

Title IX Investigators **TRAINING**

February 4-5, 2020
South Seattle College
Georgetown Campus

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Title IX Administrator

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Disclaimer

This training is designed to be accurate and authoritative, but I am not providing legal advice. Attendees remains solely responsible for compliance with all applicable laws, regulations, and standards within their respective states and on their individual campuses or within their school district or organizations. If legal or other expert advice is desired attendees should seek advice from their institution's legal counsel.

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child of Title IX



diverse higher education experiences



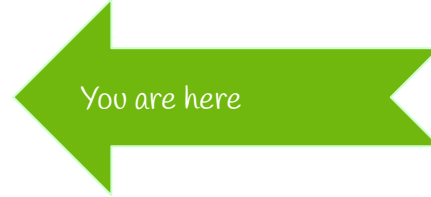
lead Title IX investigator



vested interest

Day 1 Agenda

- 8:30 Housekeeping, Introductions, & Pre-Assessment
- 8:45 Learning Objectives & Ground Rules
- 8:50 Title IX 101
- 10:30 Break
- 10:45 Investigative frameworks & processes: Why, Who, and How
Investigation Bookends: Gatekeeping & Closing
- Noon Lunch break
- 1:15 Neurobiology of Trauma
- 3:00 Break
- 3:15 Working with Claimants, Responding Parties and Witnesses
- 4:30 Debrief/Download
- 5:00 Adjourn



Learning Objectives

Participants will be able to
demonstrate an understanding of
Title IX guidance, regulations
and expectations

Participants will be able to
organize all components of an investigation

Participants will demonstrate
skills necessary to
conduct culturally competent, trauma-guided investigations

Ground Rules:

Extend grace and latitude.

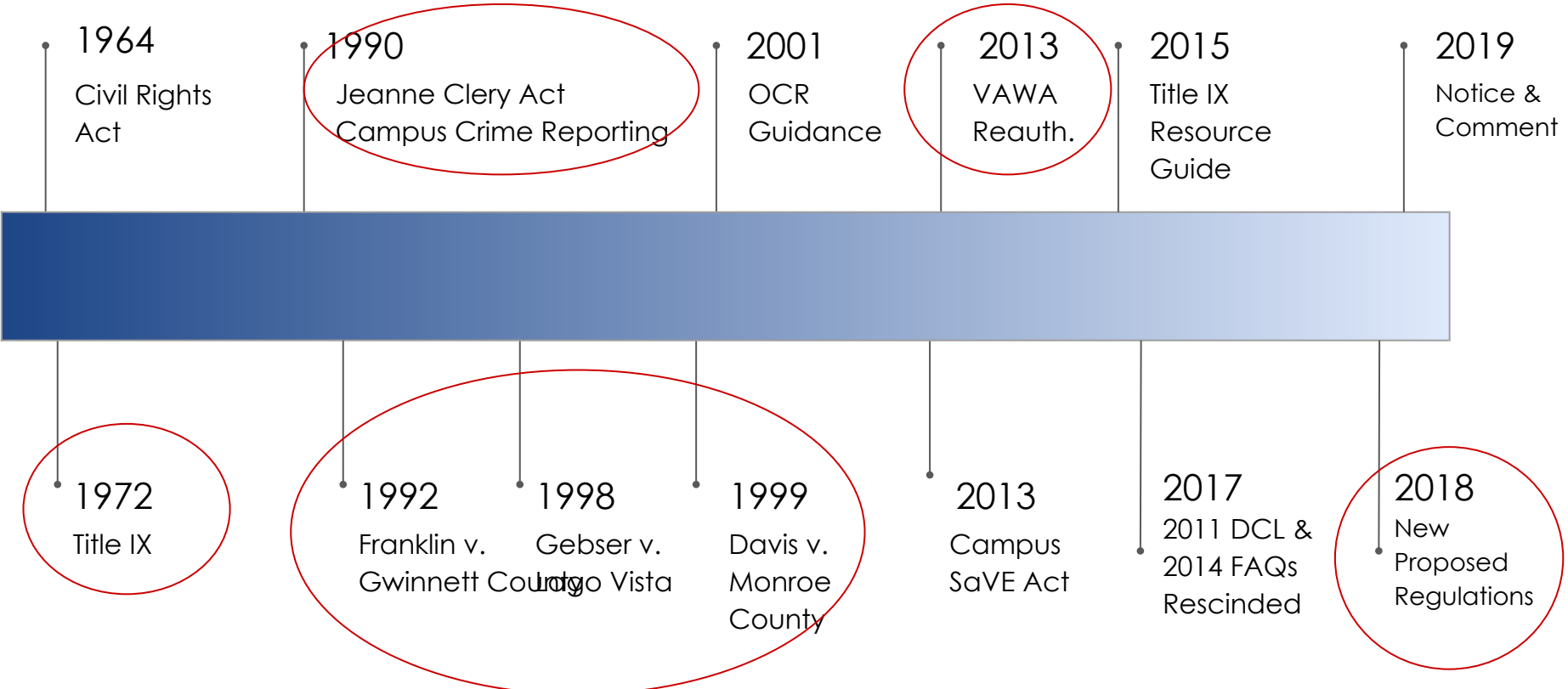
Ask questions.

Challenge your assumptions & biases.

Engage in this training.

Practice self-care.

Evolution of Title IX & Campus SaVE Act





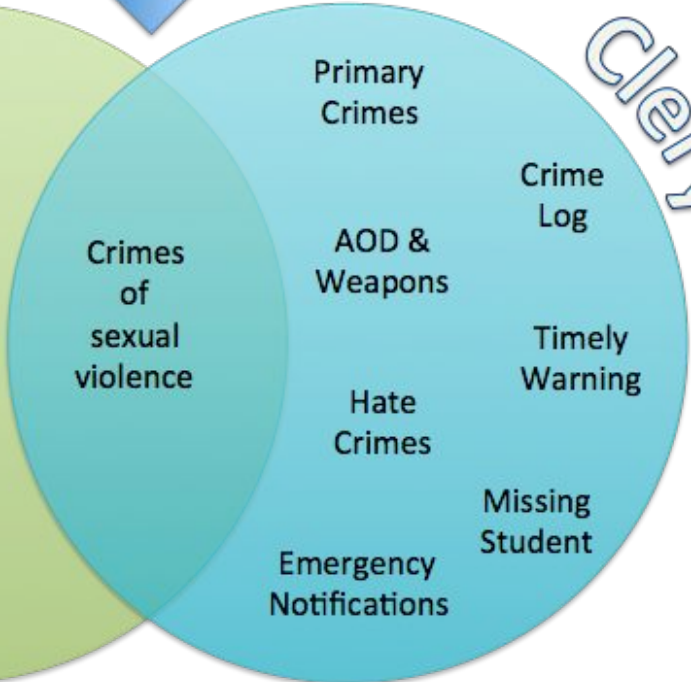
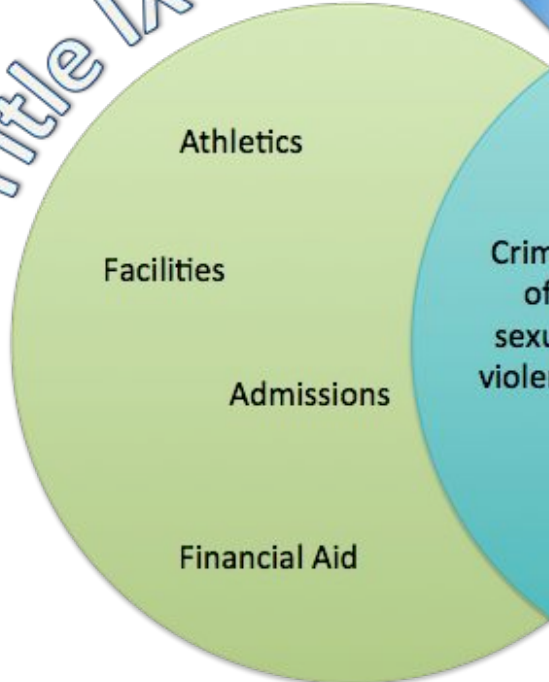
Title IX of the Education Amendments of 1972

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.

