



D. STAFFORD
& ASSOCIATES

Investigation Class

(2 Days)

Presented by:

D. Stafford & Associates

Dolores A. Stafford

President and CEO

D. Stafford & Associates, LLC
179 Rehoboth Avenue, #1121
Rehoboth Beach, DE 19971
302-344-5809

Dolores@DStaffordandAssociates.com

www.dstaffordandassociates.com

©All rights reserved by DSA



Title IX Regulations, Response, and Investigations

Title IX Regulations

- Title IX Law
- Title IX Regulations - Major Elements

Initial Response & Intake

- Title IX Grievance Procedures
- Sex-Based Harassment
- Receiving a Report
- Intake Meetings
- The Complaint
- Emergency Removal & Leave
- Informal Resolution
- Consolidation
- Dismissals
- Notice

Investigations

- The Investigation
- Unwelcome Conduct & Consent
- Trauma
- Investigative Strategy & Evidence Collection
- Interviewing
- Evidence Evaluation
- Evidence Review & The Final Report

Post-Investigation

- Decision-Making
- The Appeal



TITLE IX

Copyright

(Limited permission is granted to each attendee of this class to make training materials available per the requirements outlined in the Title IX Regulations published on May 19, 2020)

These materials are copyright of D. Stafford & Associates, LLC © 2025 D. STAFFORD & ASSOCIATES. All rights reserved.

Any distribution or reproduction of part or all of the contents in any form is prohibited other than the following:

- As required by 34 C.F.R. § 106.45(b)(1)(iii) and § 106.45(B)(10)(i)(D), this material in its entirety may be posted to the website of the institution in which you were associated with at the time in which you were enrolled in this training. D. Stafford & Associates gives permission for clients to convert the provided documents as necessary to be ADA-compliant.*
- Public inspection upon request.*

You may not, except with our express written permission, distribute or commercially exploit the content. Nor may you transmit it or store it in any other website or other form of electronic retrieval system.

No Recording or AI Usage Policy

Due to privacy concerns, intellectual property issues, and potential misuse of confidential information discussed during this session, attendees are strictly prohibited from recording this session or utilizing artificial intelligence (AI) tools like automatic transcription services or note-taking applications. Attendees found to be using such devices will be removed from the session and no refunds will be available.



ISSUANCE OF CERTIFICATES FOR COMPLETION OF DSA/NACCOP CLASSES

To receive a certificate for classes held by D. Stafford & Associates, LLC or the National Association of Clerly Compliance Officers and Professionals (NACCOP), attendees must attend the majority of the class. This includes in-person classes and virtual classes. DSA and NACCOP understands that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. That said, our general rule of thumb for our 4 and 5 day classes is that if an attendee misses more than 1 hour of class time, they will not be issued a certificate of completion for the class. If the class is a 1, 2 or 3 day class, the amount of time that can be missed may be less, as classes of those lengths are more condensed.

For virtual classes, because we can't see all of the attendees all of the time like we can in an in-person class (based on the attendee controlling whether they have their camera turned on or not), the criteria for receipt of a certificate is determined based on missed class time (no more than 1 hour or less, depending on the length of the class) and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched before doing so, to ensure that everyone who is there can/will respond to the poll. If there is an issue with responding to the attendance poll, the attendee would need to **immediately notify the Administrative Support person** in the course via the chat function in the zoom platform. That way we can immediately resolve any issues and give the attendee credit for being in attendance for the poll. Notifying us hours or days after having an issue with not being able to complete the attendance poll will not allow us to give the attendee credit for being in class during the poll.

Our classes qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, but accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate, which equates to verification that the participant attended the complete class. For DSA and NACCOP, issuance of a Certificate of Completion is verification of that fact.

If the attendee missed class for a legitimate reason, that doesn't mean that an attendee wasn't there for much of the class and that they didn't benefit from that attendance. It just means that based on the missed time and/or attendance polls (in virtual classes only), we aren't able to issue you a certificate of completion.

If an attendee has to miss time in class, the instructions attendees receive before the class provide instructions for notifying the Administrative Support person about the time that will be missed **IN ADVANCE**, so we can jointly identify what blocks of instruction will be missed, and the DSA/NACCOP team will then work with the attendee to see if we can get them in a future class module to make up that material, which would result in us being able to issue the attendee a certificate. We provide this service and opportunity at no additional cost, as we want each attendee to finish the class and get a certificate of completion. Effective communication by each attendee is the key to this option.



D. STAFFORD
& ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



D. STAFFORD
& ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.



D. STAFFORD
& ASSOCIATES

P.O. Box 1121
Rehoboth Beach, DE 19971
Phone: (202) 438-5929
dolores@dstaffordandassociates.com

Catherine Cocks, M.A.
Director, Student Affairs, Behavioral Threat Assessment and
Independent Investigation Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment services. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.

INVESTIGATION CLASS ACRONYMS

- ASR:** Annual Security Report (often used as a reference to the Annual Security Report and/or the Annual Security and Fire Safety Report) that must be published by each institution of higher education.
- CSA:** Campus Security Authority—Individuals on each campus who have been identified by the Department of Education as persons who are required to report crimes that they become aware of to the Reporting Structure at each institution.
- DCL:** Dear Colleague Letter—this is a formal name of the method of communication from the Department of Education to college campuses. It is like naming their official “memo” to campuses.
- FERPA:** Family Educational Rights and Privacy Act—governs the confidentiality of student records.
- FNE:** Forensic Nurse Examiners
- GO:** General Order—some departments describe their operating procedures as general orders
- HEOA:** Higher Education Opportunity Act—the broader law that contains the Clery Act language and the fire safety and missing person language that is in the law but not contained within the “Clery Act” portion of the law.
- HIPAA:** Health Insurance Portability and Accountability Act of 1996 —governs privacy of medical records.
- MOU:** Memorandum of Understanding—an official agreement developed between agencies.
- NIBRS:** National Incident-Based Reporting System. 1 of 2 crime reporting systems developed by the FBI, but not the system that you are required to use for Clery Reporting—the only portion of this system that is used for Clery Act purposes are the 4 forcible and 2 non-forcible sex offense definitions.
- OCR:** Office for Civil Rights—the unit of the Department of Education that oversees Title IX Compliance.
- RE:** Responsible Employee as defined by Title IX (OCR)
- PD:** Police Department
- PS:** Public Safety
- PNG:** Persona-non-Grata—process used by some campuses not keep students from entering certain areas of the campus or the entire campus (administrative process) versus legal bar notice or trespass warning.

SANE: Sexual Assault Nurse Examiner

SART: Sexual Assault Response Team

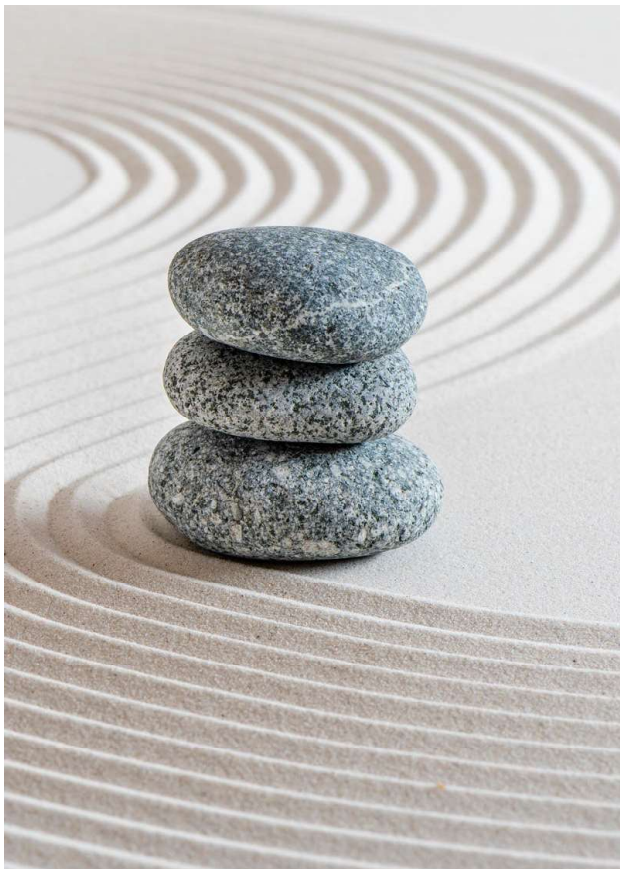
SOP: Standard Operating Procedures—some departments describe their operating procedures as Standard Operating Procedures. Some call them General Orders, etc...

TWN: Timely Warning Notice

UCR: Uniformed Crime Report. This is 1 of 2 crime statistics reporting systems developed by the FBI. Institutions are required to use UCR Standards for counting and classifying crimes for reporting the Clery statistics.



TITLE IX REGULATIONS



AGENDA

- Title IX Law
- Title IX Regulations - Major Elements

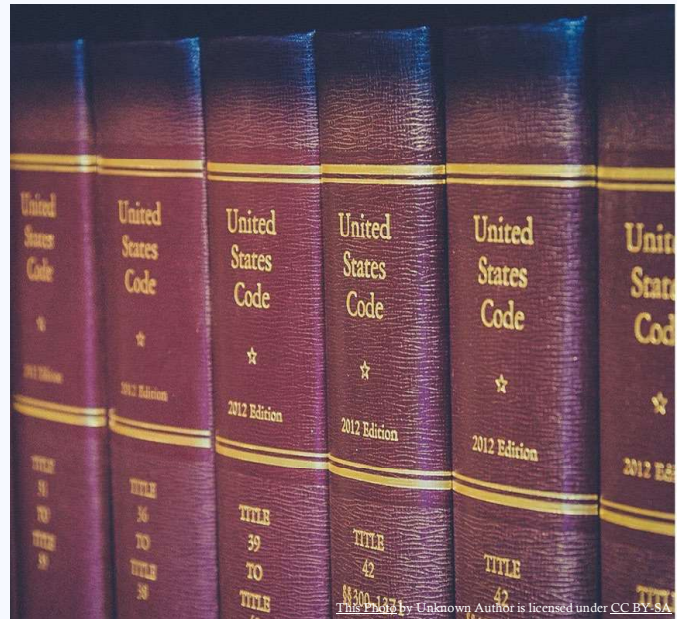
THE "TITLES"

Title IX of the Education Amendments of 1972	Title VI of the Civil Rights Act of 1964	Title VII of the Civil Rights Act of 1964
No discrimination on the basis of sex under any education program or activity receiving Federal financial assistance	Cannot deny the benefits of or be subjected to discrimination under any program or activity receiving federal financial assistance on the ground of race, color, or national origin	Unlawful for an employer to discriminate against someone because of race, color, religion, sex (including pregnancy, childbirth, and related conditions, sexual orientation, and gender identity), or national origin

DON'T FORGET ABOUT DISABILITY LAWS!

Federal Law	Public Colleges	Private Colleges - Recipient of Federal Financial Assistance	Private Colleges - Non-Recipient of Federal Financial Assistance
Section 504	Yes	Yes	No
ADA Title II	Yes	No	No
ADA Title III	No	Yes	Yes

TITLE IX LAW



FEDERAL LAW



Statutes

20 U.S.C.D.
§1681-1688



Regulatory Guidance

34 C.F.R. § 106



Sub-Regulatory Guidance

DCLs
Preamble to Regs
Executive Orders
OCR Website



Case Law

Circuit courts
District courts

TITLE IX, EDUCATION AMENDMENTS OF 1972, 20 U.S.C. § 1681

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.

§ 1681(a) - EXCEPTIONS

- Admission policies
- Institutions changing from single-sex status
- Religious institutions
- Military services or merchant marines
- Public traditional single-sex institutions
- Social fraternities or sororities
- Voluntary youth organizations
- Boy or girl conferences
- Father-son/mother-daughter activities
- “Beauty” pageants

§ 1681(c) - “EDUCATIONAL INSTITUTION”

Any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department.

