

# Title IX Investigators **TRAINING**

February 4-5, 2020  
South Seattle College  
Georgetown Campus

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Senior Associate Dean of Students  
Title IX Administrator

*Whitman College*



# 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



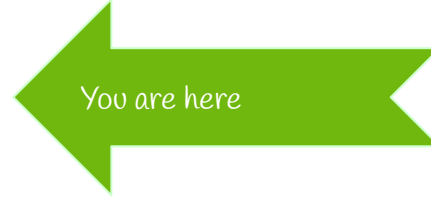
lead Title IX investigator



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.

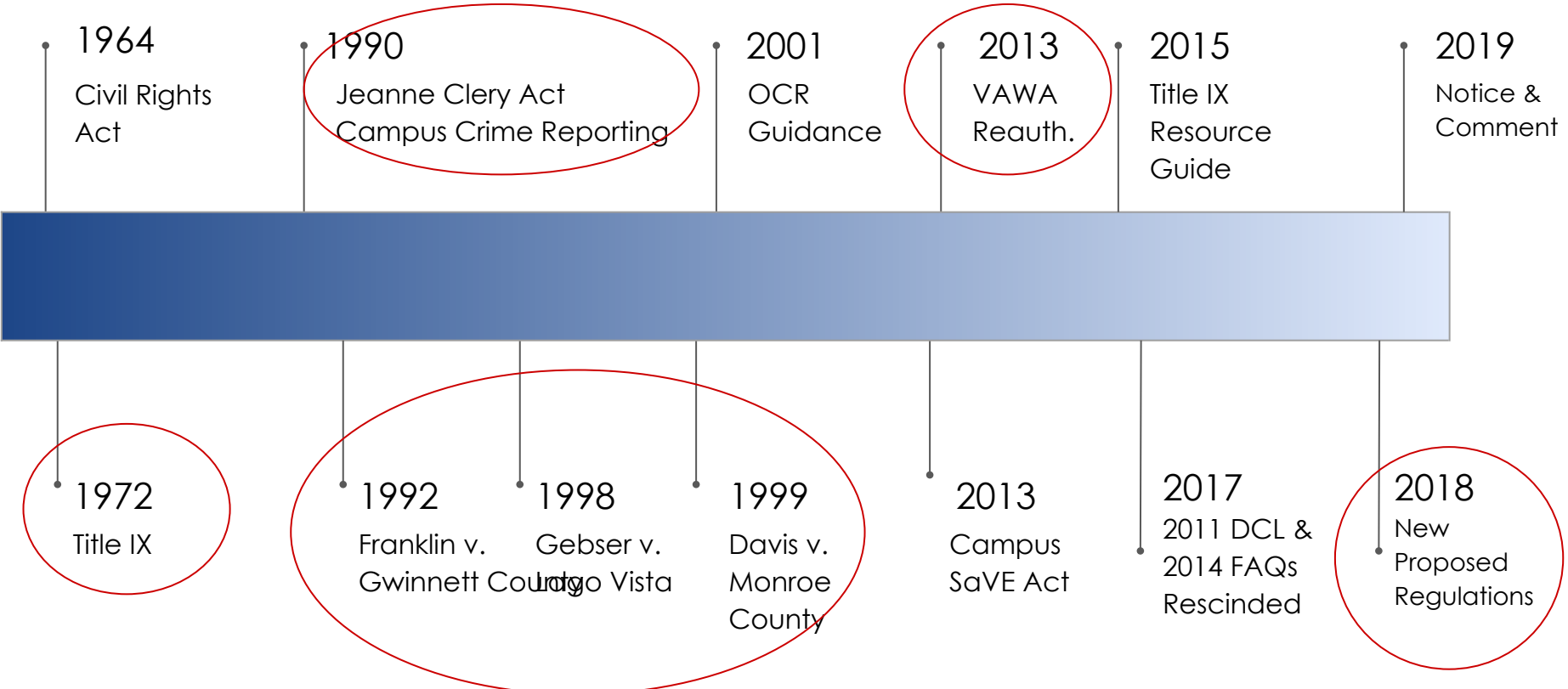
Ask questions.

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.

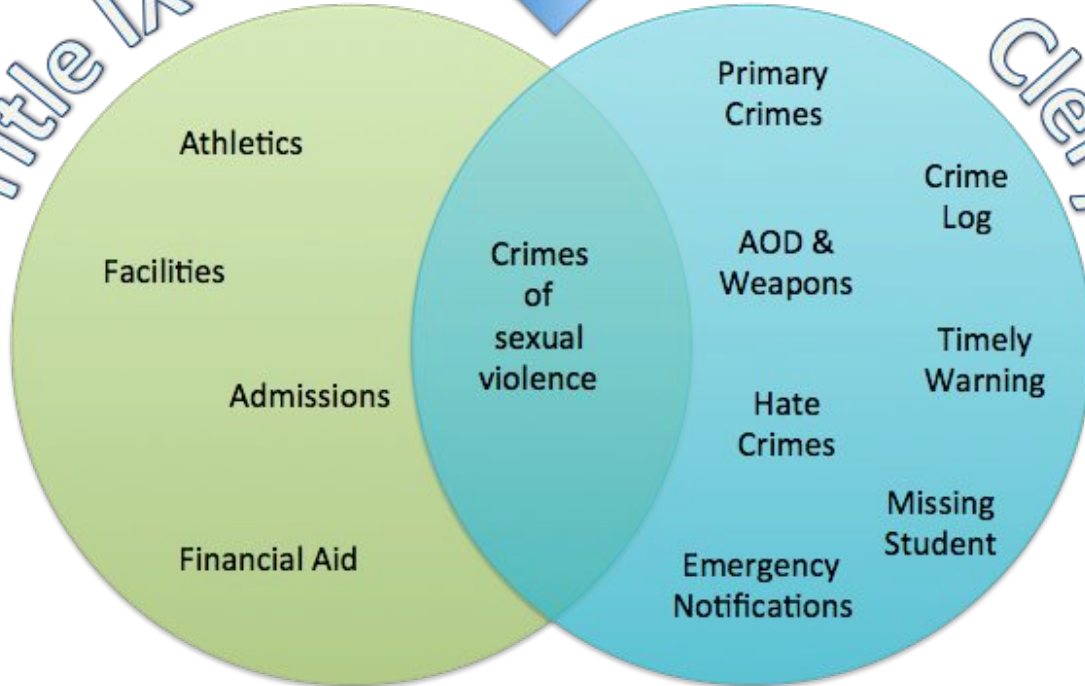


# VAWA

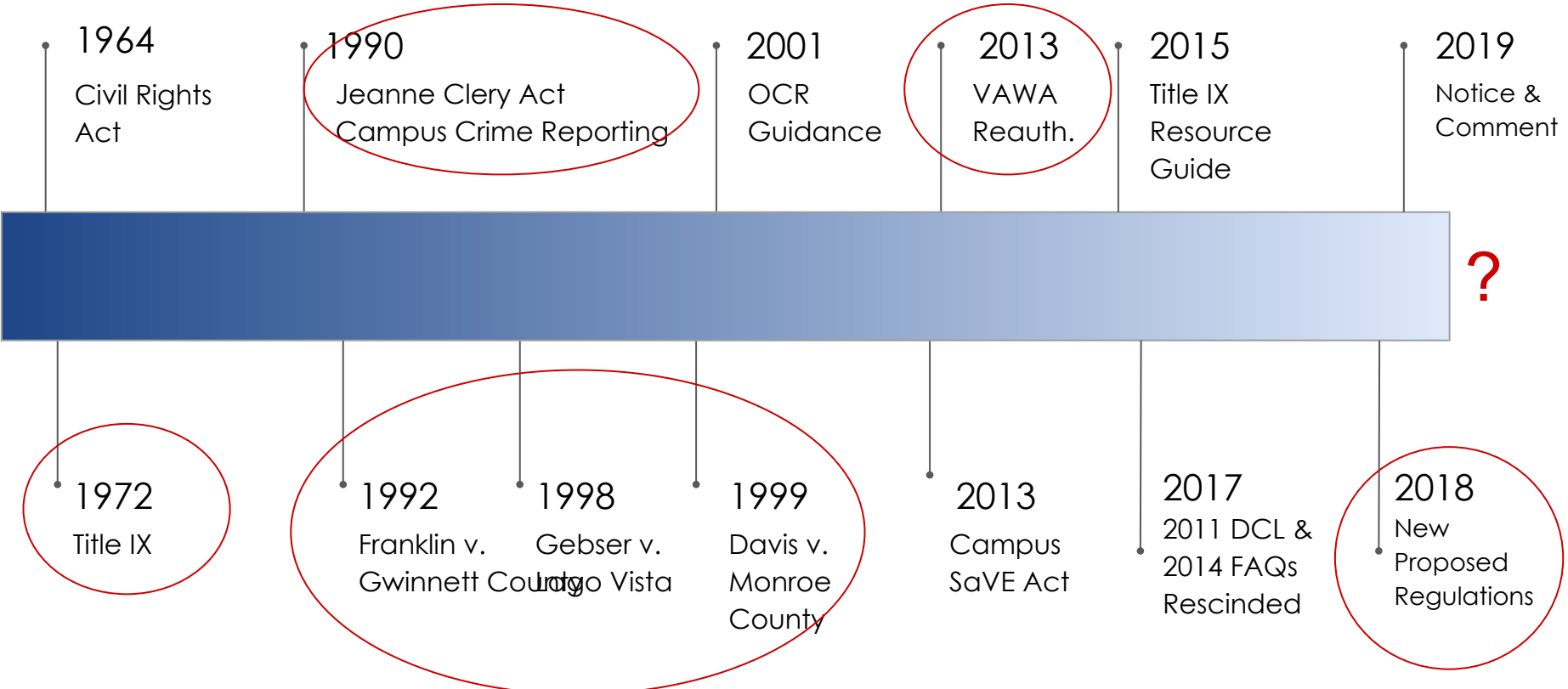


*Title IX*

*Clery*



# Evolution of Title IX & Campus SaVE Act



<b>Thorough</b>	<b>Reliable</b>	<b>Impartial</b>
<b>Prompt</b>	<b>Effective</b>	<b>Equitable</b>
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"

