

Three Early Assessments

A complaint can trigger multiple early assessments:

1. Jurisdiction check (does this fall under Title IX?)
2. Immediate safety risk review (is emergency removal needed?)
3. Evaluation of supportive measures for both parties.

These assessments happen before a full investigation begins.

Emergency Removal: Safety Risk Test

Title IX allows emergency removal only if there's a specific, credible safety risk tied to the allegations.

It's not enough to say:

- "He makes me nervous."
- "She might retaliate."

Required:

- Specific, credible threat tied to the allegations
- Cannot rely on vague or generalized fears

Institutions must document the analysis not just the outcome.

Scenario: When Fear Isn't Enough

A student files a formal complaint of sexual harassment against a peer in their major. The Respondent has not contacted the Complainant since the alleged incident, which occurred during a group study session in a public space.

After the complaint is filed, several students in the department begin advocating for the Respondent's immediate removal, saying, "She's scared to come to class," and "He makes all of us uncomfortable." They circulate a petition and call on the administration to act, saying that the Complainant won't feel safe unless the Respondent is removed.

The Complainant confirms she feels anxious being in the same class but reports no new incidents or contact since the report. No threats have been made. You are consulted to assess whether an emergency removal is appropriate.

Right to Challenge Removal

Any party removed must have an opportunity to challenge the decision

- Challenges must be prompt and equitable.
- No unjustified delays
- The removal review must be documented.

Due Process & Fairness

When Does an Investigation Start?

Once jurisdiction is confirmed and notice is issued, the institution's due process obligations begin. When addressing formal complaints of sexual harassment, a school must have a process that meets the federal standards.

- When a formal complaint is signed or filed.
- When jurisdiction and scope are confirmed.
- When supportive measures are in place and parties have received written notice.

Why Move Forward with an Investigation?

- To ensure equitable resolution of serious allegations.
- To establish facts, not assumptions
- To demonstrate non-deliberate indifference under Title IX.
- To preserve access and trust for all parties.

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What Due Process Means Under Title IX

Parties must receive:

- Access to the same information and rights
- A fair, impartial investigation and hearing
- The opportunity to appeal
- Regular updates and written documentation
- Neutrality is key:
Impartial investigators, decision-makers, and procedures



Notice → Initial Assessment →

Supportive Measures →

Investigation → Determination →

Sanction → Appeal

Fair Process Requirements

Title IX & Clery:

- Parties must receive notice at each key step:
Investigation, outcome, sanctions, appeal
- Opportunity to:
 - Present witnesses
 - Offer and inspect evidence
 - Be accompanied by an advisor of choice

Timeliness & Delays

Fair process also means prompt process. Institutions must resolve cases promptly, regardless of parallel law enforcement involvement.

✓ "Reasonably prompt" timeframes should:

- Be included in policy
- Cover appeals, too
- Allow for temporary delays only with:
 - Good cause
 - Written notice to parties

Allowable Delays

Delays may be justified by:

- Case complexity
- Awaiting time-sensitive evidence (e.g., law enforcement hold)
- Witness unavailability

Delays not justified by:

- Administrative convenience
- Unfiled or pending lawsuits
- Breaks or holidays, unless outlined and communicated

Clery–Required Disclosures

Institutions must notify parties—in writing—of:

- Final outcome (finding, sanction, rationale)
- Procedures for appeal
- Any changes to the result before finalization
- When the result becomes final

Applies to cases involving:

Dating violence

Domestic violence

Sexual assault

Stalking

Practical Application: Holding Steady When It Counts

Let's return to why we're here:

We are learning to hold steady when the pressure rises.
To stay impartial even when things get murky.

To develop a sharper, more self-aware lens, especially when bias or cultural assumptions might cloud the facts.

Every case is a chance to refine your discernment and reaffirm your responsibility to fairness.

Interviews and Tech

Why Interviews Matter in Title IX

Your interview might shape the entire trajectory of a case. Early conversations can impact:

- Whether someone feels safe enough to continue
- The strength and clarity of the factual record
- How your institution is ultimately seen in court or public opinion

Every interview will shape the story the evidence will later tell.

Pre-Interview Considerations

What is the core conduct being investigated?

What tone does the process require?

Have supportive measures been offered before proceeding?

