

# FOUNDATIONS OF TITLE IX INVESTIGATIONS: INSTITUTE AND CERTIFICATION

December 4 - 6, 2019 | Denver, CO



## *Get your students to utilize career services more frequently and meaningfully.*

### OVERVIEW

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Join us for the most practically-focused, foundational Title IX investigator workshop in higher education. This three-day event focuses on developing the skills you need to approach Title IX complaints with confidence. Starting on day one, we will walk through a mock investigation to help you fully understand and appreciate the complex steps of an investigation. Through small-group workshop-style sessions, you will also better understand how to interpret and apply your own campus' sexual harassment/gender discrimination policies.

With the help of our expert instructor, you will learn and practice how to:

- Distinguish the roles of the Title IX Investigator versus Title IX Coordinator
- Understand the purpose and value of a civil rights investigation
- Review written complaints and identify possible policy violations
- Approach investigations using a proven methodology
- Interview witnesses using tailored interview tactics
- Analyze the facts uncovered during your investigation and write a final investigation report

During this foundational course, the focus will be on preparing you to conduct a professional and thorough investigation. During each session, we will take time to ensure that you can apply your learning to your current investigative practices and train others on your campus. You will also receive a certificate of completion documenting your participation in this Title IX investigator training.

### WHO SHOULD ATTEND

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This conference will benefit new investigators, or investigators with less than three years of professional experience, investigating sexual harassment/gender-based discrimination cases. Individuals who have indirect involvement with investigations such as Title IX Coordinators, Student Affairs Leadership, or General Counsel will also benefit from the content of this training. This program will provide an excellent opportunity for your team to learn about civil rights investigations in an easy-to-understand and practical format.

## A NOTE FROM OUR PROGRAM MANAGER

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In light of the proposed federal changes issued by the U.S. Department of Education on how institutions may have to update their current sexual harassment investigations, this conference provides practical, hands-on training critical in preparing your investigators to translate legal requirements into actual practice. To help you keep up with the rapidly changing landscape, we have updated this year's topics to include how to: create notification letters to commence an investigation, understand the difference between possible burden of proofs, and write an effective rationale in your final decision letter. Participants will have the opportunity to network and engage in conversations with one another regarding current practices and how future changes will impact the landscape of this important work.

**- Rabia Khan Harvey, Senior Program Manager**

# AGENDA

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## *Day One*

### **Conference Registration and Continental Breakfast (included in registration fee)**

*12:30 p.m. - 1:00 p.m.*

### **Welcome and Introductions**

*1:00 p.m. - 1:30 p.m.*

### **Introduction to a Case Study**

*1:30 p.m. - 2:00 p.m.*

We will begin by introducing you to a case-study scenario (complete with facts, sample testimonials, and policies) to help guide you through the investigative process at the conference. You will be able to distinguish at least five responsibilities of the investigator during preliminary investigation.

### **Title IX and the Role of the Investigator**

*2:00 p.m. - 2:45 p.m.*

Our expert speaker will help you identify the qualities and skills that an investigator should possess, along with the differences and main responsibilities of the preliminary versus full investigation. You will also receive an overview of the different types of investigation structures and how to work in conjunction with your campus Title IX Coordinator. You'll be able to identify the best investigative model for your campus while identifying the most necessary skills to be an effective investigator.

### **Break**

*2:45 p.m. - 3:00 p.m.*

### **Fundamentals of a Civil Rights Investigation – Part I**

*3:00 p.m. - 4:30 p.m.*

Before investigators can be properly trained, it's critical for every institution to fully understand the differences between a criminal and civil rights investigation. This first session will thoroughly outline the following topics to help you develop a framework of your investigative practices:

- Differences between civil rights and criminal investigations
- Differences between preliminary vs. full blown investigations
- Questioning strategies
- Interviewing witnesses
- Basic skills to conduct a trauma-informed investigation

## AGENDA

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### **Networking Reception**

*4:30 p.m. - 5:30 p.m.*

This informal reception is your chance to decompress, have some refreshments on us, and expand your network of connections. Our programs are intentionally designed for smaller groups, so this is a great time to catch-up with attendees and speakers whom you may not have connected with yet.

