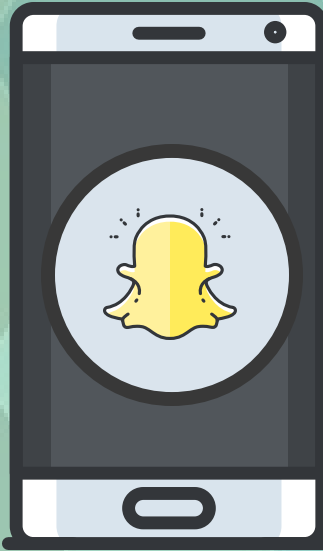
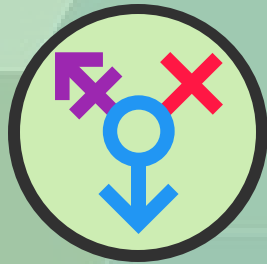


Title IX Investigator Training

Presented by: Allison Baldock J.D., Title IX Specialist



What is Title IX?

20 U.S.C. § 1681

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”



Also referred to as
"Title IX of the Education
Amendments Act of 1972"

Title IX is a Federal Law intended to end sex discrimination in all areas of education.



Applies and Encompasses

Title IX applies to all schools, public and private, that receive federal funding.

It encompasses any issues of equality within programs or incidents such as athletics, sexual harassment, sexual assault/violence and LGBTQ.



Immediate and Appropriate

We are required under the law to take immediate and appropriate steps to investigate what occurred, and take prompt and effective action to fix the program, correct and/or stop the harassment, prevent the recurrence, and remedy the effects.

The District is required to initiate an investigation that is thorough, reliable, impartial, prompt, and fair. The District aims to resolve all investigations within thirty (30) days.

 Thorough

 Reliable

 Impartial

 Prompt

 Fair

Supreme Court Rulings to know...

#1

There is an implied right of action under Title IX

#2

Title IX allows for recovery of monetary damages

#3

Districts can be held liable if they fail to adequately address reported incidents

What has changed?



- Titles/Terminology/Roles
- Full Force and Effect of Law
- Legal Changes
- Interactions with Students



Titles/Terminology/Roles

- **Three Distinct Roles:**
 - Title IX Coordinator
 - Decision Maker
 - Investigator
- **“Appropriate School Official”**
- **Definition of “Sexual Harassment”**



Full Force and Effect of Law



- No longer guided only by sub regulatory guidance
- No longer receiving suggestions or guidance - this is now the law

Legal Changes



- **Definition of Sexual Harassment**
- **Due Process**
- **Jurisdiction**
- **Notices**
- **Informal Resolution**



Sexual Harassment



- **Quid Pro Quo – A District employee who conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct**
- **Conduct that is severe AND pervasive AND objectively offensive**
- **Sex offenses as defined by Federal Law – sexual assault, dating violence, domestic violence, stalking**

Interactions With Students

- FERPA
- Measures/Remedies
- Discipline





GRIEVANCE



PROCESS

STEPS



#1

Title IX Office Receives
a Report

#2

Title IX Coordinator
Screens Report and
Begins Initial Assessment

#3

INVESTIGATION

STEPS



#4 Decision Maker reviews
INVESTIGATIVE REPORT

#5 Decision Maker makes a
written determination
regarding responsibility

#6 Appeal Process

STEP 3



INVESTIGATION



Title IX Coordinator assigns the matter to you and meets with you to determine strategy.

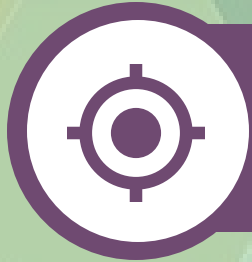


Notice sent to all parties and witnesses of date, time, and location of interview, as well as their right to an advisor.



Interviews and evidence collection

Types of Witnesses:



Direct
Witnesses



After-the-Fact
Witnesses



Hearsay
Witnesses



Negative-
Information
Witnesses

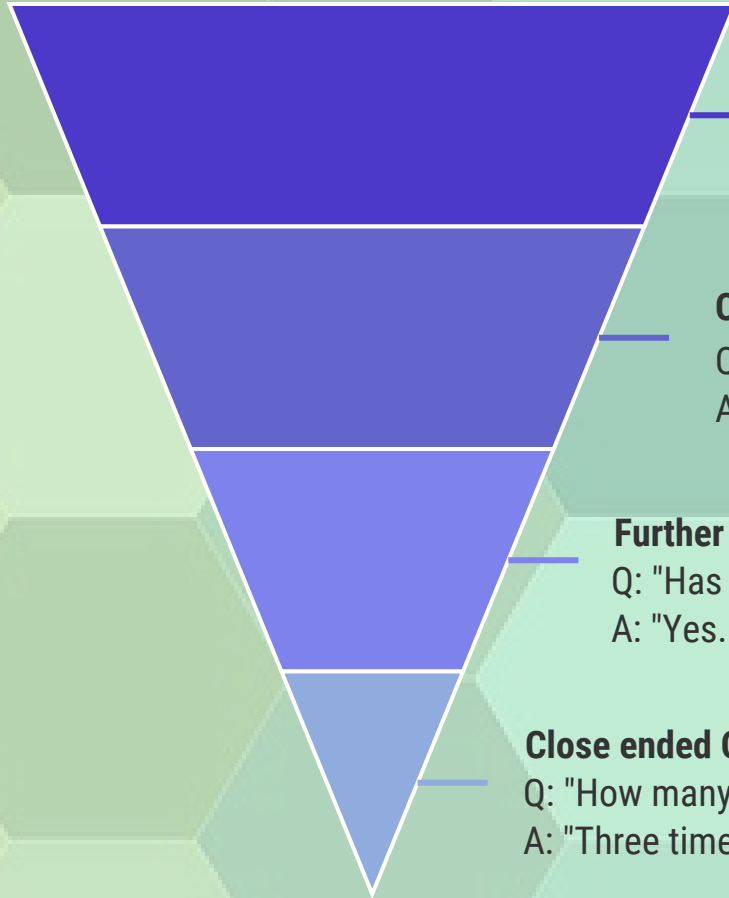


Character
Witnesses



Circumstantial
Witnesses

Questioning Should be Done using the Funnel Technique



Open Ended Questions:

Q: "Can you tell me what happened?"

