

**Young
Harris**

COLLEGE



EST. 1886

Title IX Training Documentation
For Academic Year 2022-2023

**GICA Compliance Collaborative
In-Person Trainings
Title IX Investigator Training**

Title IX – Policy Overview

**9:00 am to 10:00 am
September 2022**

Agenda

9:00 a.m. – 10:00 a.m.

- Training Objectives:
 - Introductions and Review of Title IX
 - Title IX NPRM

Title IX – Present Policy

- Definitions
 - Sexual harassment
 - Education program or activity
 - Recognized, off-campus student organizations
 - Misconduct outside educational program or activity
 - Formal complaint
 - Complainant
 - Respondent

Title IX – 2022 NPRM

- Jurisdiction
- Education program or activity
- Triggers for Recipient's response obligations
- Initiating grievance process
- Grievance process – proposed Sec. 106.45
- Grievance process – proposed Sec. 106.46
- Training
 - First level – all employees
 - Second level – Title IX involved employees
 - Third level – Facilitators
 - Fourth level - Coordinators

Other applicable policies

- Title VII, Civil Rights Act of 1964
- Nondiscrimination Policy

Resources

- OCR and Title IX
 - https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- [Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#)
- [The U.S. Department of Education Releases Proposed Changes to Title IX Regulations, Invites Public Comment | U.S. Department of Education](#)

**GICA Compliance Collaborative
In-Person Trainings
Title IX Investigator Training**

ASIS/ANSI Investigative Standards

**10:00 am to 11:00 am
September 2022**

Agenda:

10:00 a.m. – 11:00 a.m.

Training Objectives:

- Understanding of ASIS/ANSI Investigative Standards

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?

Investigation

- Investigation defined
- Investigation framework
- Plan-Do-Check Act Model
- Investigation guiding principles

Information Types – Definitions

- Testimonial
- Documentary
- Physical
- Direct evidence
- Circumstantial or indirect evidence
- Forensic evidence

Roles and Scope

- Establishing investigation scope
- Establishing investigation roles
- Establishing investigation legal requirements

Investigator Skills

- Investigator competency skills

Investigator's Role

- Prior to investigation commencing
- Investigator's information collecting role
- Preparing investigation conclusions
- Evaluation investigation outcomes

Resources

- ASIS ANSI Standards
 - [Standards & Guidelines \(asisonline.org\)](http://asisonline.org)
- Investigative Interviewing: Psychology, Method and Practice 1st Edition, Eugene Ferraro. Found at [Amazon.com: Investigative Interviewing: Psychology, Method and Practice: 9780367868307: Ferraro \(CPP, SPHR\) Eugene: Books](https://www.amazon.com/dp/B000APR004)

**GICA Compliance Collaborative
In-Person Trainings
Title IX Investigator Training**

Title IX Investigations – Interview Techniques

**1:00 pm to 3:00 pm
September 2022**

Agenda:

1:00 pm to 3:00 pm

Training Objectives:

- Understanding of Title IX interview techniques
 - Investigations
 - Before interview
 - During interview
 - Ending interview
 - Different interview styles

Investigations

- Who should be an investigator?
 - General comments

Before First Interview

- Do you know Institutional policy?
- What resources are available to various individuals in the process?
- How to contact Counseling Services during day, night, and weekends?
- Do you have phone numbers for any department that you need to contact? (Title IX coordinator; campus police, local police, etc.)
- Plan questions
 - Standardized or customized
- Gather documents
- Understand purpose of interview
- Plan order of witnesses
- Practical tips

During interview

- Logistics
- Investigator demeanor
- Recognizing intersectionality
- Understanding responses

- How to begin
 - Questioning

Ending Interview

- Practical tips

Different interview styles

- Reid Training - investigative techniques
- Narrative style
- Echo style
- Note taking style

Resources

- OCR and Title IX
 - https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- Reid Training Programs
 - <https://reid.com/programs/program-descriptions/the-reid-technique-of-investigative-interviewing-and-advanced-interrogation-techniques>

**GICA Compliance Collaborative
In-Person Trainings
Title IX Investigator Training**

Title IX Scenarios

**3:00 pm to 4:00 pm
September 2022**

Agenda

3:00 pm to 4:00 pm

Training Objectives:

- Using scenario-based training to understand the application of Title IX to various issues
- Attendees to identify scope of investigation, i.e., possible Title IX violation; who is Complainant, who is Respondent; what could be Supportive Measures; possibility of using Informal Resolution or Formal Resolution; intersection of FERPA

Scenarios - Synopsis

- Employee complaining about “harsh language”
- Co-worker making sexual advances
- Possible sexual harassment occurring at an out-of-town conference
- Flyers posted on campus
- Athletic Trainer and possible inappropriate relationship with student athletes
- Department Chair investigates a potential Title IX matter
- If student admits to Title IX violation, proceed through Informal Resolution or Formal Resolution?
- Respondent – institution problem or vendor problem?
- Father seeking information, no FERPA release, continued contact with Title IX Coordinator – what to do?
- Multiple witness who could be Complainants, no contact order violated, Complainant withdraws complaint – status of case?

Resources

- OCR and Title IX
 - https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

**GICA Compliance Collaborative
In-Person Trainings
Title IX Hearing Panel Member Training**

**September 2022
Agenda
4-hour training**

Agenda

Training Objectives

- Introductions and Review of Title IX
- Title IX NPRM

Title IX – Present Policy

- Definitions
 - Sexual harassment
 - Education program or activity
 - Recognized, off-campus student organizations
 - Misconduct outside educational program or activity
 - Formal complaint
 - Complainant
 - Respondent

Training Objectives:

- The role of a Title IX Decision-maker in a Live Hearing has changed. The Title IX regulations make it very clear that decision-makers must be trained about specific topics. This training will focus on the following subjects:
 - General process for handling a hearing
 - Required attendance by an institution-provider Advisor
 - Cross-examination
 - Process
 - “Waiving” questions

 - Ruling by decision-maker
 - Relevant questions
 - Not relevant questions
 - Rape shield, legally recognized privilege, hearsay, medical records

- Institutional decisions as to weight of evidence
- Credibility determination and factors

Resources

- OCR and Title IX
 - https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- [Federal Register :: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#)
- [The U.S. Department of Education Releases Proposed Changes to Title IX Regulations, Invites Public Comment | U.S. Department of Education](#)