TITLE IX REGULATIONS - MAJOR ELEMENTS



Air Traffic Control View

This section highlights the major elements, except for the grievance procedures.

Items related to the grievance procedures will be explained later in the class.



34 C.F.R. § 106 - SUBPARTS

Subpart A: Introduction (106.1 – 106.9)

Subpart B: Coverage (106.11 – 106.18)

Subpart C: Admission and Recruitment (106.21 – 106.24)

Subpart D: Education Programs/Activities (106.31 – 106.46)

Subpart E: Employment (106.51 – 106.62)

Subpart F: Retaliation (106.71 – 106.72)

Subpart G: Procedures (106.81 – 106.82)

TITLE IX REGULATIONS OVERVIEW

Applies to
Higher
Education and
K-12

Covers wide
range of sex
discrimination

SUBPART A: INTRODUCTION



SUBPART A: A FEW FYIs...



§ 106.2
Definitions



§ 106.3
Remedial Action



§ 106.3
Affirmative Action



§ 106.6
Preservation of rights

§ 106.8(a) - DESIGNATION OF COORDINATOR

Designate	Designate at least one person
Notify	Notify people of name or title and contact information
Receive	Receive reports in person, by mail, by phone, by email, or other
Accept	Accept reports during non-business hours

§ 106.8(b)(1) - NOTIFICATION OF POLICY

Who

Applicants - admission
Applicants - employment
Students
Employees
Unions, etc.

What

Does not discriminate
Required by Title IX
Includes admission & employment
Inquiries to Title IX or OCR
Grievance procedures & process
How to report or file a complaint of discrimination
How to report or file a complaint of harassment
How the school will respond



§ 106.8(b)(2) – PUBLICATIONS

What

- Contact information
- Policy

Where

- Website
- Handbook and/or catalogs

§ 106.8(c) - ADOPTION OF GRIEVANCE PROCEDURES

“grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by this part and a grievance process that complies with § 106.45 for formal complaints as defined in § 106.30.”



§ 106.8(d)

Applies only to sex
discrimination occurring
against a person in the
United States

SUBPART B: COVERAGE



§ 106.11 – APPLICATION

Every recipient and its education
program or activity which receives
Federal financial assistance

§ 106.12 – EDUCATIONAL INSTITUTIONS CONTROLLED BY RELIGIOUS ORGANIZATIONS

May submit in writing seeking assurance of the exemption

Must identify the provision and explain how it conflicts with a specific tenet

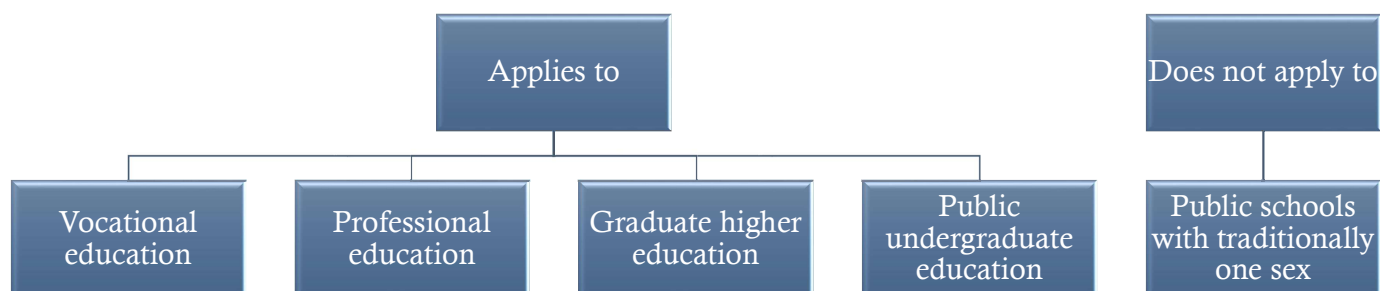
Not required to seek assurance

May raise its exemption at any time

§ § 106.13 & § 106.14 – EXEMPTIONS

- Military and merchant marine educational institutions
- Membership practices of certain organizations
 - Social fraternities and sororities
 - YMCA, YWCA, Girl Scouts, Boy Scouts, and Camp Fire Girls
 - Voluntary youth service organizations

§ 106.15 – ADMISSIONS (EXCEPTIONS AND COVERAGE)



SUBPART C: ADMISSION & RECRUITMENT



§ 106.21 & § 106.23 – ADMISSION & RECRUITMENT

No ranking
separately

No number or
proportion
admissions

Testing cannot have
disproportionately
adverse effect

No rule relating to
marital or parental
status

No discrimination or
exclusion based on
pregnancy

Pregnancy and
related conditions
treated the same as
any other temporary
disability

No pre-admission
inquiries as to marital
status

Cannot recruit
primarily from single-
sex high schools

SUBPART D: EDUCATION PROGRAMS OR ACTIVITIES



§ 106.30 - Definitions

**COMING
SOON**

We will come back to this.

© 2025 D. Stafford & Associates

29



§ 106.31 – EDUCATION PROGRAMS OR ACTIVITIES

No person on the basis of sex may be excluded from participation in,
be denied the benefits of, or be subjected to discrimination

§ 106.31(b) – SPECIFIC PROHIBITIONS



Aid, Benefit, or Service
Requirement or Condition
Provide or deny
Right or privilege
Advantage or opportunity



Academic, Extracurricular,
Research, Occupational Training
Eligibility for in-state tuition
Rules of behavior, sanctions



§ 106.32 – HOUSING

A recipient shall not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing, except as provided in this section (including housing provided only to married students).



§ 106.33 – COMPARABLE FACILITIES

A recipient may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.



§ 106.34 – ACCESS TO CLASSES & SCHOOLS

Cannot carry out any of its education programs or activities separately on the basis of sex, or refuse participation except...

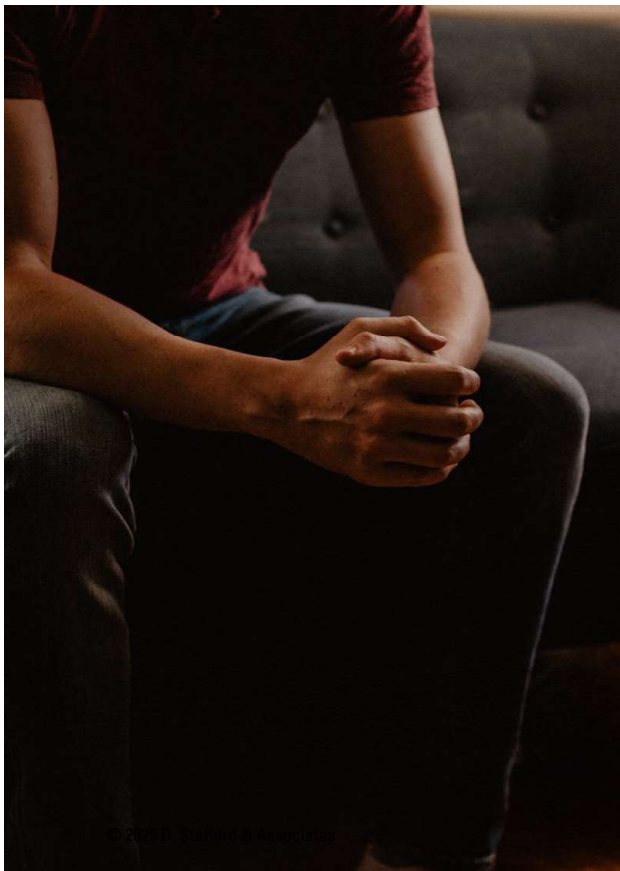
EXCEPTIONS

Contact sports

Ability grouping
in physical
education

Human sexuality
classes (K-12)

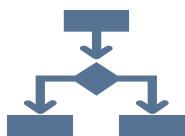
Choruses



§ 106.36 – COUNSELING

- Cannot discriminate in the counseling or guidance of students or admission applicants
- Cannot use different appraisal or counseling materials

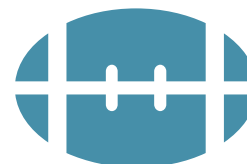
§ 106.37 – FINANCIAL ASSISTANCE



§ 106.37(a) – Can't discriminate in financial assistance



§ 106.37(b) Exceptions to rule that can't have single-sex scholarships



§ 106.37(c) – Athletic scholarships allocated proportionally based on participation numbers

§ 106.378 – EMPLOYMENT ASSISTANCE TO STUDENTS

§ 106.37 – HEALTH & INSURANCE

- When providing assistance to outside employers, the institution must ensure the outside employer does not discriminate on the basis of sex.
- An institution cannot provide services to any agency, organization, or person that discriminates on the basis of sex in its employment practices.
- Cannot discriminate on the basis of sex in providing a medical, hospital, accident, or life insurance benefit, service, policy, or plan to any of its students.
 - An institution must provide gynecological care if it provides full coverage health services.

§ 106.40 – MARITAL OR PARENTAL STATUS

No rule concerning a student's actual parental, family, or marital status which treats students differently on the basis of sex

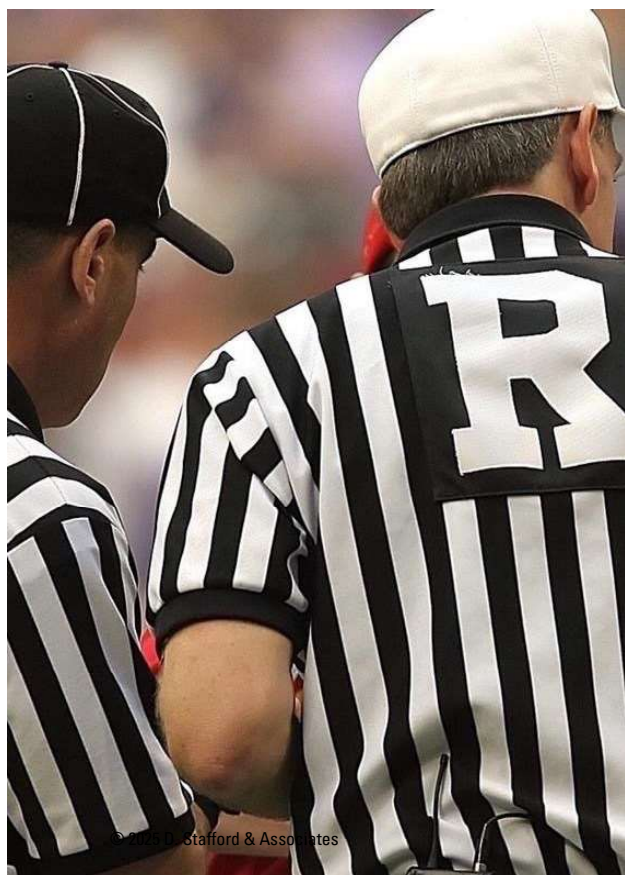
No discrimination against students on the basis of pregnancy or related conditions

May require documentation as long as required for all students with similar physical or emotional conditions

May operate program or activity separately for pregnant students BUT it must be completely voluntary

Treat pregnancy and related conditions in the same manner as other temporary disabilities

If there is not a leave policy, must treat pregnancy as justification for a leave of absence



§ 106.41(a) – ATHLETICS

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.