Investigation Strategy

- *Every investigation deserves a strategy, not just a checklist.*
- Start by asking: What process applies? Who needs to be heard?
What evidence can be obtained? When, how, and in what order?
- Good strategy also means knowing when and how to share updates with those who need to know.

Practice: Building an Interview Strategy

You're the investigator assigned to this case.

Before scheduling interviews, take 5 minutes in small groups to outline:

1. Key conduct being investigated
2. Who you would interview and in what order
3. What tone your approach should take
4. What updates or supports need to be in place before you begin

Practice: Building an Interview Strategy

A student alleges that during a late-night study session, a teaching assistant repeatedly commented on their appearance, patted their buttocks, and later sent a 'you up?' text. The student reports that the TA had patted their butt at least twice before but they were too 'freaked out' to say anything at the time. The TA says they were "just being friendly" and that the text was a joke. The student has continued attending the class but avoids office hours.

Managing Witnesses Thoughtfully

- Be deliberate about when and how you contact witnesses — and how you space them apart.
- Suggested flow: reporting party → their witnesses → neutral witnesses → responding party's witnesses → responding party → follow-ups.
- It's a dynamic process. Stay flexible.

Setting the Frame: Before You Begin

Begin with intention. Greet and acknowledge any advisor present.

- Clearly state your role: “I’m here to gather facts. My job is to remain impartial and thorough.”
- Pause. Ask: “Any questions before we begin?” Let people feel oriented and seen.

Sample Openers

- “Thank you for meeting with me. I want to understand your experience so we can respond appropriately.”
- “This conversation can feel difficult. You don’t have to prove anything today.”
- “My goal is to understand what happened and make sure you’re supported.”

Scheduling Interviews Wisely

- Don't rush. Plan for more time than you think you'll need.
- Avoid stacking interviews back-to-back to give yourself space to debrief and prepare.
- Make room for the unexpected: interviews often take longer, and second rounds are common.

Equipping the Parties: Information and Rights

Each party should receive a copy, not just a link of:

- The exact policy sections alleged to be violated
- The procedures that will govern the process, including their rights
- Your institution's non-retaliation policy

Keep those same materials in the case file.

Reporting parties must receive:
Written info on:

- What to do after IPV, assault, or stalking
- Interim measures (housing, classes, safety planning)
- On- and off-campus supports
- Reporting options — internal and external
- Protective actions like no-contact directives

Protecting Privacy

- For student cases: consider FERPA, privacy, and the limits of information-sharing.
- For employee cases: be mindful of confidentiality and institutional policy.
- Neutral spaces, clear expectations, and good documentation go a long way.

Gathering Evidence

- Investigators must actively pursue evidence and not wait for it to arrive.
- Document everything as it comes in. Authenticate where necessary. Scrutinize hearsay and follow every lead.
- Being thorough is a matter of equity.

Consider Tech Tools

Tech tools can be powerful but only if used thoughtfully.

Tech doesn't replace ethical presence. It has to be handled with care.

Ask yourself:

- Does everyone involved have the same level of access to the tech we're using?
- Are we safeguarding privacy when we screen share or record?
- If we're recording, have we named that clearly, and documented it?

Question Design

Why Do the Questions We Ask Matter?

As investigators, your job is to make the picture clearer not blurrier.

You're gathering information to help others understand what happened:

- What occurred during the reported incident
- What led up to it (and what came after)
- Whether the facts line up
- Where the gaps are

You're not looking for a "gotcha." You're here to listen, guide, and clarify.

Before You Ask a Question... Pause.

Ground your questioning in purpose, care, and clarity. Ask yourself:

- What's actually relevant here?
- What do I need to know and why?
- Is this the best way to ask?
- Could this question retraumatize someone?
- Is there any bias or blame baked into my phrasing?
- Am I the right person to be asking this?

Spot the Bias Behind The Question

1. "You said you didn't want to be touched, but why didn't you move away?"
2. "You've worked with this student for a while- are you sure you didn't misread their friendliness?"
3. "He's an athlete with no prior issues. Does that make you doubt your memory?"

Be Clear About Meaning

Words hold different weight.

- Ask for clarification around terms like:
 - “Hooked up”
 - “Had a few drinks”
 - “Fooled around”
 - “Drunk” or “sex”
- These can span a wide range of behaviors or experiences.