### ***Day Two***

#### **Breakfast (included in registration fee)**

*8:30 a.m. - 9:00 a.m.*

#### **Fundamentals of a Civil Rights Investigation – Part II**

*9:00 a.m. - 10:30 a.m.*

We will continue to build on yesterday's session by thoroughly outlining the following topics to help you develop the framework of your investigative practices:

- Potential investigative issues
- Important considerations
- Policy analysis
- Standards of proof

After learning the fundamentals, you will practice identifying and applying specific policies to a sample case while learning how to break down the components of a specific policy. After this session, you'll be able to identify and explain at least five fundamentals to conduct a civil rights investigation.

#### **Break**

*10:30 a.m. - 10:45 a.m.*

## AGENDA

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### **Planning and Strategizing the Investigation**

*10:45 a.m. - 12:00 p.m.*

Investigations must be thoroughly planned before they can be conducted properly. Our speaker will provide an overview of the planning process, including:

- What to look for when reviewing written complaints or available information
- How to identify the potential types of sexual misconduct
- Organizing information on the named witnesses, their roles, and the order of questioning
- Designing a plan to interview witnesses
- Notifying witnesses

You will then practice developing a pre-investigation preparation strategy using a sample case study. You will be able to name at least five action steps that investigators must do before conducting a formal investigation.

### **Lunch (included in registration fee)**

*12:00 p.m. - 1:00 p.m.*

### **The Investigation**

*1:00 p.m. - 2:30 p.m.*

We will address the specifics of the actual investigation, including:

- Setting the right tone for each witness interview
- Developing effective questions (e.g., open vs. closed, knowing which questions to ask and which to avoid, etc.)
- Note-taking techniques
- Documentation and recording

You will listen to an audio recording of a respondent and diagnose the facts presented in that testimony using a sample sexual harassment policy. You will be able to identify the necessary skills to effectively analyze investigation testimony using your own policy.

### **Break**

*2:30 p.m. - 2:45 p.m.*

### **Putting the Facts Together and Working Time**

*2:45 p.m. - 5:00 p.m.*

Now that you have received training on how to prepare for an investigation, develop the most effective questions tied directly to your institution's policy, and analyze facts collected in an investigation, you will learn important considerations for writing a formal investigative report. Our speaker will highlight elements of a report and share tips for writing interview summaries. Through a writing activity, you'll practice improving a sample witness testimony by using the skills that they learned throughout the conference.

## AGENDA

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### *Day Three*

#### **Continental Breakfast (included in registration fee)**

*8:30 a.m. - 9:00 a.m.*

#### **Refining Your Factual Analysis**

*9:00 a.m. - 10:30 a.m.*

Writing factual analyses in the final investigative report is an effective strategy for decision makers. In this session's practice activity, you will use a mock investigation to identify the undisputed and disputed facts to include in a report, such as:

- Identifying and documenting the undisputed vs. disputed facts
- Refining and organizing your factual analysis
- Personal bias writing evaluation
- Identifying policies relevant to facts

After this exercise, you'll be able to identify the most critical components of a factual analysis to include in your own investigation reports.

#### **Break**

*10:30 a.m. - 10:45 a.m.*

#### **Advancing Your Credibility Assessment**

*10:45 a.m. - 12:00 p.m.*

This session builds upon the introduction of credibility from Day One. Using a mock fact pattern, as well as additional facts, you will assess information that relates to an interviewee's credibility and practice writing an appropriate credibility assessment, including:

- Very brief review of credibility
- Quantity vs quality considerations
- Rule of 3

You will be given the opportunity to practice assessing the credibility of a complainant and respondent in a mock investigation and practice writing a rationale on whose credibility is more believable and why.