§ 106.41 – ATHLETICS



Applies to intercollegiate, club,
& intramural



Separate teams are
permitted



§ 106.41(c) – EQUAL OPPORTUNITY

1. Accommodate the interests
 2. Equipment and supplies
 3. Scheduling (games and practice)
 4. Travel and per diem
 5. Coaching and tutoring
 6. Assignment and compensation for above
 7. Locker room and other facilities
 8. Medical and training services
 9. Housing and dining services
 10. Publicity
-

§ 106.44 -
Response to
Sexual
Harassment

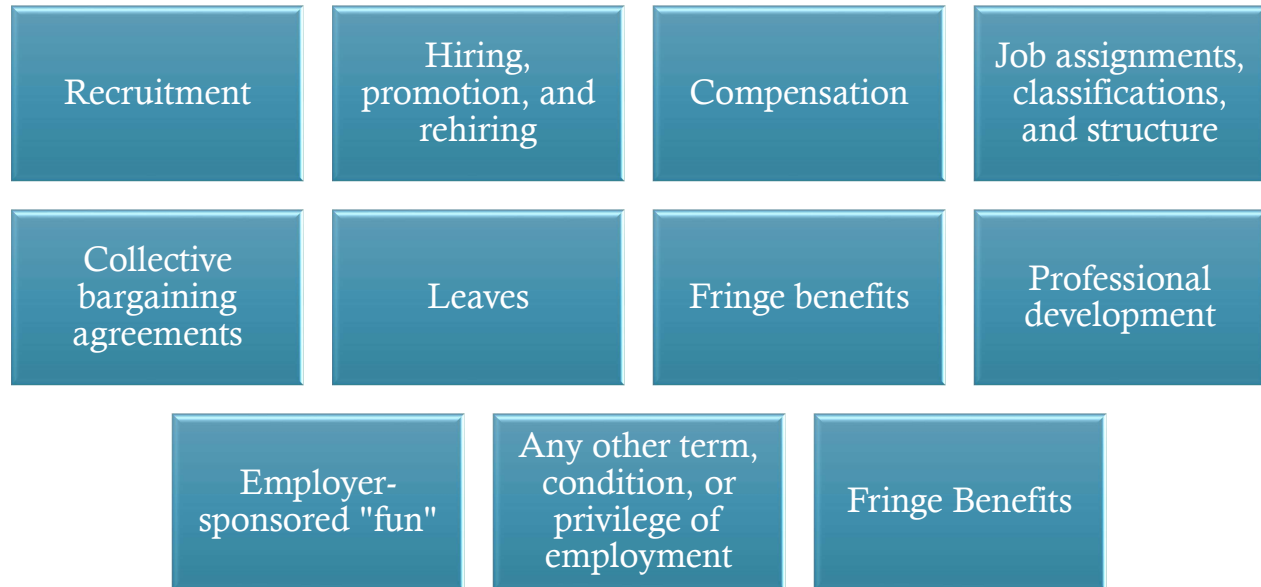
Coming
Soon

We will come back to this.

SUBPART E: EMPLOYMENT



§ § 106.51 - 106.56 – EMPLOYMENT



§ 106.57 – MARITAL OR PARENTAL STATUS



SUBPART F: RETALIATION



§ 106.71 RETALIATION

No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. . .

§ 106.71 RETALIATION

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation.

§ 106.71 - RETALIATION

Must keep confidential the identity of parties and witnesses

May use sex discrimination grievance procedures

Exercise of First Amendment does not constitute retaliation

Discipline for “materially false statement in bad faith” is not retaliation

Determination of responsibility alone does not mean a person provided a false statement

"Title IX Regulations Major Elements"



INITIAL RESPONSE & INTAKE



D. STAFFORD
& ASSOCIATES



AGENDA

- Title IX Grievance Procedures
- Sex-Based Harassment
- Receiving a Report
- Intake Meetings
- The Complaint
- Emergency Removal & Leave
- Informal Resolution
- Consolidation
- Dismissals
- Notice

TITLE IX GRIEVANCE PROCEDURES



§ 106.30(a) - DEFINITIONS

Complainant

- An individual who is alleged to be the victim of conduct that could constitute sexual harassment

Respondent

- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment

TITLE IX PERSONNEL

Title IX
Coordinator

Investigator

Decision-
maker

Informal
Resolution
Facilitator

DUTIES OF THE TITLE IX COORDINATOR

- § 106.8(a) Must be referred to as the “Title IX Coordinator”
- § 106.8(a) Coordinate efforts to comply
- § 106.44(a) Receive reports and promptly contact the complainant
- § 106.30 Sign formal complaints
- § 106.30 Responsible for coordinating the effective implementation of supportive measures

§ 106.45(b)(1)(iii) - TRAINING

All Title IX Personnel

- Definition of sexual harassment
- Scope of the recipient’s education program or activity
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias

§ 106.45(b)(1)(iii) - TRAINING

Decision-makers

- Technology to be used at a live hearing
- Issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant

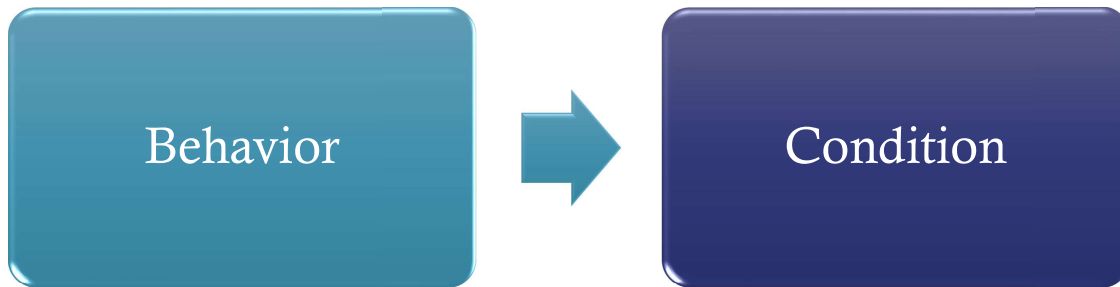
Investigators

- Issues of relevance to create an investigative report that fairly summarizes relevant evidence

SEX-BASED HARASSMENT



UNDERSTANDING THE ELEMENTS



DECISION-MAKER'S PATH

- What was the conduct?
 - Was the conduct on the basis of sex?
 - Was the conduct unwelcome or without consent?
- Does the conduct meet the definition of a violation of institutional policy?

QUID PRO QUO HARASSMENT



© 2025 D. Stafford & Associates

65



QUID PRO QUO HARASSMENT

An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct

© 2025 D. Stafford & Associates

66

QUID PRO QUO INVESTIGATIONS

Respondent

- What is the respondent's status and authority?
- What is the relationship to the complainant?
- What, if any, perceived or actual power exists?

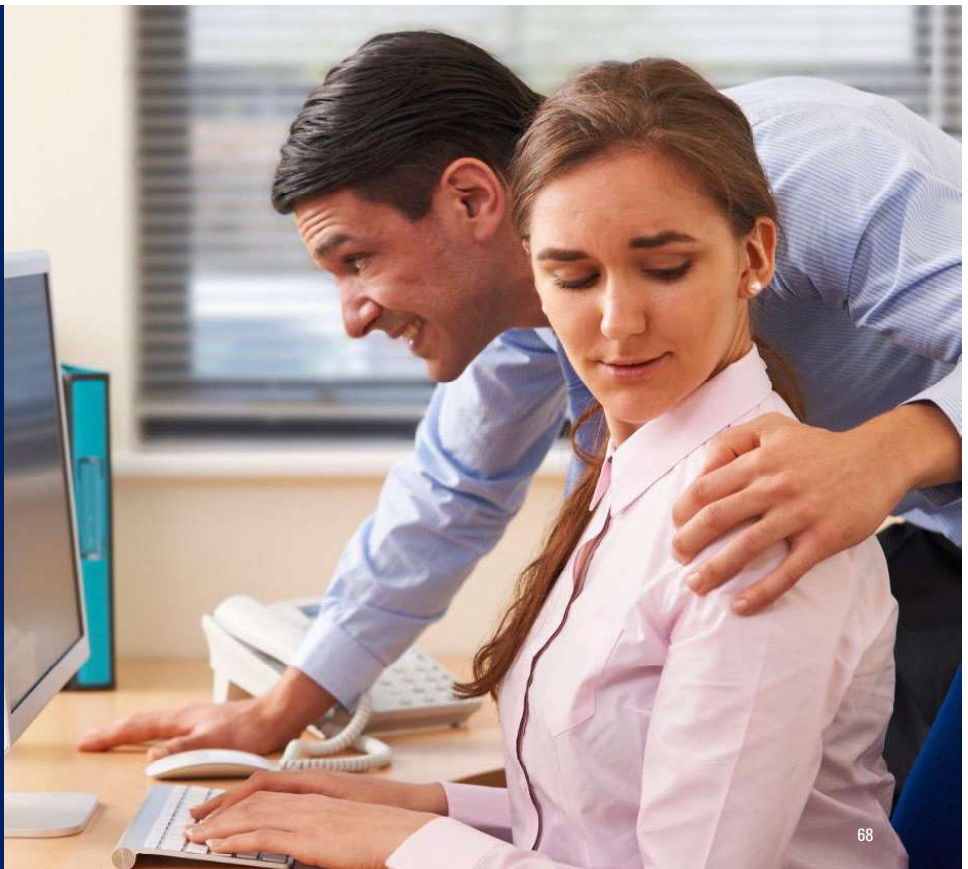
Aid, Benefit, or Service

- What was offered?
- How was it communicated?

Sexual Conduct

- What was the conduct requested?
- Was it sex-based?
- How was it communicated?
- How was it unwelcome?

HOSTILE ENVIRONMENT HARASSMENT



HOSTILE ENVIRONMENT HARASSMENT

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

HOSTILE ENVIRONMENT INVESTIGATIONS

Type, frequency, and
duration of the
conduct

Location of the
conduct and the
context

Parties' ages, roles,
previous
interactions, other
factors

Degree to which the
conduct affected
access to the
program or activity

Other sex-based
harassment in the
program or activity

SEXUAL ASSAULT

© 2025 D. Stafford & Associates

71



CLERY DEFINITIONS OF SEXUAL ASSAULT

- **Rape** - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling** - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- **Incest** - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Sexual intercourse with a person who is under the statutory age of consent.

34 CFR 668 Appendix A

SEXUAL ASSAULT INVESTIGATIONS

What was the sexual behavior?

Who was the initiator?

What, if any, were the words or actions to indicate consent?

- Is there an issue of incapacitation or force?

STALKING



STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

STALKING INVESTIGATIONS



What was the course of conduct?



What was the frequency?



What was the impact?

INTIMATE PARTNER VIOLENCE

© 2025 D. Stafford & Associates



77



DATING VIOLENCE

Violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship;
- (2) The type of relationship; and
- (3) The frequency of interaction between the persons involved in the relationship.