Strong vs. Weak Questioning

✗ Weak: "Why didn't you leave if it was so bad?"

✓ Strong: "What options did you consider in that moment?"

✗ Weak: "Did you say no?"

✓ Strong: "What, if anything, did you communicate about how you were feeling?"

The Power of Neutral Language

Avoid framing that assumes or implies blame.

Instead of: "Why didn't you leave?"

Try: "What was going through your mind at that moment?"

Instead of: "Wasn't that a little risky?"

Try: "What led you to that location or decision?"

Types of Questions—Choose with Intention

Start open, then narrow when needed.

- Open-ended: “Tell me...” “How did...” “What happened next?”
- Closed-ended: Yes/no or brief answers; useful to clarify or focus.
- Use sparingly:
 - Compound questions: Split them up. (“First... then...”)
 - Multiple choice: Avoid making someone pick from your options.
 - Leading questions: (“Isn’t it true that...?”) These close doors.

Open-Ended vs. Closed Questions

Open-ended:

- "Tell me what happened that night."
- "How did you feel afterward?"

Closed-ended:

- "Did you say yes?"
- "Were you drinking?"

Use open questions early and closed ones only to clarify.



Best Practices for Trauma-Responsive Questioning

Every question should have a purpose.

- Ask a question, don't give a speech.
- Focus on the conduct, the evidence, and how it connects to policy.
- Stay neutral: curiosity over confrontation.
- If you show doubt, be intentional. Otherwise, stay grounded.
- Keep it simple. If it's messy, take it back and try again.

Practicing Trauma-Informed Questioning

1. Identify what's wrong with the question (e.g., it's leading, judgmental, closed, biased, etc.)
2. Rewrite it using strong, neutral, open-ended phrasing

✗ Problematic Question

"Why didn't you tell someone sooner?"

"Are you sure you weren't flirting with him?"

"Did you say no clearly?"

"Why did you go back to his room if you were uncomfortable?"

"So you're saying he assaulted you?"

"Did she ever touch you inappropriately?"

Interviewing Witnesses

Use neutral language and don't lead with labels.

Instead of saying "sexual harassment," describe what was reported in plain, behavioral terms.

Establish context gently.

- "What's your relationship to [Name]?"
- "Have you talked to them since this happened?"



Red Flags in Question Design

Avoid:

Multi-part and compound questions (e.g. "Can you tell me what happened after you left, who you talked to, and how you felt when you got home?"; "When you left the room and he followed, what happened?")

- Leading questions ("Don't you think that was strange?")

- Questions that imply judgment or disbelief

Always ask yourself: "Is this clear, necessary, and fair?"

Reframing in Real Time

If you catch yourself asking a poorly phrased question, you can pause and correct:

- “Let me rephrase that.”
- “That didn’t come out right. What I meant to ask was...”

It builds trust when you model humility.

Build the Ladder

A party reports unwanted touching at an off-campus event. Write down:

- One broad opening question
- One clarifying question
- One specific follow-up

Compare with a partner or share examples aloud.



Evaluating Evidence

A photograph of three rustic metal buckets on a light-colored wooden surface. The bucket in the foreground is in sharp focus, showing its textured metal surface, a wire handle, and a wooden handle. Two other similar buckets are visible in the background, slightly out of focus. The text "3 Buckets" is overlaid in the center of the image.

3 Buckets

Bucket 1: Relevant Evidence

This is the evidence that matters most to the decision-maker.

- It helps prove or disprove something important in the case.
- It may relate to whether a policy was violated and/or a person's credibility.
- The investigator has already made an initial call that this evidence is relevant.
- But ultimately, the decision-maker decides what's actually relied upon.
- Relevant evidence must be considered fairly, both for and against each party.

Relevance = Connection to
the Core Facts

Bucket 2: Directly Related Evidence

This evidence connects to the complaint but won't be relied upon in the report.

- It's not clearly helpful or harmful—it's just part of the larger picture.
- It gets shared with the parties in a separate evidence file.
- Either party can argue it should be re-categorized (as relevant or excluded).
- Decision-makers get this material before the hearing but won't rely on it unless its category changes.

Bucket 3: Not Relevant or Not Directly Related

This is the evidence we set aside.

