



Title IX Investigator & Decision-Maker Training Series

Session 2: Investigations

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Content Advisory

The content and discussion in this training will necessarily engage with sex-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

Examples may be offered that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.



Welcome & Purpose

Welcome to Session 2 of our Investigator and Decision-Maker Training Series!

Participants will learn to:

- understand investigator responsibilities
- plan an investigation
- conduct effective interviews
- gather relevant evidence
- maintain investigation documentation

Whether you are new or experienced, today is about strengthening competence and confidence.



Title IX Investigation Context



Title IX

“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.”

20 U.S.C. § 1681 & 34 C.F.R. Part 106 (1972)



Title IX Scope

Title IX

Sex Discrimination

- Disparate Treatment
- Program Access and Equity

Retaliation

Sexual Harassment

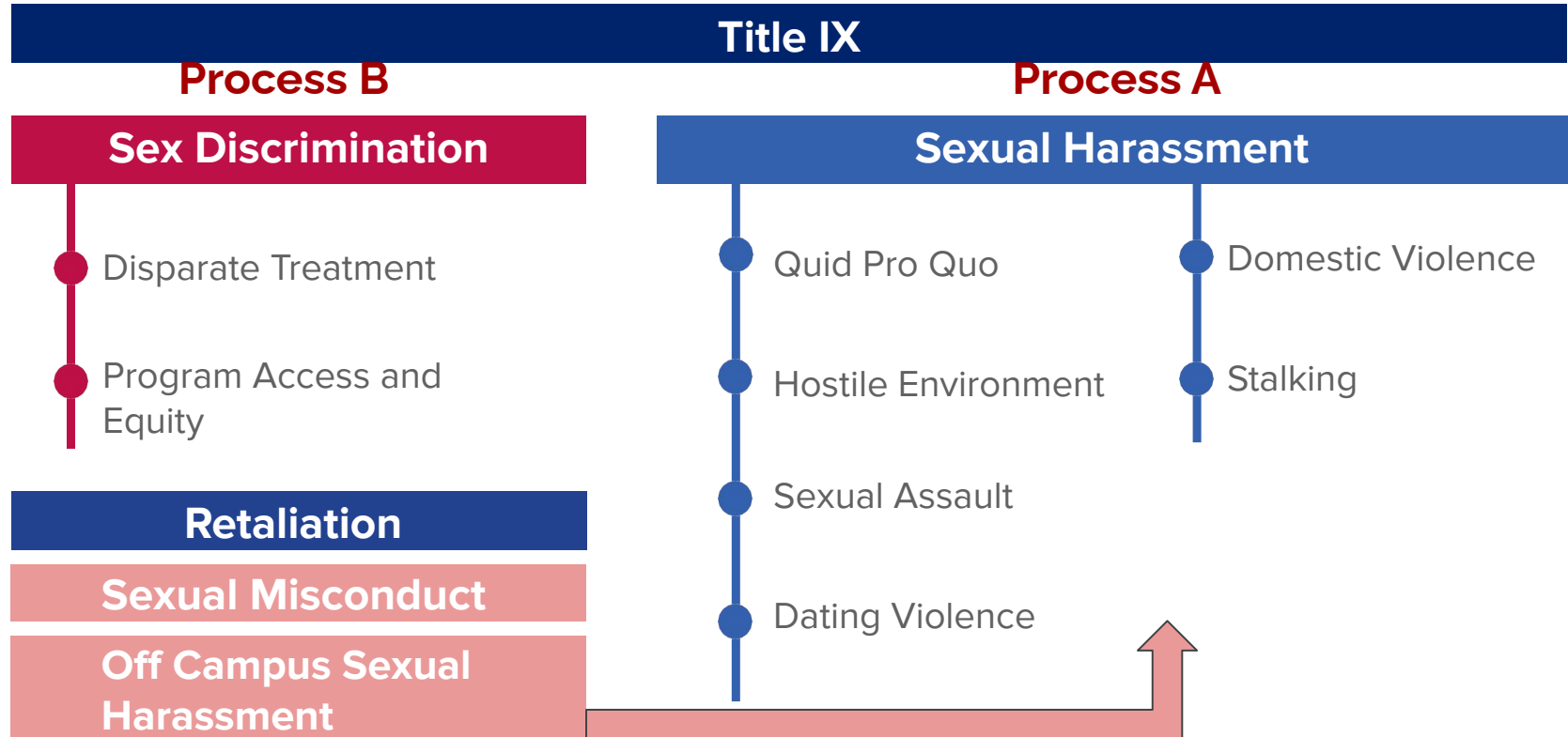
- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Title IX Applicability