§ 106.2

DOMESTIC VIOLENCE

The term “domestic violence” includes felony or misdemeanor crimes of violence committed

- by a current or former spouse or intimate partner of the victim,
- by a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

INTIMATE PARTNER VIOLENCE INVESTIGATIONS

Parties

- Type of relationship
- Length of the relationship
- Frequency of interaction between the persons

Behaviors

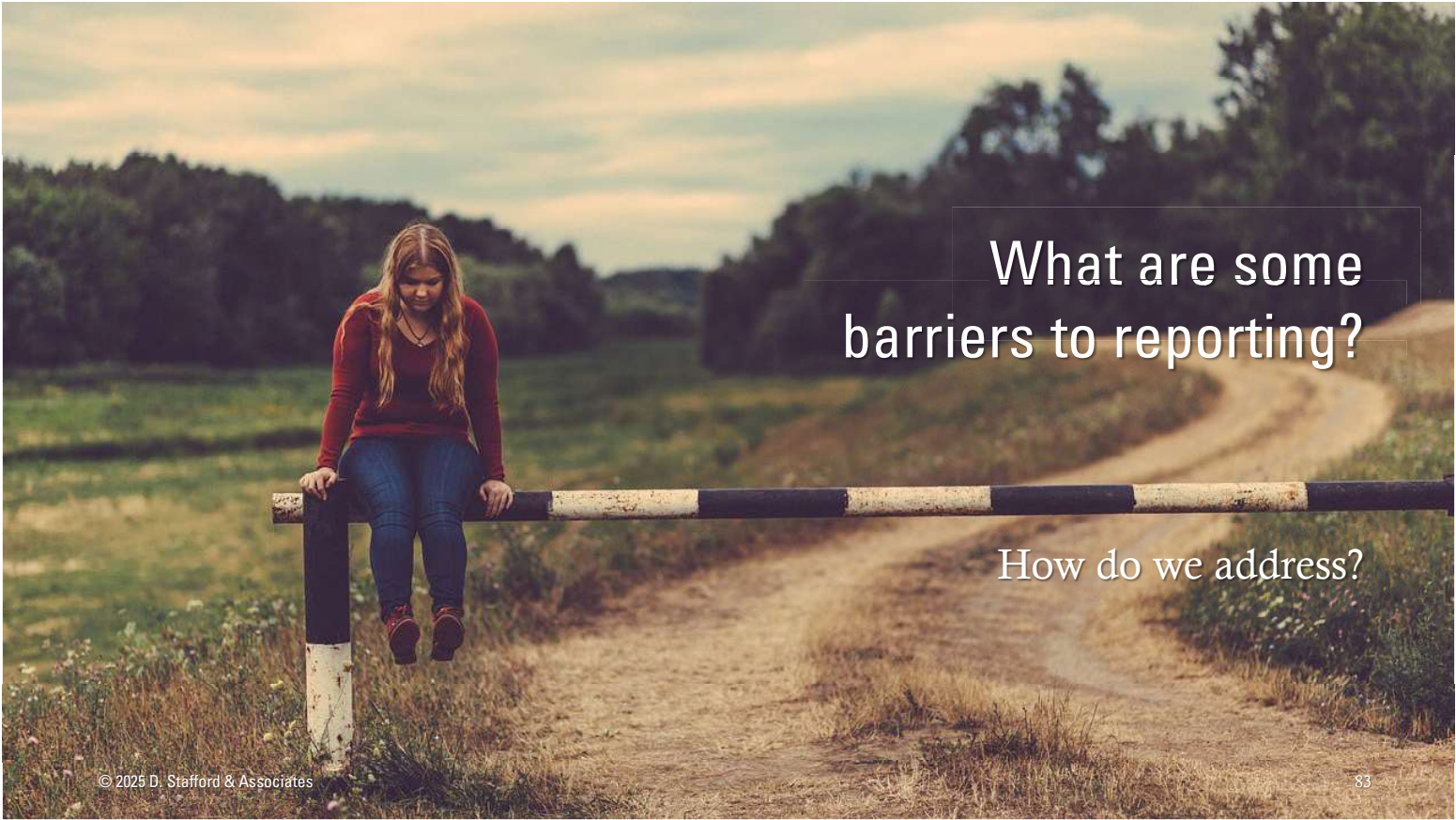
- Type of violence
- Possible patterns of behaviors
- Other behaviors that may fall under other policy definitions

RECEIVING A REPORT



Report vs. Complaint



A photograph of a young woman with long blonde hair, wearing a red long-sleeved shirt and blue jeans, sitting on a black and white striped road barrier. She is looking down. The background shows a dirt road winding through a grassy field with trees in the distance under a cloudy sky.

What are some
barriers to reporting?

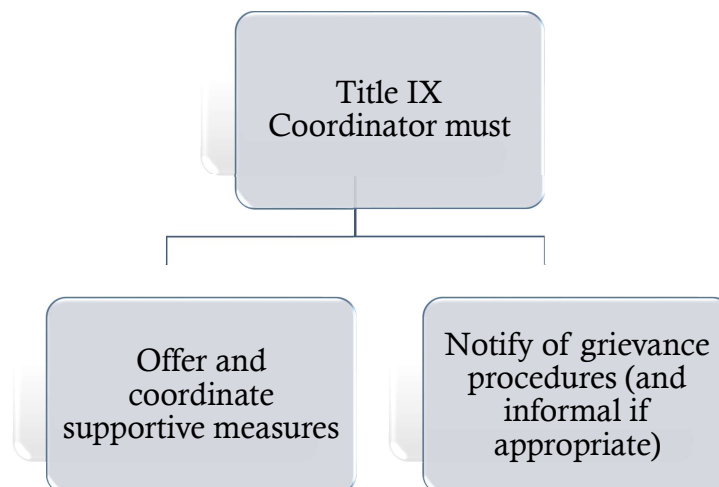
How do we address?

CASE STUDY - THE REPORT

INTAKE MEETINGS



TITLE IX COORDINATOR OUTREACH DUTIES TO COMPLAINANT





Remember

Clery obligations!

- CSA duties
- Rights and options
- Who assesses for timely warning?



What do you
need for the
meeting?

A photograph of a red bridge structure, possibly a pier or walkway, extending over a body of water at dusk. The bridge has a curved, modern design with red railings and supports. The sky is a deep blue, and the water reflects the bridge's lights. The overall mood is serene and contemplative.

Supportive Measures

What are your options?

CASE STUDY - THE INTAKE MEETING



Meeting Follow-up

© 2025 D. Stafford & Associates

91



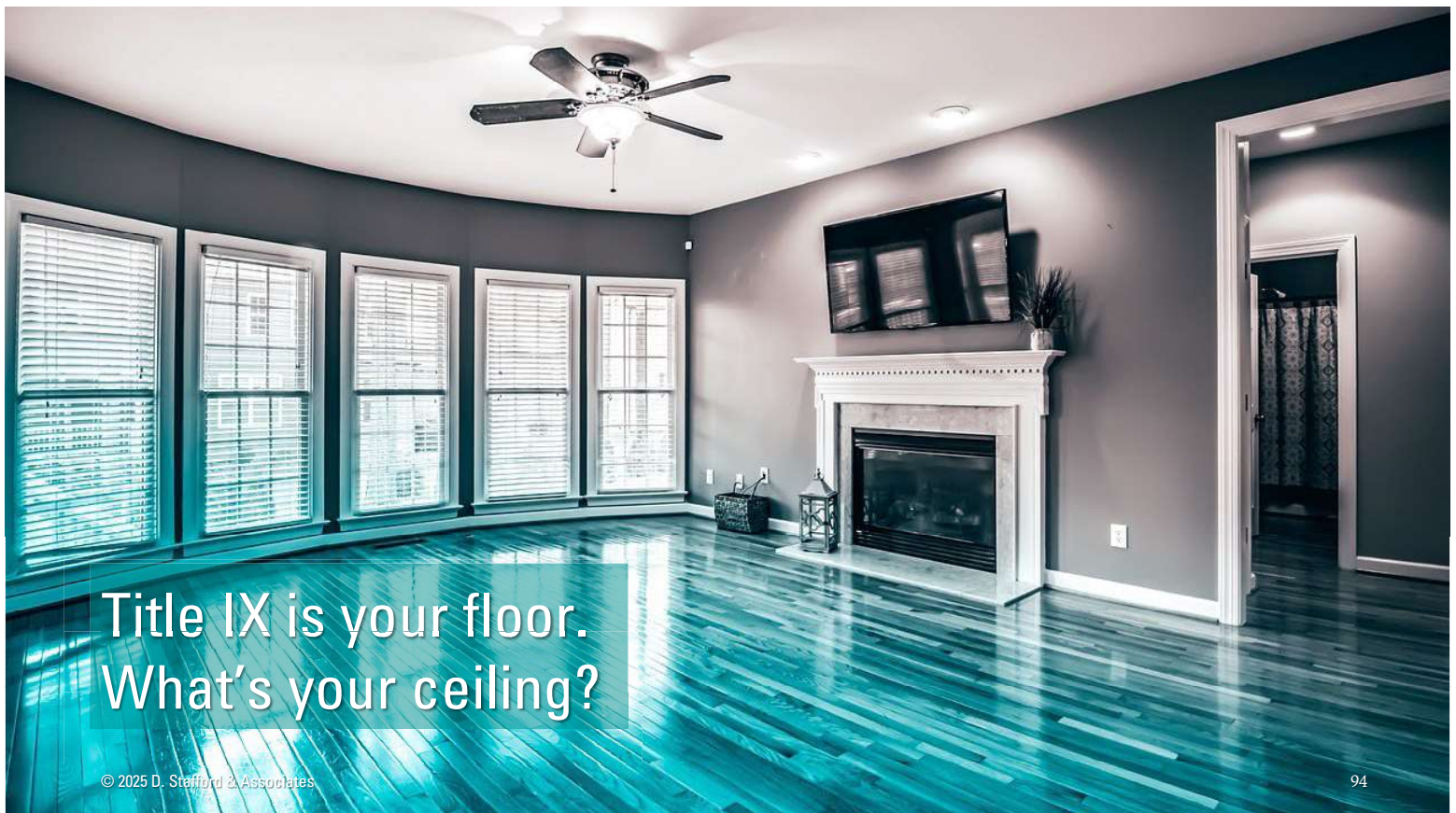
Take a temperature check

- What are the alleged violations?
- Should there be an emergency removal/administrative leave?
- What if it would not “reasonably constitute sex discrimination?”

© 2025 D. Stafford & Associates

92

THE COMPLAINT



Title IX is your floor.
What's your ceiling?

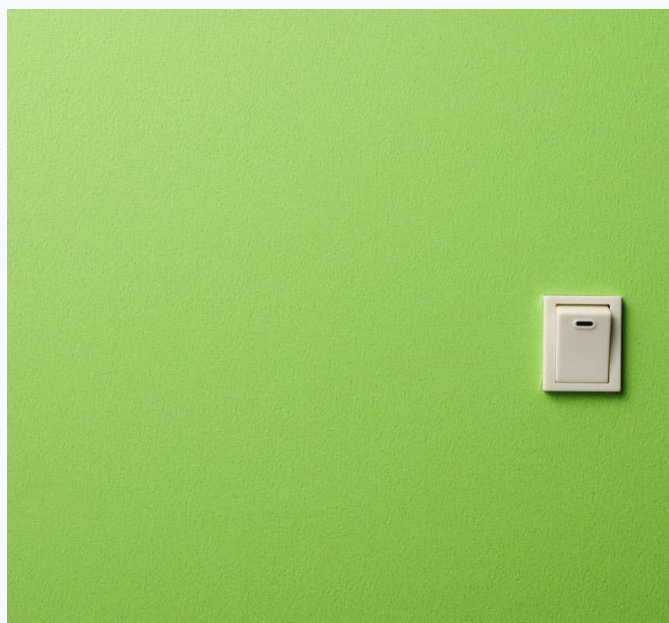
FORMAL COMPLAINT

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

CASE STUDY - THE COMPLAINT



TITLE IX- INITIATED COMPLAINTS



What if the
complainant doesn't
respond or doesn't
want to proceed?



TITLE IX-INITIATED COMPLAINTS

The Title IX Coordinator can initiate a complaint. The Title IX Coordinator is not considered the complainant or a party.

EIGHT FACTORS TO CONSIDER

Complainant's
request

Safety
concerns

Risk of
additional acts

Severity of
allegation

Age and
relationship

Scope and
pattern

Evidence

Alternatives to
resolve

What circumstances may warrant the Title IX Coordinator to initiate a complaint?

© 2025 D. Stafford & Associates

101



IF TITLE IX INITIATES A COMPLAINT...

Notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

102

EMERGENCY REMOVAL & LEAVE



LEAVE OPTIONS



Emergency removal



Administrative leave

EMERGENCY REMOVAL



Immediate threat to the physical health or safety of any student or other individual



Arises from the allegations



Provide notice and opportunity to challenge immediately following the removal



Cannot modify any rights under IDEA, Section 504, or the ADA

CASE STUDY - CHECK FOR EMERGENCY REMOVAL



INFORMAL RESOLUTION



Think “Alternative
Dispute Resolution” or
“Restorative Practices”

There’s nothing
“informal” about
“informal resolution”

Think “alternative
resolution” or
“restorative practice”

INFORMAL RESOLUTION



No
employee/student



Discretion to offer
or decline



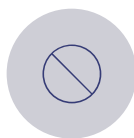
Voluntary for
parties



Provide notice



Facilitator must not
be investigator or
decisionmaker



Must be in writing
IF offered in lieu of
grievance procedure

NOTICE REQUIREMENTS

Requires voluntary, written consent

- (i) The allegations;
- (ii) The requirements of the informal resolution process;
- (iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the recipient's grievance procedures;
- (iv) That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- (v) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- (vi) What information the recipient will maintain and whether and how the recipient could disclose such information for use in grievance procedures ... if initiated or resumed.