- It may exist, but it's not useful or appropriate for this process.
- It's retained by the investigator but not shared with parties or decision-makers.
- It's redacted from shared files to protect privacy and reduce confusion.

Types of Evidence You Might See

When evidence is relevant and credible, decision-makers can assign it weight:

- Documents – written statements, letters, policies
- Electronic evidence – texts, screenshots, videos
- Physical evidence – clothing, photos, objects
- Testimony – what someone saw, heard, or experienced
- Circumstantial evidence – not direct, but still meaningful
- Hearsay – info someone else said outside the hearing
- Character evidence – not always useful; depends on relevance



Sorting Evidence Activity

Jordan (Complainant) reports that Alex (Respondent) followed them to their dorm uninvited and engaged in unwanted kissing and touching. Jordan says they froze and did not verbally say no. Alex says it was consensual and initiated by Jordan. A mutual friend claims Jordan had a prior crush. Screenshots of texts are submitted. Some evidence is more clearly relevant than others. How would you categorize the evidence below? (Relevant, directly related, none of the above)

- | | |
|--|---|
| 1. Jordan's text to Alex | 7. Calendar invite |
| 2. Devon's statement about the crush | 8. Jordan's text to friend |
| 3. Group chat message (flirtatious but weeks before) | 9. Security log |
| 4. Medical record | 10. TikTok video the next day |
| 5. RA's neutral report | 11. Email to Title IX office |
| 6. Alex's statement | 12. English class paper by Alex (not connected to incident) |

What Counts as Relevant?

Keep it if...

- It helps someone understand what happened.
- It directly supports or refutes a fact in dispute.
- It brings clarity to the investigation.

Leave it out if...

- It's speculation or rumor.
- It doesn't relate to the allegations.
- It's about someone's character or past sexual behavior, unless a specific, allowable exception applies.

Important Boundaries on Evidence

Some things are off-limits, even if offered with good intent:
You can't consider a complainant's sexual history or predisposition, except:

- To show someone else may have committed the conduct; or
- To show consent between the complainant and the respondent in that specific context
- Even if the complainant brings it up, those limits still apply.
- These restrictions don't apply to the respondent's sexual history, though it still must meet relevance standards.

Assessing Credibility

Start with Trust, Invite Fullness

Set expectations: “We ask that everyone share truthfully and completely.”

You can ask for observations and opinions.

- “Did you notice any changes in their behavior afterward?”
- “Did they ever talk to you about what happened?”

The 5-Part Credibility Lens

Credibility isn't about who appears calm, articulate, or self-assured.

Some people seem confident and are mistaken. Others are emotional and are telling the truth. When evaluating credibility, consider:

- Plausibility: Does this make sense given the facts?
- Motive to falsify: Is there a reason to lie or withhold?
- Corroboration: Are there supporting details or witnesses?
- Demeanor: Cautiously observed, but don't overinterpret it
- Consistency: Across time, settings, and documents (p.24)

Credibility ≠ Truthfulness

What we look for:

- Consistency over time
- Corroboration from independent sources
- Details that make sense given context and environment
- No bias toward or against someone based solely on their role

Key Credibility Factors

Use these lenses to assess each statement or claim:

- Inherent Plausibility: Does the story make sense?
- Motive to Falsify: Would they benefit from lying?
- Corroboration: Does evidence support what they said?
- Past Record: Is there relevant prior behavior?
- Demeanor: Are they calm, nervous, inconsistent? (Use caution—demeanor can mislead)

Plausibility Questions to Ask

- Would a reasonable person act this way in that situation?
- Could the person have actually seen or heard what they describe?
- Are they consistent with what others said—or with physical evidence?
- Are there other explanations that are more likely?

Motive to Falsify

Ask yourself:

- What are the consequences if the allegations are true?
- Could the person be trying to avoid academic, personal, or legal fallout?
- Are there external pressures (e.g., grades, relationships, social consequences)?

Corroborating Evidence

This is your strongest tool for assessing credibility.

Examples:

- Screenshots of texts, call logs, receipts
- Witnesses who shared the same experience
- Documentation of where someone was and when
- “Outcry” witnesses: those the person told at the time

Watch for bias—witness closeness (roommates, teammates) may help or hinder credibility.