VAWA



Title IX



Clery

Crimes of sexual violence

Primary Crimes

Crime Log

AOD & Weapons

Timely Warning

Hate Crimes

Missing Student

Emergency Notifications

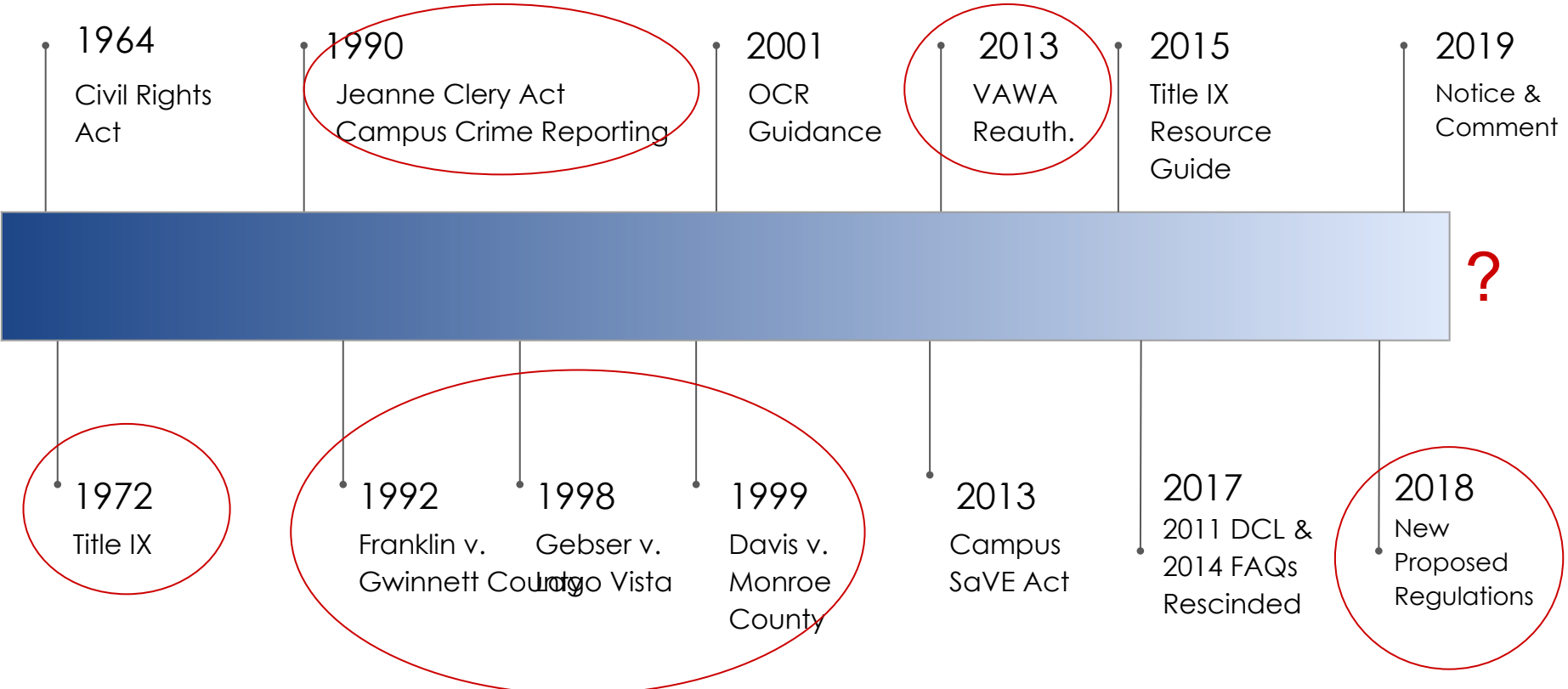
Athletics

Facilities

Admissions

Financial Aid

Evolution of Title IX & Campus SaVE Act



Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

As the continuum shifts to the *right*,
the level of violence *increases*.



suggestive looks
cat calls
sexist comments
inappropriate jokes

verbal harassment
obscene calls/texts
obscene emails
emotional abuse

voyeurism
stalking
exposure
cyber stalking

forced fondling
sexual assault
physical violence
penetration
without consent



What assumptions do we make about consent education?



con•sent

/kən'sent/

noun

- 1. permission for something to happen or agreement to do something.**

"no change may be made without the consent of all the partners"

synonyms: agreement, assent, acceptance, approval, approbation

verb

- 1. give permission for something to happen.**

"he consented to a search by a detective"

Synonyms: agree to, assent to, yield to, give in to, submit to



VS.

What are our **bystander** **intervention** expectations?



by·stand·er

'bī,standər/


noun

a person who is present at an event or incident but does not take part.

synonyms: onlooker, looker-on, passerby, nonparticipant, observer, spectator, eyewitness, witness, watcher, gawker;

Informal rubbernecker

"bystanders witnessed the accident"




perpetrator
accused
respondent
responding party

bystander
intervener

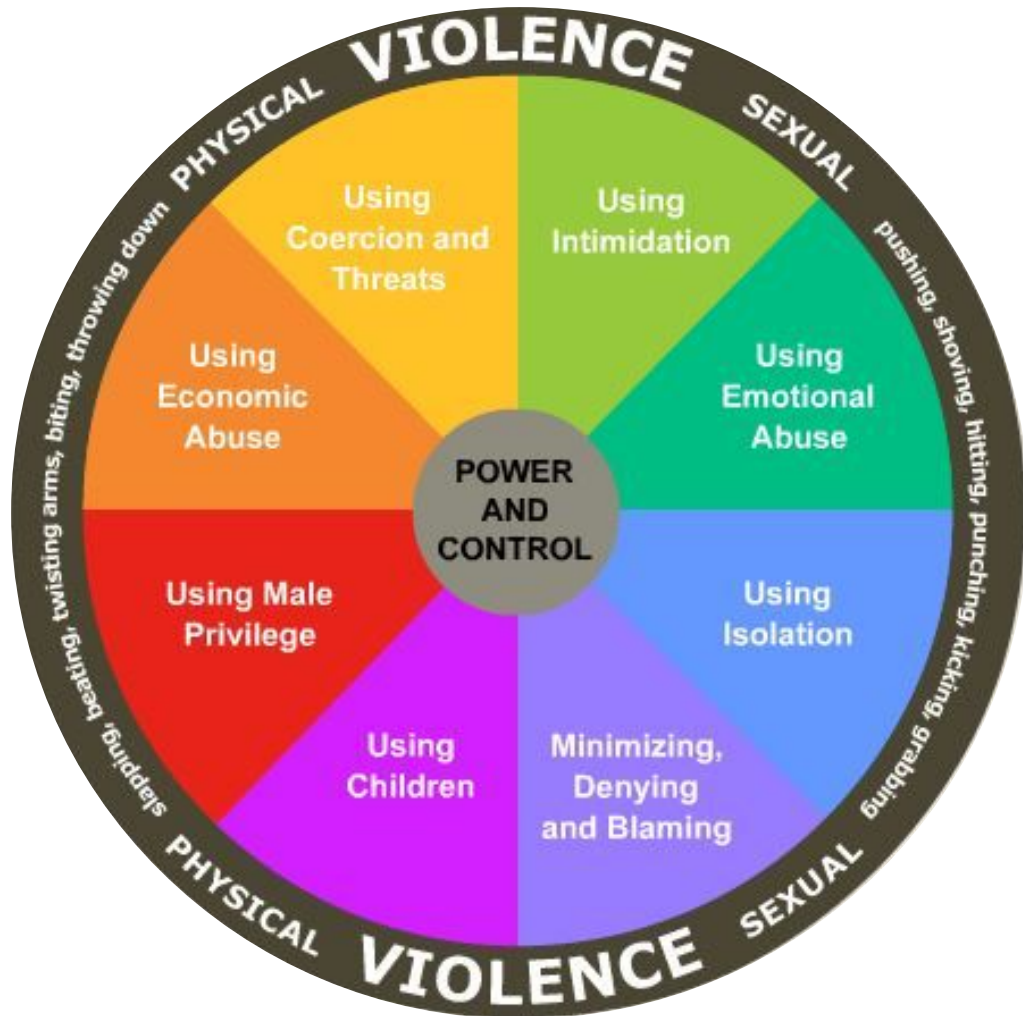
victim
survivor
accuser
complainant
claimant

Stalking is a *pattern* of repeated and unwanted attention, harassment or contact directed at a specific person that would cause a reasonable person to feel fear.

A woman with a large, voluminous afro hairstyle is the central focus of the image. She is wearing a dark blazer over a dark top and a long, thin necklace. She has a serious expression and is looking directly at the camera. The background is a blurred city square at night, with warm streetlights and a blue traffic light visible. The hashtag #ThatsNotLove is overlaid in white text across the middle of the image.