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perpetrator  
accused  
respondent  
responding party

bystander  
intervener

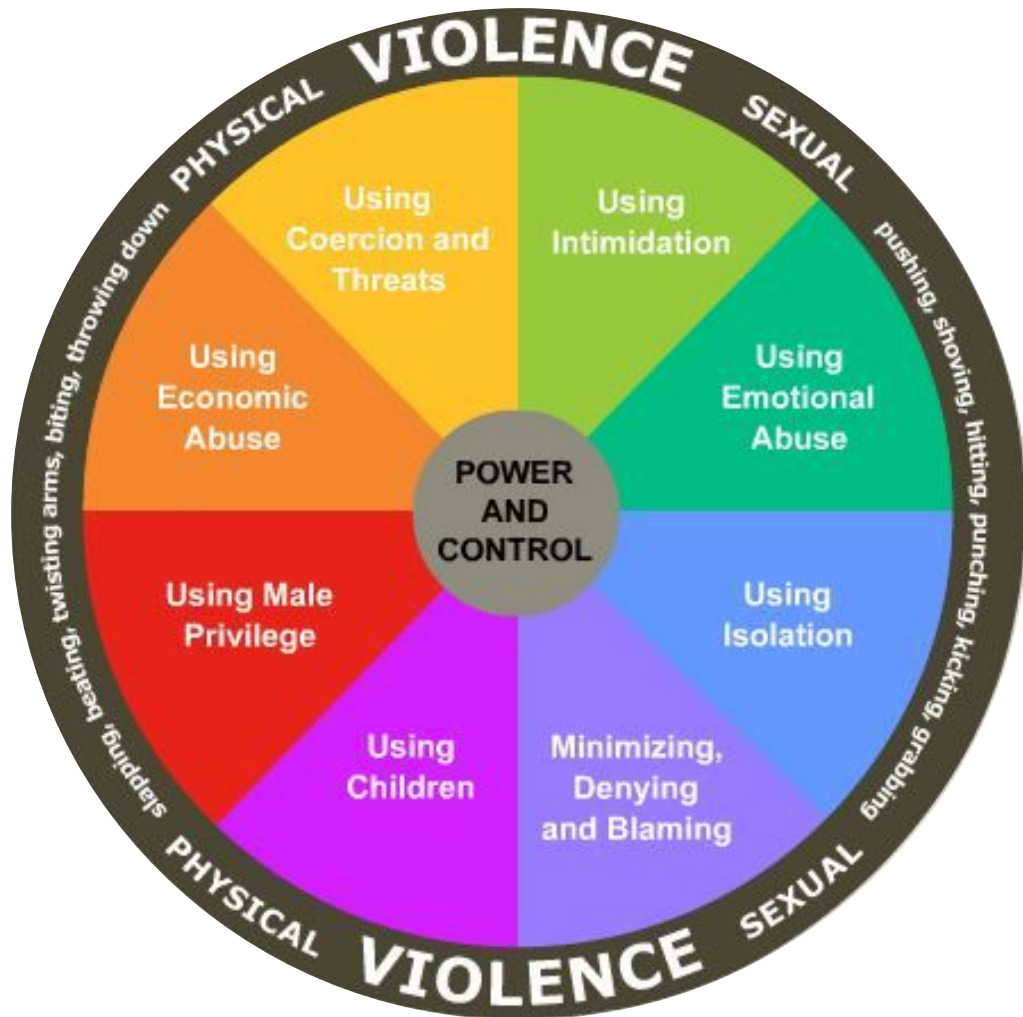
victim  
survivor  
accuser  
complainant  
claimant

**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 city square at night, with blurred lights from buildings and street lamps. 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.<sup>1</sup>

90%

98%

Approximately 98% of sexual assault accusations reported to police are true.<sup>1</sup>

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

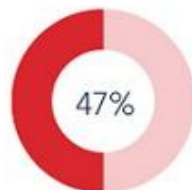
52%

20-25%

Between 20% and 25% of women will experience rape before graduating college.<sup>1</sup>



10% of all sexual assault victims are male.<sup>1</sup>



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

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

6.6 million

In a year, 6.6 million people are stalked in the U.S.<sup>1</sup>

**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%

of students transfer schools or change majors after being assaulted.

6%

42%

of students who identify as LGBTQ reported forced sex.

# COLLEGE-AGE WOMEN ARE AT RISK



**RAINN**

National Sexual Assault Hotline | 800.656.HOPE | [online.rainn.org](https://online.rainn.org)

Please visit [rainn.org/statistics/campus-sexual-violence](https://rainn.org/statistics/campus-sexual-violence) for full citation.<sup>1</sup>

# 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](https://online.rainn.org)  
Please visit [rainn.org/statistics/victims-sexual-violence](https://rainn.org/statistics/victims-sexual-violence) for full citation.<sup>7</sup>

# 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?

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When, why, and how does an investigation commence?

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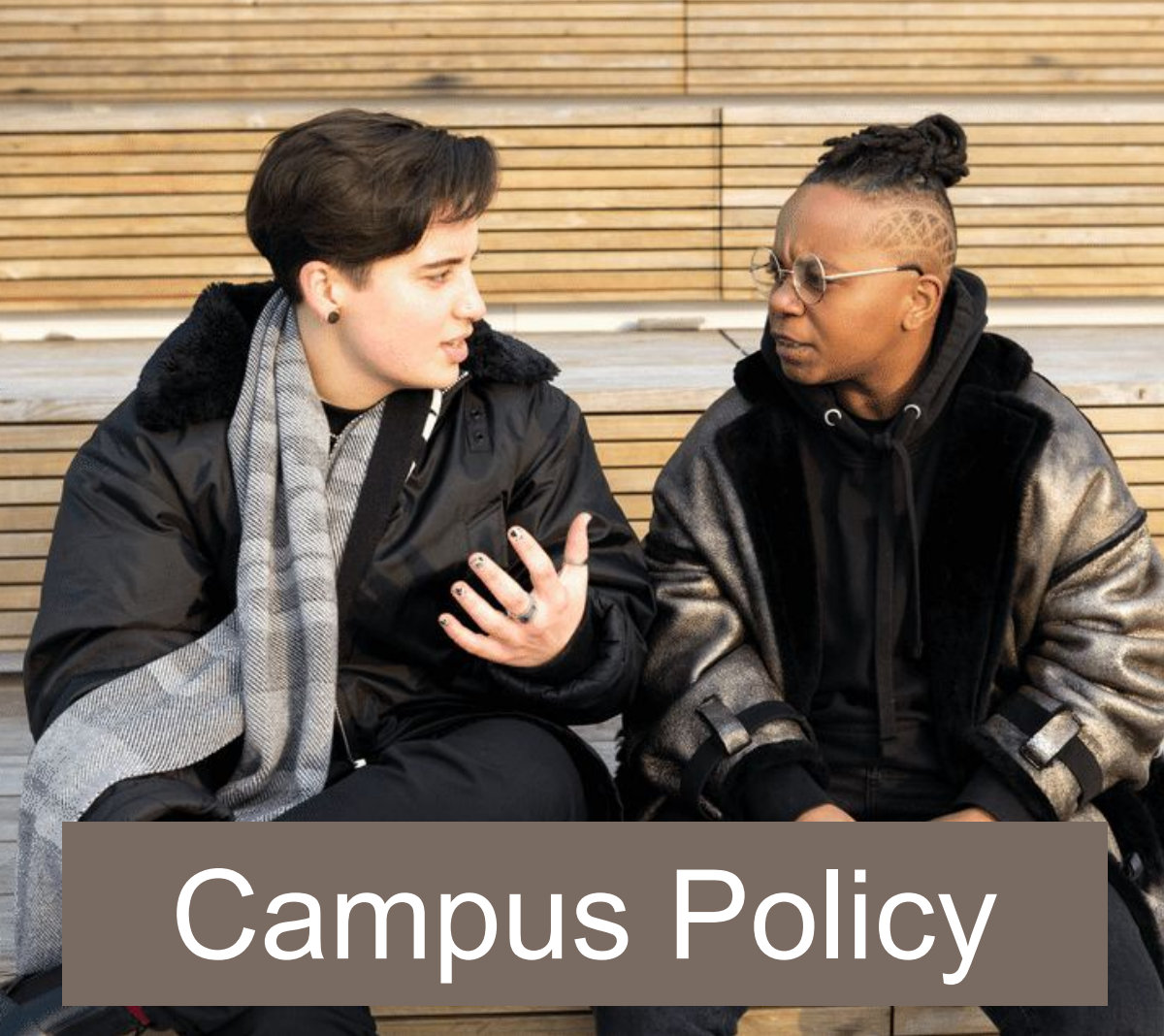
What support will you need as an investigator?