EXAMPLES OF ALTERNATIVE RESOLUTIONS

- Shuttle conference
- Mediation
- Restorative justice
- Agreements
- Single-adjudicator determination



111

Under what
circumstances would
you offer an
alternative resolution?

112

At what point in the
process do you offer
an alternative
resolution?

CONSOLIDATION



CONSOLIDATION OF COMPLAINTS

Multiple
respondents

More than one
complainant
against one or
more respondent

One party
against another
party



DISMISSALS



DISMISSALS

- Must
 - The formal complaint, on its face, does not constitute sexual harassment
 - Not in educational program or activity
 - Not in the United States
- May
 - Complainant withdraws complaint
 - Respondent no longer enrolled
 - Prevented from gathering evidence

SUGGESTED DUTIES BEFORE DISMISSAL

Unable to identify the respondent

- Reasonable steps to identify respondent

Complainant withdraws allegation(s)

- Must consider initiating the complaint

Allegation if proven not discrimination?

- Prior to dismissing, must clarify with the complainant

BASES FOR APPEAL OF DISMISSAL



Procedural Irregularity



New Evidence



Bias or Conflict of Interest

CASE STUDY - WHERE ARE WE AT?

© 2025 D. Stafford & Associates



 D. STAFFORD
& ASSOCIATES

NOTICE



© 2025 D. Stafford & Associates

122

NOTICE

Requirements	2020 §106.45(b)(2) required to be in writing
Grievance Procedures	YES
“Sufficient information” (parties, conduct, date, location)	YES
Statement that retaliation prohibited	NO (prohibited but not required in notice)
Access to relevant evidence	YES (any evidence)
Respondent is presumed not responsible	YES
Right to advisor of choice	YES
Prohibition on false statements	YES

LETTERS



Who sends the letters?

Notice of report/request for intake

Notice of case closure

Notice to the complainant of Title IX-initiated complaint

Notice of allegations/investigation

Notice of any meeting or proceeding

Outcome letter

Appeals

- Appeal submission
- Appeal decision
- No appeal submitted

Alternative resolution

- Notice of option
- Agreement

Dismissal

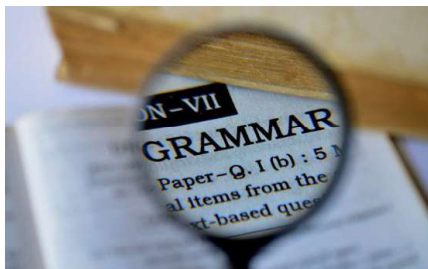
- Notice of dismissal
- Notice of appeal
- Notice of result

Investigation status

- Additional allegations
- Temporary delay
- Periodic updates

Witness notifications

- Interview
- Meeting hearing

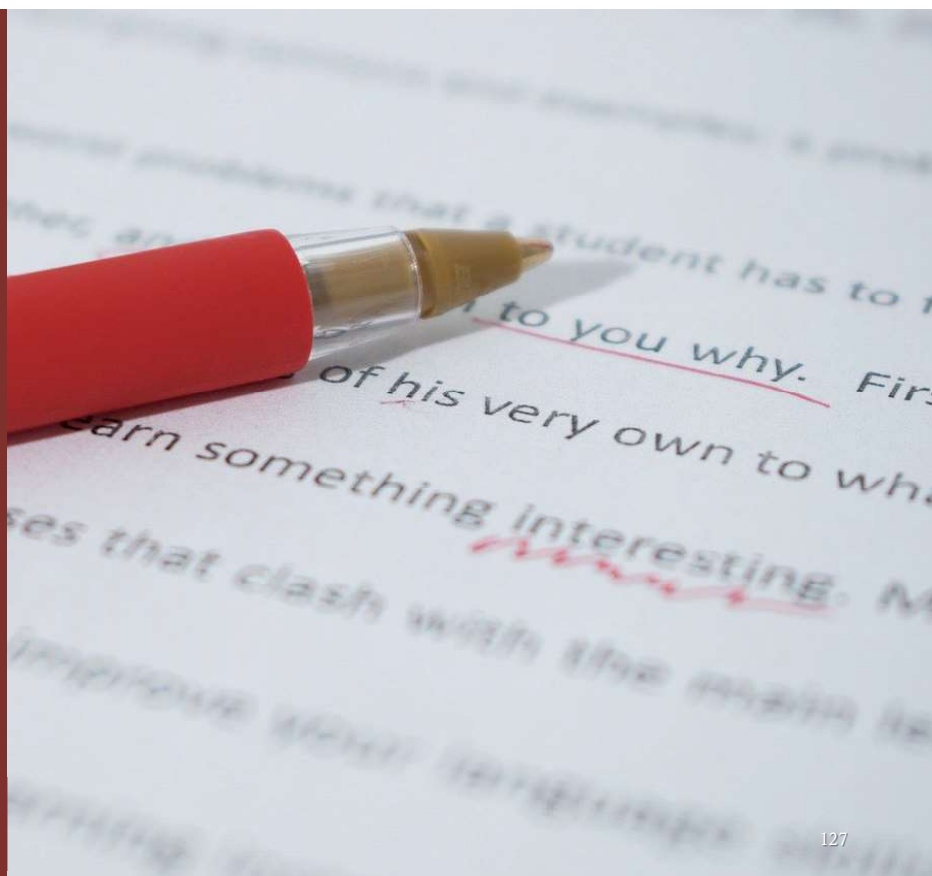


COMMON PITFALLS WITH NOTICES OF ALLEGATION & INVESTIGATION

- Dates - incorrect or not broad enough
- Description of behaviors is too specific or too narrow
- Typos
- Poor grammar

CASE STUDY - THE NOTICE OF INVESTIGATION LETTERS

© 2025 D. Stafford & Associates



INFORMING THE RESPONDENT



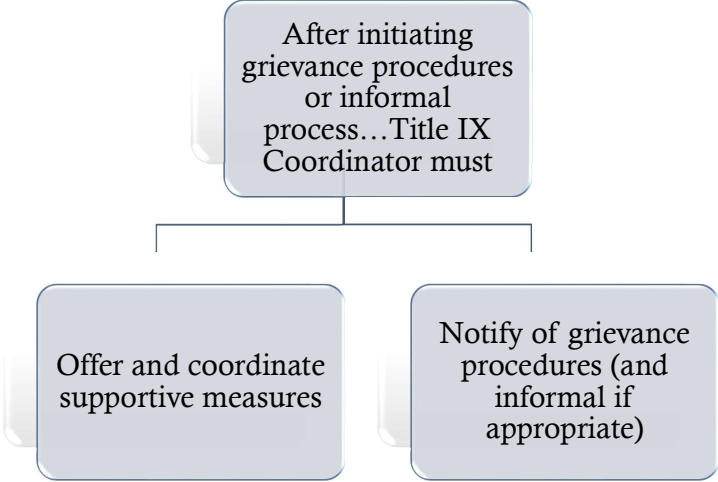
 D. STAFFORD
ASSOCIATES

© 2025 D. Stafford & Associates

128



TITLE IX COORDINATOR OUTREACH DUTIES TO RESPONDENT



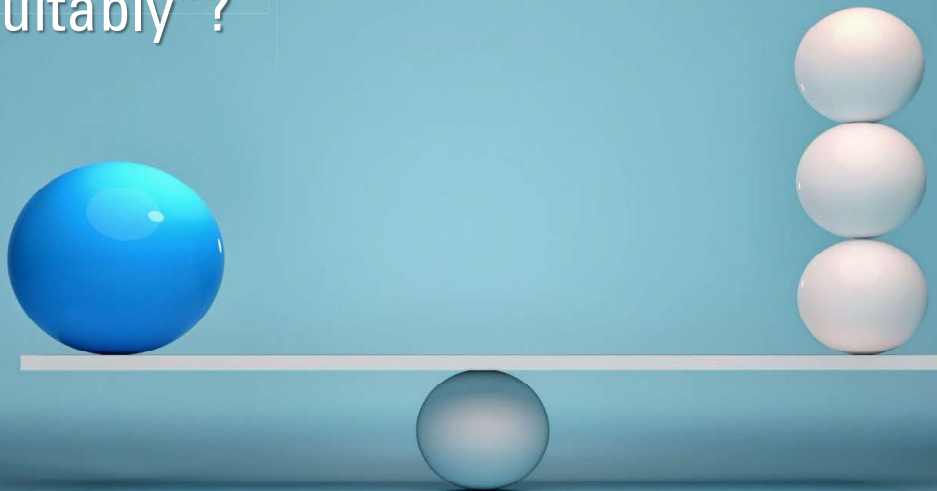
CASE STUDY - MEETING WITH THE RESPONDENT

© 2025 D. Stafford & Associates



131

How do we treat
the parties
“equitably”?

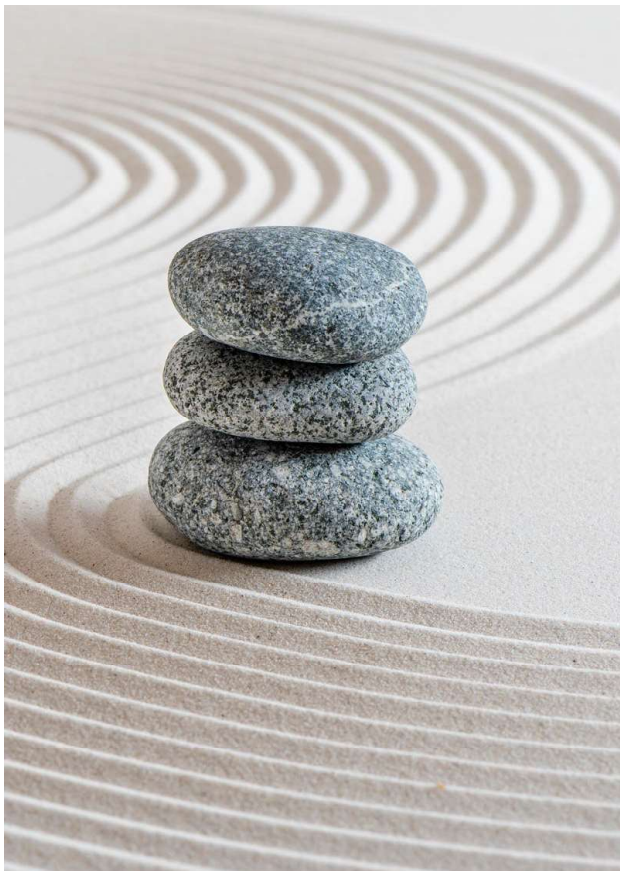


© 2025 D. Stafford & Associates

132



INVESTIGATIONS



COURSE AGENDA

- The Investigator
- Sex-based Harassment
- Unwelcome Conduct & Consent
- Investigative Strategy & Evidence Collection
- Interviewing
- Trauma & The Interview
- Evidence Evaluation
- Reports

THE INVESTIGATION



ADEQUATE, RELIABLE, & IMPARTIAL INVESTIGATION

- Burden is on the institution to conduct the investigation
- Provide an equal opportunity for the parties to present fact witnesses and relevant evidence
- Identify what evidence is relevant to the allegations and not otherwise impermissible
- Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not other impermissible



INVESTIGATIONS

- Burden of information gathering rests on the institution
- Cannot restrict parties from discussing the allegations with others
- Cannot restrict parties from gathering and presenting relevant evidence

INVESTIGATIONS "MUSTS"



Provide notice of meetings, time to prepare



Provide an opportunity for the parties to present evidence, including fact witnesses



Allow advisor of choice



Allow reasonable extensions of time



Provide party and advisor access to evidence (2020 - any, 2024 - relevant)