#ThatsNotLove

Intimate Partner Violence is physical, sexual or psychological *harm* or *threat of harm*, by a current or former partner.



The term “**intimate partner violence**” describes physical violence, sexual violence, stalking and/or psychological aggression (including coercive acts) by a current **or** former intimate partner.

This can include coercion and threats, intimidation, emotional abuse, isolation, minimizing, denying, and blaming, using children, economic abuse, and privilege.

About **1 in 4 women** and **1 in 10 men** experienced contact sexual violence, physical violence, and/or stalking by an intimate partner and reported an IPV-related impact during their lifetime.



Increases Dependence

Isolation

Violation of
Personal Space

Decreases Self-Esteem

Emotional Abuse

Limiting
Self-Expression

Testing

Instills Fear

Threats & Rumors

Intimidation and
Physical Violence

Stalking

INTERPERSONAL VIOLENCE awareness week

Nearly 90% of rape victims know their offender.¹

90%

98%

52% of all victims were between 18 and 29 years old when they were stalked.²

52%

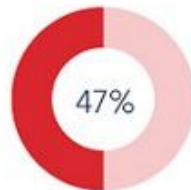
20-25%

Between 20% and 25% of women will experience rape before graduating college.¹

Approximately 98% of sexual assault accusations reported to police are true.¹



10% of all sexual assault victims are male.¹



On average, at least 47% of college students' sexual assaults are associated with alcohol use.¹

¹US Department of Justice, ²www.rain.org, ³CDC, ⁴Urban Institute

6.6 million

In a year, 6.6 million people are stalked in the U.S.¹

Sexual assault is when one person *without consent or by force or threat of harm* makes another person have oral, vaginal, anal sex; attempted to have oral, vaginal or anal sex with another person; or touched another person in an unwelcomed, uninvited sexual manner.

1 in 5 women

**experienced completed
or attempted rape during
her lifetime.**



1 in 14 men

**was made to penetrate someone
(completed or attempted) during
his lifetime.**



of bisexual women have experienced rape, sexual violence, or stalking

61%

of lesbians have experienced rape, sexual violence, or stalking.

44%

of gay men have experienced rape, sexual violence, or stalking

26%

of bisexual men have experienced rape, sexual violence, or stalking.

37%

64%

do not report for fear of hostile police treatment.

25%

6%

of students transfer schools or change majors after being assaulted.

42%

of students who identify as LGBTQ reported forced sex.

COLLEGE-AGE WOMEN ARE AT RISK



National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org

Please visit rainn.org/statistics/campus-sexual-violence for full citation.¹

MALE COLLEGE STUDENTS AT RISK

Males ages 18-24 who are college students are approximately 5 times more likely than non-students of the same age to be a victim of rape or sexual assault.



RAINN

National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org
Please visit rainn.org/statistics/victims-sexual-violence for full citation.⁷

STATS ON SEXUAL ASSAULT

Student or not, college-age adults are at high risk for sexual violence.

Among female college students, **23%** said they have experienced some form of **unwanted sexual contact**.

Male college-aged students (18-24) are



MORE likely than non-students of the same age to be a victim of **rape or sexual assault**.

Female college-aged students (18-24) are



LESS likely than non-students of the same age to be a victim of **rape or sexual assault**.

Stats: (according to CNN.com and Rainn.org)



26%
of gay men

and
37%
of bisexual men

compared to
29%
of heterosexual men

experienced rape,
physical violence, and/or
stalking by an intimate
partner in their lifetime.



NEARLY HALF

of stalking victimizations against males
were also perpetrated by males.

Perpetrators of other forms
of violence against males
were mostly female.

Male rape victims and male
victims of non-contact unwanted
sexual experiences reported
predominantly male perpetrators.





44%
of lesbian
women



and
61%
of bisexual
women



compared to
35%
of heterosexual
women

experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.



How do you ensure an equitable process?

provide notice,
access to
information and
support to
to all parties

use the
**preponderance
of evidence
standard**

Follow your procedures and
protocols from
**notice through
appeal**

When are you on notice and what does that mean?

When, why, and how does an investigation commence?

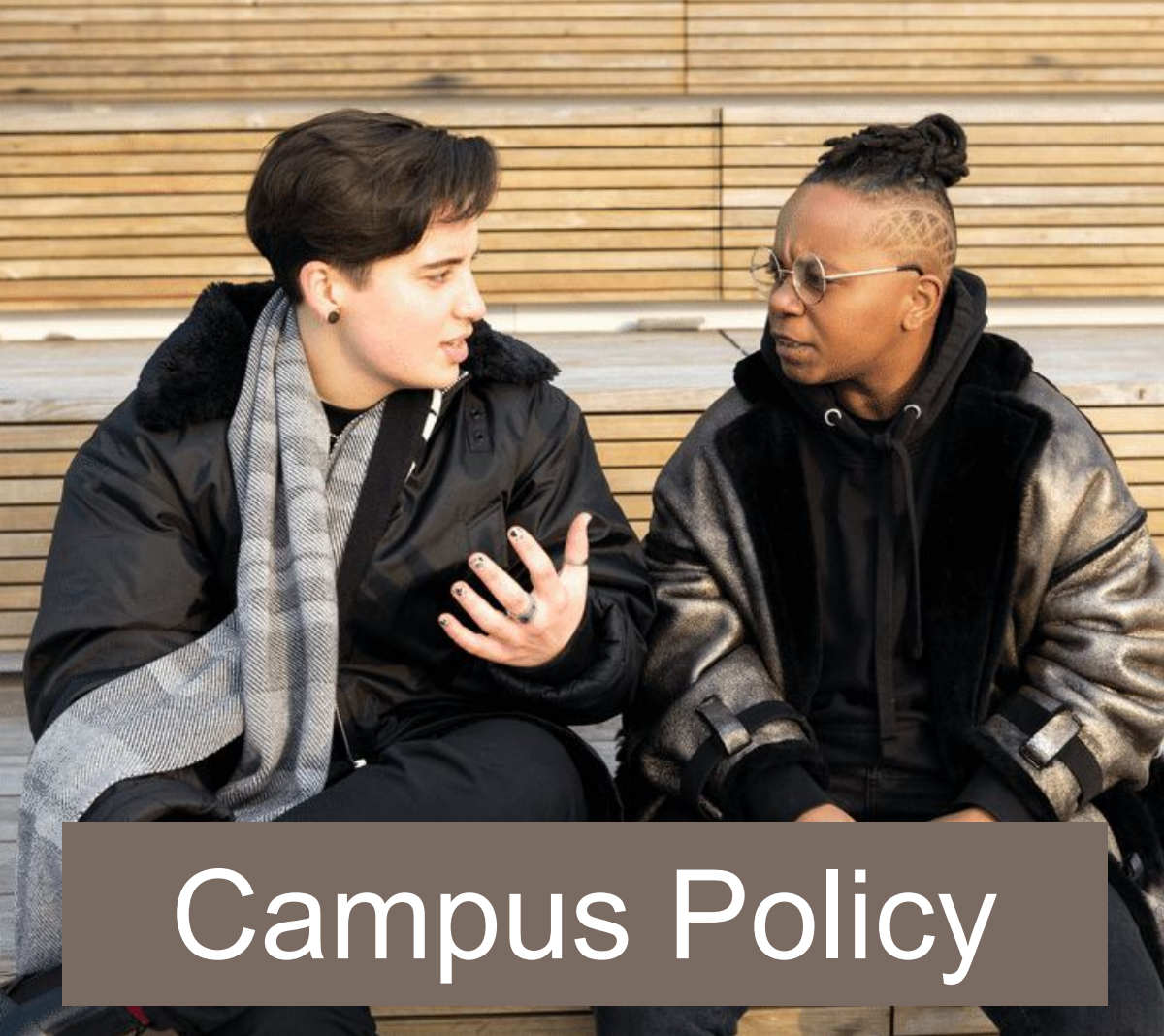
What support will you need as an investigator?





Last night, a student disclosed to a friend that another student sexually assaulted them in an off-campus residence two weeks ago.

