (95 page document)

Utilized:

- Sample template policy to begin inserting language into policy

Discussed:

- Roll-out of policy to stakeholders
- Forms to be developed
- Involvement with stakeholders
- Roles of Advisors
- Role of Hearing Panel Chair/Coordinator

Presenter: Judy Spain, J.D., CCEP

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GICA Compliance Collaborative

2020 In-Person and Webinar Training

Title IX – Investigator Training – Parts I, II, and III

(3 Hour In-Person, Webinar, and Videotaped – August 2020)

AGENDA

Title IX Investigator Training – Part I

Definitions

- Sexual Harassment
- Education Program or Activity
 - Off-Campus Student Organizations
- Formal Complaint
- Complainant
- Respondent

Jurisdiction

- Triggering Event
- Actual Knowledge
- Official with Authority
- Mandatory Reporter/Responsible Employee
- No Formal Complaint
 - Filing by Title IX Coordinator
 - Unwilling Complainant
- Unknown Respondent

Dismissal of Complaints

- Mandatory Dismissal
- Discretionary Dismissal
- Non-Title IX Proceedings

Standard of Evidence

- Preponderance of Evidence
- Clear and Convincing
- Same Standards

Emergency Removal

- Purpose
 - Individualized assessment
- Administrative Leave

Supportive Measures

- Definition

- Offered to Complainant and Respondent; offered to student and employee

- Restore/Preserve Equal Access

Training Materials Publication Requirements Overview

- Publication Requirement

- Up-to-date Training

Title IX Investigator Training – Part II

Informal Resolution

- Definition

- Not Permitted Use – condition of employment or enrollment

- Not Permitted Use – Employee sexually harasses student

Investigative Process

- No Conflict of Interest or Bias

- Reasonably Prompt Time Frames

- Written Notice of Allegations

- Rights of Complainant and Respondent

- No Gag Order

- Inspect and Review Evidence

- Preliminary Report

 - Communication with Advisor, if any

- Investigative Report

 - Communication with Advisor, if any

Role of Advisor

- Advisor of Choice

- Restrictions

- Rules of Decorum

Title IX Investigator Training – Part III

Live Hearing

- Must Have

- Options – Informal Resolution

- Decision-Maker

 - Definition

- Parties Physically Present

- Recording

- Questions of Parties and Witnesses by Advisor

 - Cross-Examination

 - Must Submit

 - Relevant Questions

 - Determination of Relevancy

 - Rape Shield Protection

 - Hearsay

Medical Records Exception
Privilege Exception
Written Determination
Content
Remedies
Appeal
Both Parties Can Appeal
Grounds for Appeal
Additional Bases for Appeal
Requirements for Appeal

Resources Provided

OCR and Title IX

https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

Joint Guidance on Title IX -

<https://system.suny.edu/sci/tix2020/>

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GICA Compliance Collaborative

2020 In-Person and Webinar Training

Title IX – Investigator Training – Part IV

(1 Hour In-Person, Webinar, and Videotaped - August 2020)

AGENDA

Title IX Investigator Training – Part IV

ANSI/ASIS INV.1.-2015 – Investigation Standards

(Discussed relevancy of ANSI/ASIS INV.1.-2015 Investigation Standards to Title IX Investigations)

What a lawsuit will focus on if allegation of improper investigation:

- Does the institution have a policy/procedure in place to govern investigations?
- Was there a written disclosure of allegation?
- Was there disclosure of objective purpose of investigation?
- Were the investigator(s) identified?
 - Documentation of education, training, previous experience
- Were both parties provided the same opportunity to tell their story to the investigator, provide documentation, review record, present their story to the hearing panel, cross-examine witnesses, and appeal?