Demeanor: Proceed with Care

- Nonverbal cues can be misleading. Being nervous ≠ lying
- Some people may be distressed, angry, or avoidant because of trauma or discomfort
- Treat demeanor as a flag, not a fact: dig deeper to understand the source

Credibility Best Practices

- Don't confuse confidence with credibility
- Look for consistency, not performance
- Cross-examination is your chance to probe credibility, especially in close cases
- If someone doesn't participate, consider what other evidence may still support or weaken their account

When you think about assessing credibility in a Title IX case, which factor do you think carries the most weight?

- A. Plausibility
- B. Motive to Falsify
- C. Corroboration
- D. Demeanor
- E. Consistency

Cultural Bias and Credibility

Tone, eye contact, or emotional expression vary by culture, trauma history, and personality.

Avoid equating:

- Quiet with dishonesty
- Anger with aggression
- Calmness with truthfulness

Ask yourself: “Is this a real red flag, or my own lens?”

Sensitive Contexts: Consent & Incapacitation

When They Say “Hooked Up...”

Don't assume mutual understanding of vague terms like:

- “We were messing around”
- “We just made out”
- “Things happened”

Instead, ask: “Can you walk me through what that meant for you?”

Asking About Consent

Ask behaviorally:

- "What was said or done that made you think there was agreement to move forward?"
- "How did you know your partner was okay with what was happening?"

Avoid:

- "Did they give consent?" (too legally loaded)
- "Were they into it?" (vague and subjective) (p.23)

Asking About Force or Coercion

Use behavioral, non-accusatory phrasing:

- “Did you feel like you had a choice in that moment?”
- “Was anything said or done that made you feel pressured?”
- “Did you feel safe saying no?”

Assessing Incapacitation

Stick to observable facts:

- “What did you notice about their speech or movement?”
- “Did they stumble, pass out, or lose track of time?”

Avoid speculation. Focus on what a reasonable person could observe.

Case Study 1: “We Just Hooked Up”

Jordan, a student employee in the admissions office, shares during a check-in that they “hooked up” with their supervisor, Taylor, after a staff social. They say it’s not a big deal, but they looked uncomfortable when saying it and changed the subject quickly. HR had received an anonymous email earlier that week noting “something weird” happened between them at the event.

Case Study 2: “I Don’t Remember Everything”

Devon, a full-time staff member, reports that after a holiday party, they woke up at home with no memory of how they got there. They remember dancing with a coworker, Alex, and say they think “something happened” but they’re not sure. They’ve found bruises they don’t remember getting and mention that Alex has been avoiding them at work since.

Report Writing

The Investigation Report: A Full Picture, Not a Verdict

- This is the one comprehensive document that summarizes the full scope of the investigation.
- It includes:
 - Interview summaries from parties and witnesses
 - Relevant texts, emails, social media posts, law enforcement notes, medical records, video, and more
- Parties have a right to review all relevant evidence before any final determination is made.

Weighing the Evidence with Care

- Evaluate what's been shared:
 - How relevant is it?
 - How much weight does it carry?
 - How credible are the sources?
- Note any missing pieces:
 - "We tried to reach this person but were unsuccessful."
 - Be clear about what you know—and what you don't.

Clarifying the Facts

- For each allegation, highlight the key facts you uncovered.
- Lay out what supports or challenges the reported conduct.
- Ensure the report references the current policies and procedures that apply.

Applying Policy & Standard of Proof

- Map the facts to the policy:
 - “Does what happened meet the criteria for a policy violation?”
- If applicable, include:
 - A policy-based analysis using the preponderance standard
 - Past similar conduct, if relevant
- Some models allow you to recommend a finding; others defer that step to a hearing or decision-maker.
- Either way, parties must be allowed to review—and respond to—the report before any final steps.

Making Meaning of What We've Found

- Start with your institution's policies—what do they say applies here?
- Look at each piece of evidence:
 - What does it show?
 - How relevant is it?
- Examine witness statements:
- Are they factual? Opinion-based? Circumstantial?

Write Like It'll Be Read

- Assume your report will be read by someone who wasn't in the room.
- Tell the story with care.
- Keep it rooted, neutral, and grounded in the facts.

Tone Check

Which one of these sentences would you keep in your report?