Campus Culture



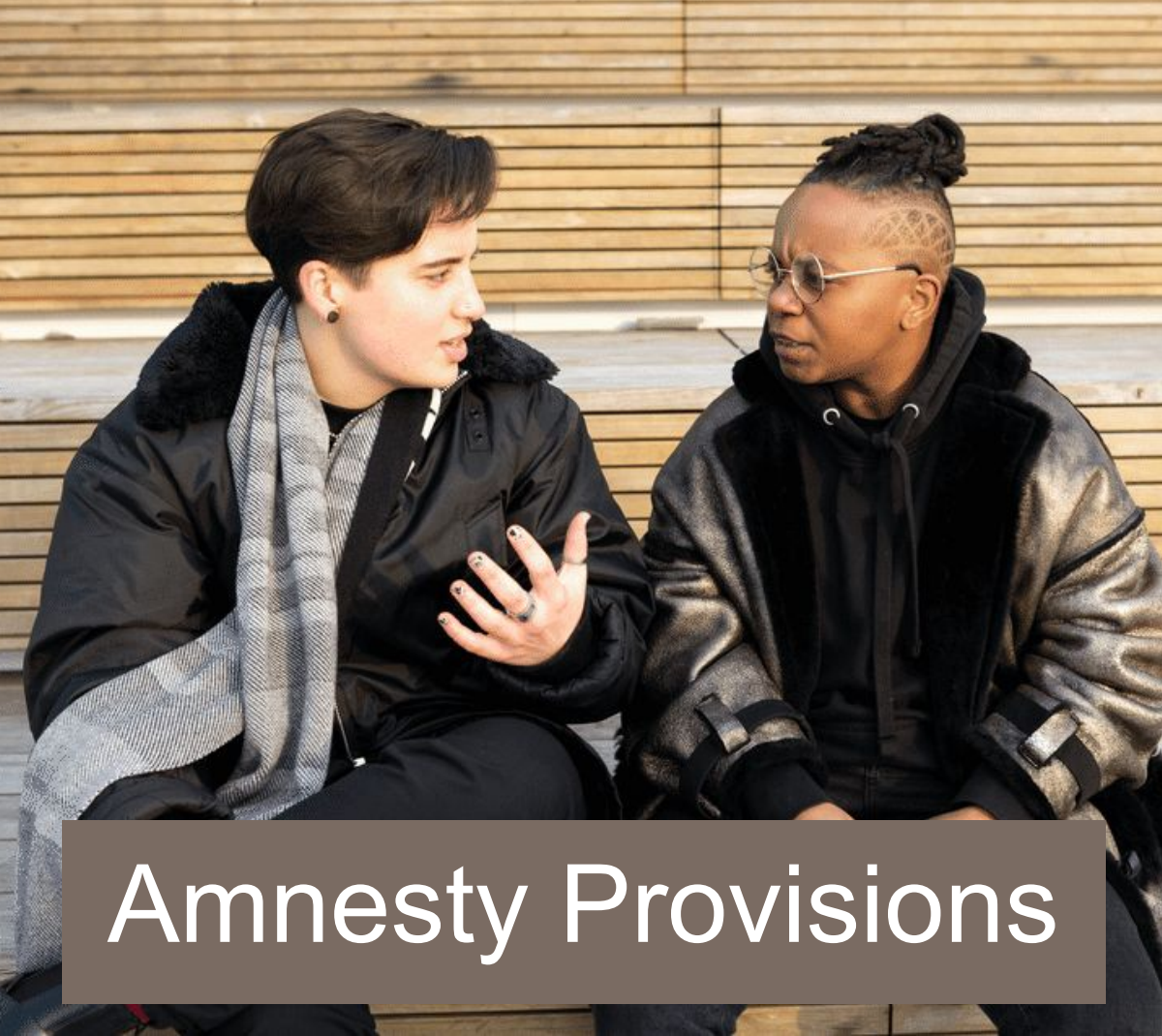
Campus Policy

Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an off-campus residence two weeks ago.



Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an **on campus locker room** two weeks ago.

Scope & Jurisdiction



Amnesty Provisions

Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an **on campus locker room** two weeks ago. The student reluctantly shares that they had been drinking prior to the incident with some other friends. **The student is afraid to reveal who else was with them as he is afraid they will get in trouble for underage drinking.**



Predation, Pattern, Threat, & Weapons

Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an **on campus locker room** two weeks ago. The student reluctantly shares that they had been drinking prior to the incident with some other friends. **The student is afraid to reveal any more because they are afraid about what the alleged aggressor might do.**





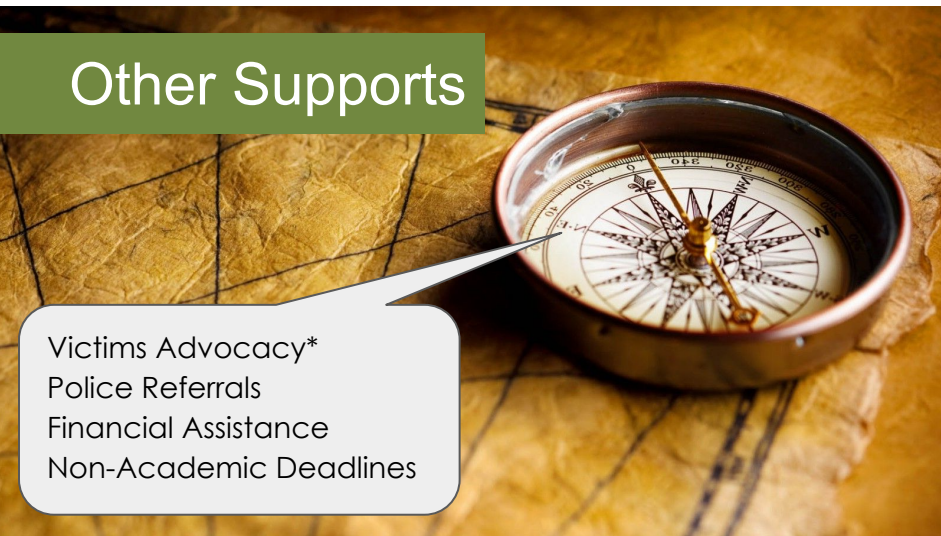
Health / Wellness

Medical Support
Medical Referrals
Medical Testing
Counseling



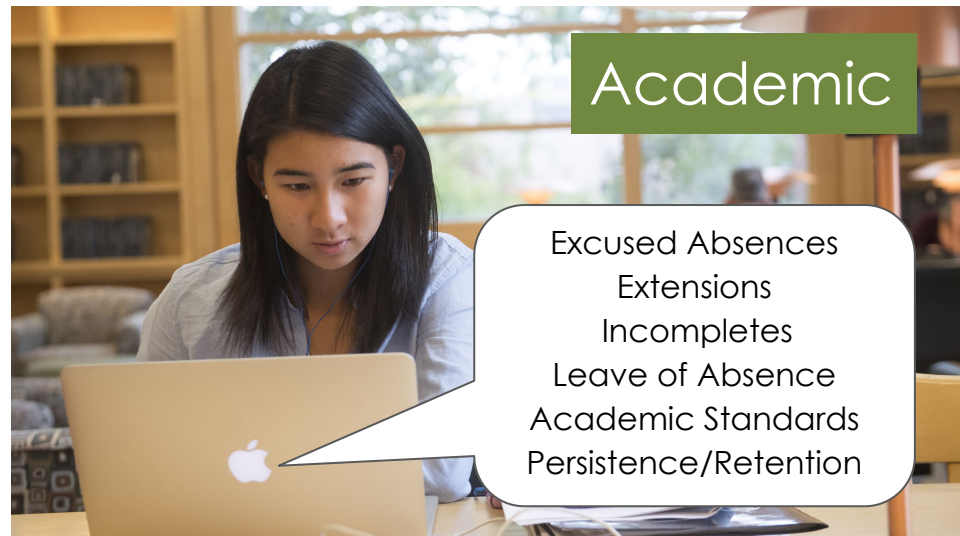
Individual Safety
Work / Housing
No-Contact Directives
Community Safety
Timely Warning