- Education program or activity in the United States
- Control over the Respondent
- Applies to both students and employees



Bradley's Title IX Scope



Bradley's Title IX Policy Applicability

- On and/or off-campus jurisdiction
- Control over the Respondent
- Applies to both students and employees



Disparate Treatment

Any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that:

- Excludes a person from participation in;
- Denies a person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a Bradley University program or activity.



Quid Pro Quo Sexual Harassment

- An employee of the university,
- conditions* the provision of an aid, benefit, or service of the university,
- on an individual's participation in unwelcome sexual conduct.

**Implicitly or explicitly*



Hostile Environment Sexual Harassment

- Unwelcome conduct,
- determined by a Reasonable Person*,
- to be so severe, and
- pervasive, and
- objectively offensive,
- that it effectively denies a Complainant equal access to the university's program or activity.

*Reasonable Person = in the same or similar circumstances
("in the shoes of the Complainant").*



Sexual Assault

Includes:

- Rape
- Fondling
- Incest
- Statutory rape

Consent and incapacitation are frequently central.



Sexual Assault: Rape

- Penetration, no matter how slight,
- of the vagina or anus of a person,
- with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.



Sexual Assault: Fondling

- The intentional touching of the clothed or unclothed body parts of the Complainant,
- or the forced touching by the Complainant of the Respondent's clothed or unclothed body parts,
- without the Complainant's consent,
- for the purpose of sexual gratification, sexual degradation, or sexual humiliation,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.



Sexual Assault: Incest

- Sexual intercourse,
- between persons who are related to each other,
- within the degrees wherein marriage is prohibited by Illinois law.



Sexual Assault: Statutory Rape

- Sexual intercourse,
- with a person who is under the statutory age of consent of 17.



Dating Violence

- Violence*,
- on the basis of sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Violence includes situations where the Respondent intentionally or recklessly causes the Complainant serious physical, emotional, or psychological harm*



Domestic Violence

- Violence*,
- on the basis of sex,
- committed by a current or former spouse or intimate partner of the Complainant,
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Illinois, or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Illinois.

**Violence includes situations where the Respondent intentionally or recklessly causes the Complainant serious physical, emotional, or psychological harm*



Stalking

- Engaging in a course of conduct,
- on the basis of sex,
- directed at the Complainant, that
 - would cause a Reasonable Person to fear for the person's safety, or
 - the safety of others; or
 - suffer substantial emotional distress.

For the purposes of this definition—

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Reasonable Person** means a Reasonable Person under similar circumstances and with similar identities to the Complainant.
- **Substantial emotional distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.



Sexual Misconduct (Bradley's Paraphrased Definition)

Sexual Exploitation

- A person taking non-consensual or abusive sexual advantage of another, that does not constitute Sexual Harassment as defined above,
- for their own benefit or for the benefit of anyone other than the person being exploited.

Sexual exploitation is often digital, coercive, or manipulative.

It frequently involves images, recordings, online platforms, or threats.

Many of the most common cases today involve non-consensual image sharing or digital misconduct.



Consent (Bradley's Paraphrased Definition)

Consent must be:

- Voluntary
- Given immediately prior or contemporaneously
- Clear through words or actions
- Can be withdrawn
- Not implied through silence, passivity, or prior relationship

Investigators must gather:

- **Words used**
- **Actions taken**
- **Timing**



Incapacitation (Bradley's Paraphrased Definition)

Incapacitation means:

- Inability to make rational, reasonable decisions
- Inability to understand the “who, what, when, where, why, and how”
- Not synonymous with intoxication

We must ask:

- **What indicators were observable?**
- **What would a reasonable person perceive?**



Retaliation

- Adverse action, including intimidation, threats, coercion, or discrimination,
- against any person,
- by the university, a student, employee, or a person authorized by the university to provide aid, benefit, or service under the university's Education Program or Activity,
- for the purpose of interfering with any right or privilege secured by law or Policy, or
- because the person has engaged in protected activity, including
 - reported misconduct,
 - filed a Formal Complaint,
 - participated in an investigation or hearing,
 - assisted someone else in the process, or
 - refused to participate in the process.



