



**K-12 Title IX Training Series:
Level 3 Practicum for Investigators**



Bricker & Eckler
ATTORNEYS AT LAW

Disclaimers

- We are not giving you legal advice
- Consult with your legal counsel regarding how best to address a specific situation
- Yes, we will send you a copy of the slides
- We will have a few breakout rooms for discussion
- Please put any other questions in the chat and we'll answer as time permits

Posting These Training Materials?

- Yes!
- The Title IX Coordinator (TIXC) is required by 106.45(b)(10)(i)(D) to post materials to train Title IX personnel on their district's website
- We know this and will make these slides available to your district to electronically post

Additional information
available at:

Title IX Resource Center

www.bricker.com/titleix

Find us on **Twitter** at
@BrickerEdLaw



Today's Goal

- Delve into the requirements for serving as a Title IX Investigator
 - One of multiple, independent members of the Title IX team
 - Neutral fact-finder
 - Cannot be decision-maker

Agenda

- Introduce our scenario
- Preliminary Steps
 - Document review
 - Define scope of investigation
 - Prepare for interviews
- Conducting Interviews
 - Mock interview of Complainant
 - Interview techniques
 - Mock interview of Respondent
- Checklist

Breakout Room #1

- If you've already been serving as a Title IX Investigator for this first year of implementation, share with us:
 - The **most surprising thing** you've seen or experienced
 - The **biggest challenges** you've faced
- If you're new to the Title IX Team this year, share with us:
 - Your **biggest concern** about serving as a Title IX Investigator



Our Scenario

Poll #1 – Do we already have a problem?

- A. Yes
- B. No

Poll #2 – What is the first thing the Investigator should do?

- A. Review the Title IX Coordinator's Notice of Allegations
- B. Send a written notice to the Parties scheduling an interview
- C. Review the District's Policies
- D. The regulations require a **prompt** response: call the Complainant down to the office for an interview



Back to our scenario

Breakout Room #2

Discuss how you would define the **scope of the investigation**

Initial Interview Steps

Preparing for Interview

- Create evidence list
- Create witness list
- Craft questions for each witness
- Get documents organized
- Send written notice for interview(s) with a Party

Opening the Interview

- Set the stage
- Invite questions

Breakout Room #3

Work together to **develop an introductory script** for opening an investigative interview



Conducting Interviews



Back to our scenario (2)

Breakout Room #4

- Discuss what things the Investigator in our scenario did right or wrong
- Discuss what follow-up questions the Investigator should have asked

Practical Interview Tips

- Understand the Parties' words
- Utilize the “Freeze Frame” interview technique to elicit more detailed information
- Take notes
 - Symbols in the margins
 - Quotation marks

Investigate Without Partiality, Bias, Conflict of Interest, or Prejudging Facts

- Avoid sex stereotypes
- Remember that trauma can affect a person's response
- Remember that culture can affect a person's response
- Remember that someone reacting or thinking differently than you think you would/they should does not mean that they are lying



Back to our scenario (3)

Breakout Room #5

Discuss what the Investigator should have done in the interview with the Respondent



Checklist: Title IX Investigator

- 1. Review your District Policy
- 2. Review Notice of an Allegations
- 3. Define the Scope of Investigation
- 4. Create Evidence List

Investigator Checklist

Bricker's Title IX Toolkit

Available for download: k12tixtoolkit.bricker.com

VEED.IO





Questions?

Bricker's Title IX for K-12 Training Series

Level 1

- General training for all K-12 staff

Level 2

- Title IX Coordinator/Administrator
- Investigator
- Report Writing for investigators and decision-makers
- Decision-Maker and Appeals Officer
- Informal Resolution Facilitator

Now Added: **Level 3** advanced training for your K-12 Title IX Team!

- Title IX Coordinator
- Investigator
- Report Writing
- Informal Resolution Facilitator

View dates and register at www.bricker.com/titleix

Thank you for attending!

Remember, additional
information available at:

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Checklist: Title IX Investigator

- 1. Review your District Policy
- 2. Review Notice of an Allegations
- 3. Define the Scope of Investigation
- 4. Create Evidence List
- 5. Create Witness List
- 6. Craft Questions for Each Witness
- 7. Have Documents on Hand:
 - Notice of Allegations
 - Investigation Log
 - Investigation Notes and Cover Sheet
 - Pre-prepared Questions
 - Evidence you may need to reference
 - Policy or Handbook
- 8. Send Written Notice to Party*
- 9. Set the Stage
 - Arrange chairs to allow multiple seating options
 - Make introductions
 - Be hospitable (offer water, tissues, breaks)
 - Give overview of process/why they are there
 - Explain prohibition on retaliation
- 10. Invite Questions