Safety



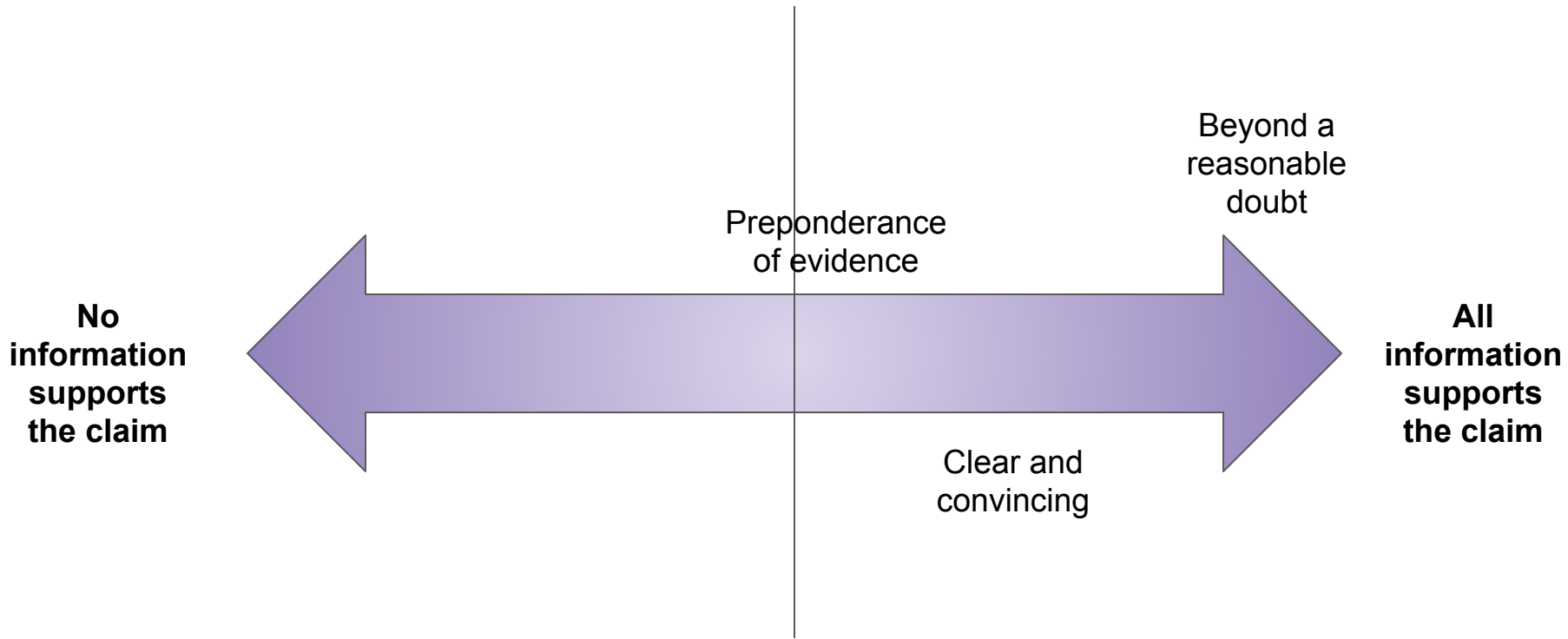
Other Supports

Victims Advocacy*
Police Referrals
Financial Assistance
Non-Academic Deadlines



Academic

Excused Absences
Extensions
Incompletes
Leave of Absence
Academic Standards
Persistence/Retention



**No
information
supports
the claim**

**Preponderance
of evidence**

**Clear and
convincing**

**Beyond a
reasonable
doubt**

**All
information
supports
the claim**

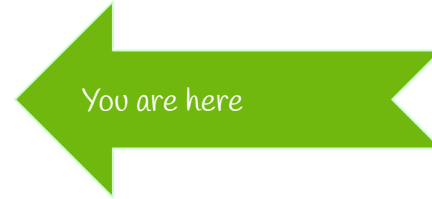
HELLO


I AM...

SUING YOU

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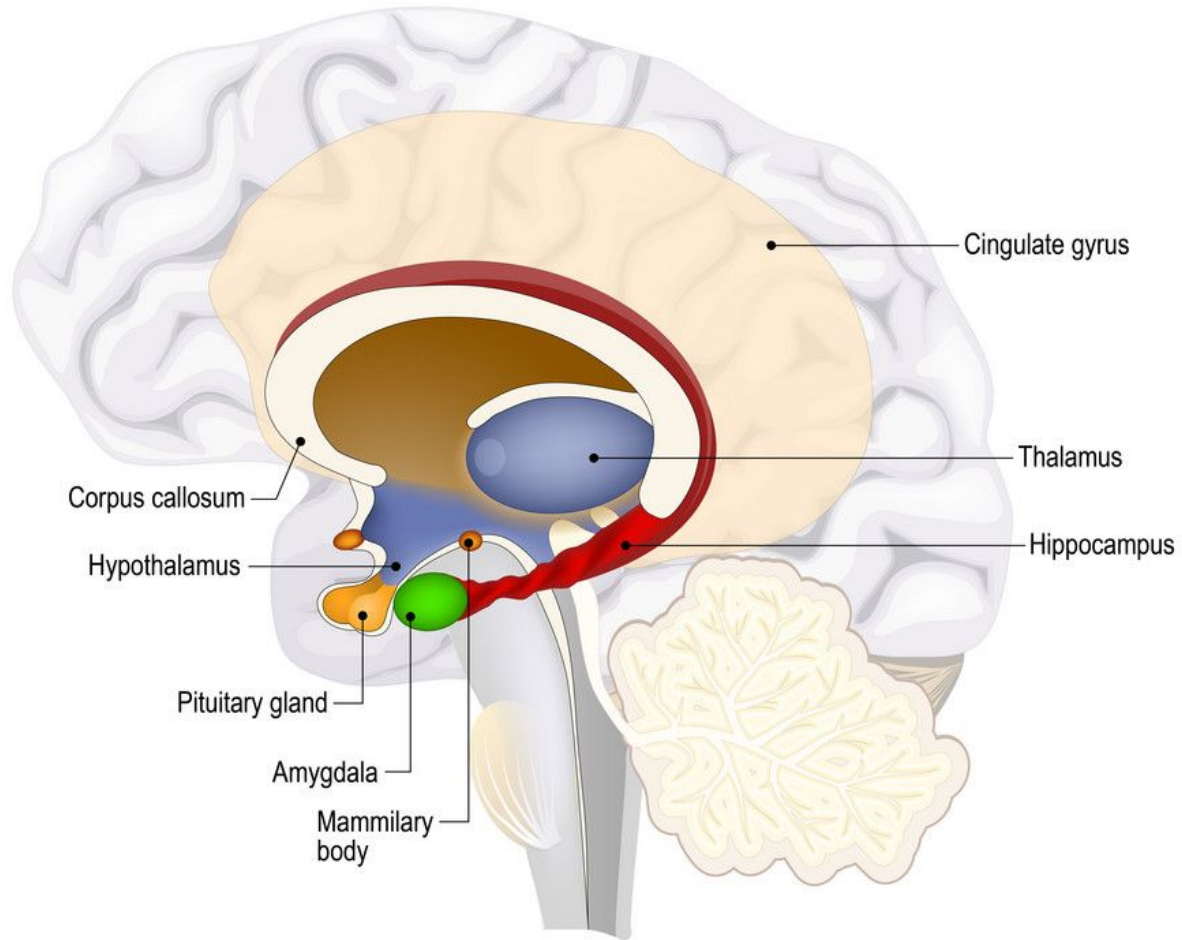




Holds thoughts
and memories

Helps us manage
emotion and
regulate behaviors

Allows us to focus
our attention where
we want and do what
we choose





(Banks, 2002; Southwick et al., 2005)

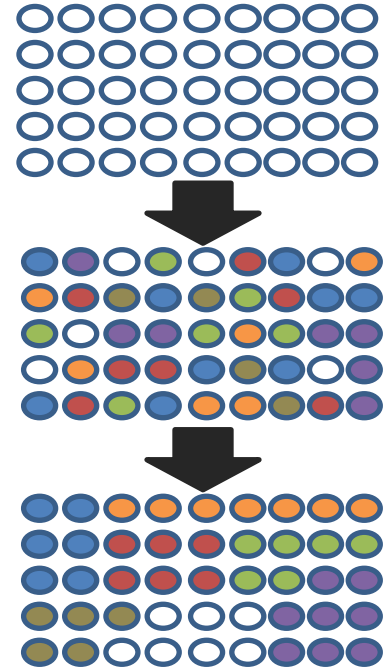
Hippocampus processes information into memories