The Investigator Role



Required Investigator Training

Federal requirements include:

- relevance
- impartiality
- avoiding bias
- investigation process



What Does “Relevance” Look Like?

Relevance means:

- Does this information help prove or disprove a policy element?
- Does it help determine what happened?

Investigators must:

- include relevant evidence
- exclude irrelevant information from analysis
- avoid over-including unnecessary detail

Common mistake:

Including everything instead of analyzing what matters in relation to the charges



What Does “Impartiality” Look Like?

Impartiality means:

- no presumption of responsibility
- no presumption of non-responsibility
- equal treatment of both parties

Investigators must:

- ask the same level of questions to both parties
- pursue both inculpatory and exculpatory evidence



Avoiding Bias in Practice

Bias can show up as:

- believing one party more quickly
- asking more probing questions to one side
- dismissing inconsistencies too quickly

Good practice:

- test all accounts
- document inconsistencies neutrally
- remain open to multiple possibilities



What “Conducting an Investigation” Means

Conducting an investigation includes:

- planning the investigation
- interviewing parties and witnesses
- gathering evidence
- assessing relevance
- documenting findings

It is an **active, structured process** — not passive information collection



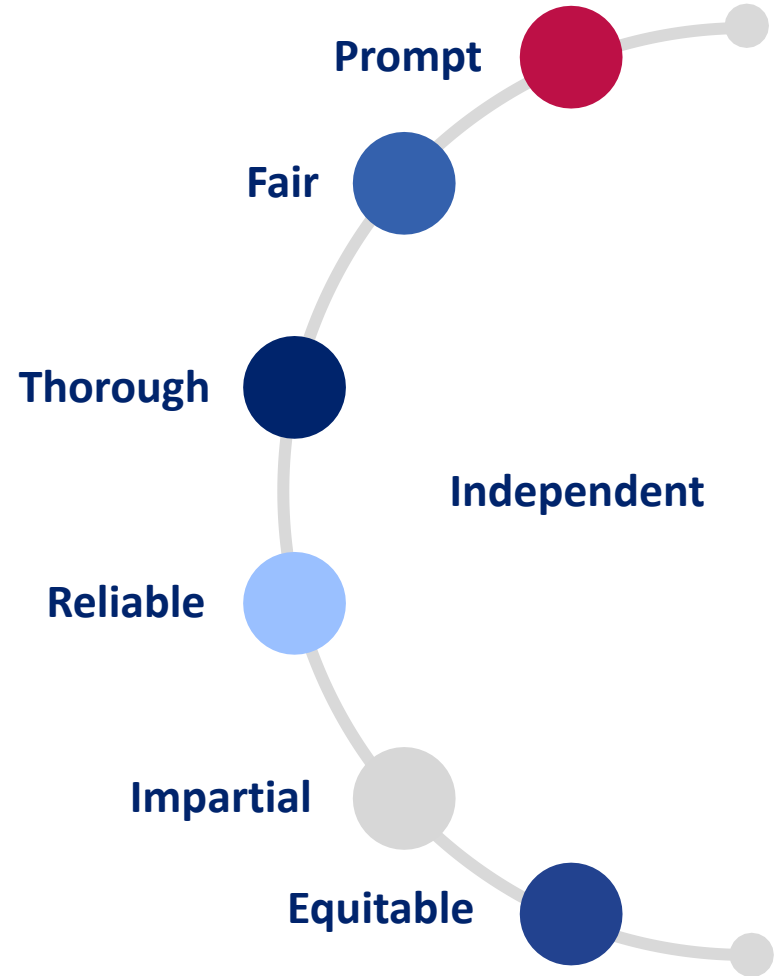
Why Investigator Training Matters

Decision-makers rely on investigators to collect **all relevant evidence**.



Investigations Overview

- Investigations focus on gathering all available, relevant information
- The institution is responsible for gathering evidence — not the parties



Investigator Role

Investigators:

- gather facts
- conduct interviews
- collect evidence
- draft investigation report

They **do not determine responsibility.**



Bias and Conflicts of Interest

- Title IX Investigators have no “side” other than the **integrity of the process**
- Title IX regulations **prohibit conflicts of interest or bias** against parties generally, an individual party, or the substance of the complaint
- Investigators identifying a potential conflict of interest or bias should **immediately notify** and disclose the information to the TIXC



Key Investigator Traits



Investigator Traits

Strong investigators are:

- curious
- neutral
- patient
- persistent



Ask the Question

If something matters, ask it.