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

# Campus Culture



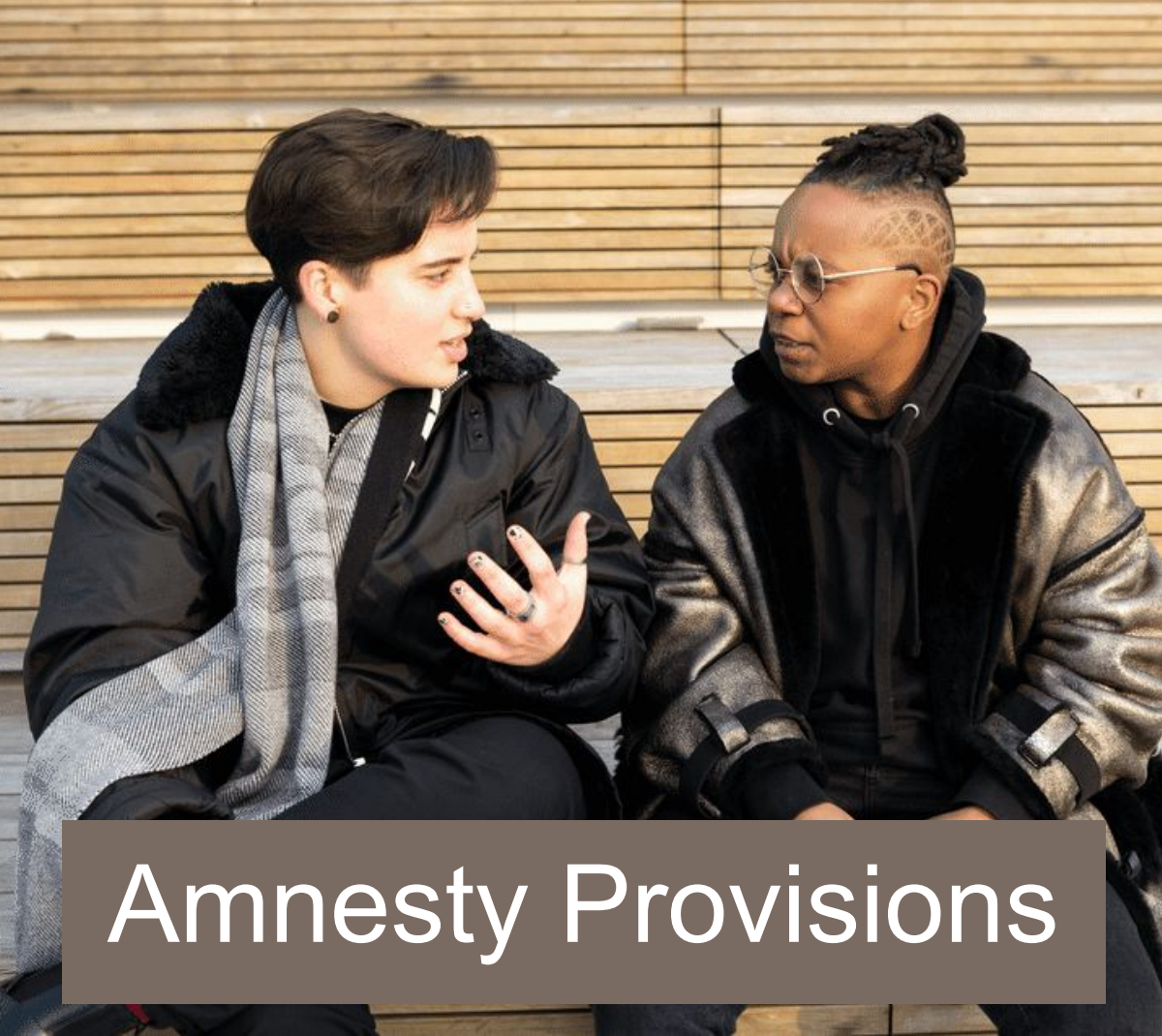
Last night, a student disclosed to a **faculty member** that another student sexually assaulted them in an off-campus residence two weeks ago.

# Campus Policy



## Scope & Jurisdiction

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



# 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



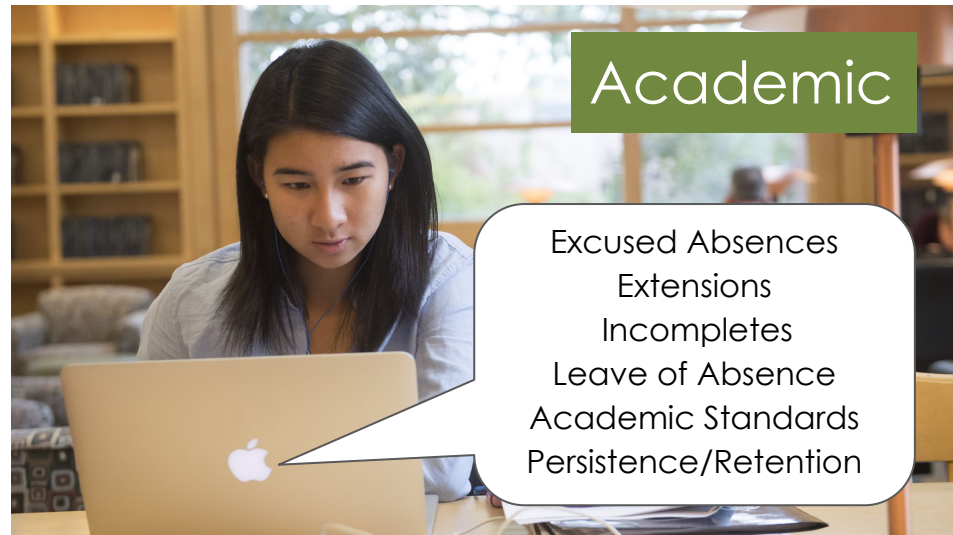
Individual Safety  
Work / Housing  
No-Contact Directives  
Community Safety  
Timely Warning

## Safety



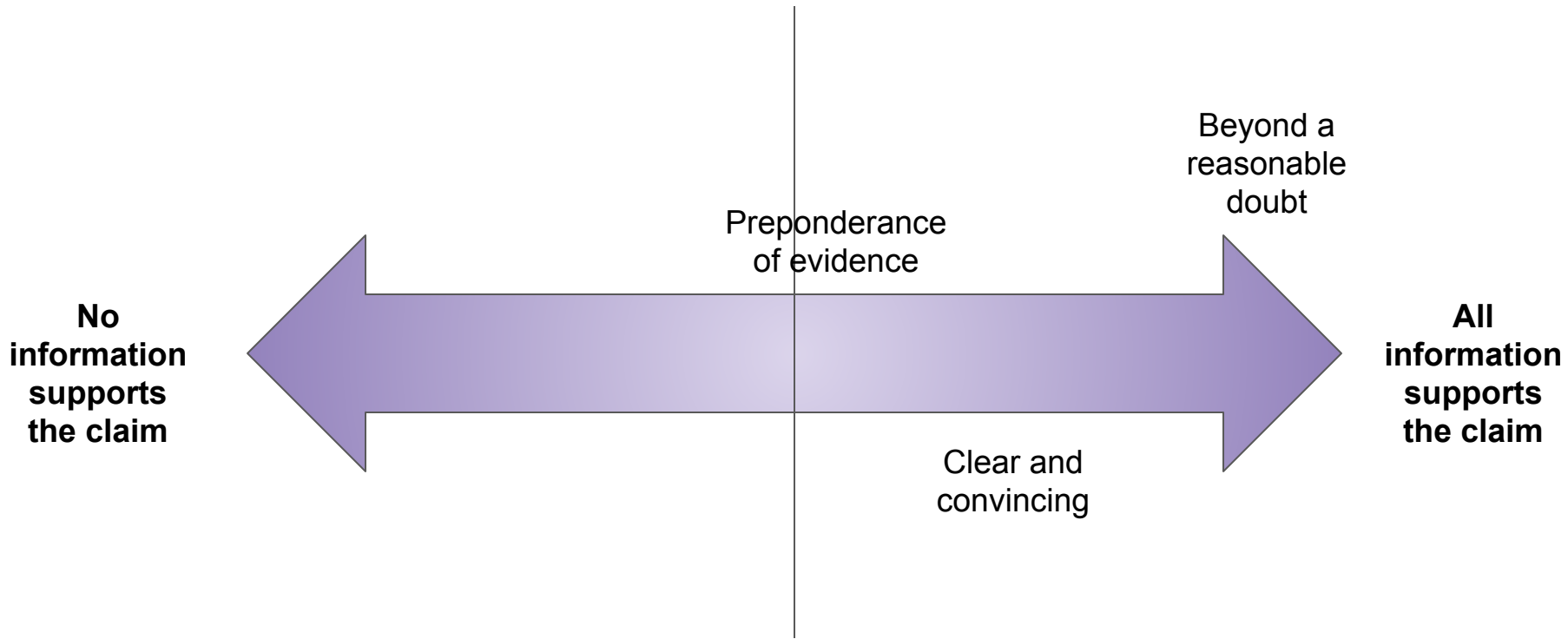
## Other Supports

Victims Advocacy\*  
Police Referrals  
Financial Assistance  
Non-Academic Deadlines