Create an investigative report that summarizes relevant evidence

ADVISOR OF CHOICE



May be but is not required to be an attorney



May accompany to any meeting or proceeding



Institution may restrict participation



Receives access to evidence and report



Must conduct cross-examination at hearing

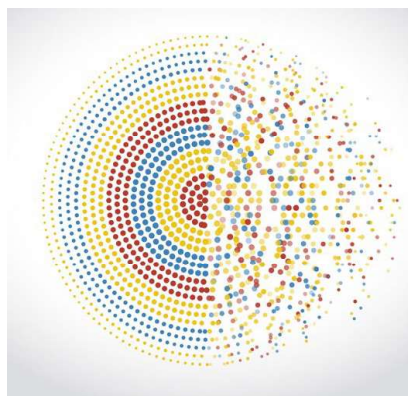
Characteristics of a Great Investigator



CREDIBILITY OF THE INVESTIGATION



INVESTIGATOR PITFALLS



CONFLICT OF INTEREST OR BIAS

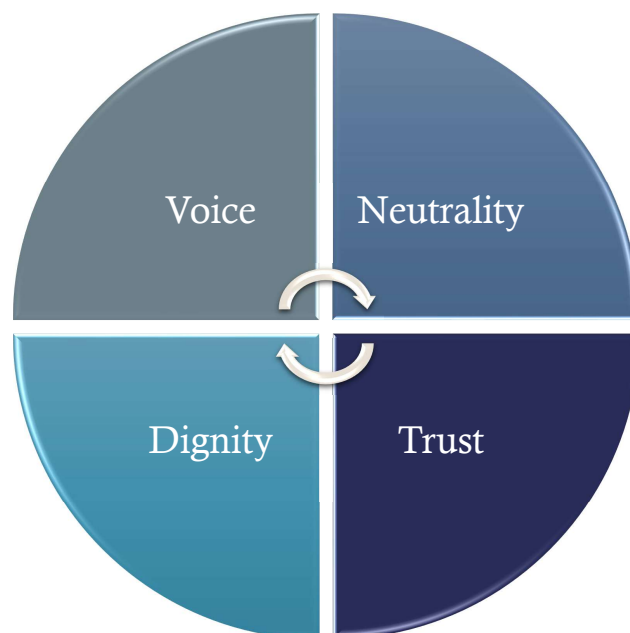
Generally



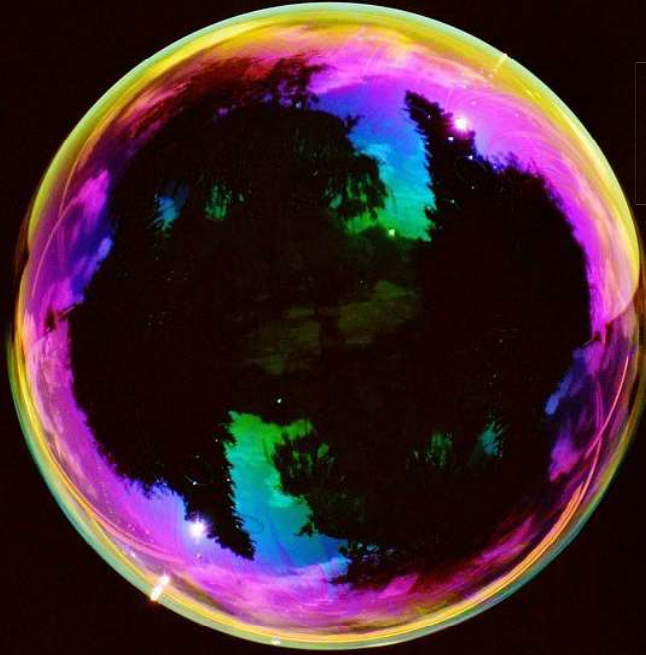
Individually



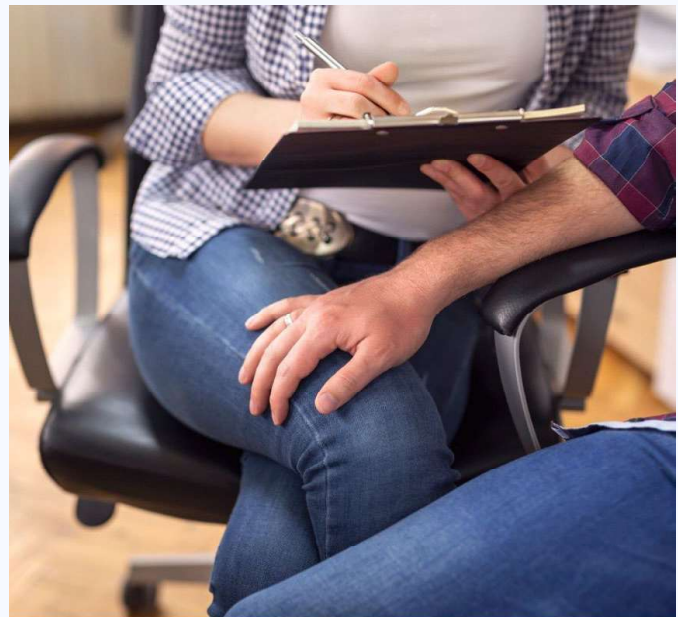
PROCEDURAL FAIRNESS



The Investigation Bubble



UNWELCOME CONDUCT & CONSENT



“Unwelcome conduct” vs. “without consent”

Unwelcome conduct: Quid pro quo,
hostile environment, and stalking
Without consent: Sexual assault

UNWELCOME CONDUCT



WHEN DOES CONDUCT BECOME UNWELCOME?

Invited



Uninvited but welcome



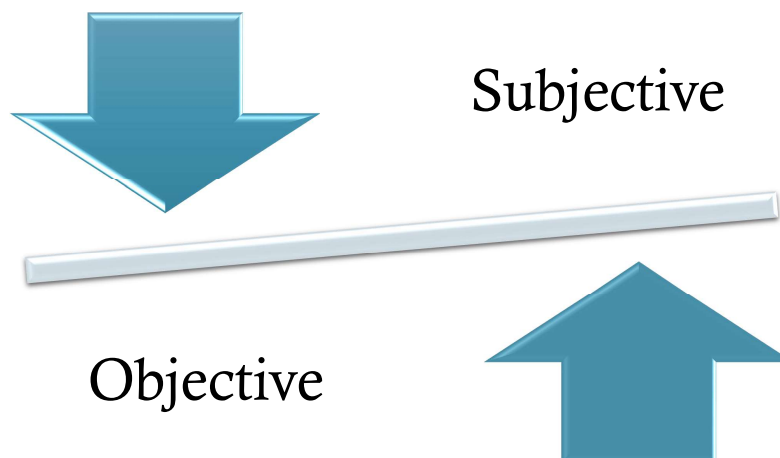
Offensive but tolerated



Flatly rejected



TESTING FOR UNWELCOMENESS



CONSENT



CONSENT

Sexual
Permission

Verbal or
Nonverbal

Absent if force
or incapacitation

FORCE

© 2025 D. Stafford & Associates



153



© 2025 D. Stafford & Associates

154

INCAPACITATION

© 2025 D. Stafford & Associates

Photo by Joyce Romero on Unsplash



INCAPACITATION - SAMPLE DEFINITION

Incapacitation is the physical and/or mental inability, whether temporary or permanent, of an individual to make rational, reasonable decisions, or judgments regarding one's well-being or welfare.



Alcohol



Drugs



Disability



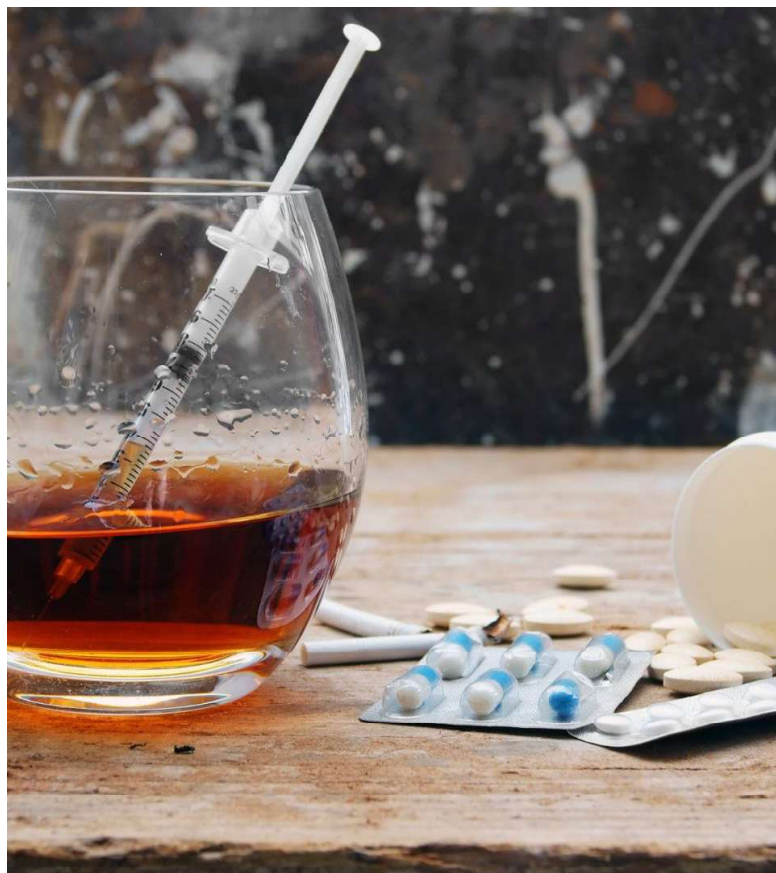
Other

TWO-STEP DETERMINATION

Was the
complainant
incapacitated?



Did the respondent
(or would a
reasonable person)
know?



ALCOHOL &
OTHER DRUGS

SUBSTANCE USE AND SEX

“...analysis of SHIFT survey data showed that two-thirds of sexually active students who had sex in the prior three months reported some substance use prior to or during sex.”

Jennifer S. Hirsch & Shamus Khan. “Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus.”

SHIFT survey = Alexander Wamboldt et al., “Wine Nights, ‘Bro-Dinners,’ and Jungle Juice: Disaggregating Practices of Undergraduate Binge Drinking,” *Journal of Drug Issues*, 2019, 49(4): 643–67.

HALLUCINOGENS AND OPIOIDS

Hallucinogens

- Change how the world is perceived
- Colors, sounds, movement and time are all experienced in an altered state of mind

Opioids

- Block pain by sealing off the receptors that trigger the sensation
- Provide a sense of euphoria

STIMULANTS AND DEPRESSANTS

Stimulants (Uppers)

- Raise levels of physiological or nervous activity in the body
- Enhance alertness, concentration, and energy

Depressants (Downers)

- Inhibit the function of the central nervous system
- Reduce intrusive thoughts, providing a sense of relaxation

ALCOHOL STANDARD MEASUREMENTS



12 oz. of beer



4-5 oz. of wine



1.5 oz. and 80 proof of
liquor

HOW DO COLLEGE STUDENTS MEASURE THEIR DRINKS?

Hint: They don't!