Overview

- Investigation Defined
- Investigation Framework
- Plan-Do-Check-Act Model
- Investigation Guiding Principles
- Information Types
 - Testimonial
 - Documentary
 - Physical
 - Direct Evidence
 - Circumstantial Evidence
 - Forensic Evidence
 - Hearsay Evidence
 - Admissibility of Evidence
 - Materiality of Evidence
- Establishing Investigation Scope

Establishing Investigation Roles
Establishing Legal Requirements
Investigator Competency Defined
Investigator Competency Skills
Prior to Investigation Commencing
Investigator's Information Collection Role
Preparing Investigation Conclusions
Evaluating Investigation Outcomes

Resources Provided

<https://www.asisonline.org/publications--resources/standards--guidelines/>

Each GICA Compliance Collaborative member institution was provided with one copy of these proprietary standards.

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GICA Compliance Collaborative

2020 In-Person and Webinar Training

Title IX – Investigator Training – Part V

(2 Hour In-Person, Webinar, and Videotaped August 2020)

AGENDA

Title IX Investigator Training – Part V

Total of 11 videos were written by Judy Spain, J.D., CCEP, GICA Compliance Collaborative Program Consultant. Videos produced by DMZ Productions; copyright held by Spain and Spain, Inc., and licensed to GICA.

For this training, six of the videos were used. The remaining 5 videos are used in the Title IX Hearing Panel Member Training (September 2020).

Attendees watched the videos and then participated in discussion regarding the videos.

Videos show various steps in the Title IX investigation process. They are designed to develop investigator interview competency skills; to expand attendees knowledge of the new Title IX process; to promote discussion regarding what went right/what went wrong in the interviews and the process; to assist attendees to determine what could be an interview sequence; to encourage discussion regarding how to ask follow-up questions to determine facts and credibility of the interviewee; and to understand the need for standardization of process of opening/closing an interview by explaining the Title IX process, options for reporting/not reporting, next steps, Supportive Measures, providing handouts, etc.

Scene 1 – Complainant’s Initial Meeting (Take 1)

Actors:

Complainant – Jennifer Shore
Title IX Coordinator – Shelia Fox

Date:

Monday, October 7, 2019
9:00 am

Synopsis: Complainant met with Title IX Coordinator; Coordinator acted outside of Title IX boundaries

Scene 2 – Complainant’s Initial Meeting (Take 2)

Actors:

Complainant – Jennifer Shore
Title IX Coordinator – Shelia Fox

Date:

Monday, October 7, 2019
9:00 am

Synopsis: Complainant met with Title IX Coordinator; Coordinator stopped meeting mid-conversation; pulled in Title IX Investigators

Scene 3 – Complainant’s Interview

Actors:

Complainant – Jennifer Shore
Title IX Investigator – Abigail Thomas

Date:

Monday, October 7, 2019
9:00 am

Synopsis: Complainant met with Title IX Investigator(s); Investigator(s) conducted interview

Scene 4 – Respondent’s Interview

Actors:

Respondent – Curtis Tripp
Title IX Investigator – Abigail Thomas

Date:

Wednesday, October 9, 2019
3:00 pm

Synopsis: Respondent met with Title IX Investigator(s); Investigator(s) conducted interview

Scene 5 – Davenport’s Interview

Actors:

Front desk employee at Camden Hall/student – Ashton Davenport
Title IX Investigator – Abigail Thomas

Date:

Friday, October 11, 2019
10:30 am

Synopsis: Davenport met with Title IX Investigator(s); Investigator(s) conducted interview

Scene 6 – Montgomery’s Interview

Actors:

Complainant’s roommate – Lauren Montgomery
Title IX Investigator – Abigail Thomas

Date:

Monday, October 14, 2019
10:30 am

Synopsis: Montgomery met with Title IX Investigator(s); Investigator(s) conducted interview

Author and Presenter: Judy Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant. She is a Professor Emeritus, Eastern Kentucky University, an attorney licensed in Kentucky, Ohio, New York, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. She has served in multiple Title IX roles and has lectured extensively in this area. Judy is the author of the first book on higher education compliance, *"Higher Education Compliance: Blueprint for Success"*. Judy is also the author of *"Compliance Risk Assessments: An Introduction"* published by the Society for Corporate Compliance and Ethics.