## Academic

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



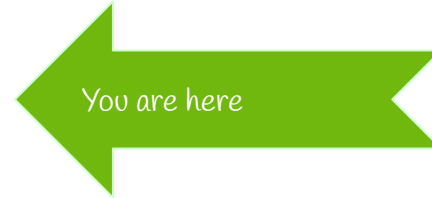
**HELLO**

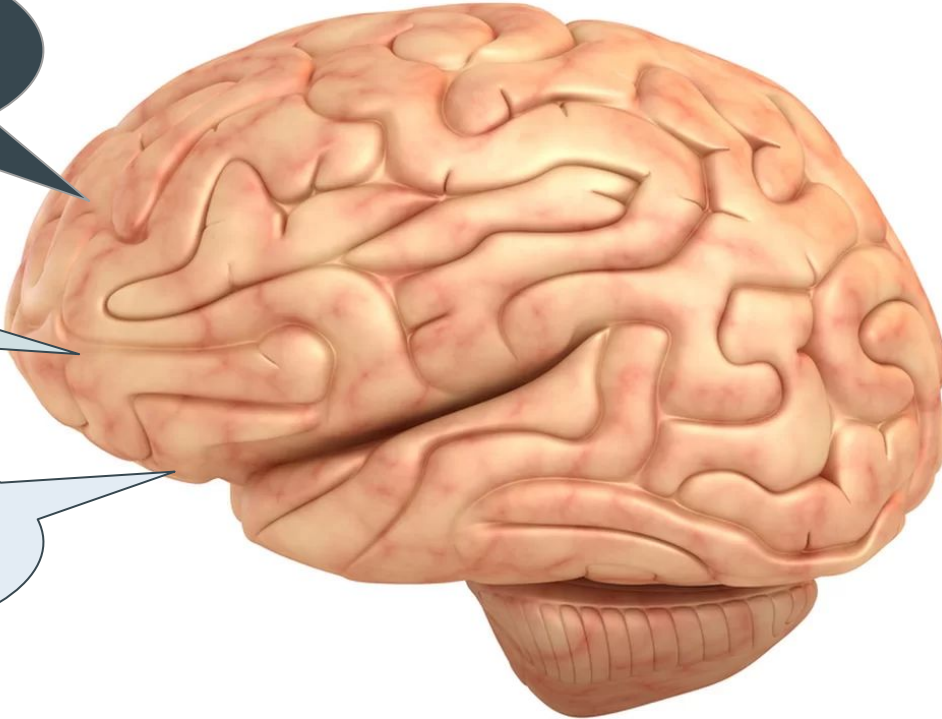
**I AM...**

**SUING YOU**

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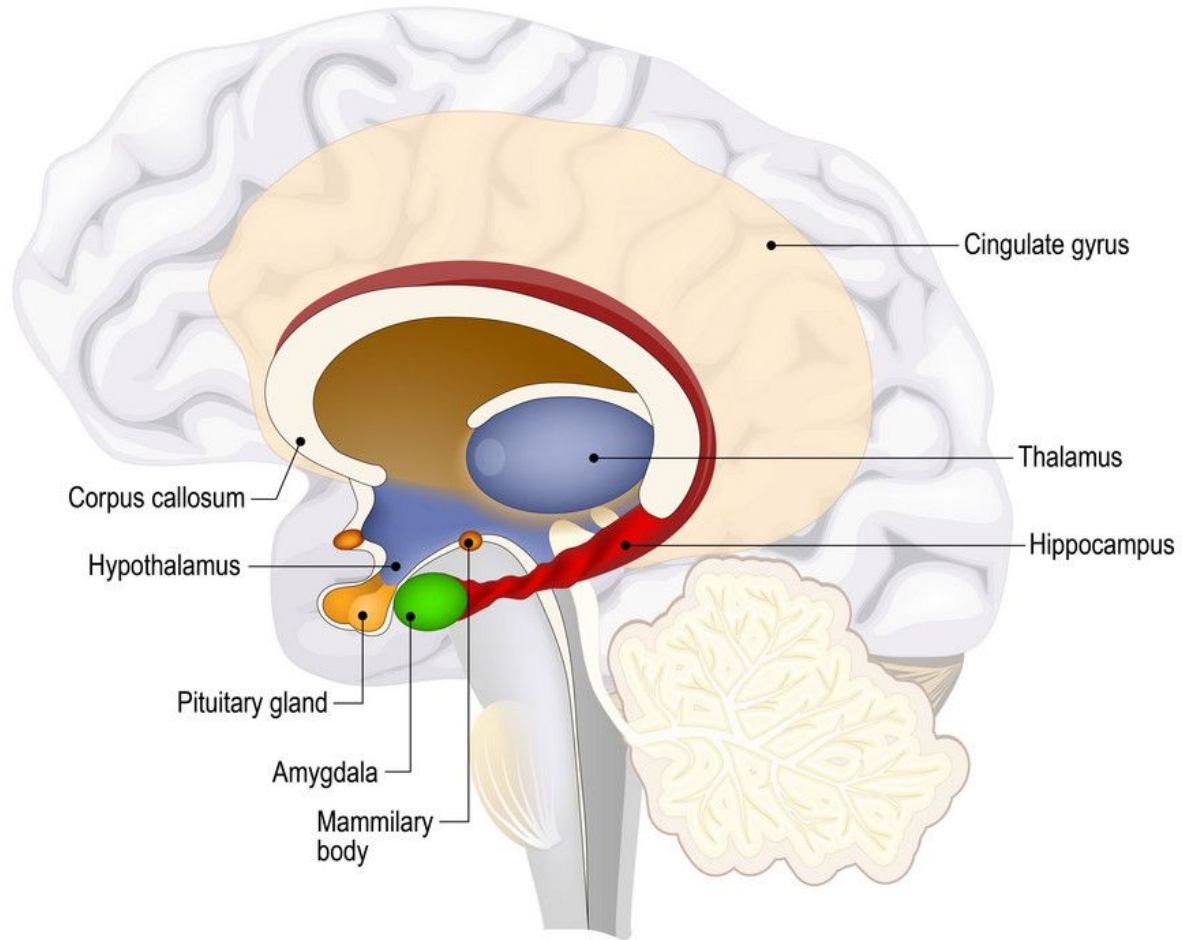




Holds thoughts  
and memories

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)

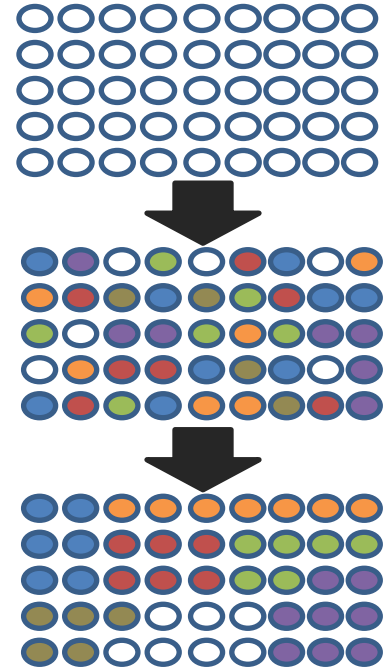
**Hippocampus** processes information into memories

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**



Catecholamines  
Increase

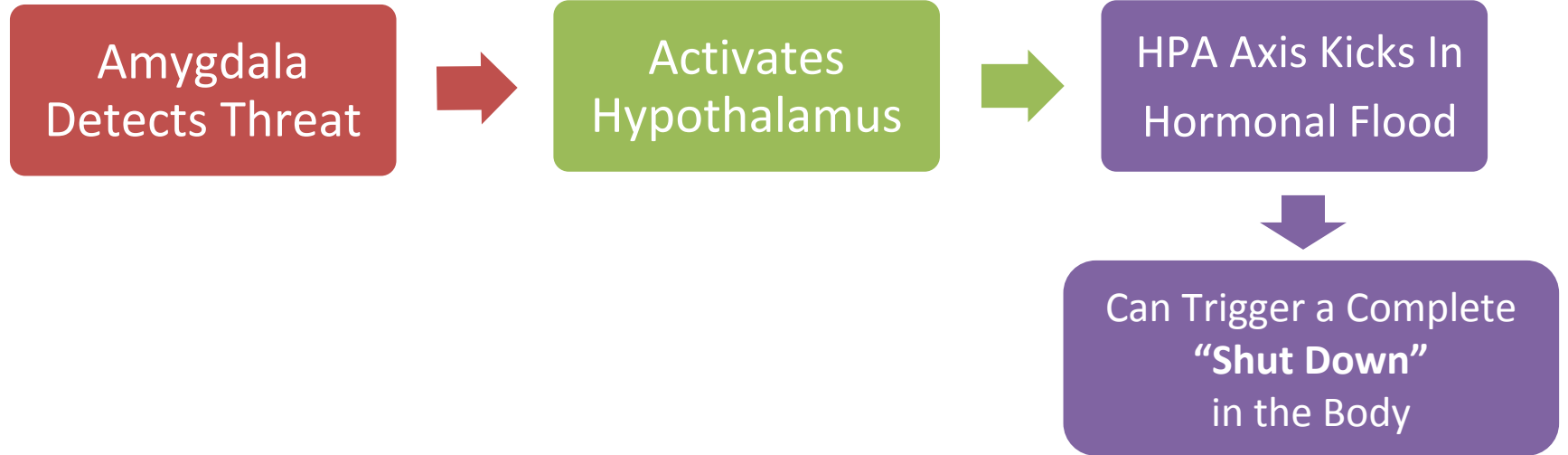
- Damage to memory
- Impairs rational thought

