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
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
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
- Identity Gaps/Conflicts in Information and Ways to Address Those
- Develop Questions for Investigators’ Case Conferences
- What else?
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**
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
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 $\Rightarrow$ 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
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


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