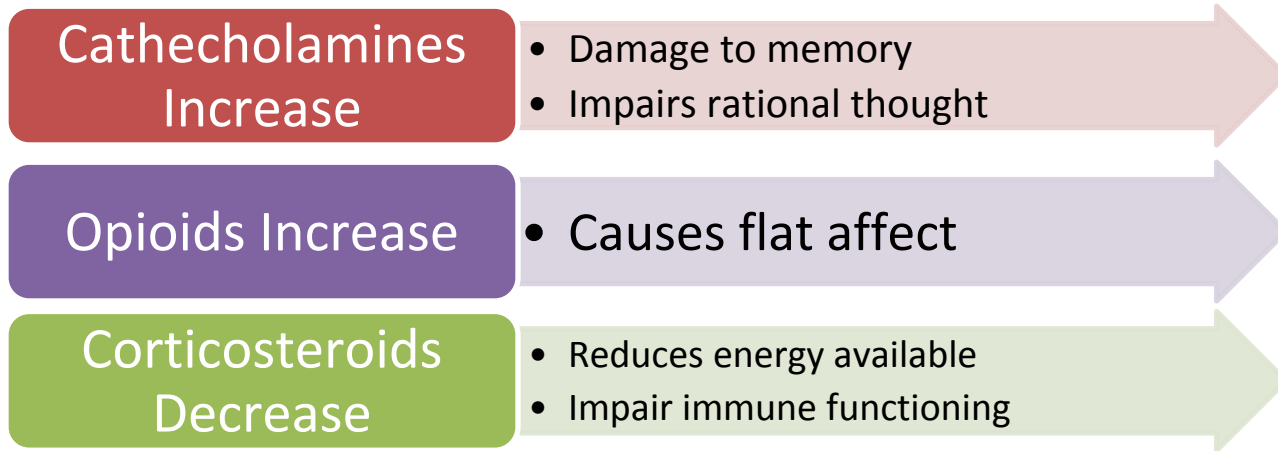
Encoding = Organizing sensory information

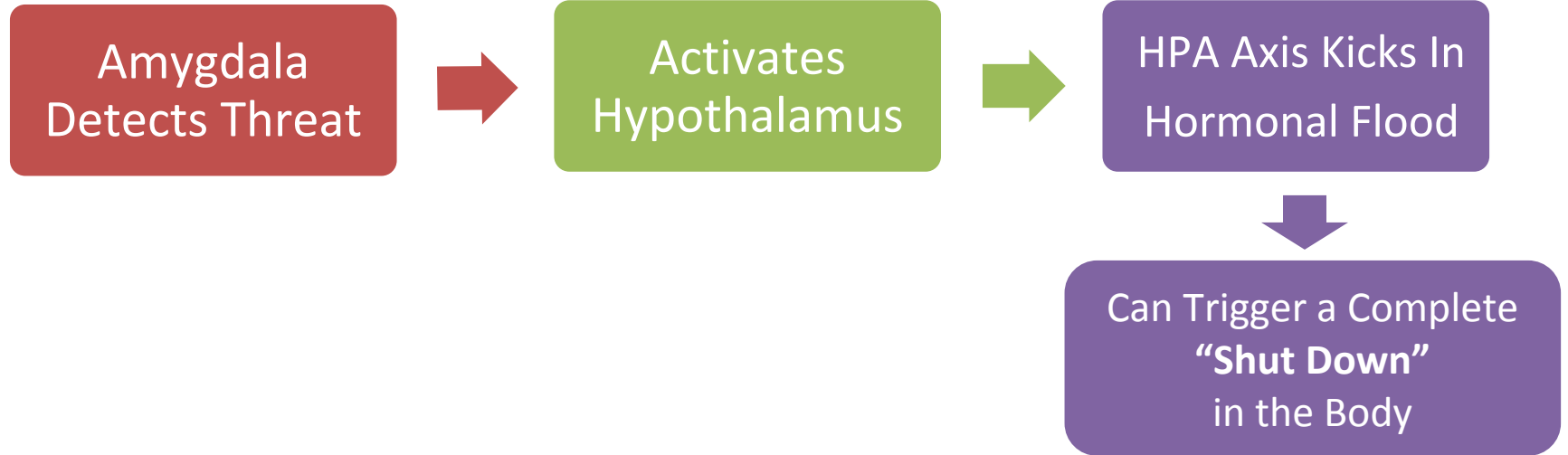
Consolidation = Grouping information into memories and storing them

Amygdala specializes in the processing of emotional memories (works with the hippocampus)

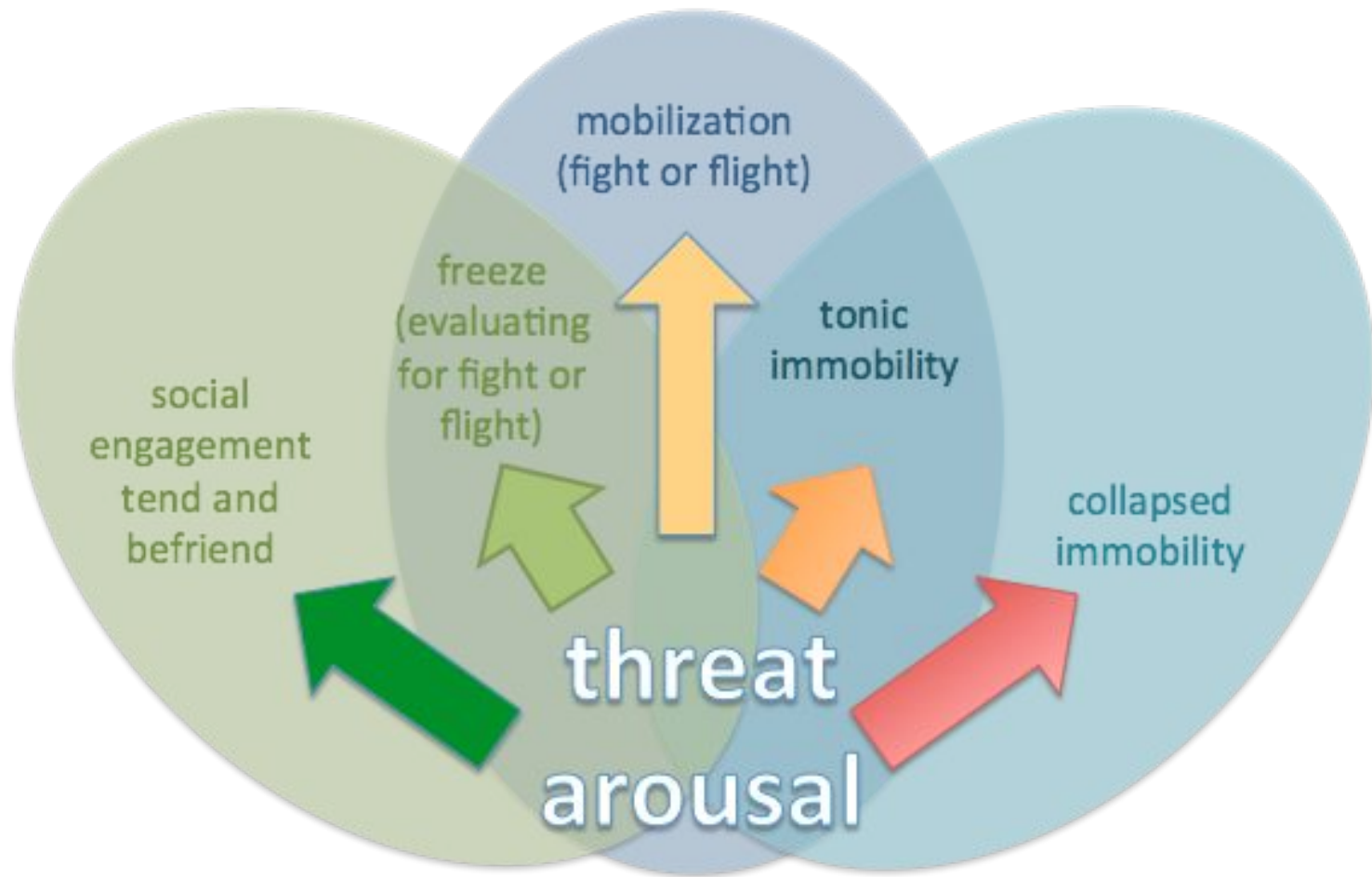
Both structures are VERY sensitive to hormonal fluctuations

