

WAICU Advanced Investigator Training Agenda

Overview

Identifying and collecting relevant evidence is a critical step within the Title IX grievance process. Join us for an in-depth virtual training that will give you tools to complete the evidence gathering phase an investigation and give you the opportunity to practice using them with your peers. We will embark on an investigation through the lens of a mock scenario that will take you from start to finish within the investigative process.

Who Should Attend

This training will benefit both new and seasoned Title IX investigators who are looking for hands-on practice in identifying and collecting evidence for sexual harassment/gender-based discrimination cases.

Schedule

Participants should block their schedules for two full days of training, beginning at 9:30 a.m. and ending no later than 4:30 p.m. (CST). Each day will include a 15-minute break in the morning, a 30-minute lunch break, and another 15-minute break in the afternoon.

DAY 1

Welcome and Introductions

The New Era of Title IX Investigations

In this opening session, you will receive a brief overview of the investigator's role as fact-gatherer and review the investigative process under the May 2020 Title IX Final Regulations. We will explore the parties' newly afforded rights under the law and how the investigator adheres to those rights throughout the investigative process.

Introduction of the Five Stages of Investigation and Scenario

This section will introduce you to the five stages of the investigative process. Within each stage, you will learn effective strategies and advanced skills to incorporate into your existing process.

Stage 1: Prepare

Learn useful strategies to fully prepare you for a complex investigation, including:

- Recognizing the elements of the offenses
- Identifying the evidence that may be available
- Witnesses & outreach strategy
- Creating an investigation log
- Planning for the interviews
- Interacting with party advisors

Based on what you learn, you'll have the opportunity to discuss and refine your current preparation strategy.

Stage 2: Gather

Gathering and preserving evidence is critical to the investigative process. You will learn about the two types of evidence—testimonial and non-testimonial—investigators gather during the investigative process and how each type of evidence plays a role in assisting the decision-maker in determining responsibility.

a) Testimonial Evidence: Building Rapport and Asking the Right Questions

Conducting interviews are a key tool an investigator uses to find out, to the best of their ability, what may have occurred during the alleged incident or incidents. You will learn advanced interviewing techniques designed to solicit the most information available. Building rapport with witnesses and learning effective questioning techniques designed to follow the trail of information provided are essential investigator skills. You will practice applying some of these interviewing strategies.

b) Non-Testimonial Evidence: Collecting Physical Evidence

Non-testimonial evidence can serve to corroborate—or refute—the information gathered through testimonies and can be instrumental to building a case timeline and serve to bolster or diminish credibility. During this section, we will explore avenues to collect this physical evidence and work to identify that which might be missing.

Autonomy, Neutrality, and Objectivity

Impartiality within the investigative process is the substantive foundation of the entire grievance process. You will learn how to recognize and then mitigate, if possible, personal bias during the investigation as well as how to address it if your personal bias is questioned. You will have the opportunity to reflect and share instances where you have experienced or witnessed bias as part of a Title IX investigation and how you reacted to or addressed the bias.

Day 2

Check-in and decompress Day 1 content

Confronting Interviewing Challenges

You will learn methods for addressing the reluctant or difficult witness, confronting inconsistent, incomplete, contradictory, or nonsensical statements, and handling suspected dishonesty. We will also briefly discuss the potential effects of trauma on memory.

Small Group Activity: Mock Interviews

Through mock interviews, you will put the new strategies and techniques you have learned to use using the fact scenario provided.

Stages 3 and 4: Compile and Assess for Relevance

You will walk through the compilation and delivery of the investigative file. Following this session, you will learn how to assess the evidence for inclusion in the investigative report. Here you will develop a better understanding of relevance and its purpose within the overall grievance process.

Stage 5: Drafting the Investigation Report

You'll have the opportunity to review an outline of a final investigative report and learn the various approaches to the organization of the content therein.

Testifying at the Hearing

As an investigator, you will likely serve as a witness who will testify at the hearing. Learn how to ensure that you are prepared for your role within the hearing and for your testimony.

Final Q&A and Conference Wrap-Up