© 2025 D. Stafford & Associates



Levels of Alcohol/Drug Consumption

© 2025 D. Stafford & Associates

164



IMPAIRMENT

- The state of being diminished or weakened due to the consumption of alcohol
 - Begins as soon as alcohol enters the bloodstream
 - Increases with consumption of alcohol
-

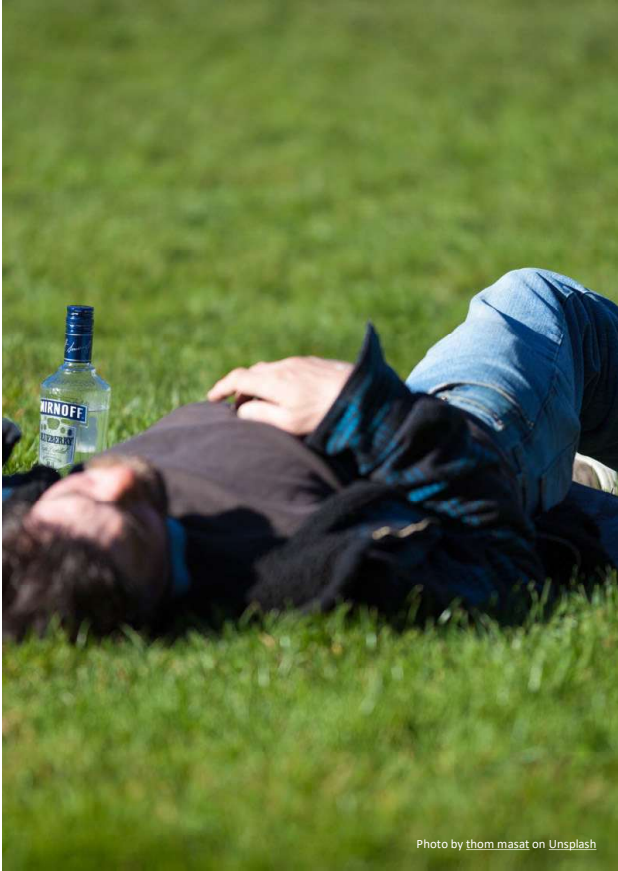
165



INTOXICATION

- An act or instance of inebriation, drunkenness
 - Intoxication is legally met when an individual's blood alcohol level reaches .08 or greater
-

166



INCAPACITATION

- So impaired as to be incapable of giving consent
 - Lacking the capacity to consent
 - If a person cannot understand the nature of the proposed act or cannot understand they have a right to refuse or are otherwise unaware that the activity is occurring
-

167

BLACKOUTS

Fragmentary Blackout

Also known as
“grayout” or
“brownout”

Gaps in memory with
some level of
recollection

En Bloc Blackout

No recollection of
events

What about
“passed
out”?



© 2025 D. Stafford & Associates

169



ASKING ABOUT INCAPACITATION

Context

Timelines
Location
Respondent's role
Witnesses
Other factors (e.g., food)

Alcohol

Type(s) of alcohol
Alcohol content
Quantity
Pace

Behaviors

Baseline
Presenting behaviors
Witness observations
Party observations

"Unwelcome Conduct & Consent"



© 2025 D. Stafford & Associates

171

D. STAFFORD
& ASSOCIATES

TRAUMA



© 2025 D. Stafford & Associates

172

Stress



Trauma



TYPES OF TRAUMA



Acute



Chronic



Complex



Secondary



Adverse Childhood
Experiences (ACE)



Historical/
intergenerational
trauma

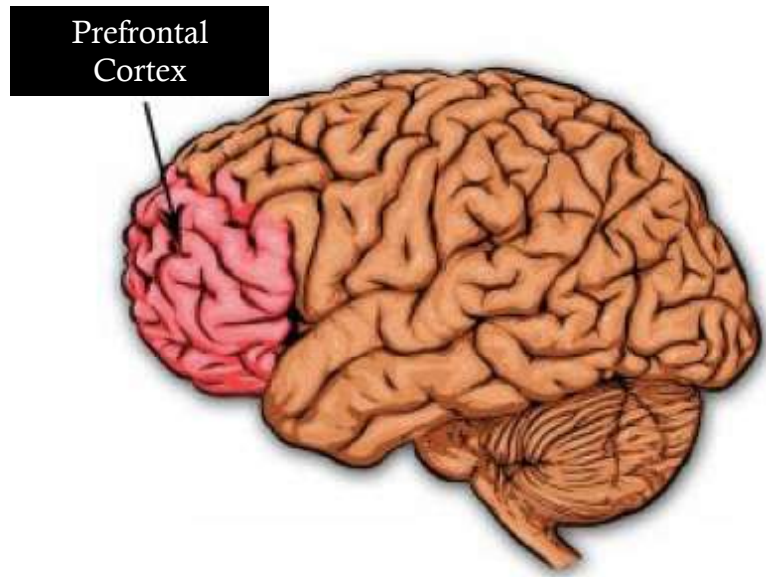
IMPACT OF TRAUMA



DURING THE TRAUMATIC EVENT: NEUROBIOLOGY



THE PREFRONTAL CORTEX



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)