- a. "The complainant seemed dramatic and upset throughout the interview.
- b. " The complainant became emotional during parts of the interview."
- c. "The complainant's behavior made the allegation questionable."



Writing Defensible, Dignified Rationales

1. Be transparent, not persuasive

- Show your logic
- Avoid advocacy tone

2. Anchor every conclusion in the record

- Use clear citations and parenthetical notes
- Avoid language like, “It’s obvious that...” or “I believe...” – use “The evidence shows...”

Writing Defensible, Dignified Rationales (continued)

3. Write for the reader who wasn't in the room

- Assume zero prior context
- Define acronyms, spell out timelines

4. Protect dignity, even in findings

- "The respondent made the statement.." NOT "the respondent was disrespectful."
- Focus on actions and impact, not motives

Writing Defensible, Dignified Rationales (continued)

5. Close the loop

- Acknowledge when information was unavailable
- Note consistency and inconsistency neutrally (“Accounts differed regarding...”)

Pair Work: Rewrite

1. "The complainant's story didn't make sense and she seemed emotional."
2. "The respondent was clearly lying about not remembering the incident."
3. "Witnesses agreed that the respondent behaved inappropriately."
4. "Based on what the respondent said, she was probably just joking."
5. "The complainant seemed credible. "

Activity: The Three-Sentence Report

Complainant Interview

The complainant said the professor “kept calling me ‘beautiful’ in class.” She said it happened at least four times in one semester, usually at the start of class when others were arriving. She said she never confronted him but began sitting in the back of the room.

Write a 3- sentence summary for each interview that could appear in an investigation report.

Respondent Interview

The respondent said he remembered giving compliments but “never meant them romantically.” He said he calls everyone “sir” or “ma’am” and likes to be friendly. He said he was unaware the student was uncomfortable.

Sample Report Outline

1. Case Overview

Parties involved, date of formal complaint, summary of allegations, procedural history.

2. Applicable Policies

Cite Title IX policy sections and relevant definitions.

3. Methodology

Steps taken (interviews, evidence reviewed, timelines).

4. Summary of Allegations

Neutral restatement of what is alleged, not conclusions.

5. Summary of Evidence

Organize by theme or allegation.

Include summaries of each interview, physical/digital evidence, and other relevant materials.

6. Analysis

Weigh relevance, consistency, credibility, and corroboration.

Identify gaps or missing data ("the team attempted to contact... but was unsuccessful").

7. Policy Application

Map findings of fact to policy elements (using preponderance standard).

8. Conclusion / Findings (if applicable)

Determination or recommendation, depending on institutional model.

9. Appendices

Notice of Investigation and Allegation, evidence list, witness roster, policy excerpts.

Managing The Hearing + Making A Decision

Cross-Examination in Title IX Hearings

- In higher ed, live hearings must allow each party's Advisor to directly ask the other party and witnesses questions in real time.
- Questions must come from the Advisor, not the parties themselves
- Relevant questions, follow-ups, and credibility challenges are permitted
- Questions don't need to be new if it's relevant and already in the report, it can still be asked again

Managing Questions During Hearings

1. Screen questions for relevance not comfort
 - Pause briefly after each question to assess relevance
 - State: “This question is relevant and may be answered” or “This question is not relevant and will not be allowed”
2. Keep the tone procedural
 - Use neutral phrasing “The record reflects that this topic has been addressed”
 - Avoid showing frustration or sarcasm

Managing Questions During Hearings (continued)

3. Redirect advisors, not parties

- If a party interjects, calmly redirect: "Please allow your advisor to pose questions on your behalf"

4. Preserve dignity in the process:

- Allow respectful phrasing adjustments if needed ("Would you like to rephrase that?")
- Acknowledge both parties' composure: "Thank you for keeping your tone professional."

Managing Repetitive or Irrelevant Questions

Decision-makers (or the Chair) can:

- Deny a question if it's already been clearly answered
- Ask the Advisor to explain why re-asking would add new relevant info
- Still allow the question if it may surface important details or gaps

Discussion:

How might you respond if an advisor insists on asking a question that you've ruled irrelevant? What language maintains fairness without escalating tension?

Weighing the Evidence: Making a Determination

A complainant and respondent are both undergraduate students.