A: "Student A touched me during class."

Open Up Questions on Specific Subject:

Q: "What class were you in when this happened?"

A: "4th period Science Class."

Further Probing Questions:

Q: "Has this happened before in Science class?"

A: "Yes."

Close ended Questions to ensure understanding:

Q: "How many times has this happened in Science class?"

A: "Three times."

Types of Question to Use:

OPEN ENDED QUESTIONS

Open-ended questions allow for broad, and unrestricted dialogue

CLOSE ENDED QUESTIONS

Close-ended questions can usually only be answered with a "yes" or "no" response.

Types of Question to Avoid:

CROSS-EXAMINATION QUESTIONS

Asking leading questions that contain an answer in them.

MULTIPLE-CHOICE QUESTIONS

Multiple choice questions provide the witness with answers that the witness may view as the ONLY acceptable answers.

COMPOUND-QUESTIONS

These are multiple questions phrased in a single question.

Be sure to be...



- Fair
- Impartial
- Aware of Parties' Rights

Evidence



- Witness Statements (signed and un-redacted)
- Surveillance Video
- Pictures
- Audio Recordings
- Copies of Social Media Posts
- Handwritten Notes
- Emails/Correspondence

Investigation (continued)



Parties provided with opportunity to review and inspect all evidence gathered during the investigation



Hard copies of all relevant evidence submitted to the parties with opportunity to respond

STEP 4



INVESTIGATIVE REPORT



INVESTIGATIVE TEMPLATE

Investigation (continued)



Investigative Report sent to parties with an opportunity to respond in writing



Investigative Report submitted to Title IX Decision Maker along with copies of all evidence collected



Submit to Title IX Decision Maker



Allison Baldock

allison.baldock@k12northstar.org

Questioning Techniques and Skills:



Conduct interview in a comfortable room, familiar to the interviewee.



Maintain eye contact and focus on what the interviewee is telling you.



Remember, Silence is okay.



Ask clarifying questions and require verbal responses..



Avoid engaging in any arguments.



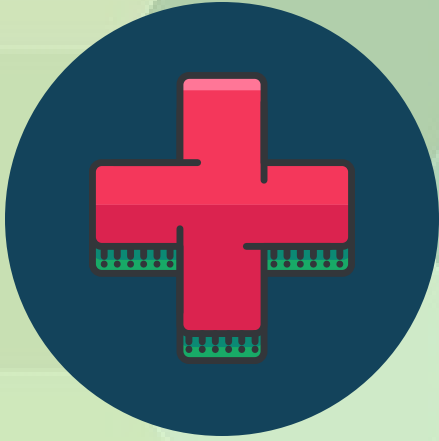
Watch for non-verbal cues.



Be fair, impartial, and free of all biases.



Don't hesitate to ask interviewees to repeat their answers. Circle around again.



TRAUMA-INFORMED INTERVIEWING

Taking into account common emotional and physical responses of those who have experienced trauma.

The Complainant



Victim Shaming & Blaming

When someone makes a complainant feel embarrassed or at fault for something that happened to them.

The Respondent



Assumption of Guilt & Violation of Due Process

It is important to be fair and impartial.
Never violate a student's right to due process.

Pay Attention to and note....



- Body Language
- Eye Contact
- Stuttering
- Repeating statements
- Dodging the substance of your question or refusing to answer certain questions
- Contradicting themselves or other witness

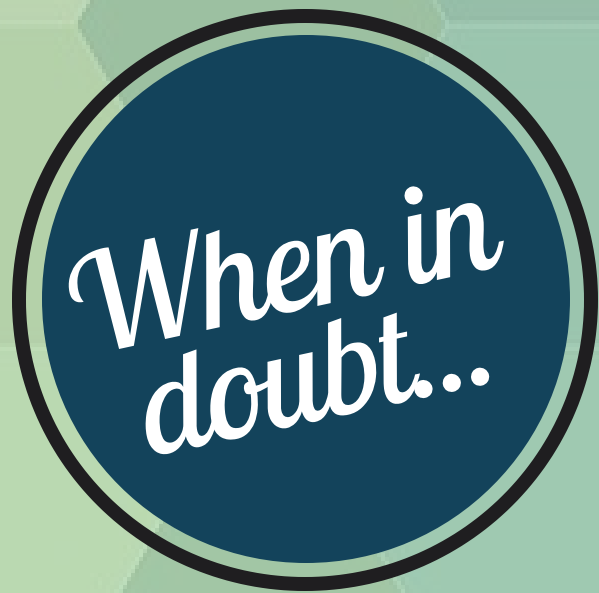


SELF CARE

Self Care



- Self-awareness, what you are bringing to the interview
- Talking about trauma can bring up trauma
- Give yourself time and be prepared to address your own needs in addition to their needs
- Identify your supports and your own self-care strategies



**CALL THE
TITLE IX
COORDINATOR**



Who to call



Cari Jacoby

Employment & Educational Opportunity Officer

(907) 452-2000 ext. 11466

cari.jacoby@k12northstar.org