Even if:

- it feels uncomfortable
- it feels repetitive
- it feels obvious

Clarity matters more than comfort.



Investigators Are Not Passive

Do not wait for evidence to appear.

You must:

- ask
- follow up
- clarify
- pursue leads



The Investigation Process



Title IX Grievance Process Overview

INCIDENT

- Complaint/
Notice to
TIXC

INITIAL ASSESSMENT

- Jurisdiction
- Dismissal
- Supportive
Measures
- Emergency
Removal
- Referral to
Another
Process
- Informal/
Formal
Resolution

FORMAL INVESTIGATION

- Notice of
Investigation
and
Allegations
- Interviews
- Evidence
Collection
- Draft Report
- Party
Review/
Comment
- Final Report

HEARING

- Questioning
- Credibility
Assessment
- Determination
and Rationale
- Sanctions
- Remedies

APPEAL

- Appeal
Grounds
- Determination
and Rationale

Investigation Steps

1. Receive Notice/Complaint
2. Initial Assessment & Jurisdiction Determination
3. Determine Basis for Investigation
4. Notice of Investigation and Allegations (NOIA)
- 5. Establish Investigation Strategy**
- 6. Formal Comprehensive Investigation**
- 7. Draft Investigation Report**
- 8. TIXC Reviews Draft Report & Evidence**
- 9. Parties Review Draft Report & Evidence**
- 10. Final Investigation Report**

INCIDENT INVESTIGATION
SUMMARY

Incident Date:

Review Date:

ed by:

ent Summary:

Root Causes:

Parties' Rights in the Grievance Process

- Receive detailed, written Notice of Allegations (NOIA), including information about the Formal Grievance Process
- **Provide with sufficient time to prepare for any initial interview**
- **Be accompanied by Advisor of their choice**
- **Present witnesses, including expert witnesses**
- **Present inculpatory and exculpatory evidence**
- Discuss the allegations under investigation without restriction



Parties' Rights in the Grievance Process

- Gather and present relevant evidence without restriction
- Written notice of the date, time, location, participants, and purpose of investigation interviews or other meetings, with sufficient time to prepare
- Inspect and review directly related evidence and investigation report
- Respondent presumed not responsible until a determination is made



Parties' Rights in the Grievance Process

- Reasonable expectation of privacy
- Opportunity to propose questions for other parties and witnesses
 - To Investigator(s) during the investigation
 - Through Advisor during a live hearing
- Written outcome notification
- Opportunity to appeal the determination



Investigation Planning



Investigation Strategy

- Investigation begins with a strategy meeting
 - Investigators and Title IX Coordinator
- Review complaint, NOIA, and intake documentation
- TIXC reviews scope with Investigators
 - Identify potential biases or conflicts of interest
 - Clarify roles and responsibilities
- Discuss information sharing



Strategy Meeting

- Review elements of the specific policy provision(s) alleged to have been violated
 - **Investigators are looking for evidence that speaks to each element**
- Develop initial witnesses and tentative interview order
- Identify preliminary undisputed and disputed facts and their significance
- Other types of possible evidence and the plan to acquire such evidence



Strategy Meeting

- Review elements of the specific policy provision(s) alleged to have been violated
 - **Investigators are looking for evidence that speaks to each element**
- Develop initial witnesses and tentative interview order
- Identify preliminary undisputed and disputed facts and their significance
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Applying Policy in Investigations

- Know what to look for
- **Models of Proof:** the **specific elements** of each violation
- Investigators collect evidence specific to the alleged policy violations
- Policy language informs appropriate questions
 - Policy provisions, definitions, jurisdiction
- Decision-makers (hearing panels) use the information gathered in the investigation to determine whether all necessary elements are met for each alleged policy violation



Activity: Applying Policy to Investigations



Activity: Applying Policy to Investigations

- Determine the policy elements for the **fondling** definition
- Use the elements to develop:
 - Initial questions for parties
 - Potential sources of evidence



Model of Proof: Fondling

- The intentional touching of the clothed or unclothed body parts of the Complainant,
- **or** the forced touching by the Complainant of the Respondent's clothed or unclothed body parts,
- without the Complainant's consent,
- for the purpose of sexual gratification, sexual degradation, or sexual humiliation,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.



