



EMORY
UNIVERSITY

Department of Title IX
Office of Diversity, Equity,
and Inclusion

Emory University Contract Investigator Lunch and Learn

Emory University
Department of Title IX
October 2, 2020

Agenda

- Welcome/Overview of Agenda: Yolanda Buckner;
- The Role of the Title IX Coordinators: Nicole Babcock;
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- Policy Definitions: brief video presentation;
- Overview of the investigative process and the Investigator “Tool Box”: Kristy Seidenberg;
- Overview of administrative support and filing protocol: Dr. Judith Pannell;
- Best practices in conducting investigations;
- Q & A.

Overview of Roles & Expectations

- Title IX Coordinator (for Students or Faculty/Staff) will be your point of contact during investigation
- Send weekly updates to Title IX Coordinator (for Students or Faculty/Staff) in writing on Wednesdays
 - Title IX Coordinator will send updates to parties every 10-14 business' days based on your updates
- Bi-weekly meetings with Title IX Coordinator (for Students or Faculty/Staff)
- Use Emory sponsored email account for all communications with DTIX, parties, and witnesses
- Store all files, records, documents, work product, etc. in Emory Box

Policy Definitions



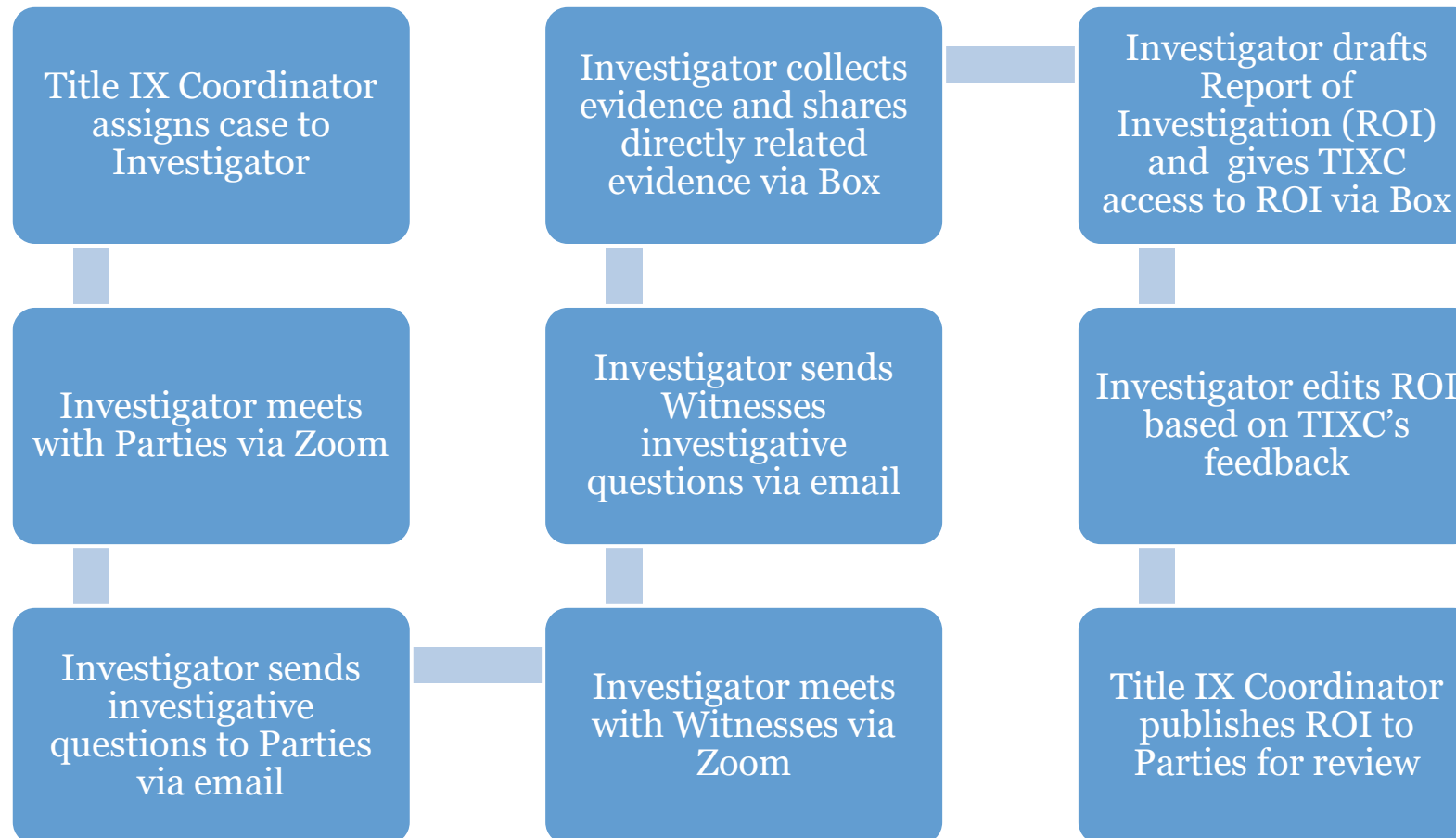
Investigator Checklists and Tool Box for Investigators