They attended a campus-sponsored concert together and later went back to the respondent's apartment.

Complainant statement: Says they had several drinks and remembers dancing and kissing, but not agreeing to any sexual activity. Says they woke up partially unclothed and feeling sore, and texted a friend the next morning, "I think something happened last night, I didn't say yes."

Respondent statement: Says they both had a few drinks but were coherent. Says the complainant initiated kissing and said, "I want this." Admits the complainant appeared sleepy afterward but denies noticing incapacitation.

Weighing the Evidence: Making a Determination (continued)

Witness A: Friend of complainant, confirms receiving the text and that complainant “seemed off” the next morning.

Witness B: Friend of respondent, says both parties “looked buzzed but fine” leaving the concert

Text exchange: Complainant to respondent later that day: “I don’t feel great about last night.” Respondent replies, “I’m sorry if I crossed a line.”

Recordkeeping: Training Materials

Schools must retain all materials used to train:

- Title IX Coordinators
- Investigators
- Hearing Officers / Decision-makers
- Informal Resolution Facilitators

These materials must also be publicly available on your institution's website.

Recordkeeping Requirements (Part 1)

For every formal complaint, the institution must keep records for 7 years, including:

- Supportive measures taken
- Why the school's response wasn't deliberately indifferent
- Steps taken to restore/preserve access
- If no supportive measures: why this was not clearly unreasonable

Recordkeeping Requirements (Part 2)

If a case moves into adjudication, you must also retain:

- Determination of responsibility
- Audio/video recordings or transcripts
- Sanctions imposed on respondent
- Remedies provided to complainant
- Appeals and outcomes
- Informal resolutions and outcomes

All of this must also be kept for 7 years.

Scenarios, Reflections & Integration

Group Discussion – Intake Memo

An employee stops by your office and says:

“My supervisor keeps calling me ‘sweetheart’ in meetings and touched my lower back the other day. It’s not aggressive, it just makes me feel small.”

- What do you document and how?
- Do you refer this to Title IX?
- What do you say to the employee in the moment?

Group Discussion – Supportive Measures

A complainant in a Title IX case asks you to “make sure” they and the respondent never have to share space again. But the workplace is small, and the department is short-staffed.

- How do you honor the request while managing operational limitations?
- What creative or interim solutions could you explore?
- What language helps you maintain neutrality?

Respondent Feels Unfairly Treated

An employee who was not found responsible says:

“I feel like I’ve been punished just for being accused. I’ve been excluded and reassigned.”

- What might support look like for this individual?
- How do you prevent over-correction or soft retaliation?

Group Discussion – Post-Resolution Challenge

Scenario After a Title IX finding, the respondent returns to work. You notice the team avoids inviting them to meetings and there are whispery hallway conversations.

- Is this retaliation?
- What role does the Title IX office play now?
- How do you support healing without minimizing?

The Professor Who Doesn't Understand

A professor says:

“So we just let that student come back to the class like nothing happened? What message does that send?”

- How would you coach this professor without sharing confidential details?
- What institutional values can you lift up here?

Student Who Wants You to “Just Make it Stop”

A student says:

“I don’t want to get anyone in trouble. I just want it to stop.”

- How do you explain your obligations clearly and compassionately?
- What words might you use to honor both their fear and their agency?

When No One Wins

The process has ended. There was no finding. But the workplace is still fractured, and everyone is “walking on eggshells.”

- What post-case steps could help reset the culture?
- What HR-facilitated interventions are possible?

Paired Reflection Activity

- What has challenged your thinking today?
- What affirmed something you already knew intuitively?
- Where do you feel most confident and where might you need more support?

What Do You Take With You?

Jot down:

- 1 practice you'll start using immediately
- 1 phrase you want to remember
- 1 question you're still holding

Closing Reflections

The Relational Side of Title IX

Title IX isn't just legal, it's relational.

- How we show up matters as much as what we do.
- The way someone is treated in the first five minutes can shape how they experience the next five months.

Care, Clarity, and Collaboration

Three anchors to return to:

- Care: Am I showing up with grounded empathy?
- Clarity: Am I being transparent about process and roles?
- Collaboration: Who do I need to align with, not go around?

One word that captures how you're leaving today

[WordCloud]

Contact Details

For questions or more info

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