Fondling: Breaking Down Policy Elements

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- without the Complainant's consent,
- for the purpose of sexual gratification, sexual degradation, or sexual humiliation,
- including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental incapacity.



Fondling: Breaking Down Policy Elements

As investigators:

- What questions would you ask?
- What evidence would you seek?



Interviewing Fundamentals



Importance of Interviews

Most Title IX investigations rely heavily on **testimony evidence**

This means:

- What people say — and how clearly they say it — matters
- Interviews are often the primary way facts are established
- The quality of your interviews directly impacts the quality of the investigation



Investigator Mindset

Effective Investigators are:

- **Curious** — always asking “what else?”
- **Neutral** — not assuming what happened
- **Patient** — allowing information to emerge
- **Structured** — tying questions to policy elements

You are not:

- trying to prove a case
- trying to disprove a case
- trying to advocate

You are trying to **understand what happened.**



Trauma-Informed Interviewing

Understand that:

- memory may be fragmented
- timelines may not be linear
- emotional responses vary

Investigators should:

- focus on facts
- allow time and space
- avoid assumptions about credibility



Building Rapport: DO NOT RUSH THIS!

Rapport helps:

- increase cooperation
- reduce defensiveness
- improve accuracy of responses

Simple ways to build rapport:

- explain your role clearly
- acknowledge difficulty of the conversation
- maintain a calm, neutral tone

You are not their advocate - but you are respectful and professional.



Table-Setting the Interview

Before you begin questioning:

- review the Notice of Investigation and Allegations (NOIA)
- explain the purpose of the interview
- explain that information will be shared with parties
- explain retaliation protections
- explain advisor role (if present)

This reduces confusion later.



First Questions in an Interview

Start broad and open-ended:

- “Tell me what happened.”
- “Walk me through that day.”
- “What do you remember about that evening?”

Avoid starting with:

- yes/no questions
- leading questions
- detailed probing too early

Why this matters:

- Allows uninterrupted narrative
- Reveals what the person thinks is important
- Helps assess consistency later



Narrative First, Then Structure

Let them tell their story first.

Then:

- clarify timeline
- clarify people involved
- clarify specific actions
- ask follow-ups
- clarify details
- test inconsistencies

Do NOT interrupt too early!



Effective Questioning

Your questions should be:

- clear
- concise
- direct
- focused on one idea at a time

Avoid:

- long, complex questions
- multiple questions at once
- vague phrasing



Avoid Compound Questions

Problem:

“Where were you, who were you with, and how much had you had to drink?”

The interviewee likely will answer only part of the question.

Instead, break it up:

- Where were you?
- Who were you with?
- What had you had to drink?

Clarity > efficiency.



Avoid Leading Questions

Avoid:

“So you didn’t consent, correct?”

Better:

- “What did you say?”
- “What did you do?”
- “How did the other person respond?”

Your job is to **gather facts**, not suggest them.



Silence Is a Tool!

After asking a question:

Pause. Let silence sit.

People often:

- continue speaking
- clarify their answers
- add important details

Do not rush to fill silence. Silence is often where the most useful information emerges.



Follow-Up Questions

If something is unclear:

- Ask again
- Rephrase
- Narrow the question

Examples:

- “What do you mean by that?”
- “Can you describe that in more detail?”
- “What happened immediately after that?”

Follow-up is clarification — not interrogation.



Handling Evasive Answers

If someone avoids answering, **do not move on.**

Try:

- rephrasing
- narrowing the question
- asking for specific examples

Example:

“I’d like to understand that better — can you describe exactly what happened in that moment?”



Avoiding Scope Creep

Investigations are not the entire relationship history, and not all information shared in an interview needs to be pursued. **Do NOT expand the investigation independently.**

Focus on:

- the alleged conduct
- the policy elements
- facts needed to make a determination

If new issues arise:

- document them & notify the Title IX Coordinator



When to Contact the Title IX Coordinator

Contact the Title IX Coordinator after the interview if information suggests:

- additional or different alleged conduct
- a potential new policy violation
- a new respondent
- a change in timeframe or scope

If you are unsure — reach out.