Opioids Increase

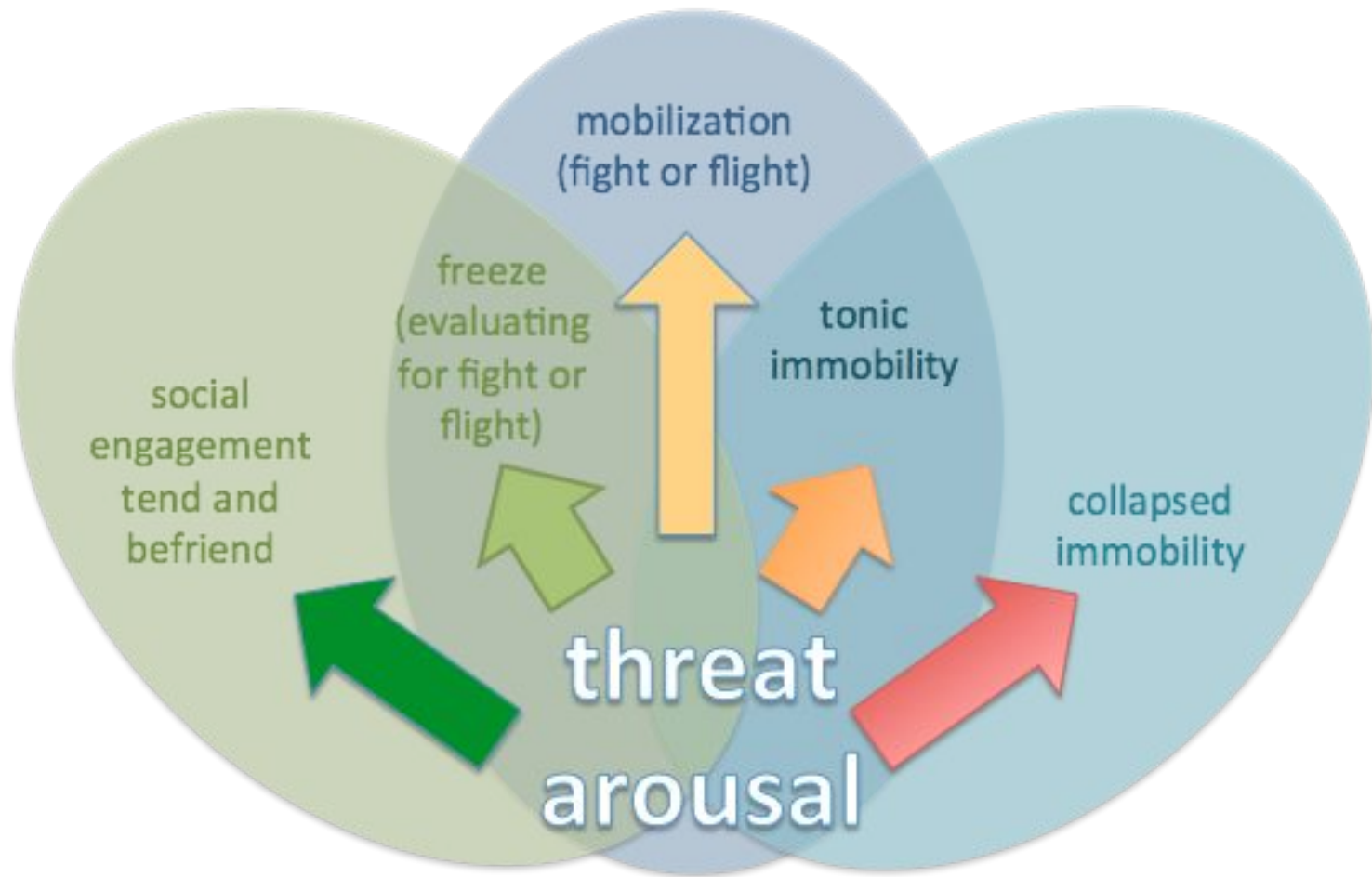
- Causes flat affect

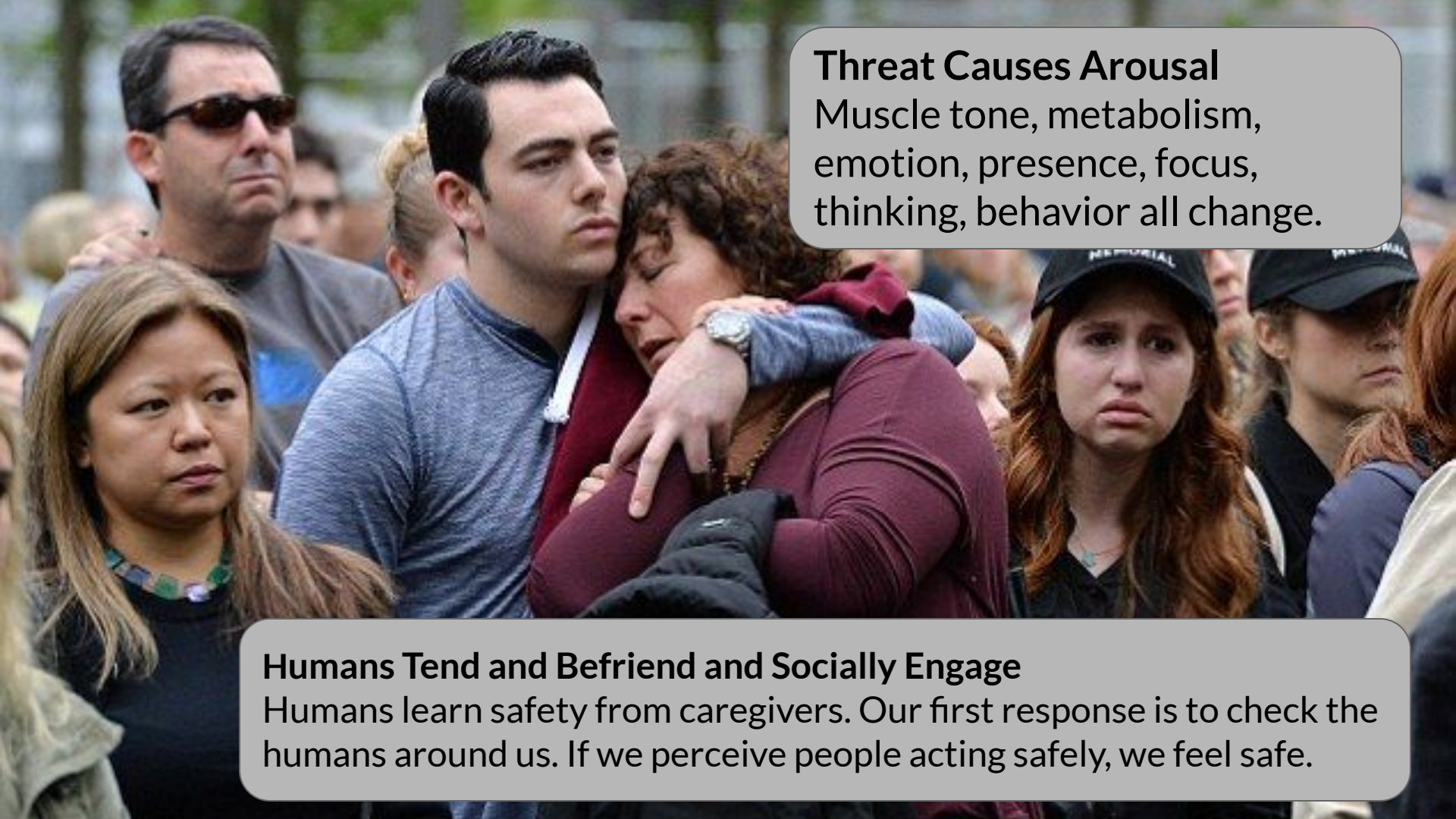
Corticosteroids  
Decrease

- Reduces energy available
- Impair immune functioning



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





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

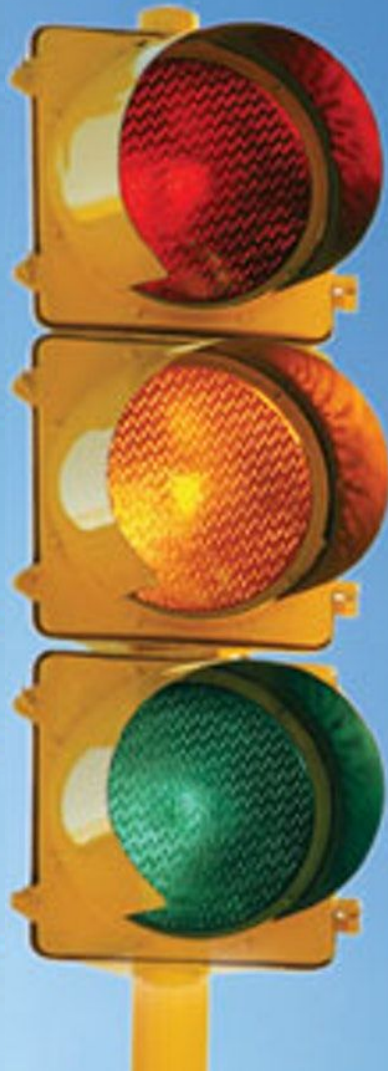
**Humans Tend and Befriend and Socially Engage**

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

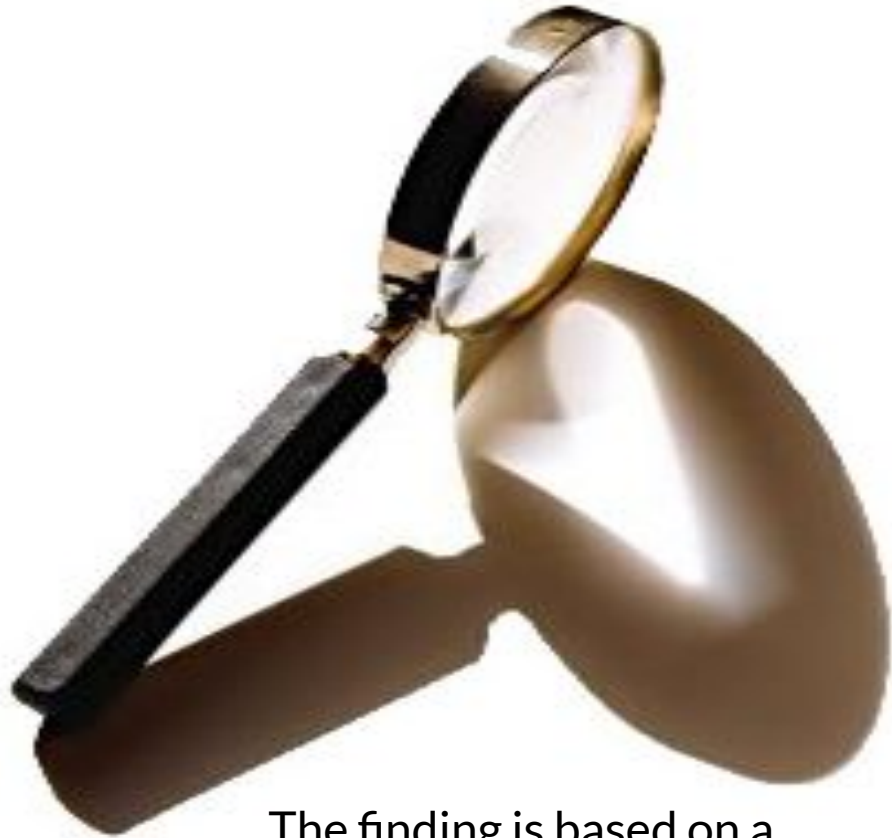


As the perception of threat escalates we default to more primitive responses



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

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

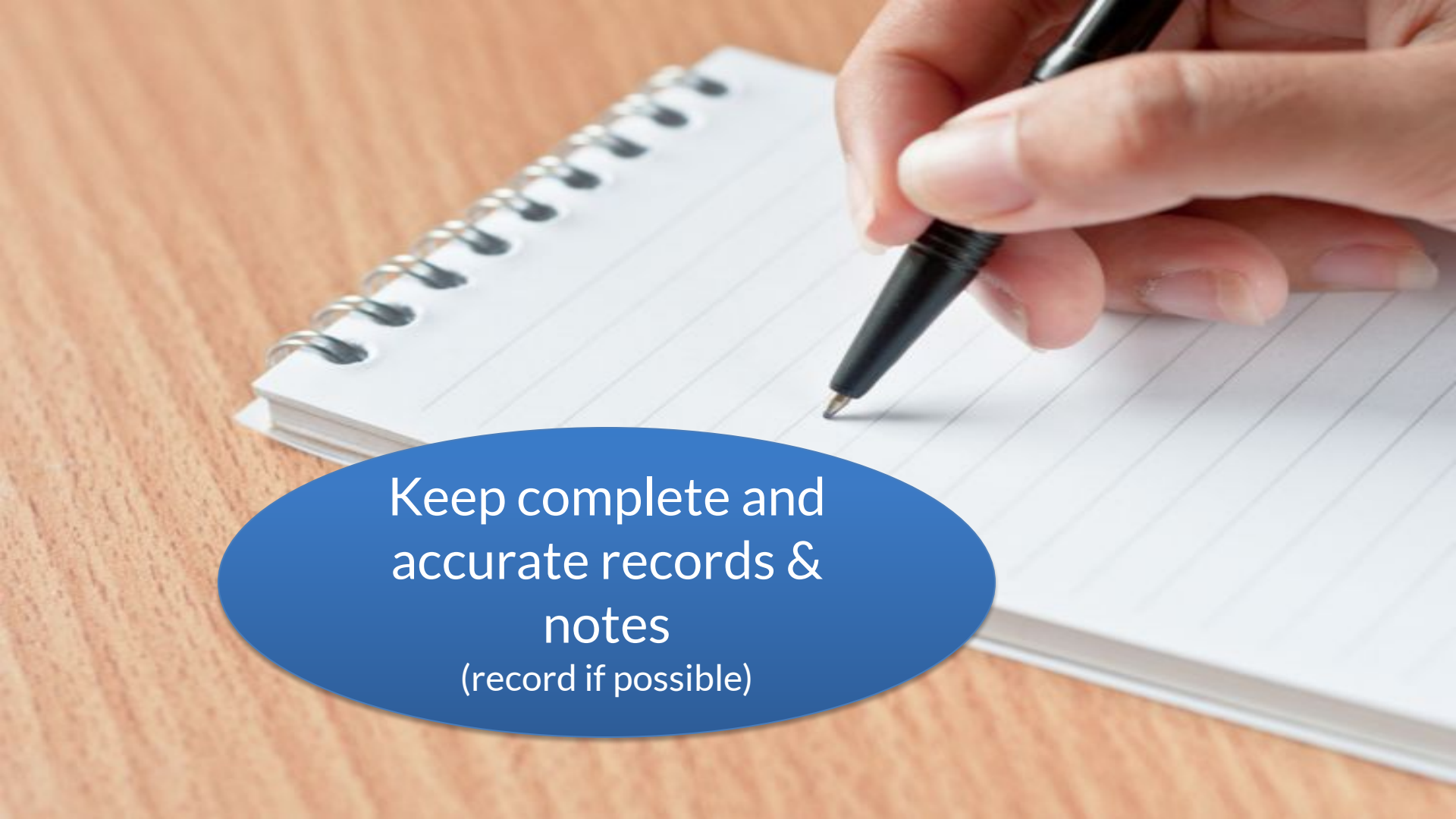
A close-up photograph of a person's hand holding a black pen, poised to write on a spiral-bound notebook. The notebook is open to a lined page and sits on a light-colored wooden surface. The lighting is soft, highlighting the texture of the paper and the wood. A blue oval graphic is overlaid on the bottom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