#### **Final Q&A & Evaluations**

*12:00 p.m. - 12:30 p.m.*

## INSTRUCTORS

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### **Bev Baligad**

#### **Director of Compliance & Title IX Coordinator, University of Hawaii, West Oa'hu**

Bev has been a member of the Michigan State Bar since 2004. She currently serves as the Director of Compliance/Title IX Coordinator at the University of Hawaii- West Oahu campus. An alumna of UH- Manoa (BA-English 1993) and Western Michigan University- Cooley Law School (J.D.- Litigation, 2003), she was previously employed at a mid-sized, urban public commuter college (20,000+ students). Since 2005, she has worked in various areas in higher education, including but not limited to: Labor Relations, Executive leadership, Adjunct Faculty, Compliance, and Title IX. She has extensive experience in the development and implementation of key compliance areas such as training, investigations, programming/awareness events, process reviews, and case management.

She has been a consultant and trained (in face to face and webinar formats) institutions across the nation in the areas of Title IX, Title IV, Behavior Intervention Team (BIT), VAWA/Campus SaVE /Clery Act, ADA/Section 504, FERPA, EDGAR Part 86, Student Conduct, Due Process, and First Amendment. She served as the Michigan State Coordinator (2009-2013) for the Association of Student Conduct Administrators (ASCA) and is a current member of the National Association of College and University Attorneys (NACUA) NACUA Notes Editorial Board, the Association of Title IX Administrators (ATIXA), Association of Threat Assessment Professionals (ATAP), Threat Team Oahu (TTO), Filipino Association of University Women (FAUW) and most recently the University Risk Management and Insurance Association (URMIA). She continues to train nationally.



## ACADEMIC IMPRESSIONS STAFF

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### **Rabia Khan Harvey**

#### **Senior Program Manager, Academic Impressions**

Rabia Khan Harvey is a Senior Program Manager for our Compliance, Diversity/Equity/Inclusion, and Student Mental Health domains. She obtained her Bachelor's degree in Psychology from Elmhurst College and is a double-alum of Loyola University Chicago with a Master's in both Higher Education and Human Resources. She has over 18 years of professional experience in Student Affairs, primarily in student housing and Title IX. She has worked for four institutions over the span of these years including Elmhurst College, University of California, Riverside, Loyola University Chicago and Columbia College Chicago. Prior to joining Academic Impressions full-time in May 2018, Rabia served as the Director of Equity Issues & Title IX Coordinator for the Office of Equity Issues at Columbia College Chicago and Assistant Dean of Students/Deputy Title IX Coordinator at Loyola University Chicago. Within these roles, Rabia provided direct oversight of student-on-student sexual misconduct investigations and ensured that sexual harassment matters were addressed efficiently and effectively. Rabia has also served as a subject-matter-expert and educator for Academic Impressions since 2013 specifically for Title IX related topics such as: understanding rape culture and gender-based violence, conducting trauma-informed investigations, and how to resolve sexual misconduct cases using the preponderance of the evidence standard. Rabia was recently recognized by Loyola University Chicago's School of Education as "The 2016 Higher Education Distinguished Alumna Award" for her leadership and dedication to preventing, educating and ending campus sexual violence and mentoring graduate students pursuing careers in Student Affairs.

## LOCATION

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***December 4 - 6, 2019 | Denver, CO***

**Hotel:**

Brown Palace Hotel and Spa

321 17th Street

Denver, CO 80202

303-297-3111

**Room rate:**

\$199 + tax

**Room block dates:**

The nights of December 3, 4 and 5, 2019.

**Room block cutoff date:**

November 12, 2019.

Reserve Your Room: Please call 303-297-3111 and indicate that you are with the Academic Impressions group to receive the group rate. Please book early - rooms are limited and subject to availability.

## The Academic Impressions Experience



Intimate, workshop-style trainings with personalized attention



Trainings are practical and action oriented so you can hit the ground running



Carefully vetted expert instructors who are also practitioners in the field



Learner-centric and designed for interaction and collaboration



Highly recommended:  
9 out of 10 participants recommend our trainings to colleagues