- Investigative Checklists:
 - Checklist for Steps in the Investigative Process;
 - Checklist for Initial Meeting with Parties;
 - Checklist for Initial Meeting with Witness;
- Contents of “Tool Box” for Investigators:
 - Templates for Communications and Notices;
 - Frequently Asked Questions;
 - Brief Memos on Investigative Topics;
 - Other Resources/Protocols.

Prepare, Prepare, Prepare

- Review the particular portions of Policy 8.2 which are alleged to have been violated and understand the elements of the alleged prohibited conduct;
- Review relevant documents (e.g., any statements from the parties, law enforcement documents, intake information);
- Seek the names and contact information of witnesses;
- Identify the subjects about which the complainant and respondent are believed to agree and disagree;
- Determine sources of additional evidence and how to get it;
- Review the available templates and edit per the circumstances of the matter if needed;
- Review all applicable protocol and checklists;
- Check in with DTIX Coordinator at frequent intervals.

Investigative Chronology



Investigative Chronology

- Establish a timeline for the investigation to ensure that the investigation keeps moving forward. Be ready to address mitigating factors such as complexity, the availability of the parties and witnesses, semester breaks, periods of final exams, accommodations, etc.). **Goal: Keep moving forward.**
- Initial Informational Meeting w/ Parties and Witnesses: Via Zoom
Gather facts:
 - questioning Complainant and Respondent;
 - identifying witnesses;
 - questioning witnesses;
 - follow up on all information gathered.
- Gathering evidence: (including but not limited to) electronic, documentary, photos, audio recordings, Police Reports, campus building entry data.
- Evidence Production to Parties: Per Clery, 5 days prior to questioning. Per Title IX, prior to submission of Draft Report.

Essential Elements of a Report

- See template in investigator Tool Box:
 1. Summary of Allegations
 2. Relevant Policy Provisions
 3. Evidentiary Standard
 4. Procedural History
 5. Parties/Witness Statements
 6. Analysis of Issues
 7. Areas of Agreement/Dis-agreement
 8. Credibility Analysis
 9. Appendices

DTIX Filing System

- Emory Box
 - Used as central hub for DTIX files, including but not limited to:
 - Case Files
 - Standard Forms
 - Working Folders
 - Reports of Investigation
- Box vs. Advocate

DTIX Record Keeping

1. Working Product/Draft Folder

- All documents, emails, work product, etc.

2. Report of Investigation Folder

- Report that fairly summarizes investigation, allegations, testimony, and evidence, and Appendices (relevant evidence)
- Shared with Title IX Coordinator (for Students or Faculty/Staff) after investigation completed
- Once ROI finalized, TIXC gives parties access to this folder for their review and response
- ***This becomes official Report of Investigation and Appendices – work product should not be included in this Box folder***

DTIX Record Keeping

3. Folders for Evidence Sharing

- Between Investigator and Parties/Witnesses
- Investigator gives Parties/Witnesses access to folder, and parties/witnesses upload directly related evidence
- Investigator uploads evidence that the Investigator intends to question party about and gives party/witness 5 business' days before sending written questions

Best Practices: Traits of an Effective Investigator

- An effective investigator should:
 - Be objective and neutral;
 - Patient;
 - Equitable;
 - Professional at all times;
 - Aware of potential bias or conflict of interest;
 - Utilize investigative techniques: Actively participate, pay close attention, be responsive in a timely fashion, follow up on information gathered;
 - If you do not know an answer to a question, or if the question is outside the purview of the investigator, refer to the appropriate DTIX Staff Member.

Investigation Goals

- It is important to have a clear understanding of what is to be accomplished with an investigation.
- Aim is to gather as complete a set of facts and evidence as possible from the parties and witnesses;
- Draft interview questions with the intent of gaining a better understanding of the issues at hand and information relevant to the allegations;
- Make no assumptions;
- Always follow up and seek clarifications;
- While gathering facts, look for information/evidence to corroborate testimony;
- Use policy language and give consistent messages.

DTIX Administrative Support

- Crystal Anderson: DTIX Administrative Assistant
 - Responsible for transferring all documents from Box into Advocate
 - Will create a working/draft folder for you
 - Only you and Crystal will have access to this folder
 - Can create additional Box folders as needed (i.e., FERPA Production, Clery, and evidence sharing)





Questions?