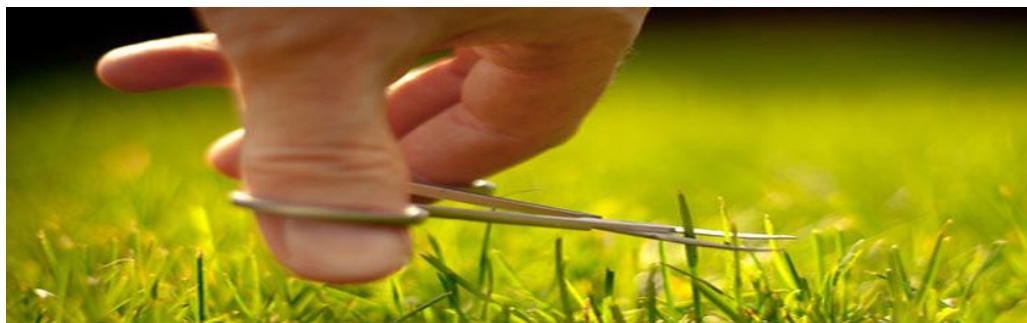
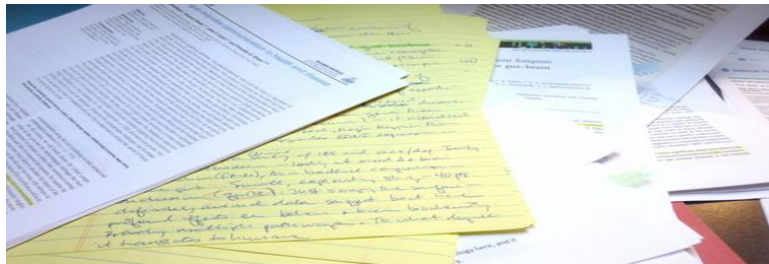
Keep complete and  
accurate records &  
notes  
(record if possible)

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 surface. A blue oval graphic is overlaid on the bottom left of the image, containing the text "Provide a report".

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?

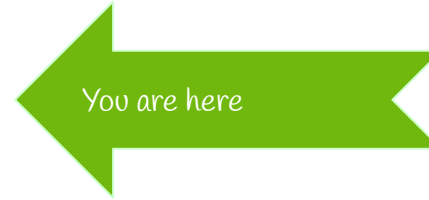






# Day 2 Agenda

- 8:30 Loose Ends
- 8:35 Understanding your own cultural biases
- 9:45 The Consent Construct
  - Types of Evidence
  - Assessing Credibility
- 10:50 Break
- 11:00 Case Study/Tabletop
- Noon Lunch break
- 1:15 Case Study (con't)
- 3:00 Break
- 3:15 Documentation and case organization
- 4:30 Debrief/Download



# Ground Rules:

Extend grace and latitude.

Ask questions.

Challenge your assumptions & biases.

Engage in this training.

Practice self-care.

Recognize there are likely persons who have experienced these incidents within in our number.

**Observable**

**Behaviours**  
Words and actions  
which are apparent  
to the casual observer

**Not Observable**

**Interpretations**  
How we feel the core values should  
be reflected in specific situations in  
daily life such as working or socialising

Economics

Religion

Family

**Core Values**  
Learned ideas of what is considered  
**good or bad**  
**right or wrong**  
**desirable or undesirable**  
**acceptable or unacceptable**

History

Educational  
Systems

The Media

**Formative Factors**

The forces which create, define and mold a culture's core values

# Ground Rules:

Extend grace and latitude.

Ask questions.

Challenge your assumptions & biases.

Engage in this training.

Practice self-care.

Recognize there are likely persons who have experienced these incidents within in our number.

***Sexual assault*** shall include, but is not limited to a ***sexual act*** directed against another person when that person is ***not capable of giving consent***, which shall mean the voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make a deliberate choice to do something proposed by another.

Would a reasonable person believe there was force present?



# Force can be:

- Physical – violence, abuse, compulsion
- Threats – Harassment
- Intimidation – implied threats
- Coercion-pressure, duress, cajoling



Pair work

On February 14, 2018, CLAIMANT went to a party at Epsilon Gamma Kappa. As a first-year student, CLAIMANT admitted that they were fairly shy and a bit unsure of themselves, but really wanted to go out because they missed their significant other from home. Because it was a school night, CLAIMANT couldn't find any other friends from the section to go with them. When they got to the party, a student from the CLAIMANT' Calculus class came up to them and handed them a red solo cup. CLAIMANT reports that the RESPONDING PARTY told the CLAIMANT how hot the CLAIMANT was and that the RESPONDING PARTY was really attracted to the CLAIMANT in class so was so happy to see the CLAIMANT at the party at the house. At some point a fight broke out at the party and the RESPONDING PARTY stood in front of the CLAIMANT when a group of other students started shoving each other near the CLAIMANT. The CLAIMANT remembers thanking the RESPONDING PARTY for "protecting" them. The CLAIMANT remembers the RESPONDING PARTY saying "I would never hurt you."

For the rest of the evening (~2 hours), the CLAIMANT and RESPONDING PARTY hung out at the party together. At one point the RESPONDING PARTY draped their arm around the CLAIMANT. The CLAIMANT remembers feeling safe. The RESPONDING PARTY reported trying to make the CLAIMANT feel comfortable by refilling the CLAIMANT's drinks, introducing the CLAIMANT to other members of Epsilon Gamma Kappa, and running their fingers through the CLAIMANT's hair. As the night was rolling to a close, the CLAIMANT told the RESPONDING PARTY they needed to go. The RESPONDING PARTY asked if the CLAIMANT first wanted to see the RESPONDING PARTY's room. The CLAIMANT hadn't ever seen a room in Epsilon Gamma Kappa, so they said "sure." The RESPONDING PARTY took the CLAIMANT by the hand and walked up the stairs. The CLAIMANT remembers the stairs were barely lit and the music was still pretty loud. They then walked to the end of the hallway and down two flights of stairs to what the CLAIMANT thinks was a basement. The RESPONDING PARTY opened the first door on the left and ROOMMATE stood up from the couch. The RESPONDING PARTY told ROOMMATE that RESPONDING PARTY and CLAIMANT were going to watch a movie. ROOMMATE said they were going to WITNESS 2's room for the night.

After ROOMMATE left, CLAIMANT told RESPONDING PARTY that they needed to leave. CLAIMANT remembers RESPONDING PARTY asking CLAIMANT if they would stay for just a little bit, because they didn't have much time to talk. CLAIMANT agreed to stay for a half hour. RESPONDING PARTY asked CLAIMANT if they had ever seen the movie "The CoyWolf." CLAIMANT had not. RESPONDING PARTY got up and pulled a DVD off the shelf, turned on the tv, and locked the door before returning to the couch where the RESPONDING PARTY then sat down. The CLAIMANT remembers the RESPONDING PARTY reaching up to CLAIMANT with an outstretched hand. When the CLAIMANT took the RESPONDING PARTY's hand, the RESPONDING PARTY then pulled the CLAIMANT down to the couch. The RESPONDING PARTY cleared the CLAIMANT's hair behind their ear and told them "Seriously, you are the hottest person in Calc, I can barely pay attention when you are sitting near me." CLAIMANT remembers being both flattered and embarrassed at the same time. "You are the reason I go to Calc every day." CLAIMANT then remembers someone knocking on the door. "Go away -- we are watching "the CoyWolf." CLAIMANT remembers that the video is a strange documentary about the mating habits of the CoyWolf -- a hybrid of coyote and wolf.

When the CLAIMANT turned back toward the RESPONDING PARTY, they had locked eyes and the RESPONDING PARTY leaned in to kiss the CLAIMANT. “We should definitely mark tonight, its Valentines Day!” The CLAIMANT said they had someone at home that they had been dating since high school. “They don’t need to know,” the RESPONDING PARTY said, “This can just be our little secret.” The CLAIMANT remembers the RESPONDING PARTY tracing the CLAIMANT’s body with their hands. “You are so so hot, I can barely hold myself back.” The CLAIMANT remembers saying “I really need to go,” to which the RESPONDING PARTY said “What a frickin’ tease, just like everyone said.” The RESPONDING PARTY went on to say “I told everyone you weren’t like that, that while you were so gorgeous, you were also smart as hell and so real. I’ve been dreaming about this moment and what I would do to make you cum.” The CLAIMANT said, “I need to go.” The RESPONDING PARTY said, “I’m sorry, I just cannot believe you are in my room, I didn’t mean to scare you. Please stay for just a little bit longer, I promise I will be on my best behavior.” The CLAIMANT shared that they wanted to leave, but the RESPONDING PARTY did seem genuinely sorry. There was a second knock on the door, “CoyWolf asshole -- leave us the f\$#% alone!”