You are not expected to navigate this alone!



Identifying Additional Witnesses & Questions

Always ask:

- “Is there anything else I should know?”
- “Is there anything I didn’t ask that I should have?”
- “Is there anyone else I should speak with?”
 - “What information would they have to share with me?”
- “Are there questions I should ask of _____?”

This helps you:

- identify relevant witnesses
- assess credibility



Interview Dynamics

Be mindful of:

- not interrupting
- not talking over the interviewee
- allowing full responses
- how much you are talking

If multiple investigators are present:

- avoid switching rapidly between questioners
- maintain a clear flow

Interviews are recorded — clarity matters!



Evidence Collection



Evidence Collection

- **Active process** to gather evidence
- Identify potential sources of information
- Seek to verify/authenticate evidence obtained
- Document efforts to gather, even when not successful



Types of Evidence

Investigators gather:

- party statements
- witness statements
- text & other electronic messages/communications
- social media
- photos/videos
- institutional records (e.g. police reports, card swipe access records, security camera footage, etc.)

Ask:

What evidence helps clarify the policy elements?



Evidence Preservation

Preserve evidence early!

Important considerations:

- digital evidence can be deleted
- messages can be altered
- platforms may limit access over time

Ask for evidence as soon as possible!



Text Message Evidence

Best practices:

- obtain full conversations — not just screenshots
- obtain messages from BOTH parties
- verify dates, times, and participants

Partial conversations can be misleading.



Authenticating Evidence

Ask:

- Is this the complete conversation?
- Has anything been deleted or edited?
- Are there earlier or later messages?

Where possible:

- verify through context
- ask for screen recordings of message threads



Evidence Logs

Track:

- what was received
- when it was received
- from whom
- what it contains



Documentation



The Investigation File

Your file should include:

- interview recordings and transcripts
- evidence submitted
- investigator notes
- correspondence

If it is not documented, it did not happen.



Recordkeeping

Institutions must retain:

- investigation materials
- reports
- evidence

Typically for **at least 7 years**.



Interview Documentation

Always document:

- date and time
- who was present
- whether advisor attended
- any refusal to answer questions

This protects the process.



Avoid Investigator Conclusions

During an investigation, do NOT:

- decide responsibility
- draw/write conclusions prematurely

Focus on:

- documenting facts
- identifying evidence
- clarifying inconsistencies



Credibility (Intro)



What Is Credibility?

Credibility is based largely on:

- consistency
- corroboration
- plausibility

Not:

- demeanor alone
- emotion alone



Credibility Factors

Consider:

- Do accounts align over time?
- Is there supporting evidence?
- Are there contradictions?
- Do relationships between witnesses matter?



Investigator Role in Credibility

Investigators:

- identify inconsistencies
- identify corroboration
- document observations

Decision-makers:

- determine weight of credibility



Scenario Exercise



Scenario Introduction

You will be given a short scenario.

Your task is NOT to determine responsibility.

Instead, focus on:

- what information is still missing
- how to clarify what happened step-by-step
- what questions you need to ask



Exercise Instructions

Phase 1 – Planning

Focus on:

- asking one question at a time
- using clear, direct language
- following up on vague responses

Reminder:

- Clarity > comfort
- You are not expected to get this “right” - just try!

Phase 2 – Interview the Complainant



Group Debrief

- ❖ **Your Experience:** What felt easy? Difficult? Where did you get stuck?
- ❖ **Questioning Skills:** What worked well? What follow-ups improved clarity? What do you wish you had asked?
- ❖ **Clarity & Language:** Did you avoid direct or specific language? Where could clearer wording help?
- ❖ **Understanding the Interaction:** Did you establish what happened first → next → change?
- ❖ **Scope & Evidence:** Did anything fall outside scope? What supports vs. complicates the allegation?
- ❖ **Next Steps:** What would you ask the Respondent? What gaps remain?



Closing



Key Takeaways

Investigators should:

- follow the policy elements
- ask clear, focused questions
- gather relevant evidence
- document everything



Session 3 Preview

Next session will cover:

- investigation reports
- evidence synthesis
- credibility analysis in reports



Questions & Reflection

- What feels clearer?
- What still feels uncertain?
- Where do you want more practice?



Title IX Resources



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