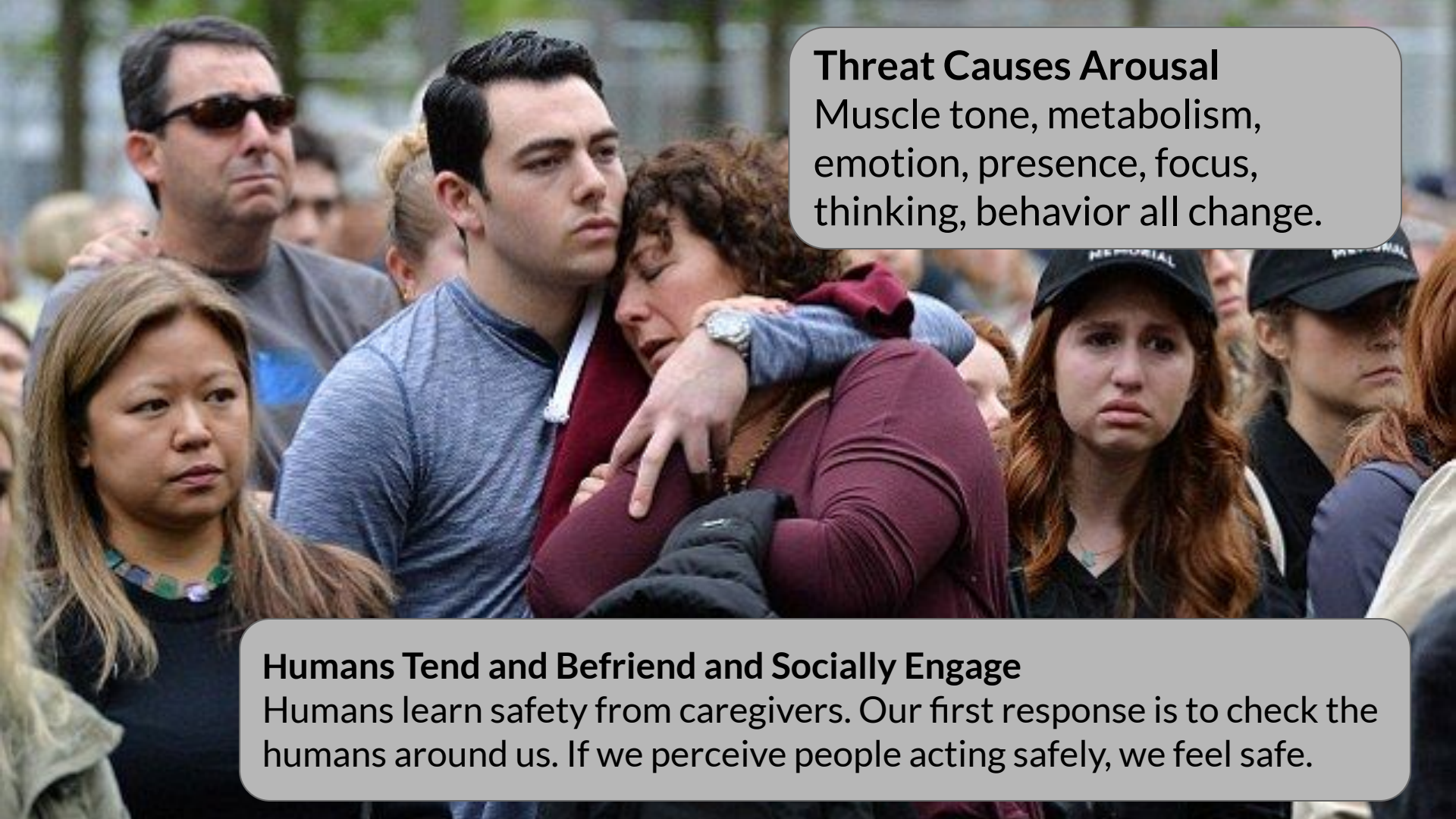






(Banks, 2002; Southwick et al., 2005)





Threat Causes Arousal
Muscle tone, metabolism,
emotion, presence, focus,
thinking, behavior all change.

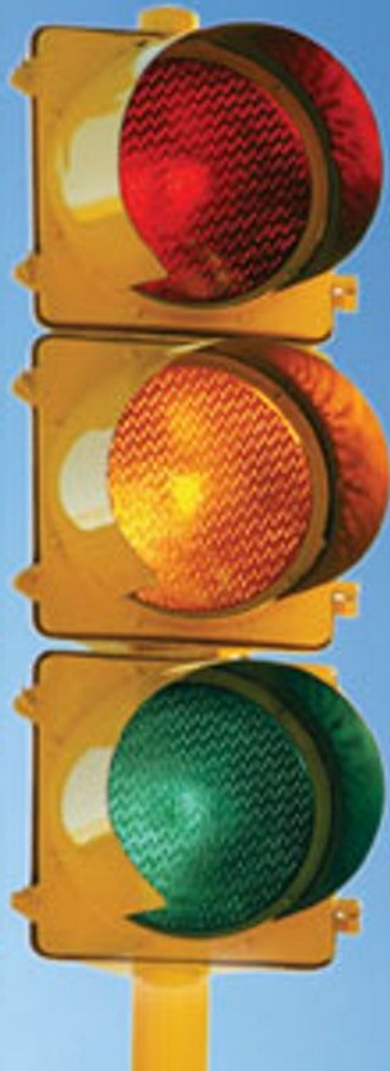
Humans Tend and Befriend and Socially Engage

Humans learn safety from caregivers. Our first response is to check the humans around us. If we perceive people acting safely, we feel safe.

Immobilization

Mobilization

Social engagement



As the perception of threat escalates we default to more primitive responses

Orientation / Social Engagement

Neck, face, throat and jaw
muscles and oxygen
control change in response
to threat.





Mobilization

Sympathetic Nervous System
'Fight-or-Flight', Adrenaline
and then Cortisol

Immobilization
Dissociation,
Opioids
released



Immobilization

Mobilization

Social engagement

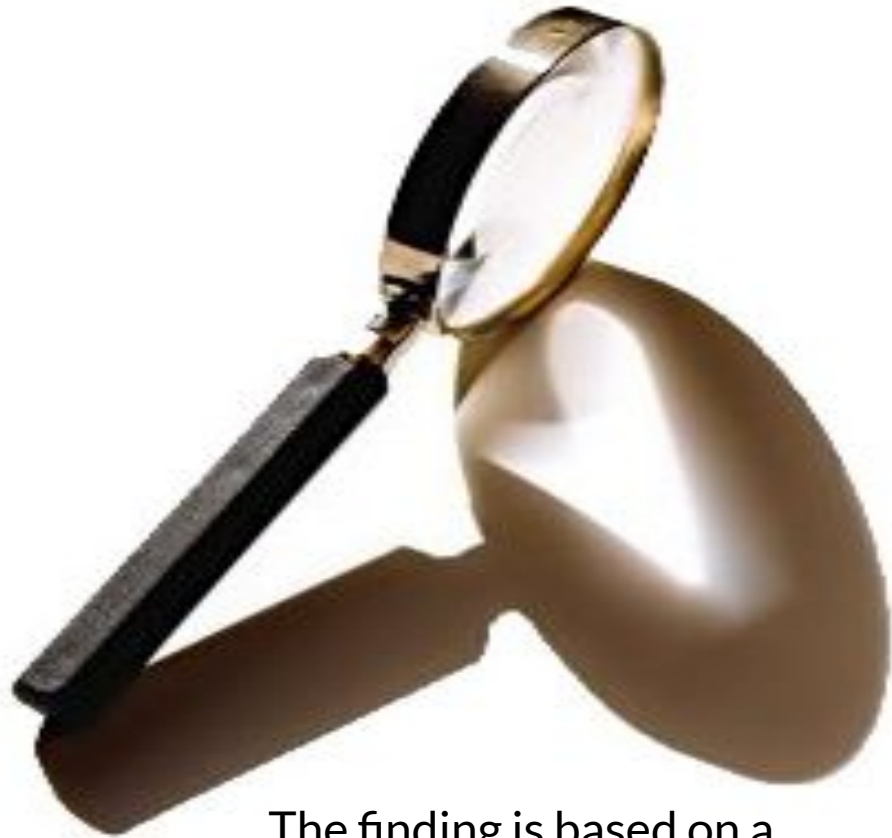


As the perception of threat escalates we default to more primitive responses



Once an institution has notice, it has a duty to respond to the allegation.

The Title IX administrator will determine the need for an investigation as a response and oversees any investigation. An investigator interviews all parties to determine each person's perspective of the incident.