Would a reasonable person believe there was force present?

YES

Policy has been violated.

No or unknown  
or unknowable

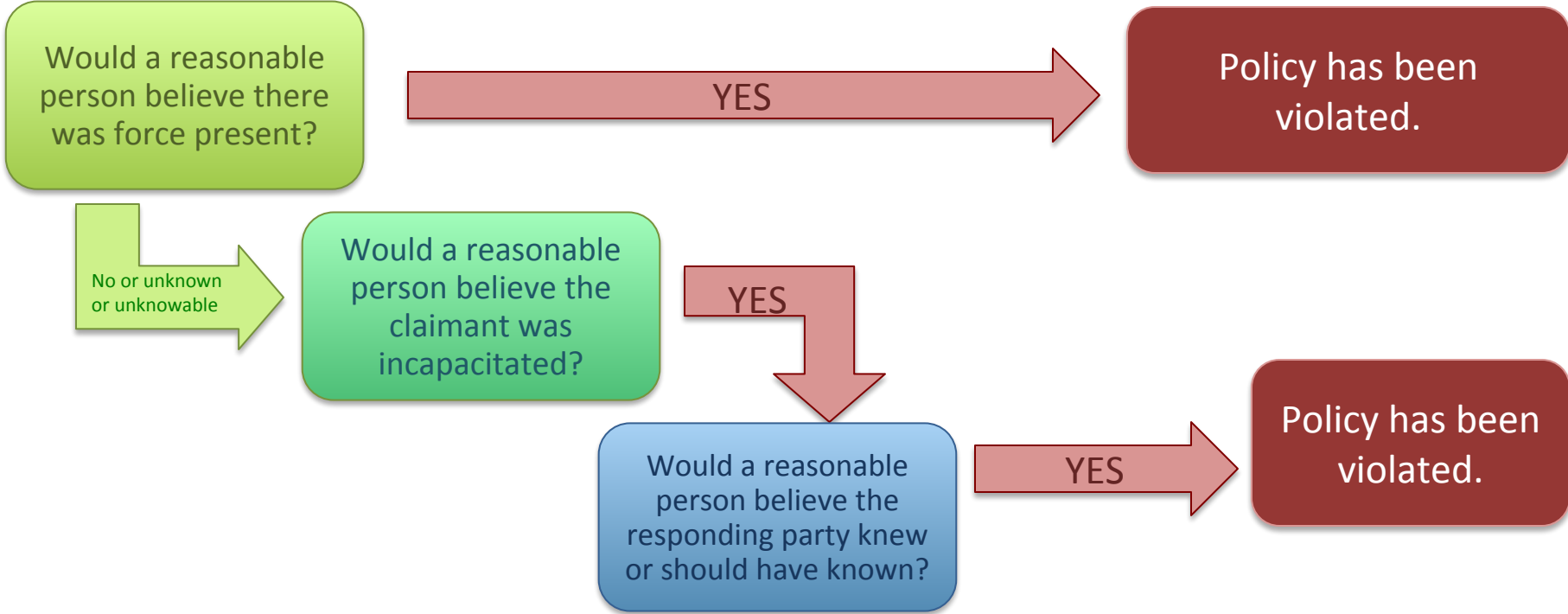
Would a reasonable person believe the claimant was incapacitated?

*Incapacitated refers to one who is rendered physically helpless as a result of alcohol or other drug consumption (voluntary or involuntary), or who is unconscious, unaware, or otherwise incapable of giving consent.*

*(Sokolow, 2005, p.10; [www.nchem.org](http://www.nchem.org))*

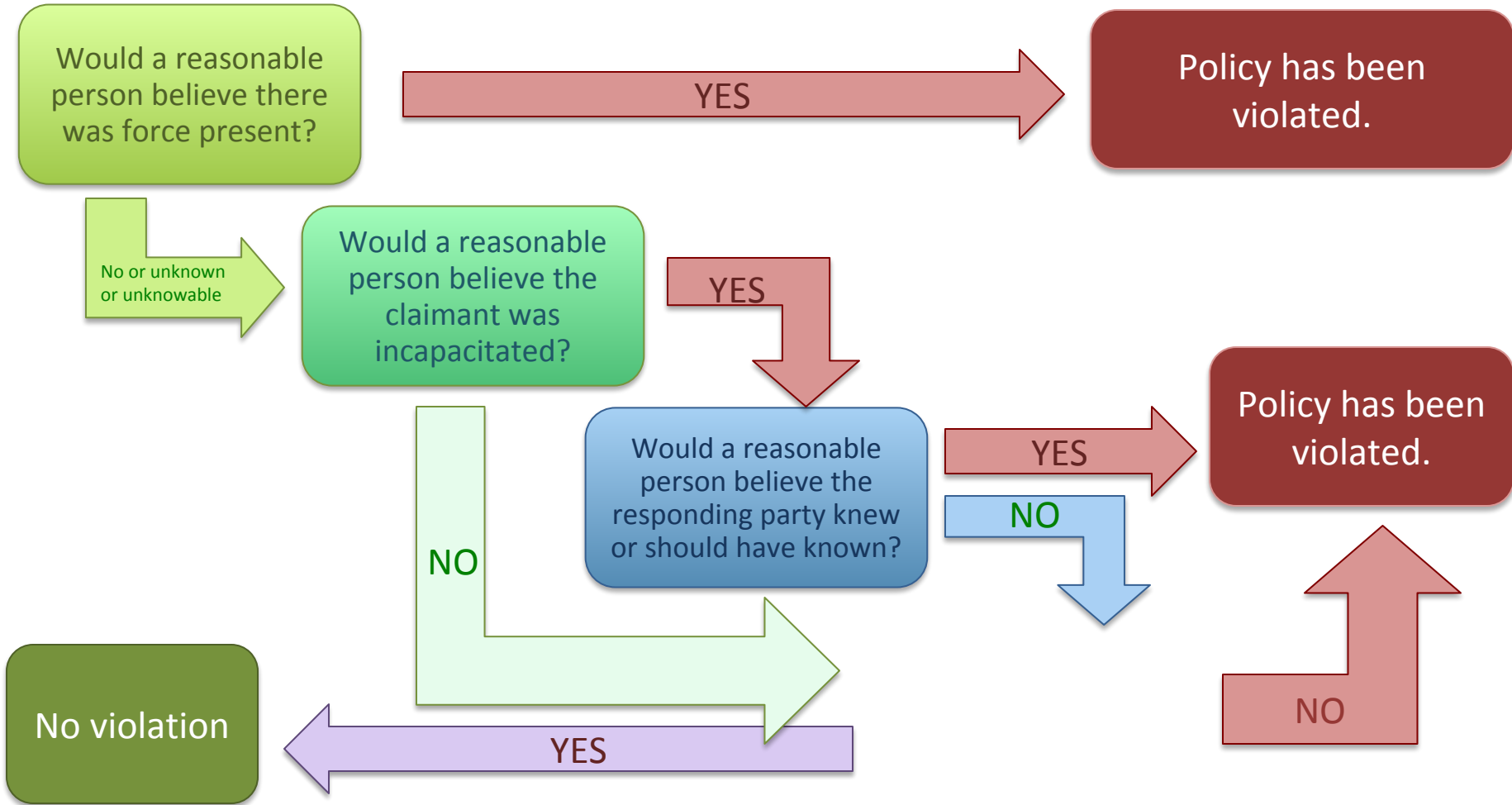






Pair work

CLAIMANT stated that she woke the first time to the RESPONDING PARTY “spooning” her, groping her buttocks and thighs, and noticing that her underwear had been slid down. CLAIMANT said that she froze and did not know what to do and thought if she pretended to be asleep it might stop. CLAIMANT thought “this is so strange because he has a girlfriend” and “he would never do this to me.” CLAIMANT stated that she then shifted position slightly in the hope that if the RESPONDING PARTY thought she was waking up he would stop. CLAIMANT stated that the RESPONDING PARTY did stop when she shifted, so CLAIMANT moved away from the RESPONDING PARTY in the bed and fell back asleep. CLAIMANT remembered waking up again and stated that “he was on me again,” and indicated that the RESPONDING PARTY “fingered” her and had his hands on her breasts. CLAIMANT then distinctly remembered moving again and she stated that the RESPONDING PARTY “froze and carefully, gingerly pulled my underwear back up”. CLAIMANT then said she moved away from the Responding Party in the bed but pretended to still be asleep, with her head facing the opposite direction from the RESPONDING PARTY. CLAIMANT said she did not know what to do throughout the duration of the incident, and that she was not thinking clearly and was still fuzzy due to alcohol consumption. She also stated that she remembers feeling very afraid throughout. She asserted that each time that the RESPONDING PARTY touched her, she tried to move away and that the RESPONDING PARTY froze.



**CONSENT IS:**

**CLEAR COHERENT**  
**WILLING ONGOING**

**CLEAR**

**Consent is active.**

It's expressed through words or actions that create mutually understandable permission.

Consent is never implied, and the absence of a no is not a yes.

Silence is NOT consent.

"I'm not sure," "I don't know," "Maybe" and similar phrases are NOT consent.

**COHERENT**

**People incapacitated by drugs or alcohol cannot consent.**

Someone who cannot make rational, reasonable decisions because she or he lacks the capacity to understand the "who, what, when, where, why or how" of the situation cannot consent.

People who are asleep or in another vulnerable position cannot consent.

**WILLING**

**Consent is never given under pressure.**

Consent is not obtained through psychological or emotional manipulation.

Consent cannot be obtained through physical violence or threat.

Someone in an unbalanced power situation (i.e. someone under your authority) cannot consent.

**ONGOING**

**Consent must be granted every time.**

Consent must be obtained at each step of physical intimacy. If someone consents to one sexual activity, she or he may or may not be willing to go further.

Pair work

aw dude I'm sorry

It's ok man

question is

Should I get it now or tomorrow?

do I hook up w RP or  
Witness 12 rn

Hmmm

tomorrow morn I'm sure will b  
fine

RP is a douche

But he's hot

yeah we've already fucked

and he paid for my plan b

so like bae lol

Gentleman

Ikr

Was he good?

pretty good cause he's so hot  
but we were both pretty turnt

Hmmm good enough to repeat?

