



Investigations

FOR COORDINATORS, HEARING OFFICERS, ADVISORS &
INVESTIGATORS

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Basics about Investigations

- ▶ Stetson uses a 2-investigator model
- ▶ Investigations are used to identify all parties, witnesses, and sources for evidence
- ▶ Investigators evaluate evidence for relevance before including in report
- ▶ Investigations do not determine credibility, responsibility or sanctions
- ▶ Information can come from students, employees, public, social media sites, email, publications, Stetson records, public records
- ▶ Investigations may be conducted even when an informal process is requested by both parties

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Investigations help determine

- ▶ If a policy violation of the Gender-based Misconduct Policy has occurred
- ▶ If a violation of another Stetson policy has occurred (e.g. Code of Conduct, Personnel Policy, etc.)
- ▶ If a case is appropriate for informal resolution

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Expectations of Investigators

▶ DURING AN INVESTIGATION:

- ▶ Be cognizant of the investigatory timeline and investigative process
- ▶ Timely response to Emails, Calendar Invitations, Questions, etc.
- ▶ Prioritize Title IX meetings.
- ▶ Plan time for yourself to transition in and out of “Investigation mode” (emotionally and mentally).
- ▶ Reserve/Schedule time in your calendar in between formal Title IX meetings (Interviews, Case conferences) to independently focus attention on the Investigation.

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Investigations require time to...

- ▶ Read the initial Incident Report and supplemental documentation/evidence
- ▶ Identify Potential Policy Violations
- ▶ Develop Questions for the Interviewees
- ▶ Review/Edit each Interview Summary
- ▶ Review the Evidence
- ▶ Review Guidance Documents
- ▶ Identify Gaps/Conflicts in Information and Ways to Address Those
- ▶ Develop Questions for Investigators' Case Conferences
- ▶ What else?

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Title IX Grievance process...

- ▶ What does the overall Title IX Grievance Process look like? What are the steps, and decision points along the way?
- ▶ What have the Parties experienced before they reach their first interview with Investigators?
 - ▶ How many meetings have they attended?
 - ▶ What decisions have they made?
 - ▶ What has changed in their daily lives?

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Title IX case context



- ▶ Who holds the Burden of Proof in Title IX cases?
 - ▶ How is that Burden met?
- ▶ Respondent is presumed “Not Responsible”... until proven “Responsible.”

* This was recently formalized in the New Title IX Regs

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Methodology matters



1. Gather the evidence... All Evidence
2. Assess the Credibility and Relevancy of Evidence
3. Synthesize the Information in a Written Report

(Transition from Investigation Phase to Hearing Phase here)

1. Analyze and weigh the Evidence.
2. Evaluate the Evidence against the elements of the policy.
3. Render the Decision.

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First investigator meeting

- ▶ Review all documents – reports, complaints, emails, No Contact Orders, other Maxient cases
- ▶ Identify whom to interview
- ▶ Develop questions for each interviewee
- ▶ Set up dates/times/places for interviews

**The FT TIX staff will set up the appointments, communicate with advisors, and enter information into Maxient if appropriate

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Interviews with Parties:

- ▶ Discuss the process of the meeting with the Party and any advisor present
- ▶ Obtain any names of potential Witnesses for additional interviews
- ▶ Obtain information on any documents or other evidence, including how to access
- ▶ Identify what next steps are to be expected/required
- ▶ Investigators determine relevance of information to be included in the report, but not the credibility of the parties

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Following interviews

- ▶ Investigators meet to discuss and consider all information gathered
- ▶ Any remaining questions can be prepared and sent to the parties
- ▶ Begin drafting of Investigative Summary
- ▶ Draft Summary sent to TIX Coordinator for review
- ▶ Draft Summary sent to Complainant & Respondent for their review (Parties can review all Evidence too)
- ▶ Complainant & Respondent have 10 days to submit a Written Response
- ▶ Investigative Summary + Written Responses => Final Investigative Report
- ▶ Final Investigative Report sent to TIX Coordinator
- ▶ Title IX Coordinator schedules a LIVE Hearing for both Parties to attend, and distributes the Final Investigative Report to both Parties (and Advisors) at least 10 days in advance of the Hearing

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Investigator participation in hearing

- ▶ Investigators are the first to present information in the form of the final Investigative Report and answer any questions
- ▶ It is expected that any information important to the case is in the Investigative Report
- ▶ APPEALS:
 - ▶ Investigators may be required to review new information provided through an appeal, but only if the Appeals Officer requests it

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Thank you for serving the Hatter community!



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Bibliography

- ▶ ATIXA. "The ATIXA Playbook." 2017.
- ▶ Sokolow, Brett A. (05/07/2020). How to Manage Investigations Post-Regs. Retrieved from: <https://cdn.atixa.org/website-media/atixa.org/wp-content/uploads/2020/05/07183351/How-to-Manage-Investigations-Post-regs.pdf>

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