The finding is based on a preponderance of evidence standard of proof

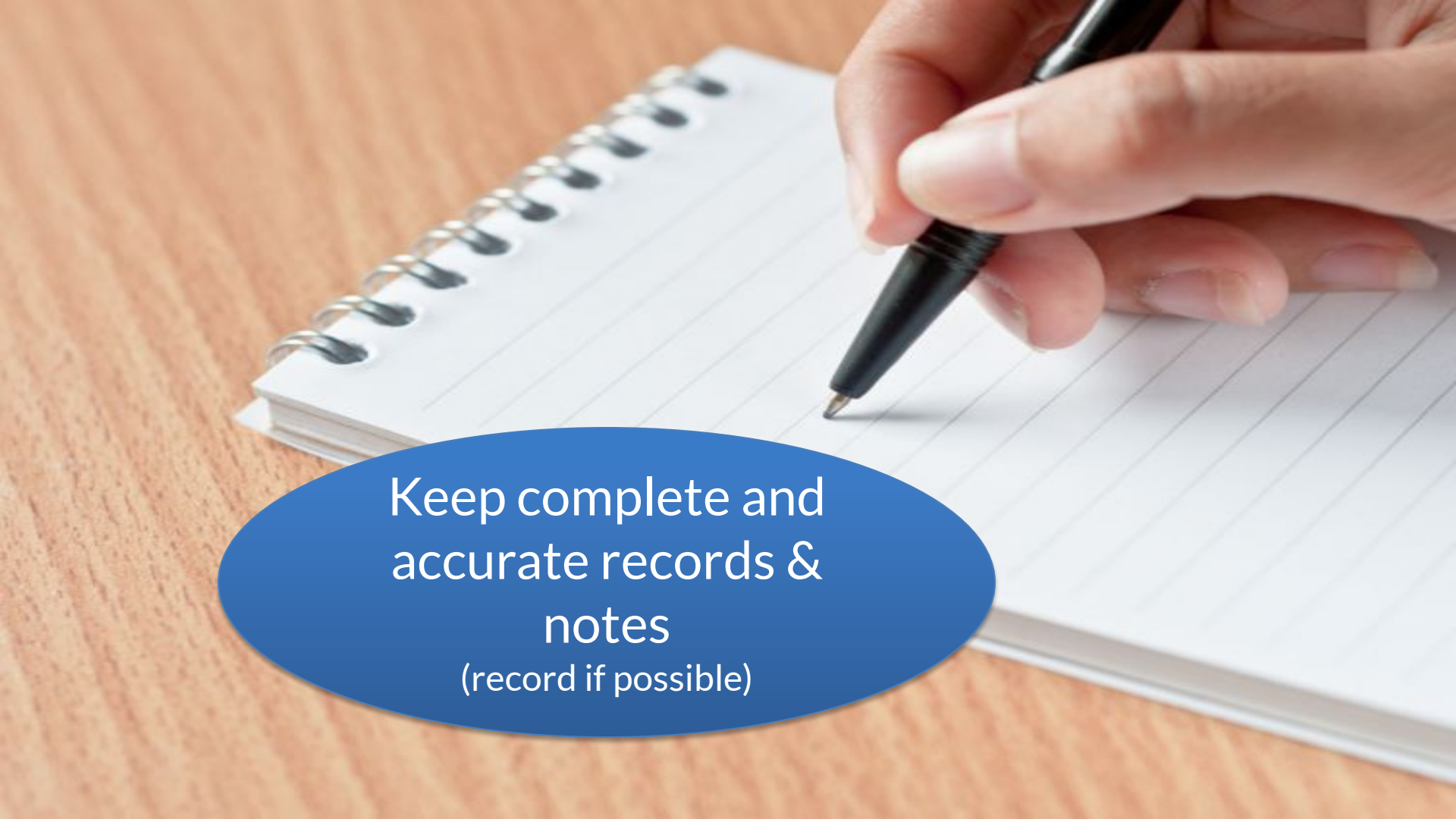
Thorough	Reliable	Impartial
Prompt	Effective	Equitable
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community

A close-up photograph of a person's hand holding a black pen, poised to write on a spiral-bound notebook. The notebook is open to a blank, lined page. The scene is set on a light-colored wooden surface. A blue oval graphic is overlaid on the bottom left of the image, containing white text.


Interview all
persons
involved

A close-up photograph of a person's hand holding a black pen, poised to write on a spiral-bound notebook. The notebook is open to a blank, lined page. The scene is set on a light-colored wooden surface. A blue oval graphic is overlaid on the bottom left of the image, containing white text.

Allow parties to
have adviser
accompany them

A close-up photograph of a person's hand holding a black pen, poised to write on a spiral-bound notebook. The notebook is open to a blank, lined page. The scene is set on a light-colored wooden surface. A blue oval graphic is overlaid on the bottom left of the image, containing white text.

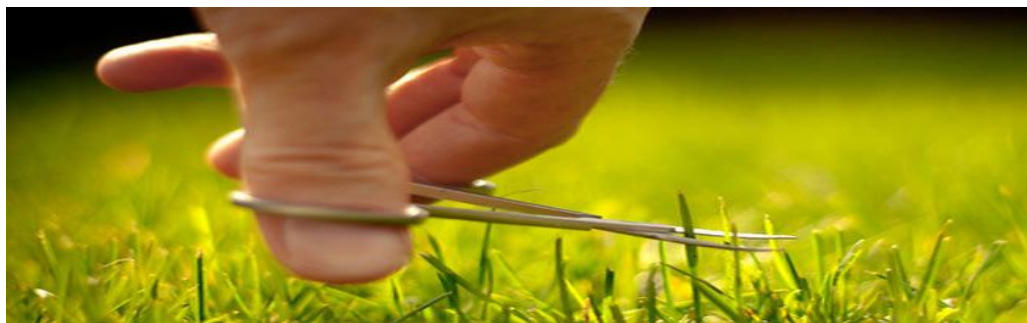
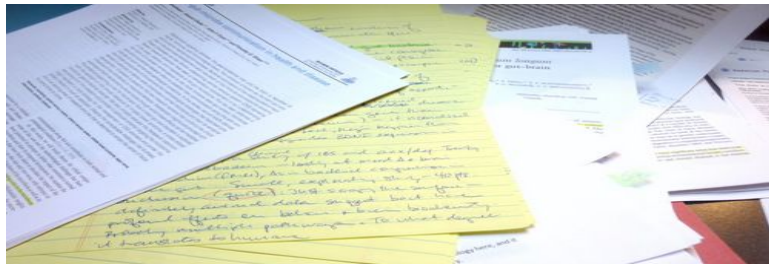
Keep complete and
accurate records &
notes
(record if possible)

A close-up photograph of a person's hand holding a black pen, poised to write on a spiral-bound notebook. The notebook is open to a blank, lined page. The background is a light-colored wooden surface. A blue oval graphic is overlaid on the bottom left of the image, containing white text.

Ask interviewees to sign
a summary of interview
notes checking for
accuracy

A close-up photograph of a person's hand holding a black pen, poised to write on a spiral-bound notebook. The notebook is open to a blank, lined page. The scene is set on a light-colored wooden desk. A blue oval graphic is overlaid on the bottom left of the image, containing the text 'Provide a report' in white.

Provide a
report



“ Proactive, regular communication and open dialogue is what drives reliable execution. ”

-Al Chiaradonna



7	8	9	10	11	12	1	2	3	4
15	16	17	18	14	15	20	21	22	23
22	23	24	25	21	22	25	26	24	27
30	31	28	29	5	6	5	31	30	29

S MONTH



Scheduling
Office supplies
Support supplies
Interview setting
Room scheduling
Interview scheduling
Documentary evidence



Paired Process

The image shows three people in an office environment. On the left, a man with glasses and a white shirt is looking at a laptop. Next to him, a woman with dark hair is also looking at the laptop. On the right, a woman with short dark hair, wearing a blue blazer over a white shirt, is looking towards the man and woman. The background is a blurred office space with a window and some papers on the wall.

What would you need to know from your Title IX Coordinator to do your job well?



What does it mean
to be
trauma-guided
versus
trauma-informed?



Consider burdens on all participants in the process.

Process should be designed to not unduly burden either party.

Provide **BOTH** students with equitable resources

BOTH parties will be navigating some form of trauma.

Claimants should be believed and heard.



Responding parties are always presumed innocent under the university or college process.



A support person is defined as a person who provides support, guidance, or advice to a party during sexual misconduct proceedings.

Thank the party for attending the interview. Verbalize your understanding of the difficulty.


Acknowledge the adviser and explain the role that they will play in the process

Explain your role as an impartial investigator.

Address any preliminary questions.







What if I
cannot
continue with
this process?

Who will know
about this?
Parents?
Adviser?
Professors?
Employer?

When will you
be talking with
the responding
party?



What happens if the claimant files criminal charges?

What happens if I don't answer your questions?

Can my lawyer be present?

Who can I talk to about this?