12 and I have fucked like 10  
times and it was mediocre so  
like I'm think RP would be  
better

my situation is

Yeah do RP

7 and i are in a break til wed  
literally so I can figure out if it's  
worth fucking other ppl or nah  
and we are gonna talk on wed

so I feel like I gotta fuck other  
ppl

to figure that out

V true

How do you feel about it so far?

haven't fucked anyone so far

highlight of the night was having  
5 RP; I've hooked up w stand in  
a circle and talk about which  
one was allowed to hook up w  
me tonight



That sounds awful!

I survived. I tried to laugh.

That's so fucked up tho

Ew boys suck

it's true

Id go with RP





Honesty ~~=~~ Cr

S + Co + P = Cr

A close-up photograph of a person's hand holding a small, white rectangular card. The card has the words "TRUST me." written on it in a dark, handwritten-style font. The background is blurred, showing what appears to be a person in a dark suit and tie. The lighting is bright, highlighting the texture of the hand and the card.

TRUST me.

### **Direct Evidence**

Comes from individuals who either witnessed the events or who were nearby or who interacted with the parties immediately before, during or immediately after.

### **Gain / Loss Equation**

What is loss by telling the truth and what is gained by lying?

### **Indirect Evidence**

Second hand information or circumstantial

### **Bias**

Relationship to the claimant or the responding party.

Pair work

Regarding the credibility of the Responding Party, investigators noted that his account remained consistent throughout the duration of the investigation. The level of detail of the Responding Party's account of the events in question was low, and the reason given by the Responding Party for the lack of specificity was his alleged high level of alcohol consumption. Investigators did not receive statements from witnesses that firmly corroborated or refuted this account of heavy drinking. While some witnesses were able to confirm that the Responding Party did drink on the night of October 30th, no specific quantity of how much he drank was provided by any witness. Some witnesses also stated that his behavior late in the evening (after midnight) indicated a low level of intoxication, while others stated that they were not able to make conclusive statements about his level of intoxication. Investigators also noted that the level of specificity of the Responding Party's account of the early evening was abnormally low, at a time when he had not yet consumed a significant quantity of alcohol and could be presumed to have more substantial recollections of the events in question.

The Responding Party alleges that he has no memory on the night of October 30th from approximately 10 p.m. or 11 p.m. until the next morning at 10 a.m. Information provided by witnesses and Claimant TWO suggest that no alcohol consumption occurred after approximately 10:45 p.m. when the fraternity house ran out of alcohol. The Responding Party stated that he drank more than his “normal” amount of 5 or 6 drinks on this evening between 9 and 11 p.m., though he was unable to provide a specific quantity of alcohol consumed. Investigators concluded that in order for the Responding Party to remain blacked out for 10-12 hours after his final drink, he would have had to consume an extreme and unlikely amount of alcohol.

Additionally, the Responding Party by his own admission and by the statements of witnesses had a habit of not drinking to the point of blackout, and in fact had stated that he actively avoided such occurrences. He named only two nights on which he allegedly reached a state of blacked out intoxication: this night and the night that Claimant ONE alleged the Responding Party had assaulted them. This suggested to investigators that the Responding Party’s account was not logical and may have been fabricated in some part.

**For these reasons, investigators concluded that the Responding Party was not credible in all elements of his account of the events in question, in particular the assertion that he has no memory whatsoever of the events occurring between 10 p.m. and 10 a.m. on the night of October 30-31, including the behaviors alleged by Claimant TWO.**

S + Co + P = Cr

Direct evidence

Real and demonstrative

Documentary evidence

Circumstantial evidence

Hearsay

Character reference

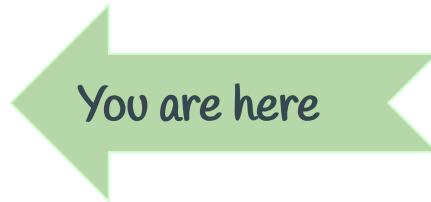


S + Co + P = Cr



# Day 2 Agenda

- |       |   |
|-------|---|
| 8:30  | Loose Ends  |
| 8:35  | The Consent Construct<br>Types of Evidence<br>Assessing Credibility |
| 10:00 | Break   |
| 10:15 | Case Study/Tabletop   |
| Noon  | Lunch break   |
| 1:15  | Case Study (con't)  |
| 3:00  | Break   |
| 3:15  | Documentation and case organization                                 |
| 4:30  | Debrief/Download  |



# CASE STUDY



You need to create a report that will be understood by someone who has never spoken with the parties or who has never read your policy.

Your report will need to stand on its own in the event of an internal or external review.


If it is not in the report will you remember it?

don't

~~assume~~

1. Background
2. Procedural issues (if any)
3. Statements (Claimant, Responding Party, Witnesses, Outside Experts)
4. Description of Other Evidence (student conduct records, medical records, photographs, surveillance videos, swipe card records, texts, etc.)
5. Analysis and Finding
6. Recommendations





Orient the reader.

How did the case arrive?

Investigation timeline

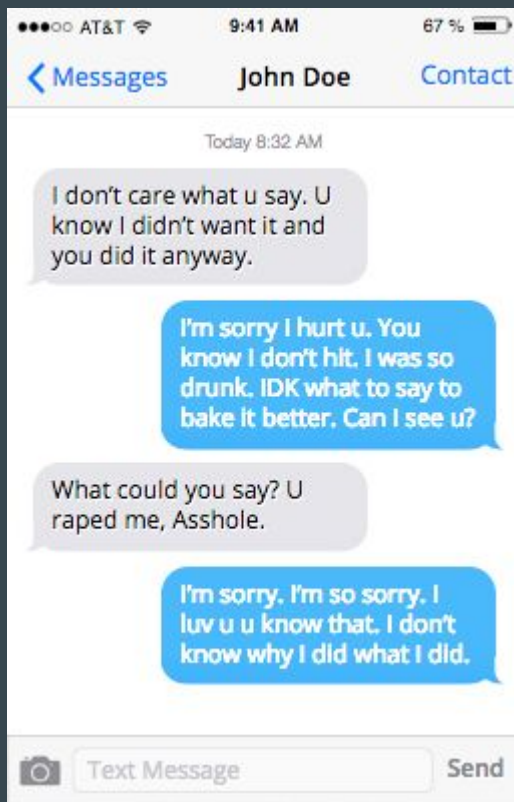
What policy and procedures apply?

Introduce parties and association

Key dates

Standard that will be used





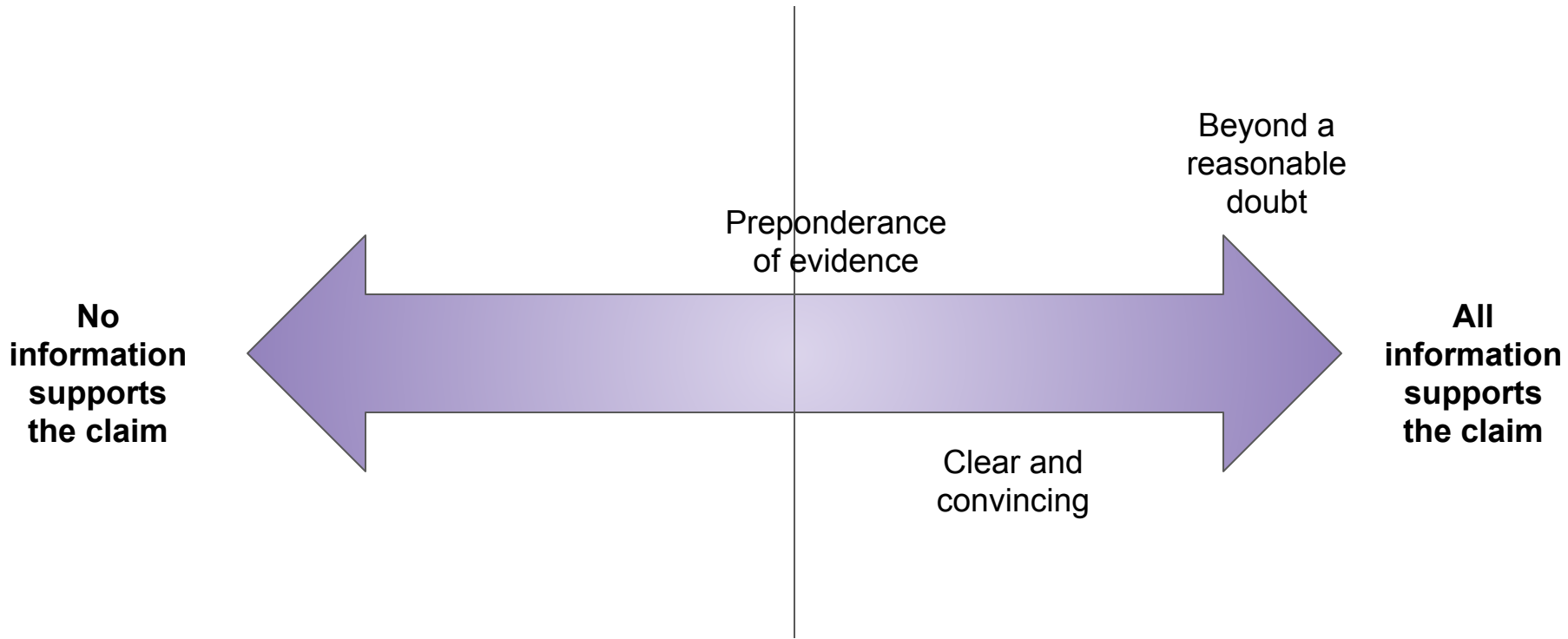
Claimant stated that Responding Party subsequently texted her about what had happened. Claimant provided the texts, which read as follows:

Claimant: I don't care what u say. U know I didn't want it and you did it anyway.

Responding Party: I'm sorry I hurt u. You know I don't hit. I was so drunk. IDK what to say to bake it better. Can I see u?

Claimant: What could you say? U raped me, Asshole.

Responding: I'm sorry. I'm so sorry. I luv u u know that. I don't know why I did what I did.



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



Thank you for your time,  
energy, and attention.

# **Julia Dunn**

**Senior Associate Dean of Students  
Title IX Administrator**

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***Whitman College***