DEGRADED PREFRONTAL CORTEX



Alcohol

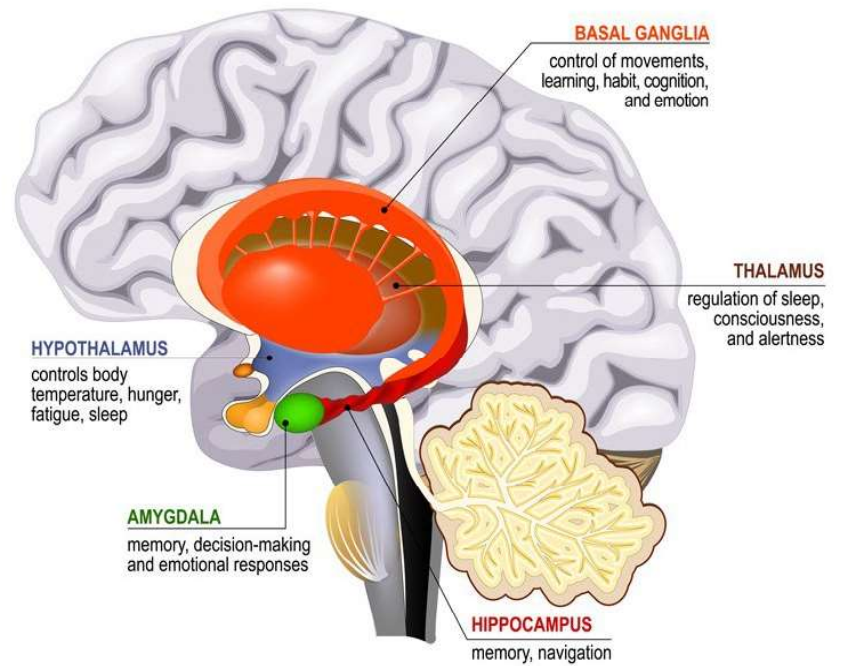


Age



Prolonged stress
exposure

THE LIMBIC SYSTEM



THE BODY'S RESPONSE TO FEAR



Heart



Lungs



Muscles



Prefrontal
Cortex



Eyes



Stomach



Skin

RESPONSE



Habit



Reflex

IMMEDIATELY
AFTER THE
TRAUMATIC
EVENT:
MEMORY



MEMORY



MEMORY ENCODING



Central Details



Peripheral Details



Time and Context

TRAUMA MEMORY ENCODING



Sensory



Emotional



Flashbulb
memories

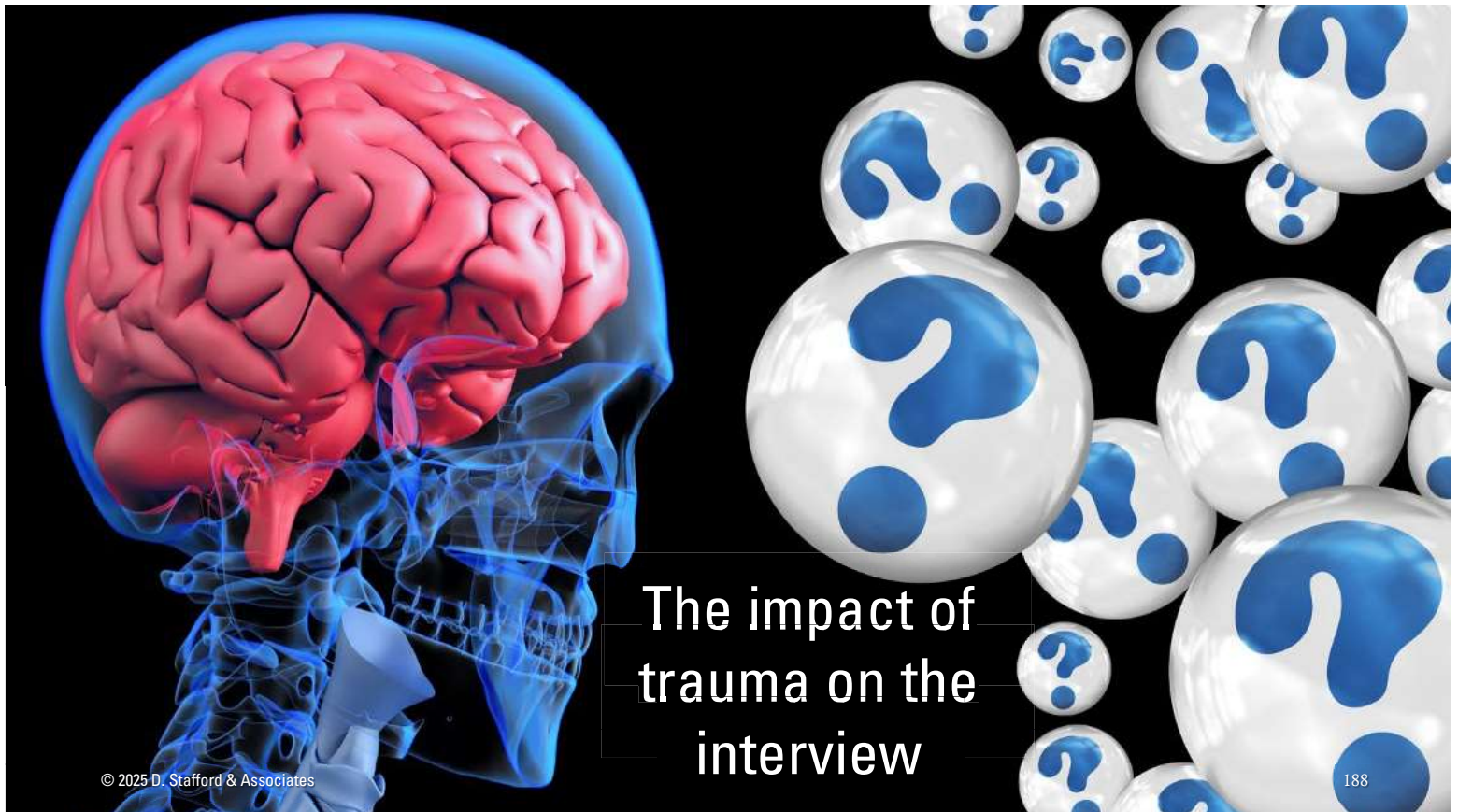


LONG TERM RESPONSE: IMPACT

© 2025 D. Stafford & Associates



187



The impact of
trauma on the
interview

© 2025 D. Stafford & Associates

188

PRESENTATION STYLES



AVOIDING RE-TRAUMATIZATION



Be aware of safety and well-being



Maintain privacy and confidentiality



Keep the parties up to date



Treat ethically and with dignity

QUESTION FORMAT



Tone



Phrasing



Open-ended



Safe



Judgment-
free

INTERVIEW TECHNIQUES



Clarify linear
information



Use sensory
prompts



Ask for feelings
and emotions



Understand
statement
variations

IMPARTIAL INVESTIGATIONS



Consistent application

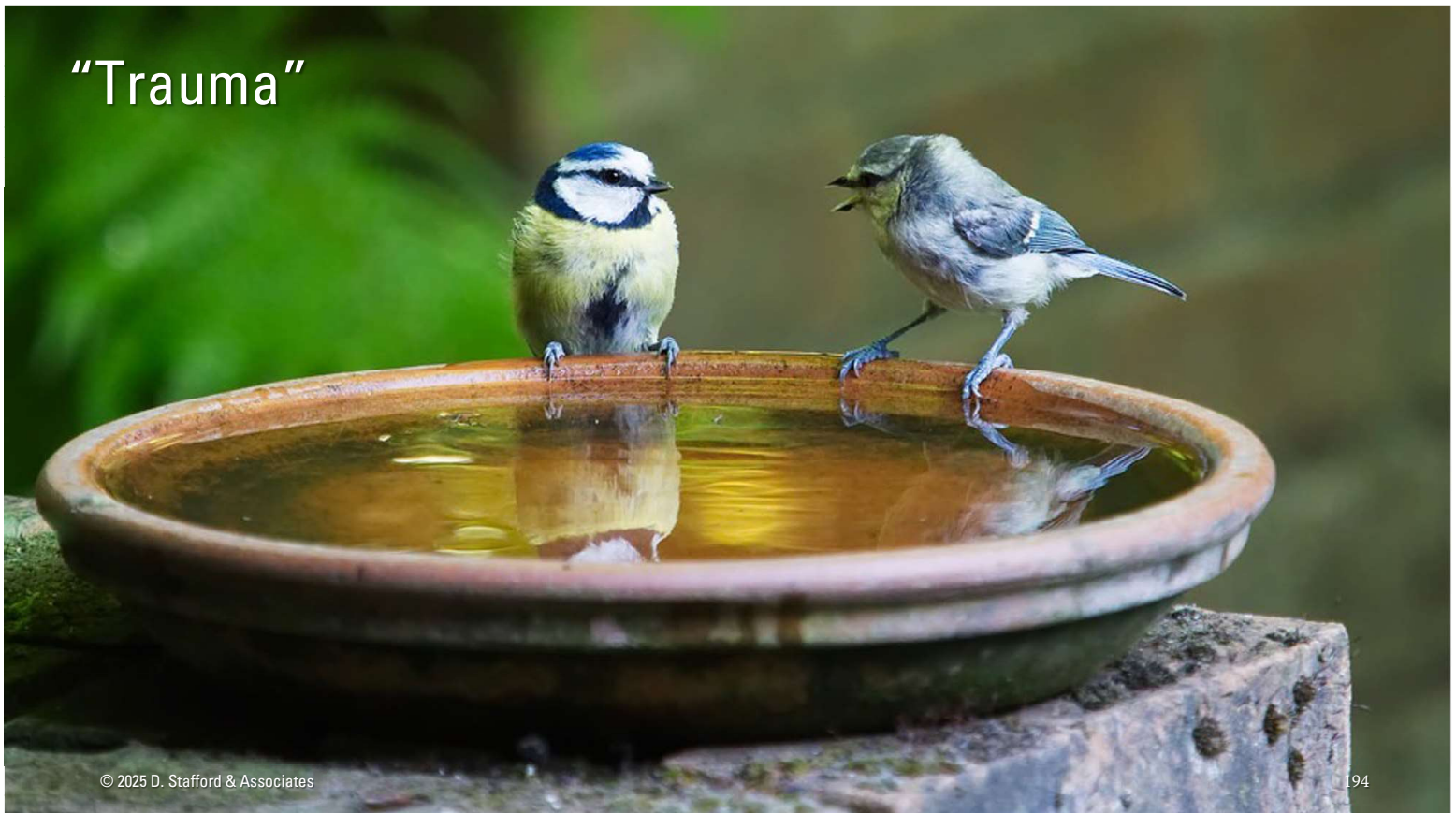


Ask clarifying
questions

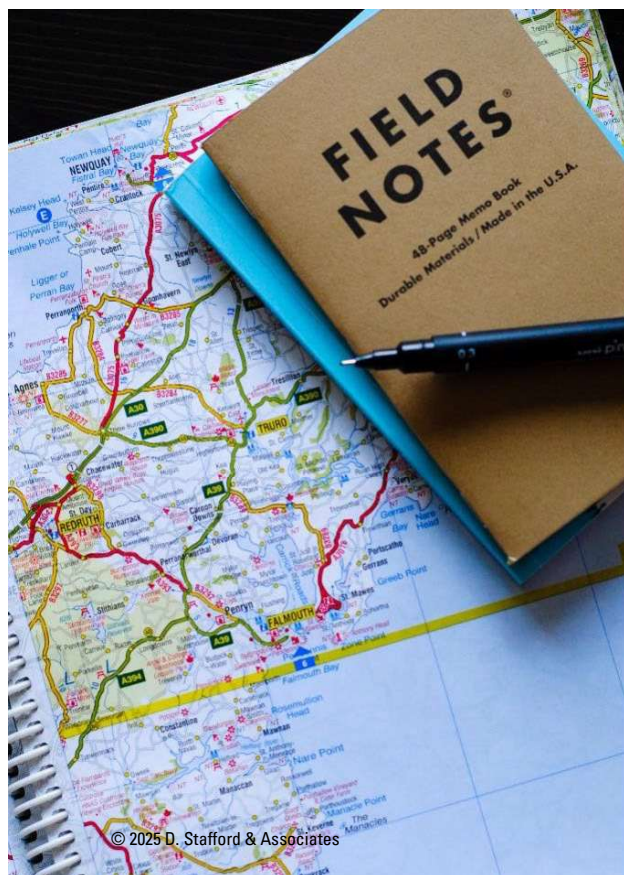
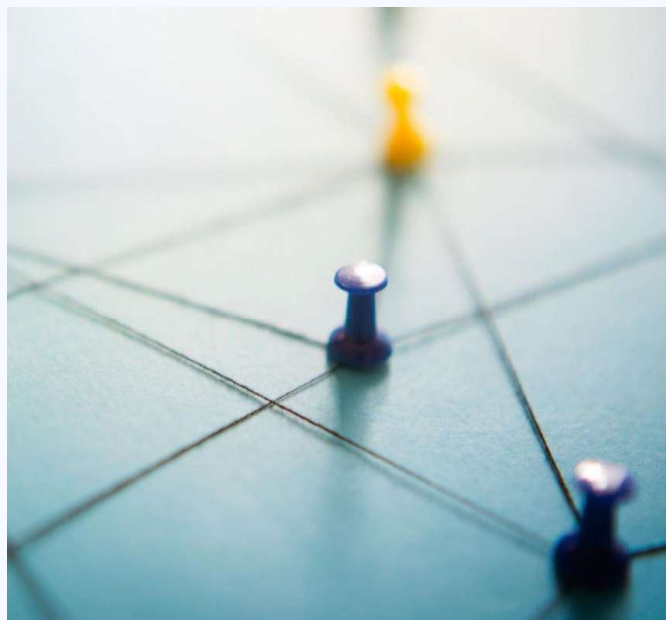


Avoid bias

“Trauma”



INVESTIGATIVE STRATEGY & EVIDENCE COLLECTION



INVESTIGATION ROAD MAP



DEVELOPING AN INVESTIGATIVE STRATEGY



© 2025 D. Stafford & Associates

197

INVESTIGATIVE STRATEGY



Scope



Methodology



Preparation



Challenges



SCOPE



Notice of Allegation



Notice of Investigation



Policy Definitions



Rights of the Parties



METHODOLOGY



File Management



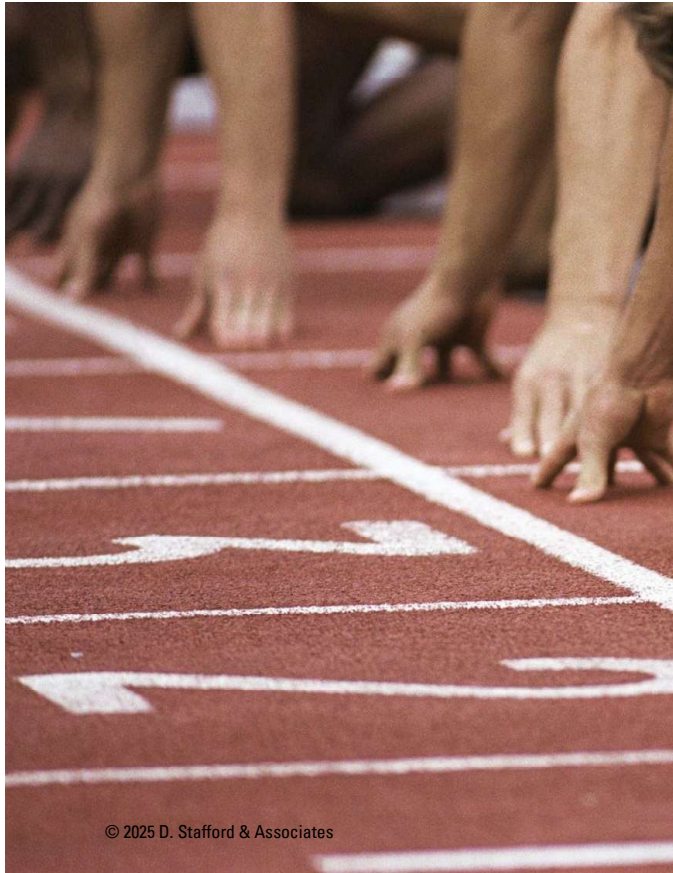
Liaisons



Logistics



Internal Communications



© 2025 D. Stafford & Associates

PREPARATION



Review Complaint



Research



Draft Questions



Initial Evidence Collection

201



Photo by Iwona Castiello d'Antonio on Unsplash

Investigative Case File

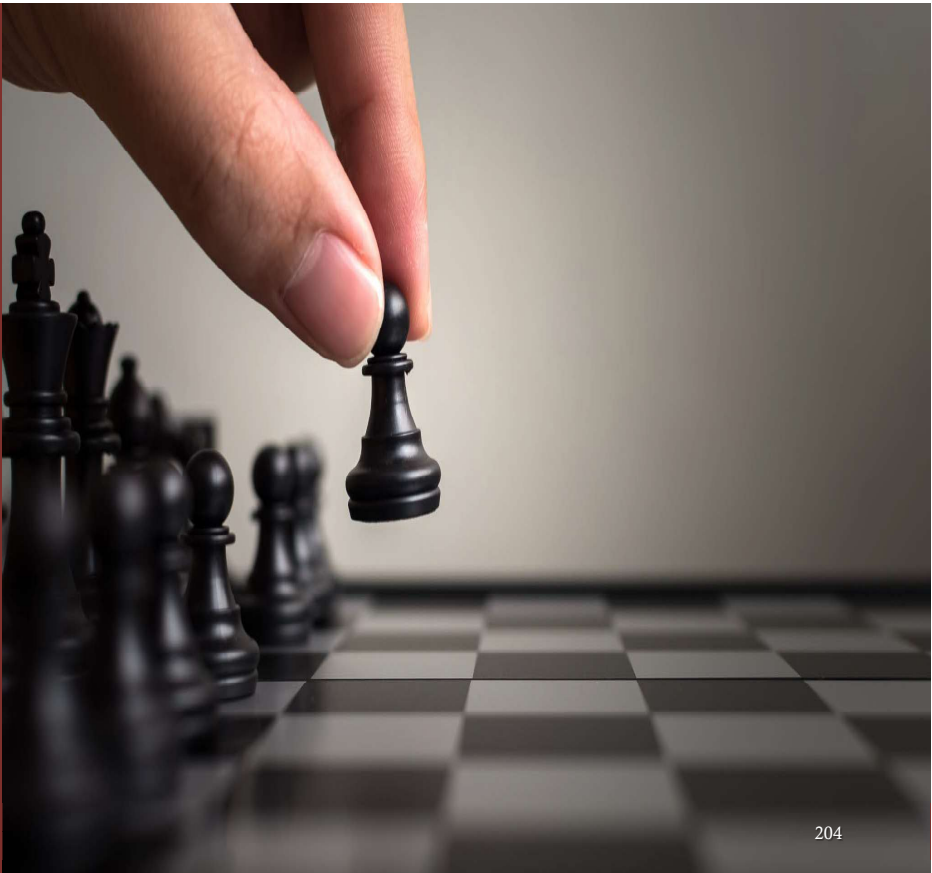
© 2025 D. Stafford & Associates

202



Investigation Challenges

CASE STUDY - INVESTIGATIVE STRATEGY



EVIDENCE COLLECTION



© 2025 D. Stafford & Associates

205

EVIDENCE REQUIREMENTS

1

Provide an equal opportunity to present fact witnesses and evidence

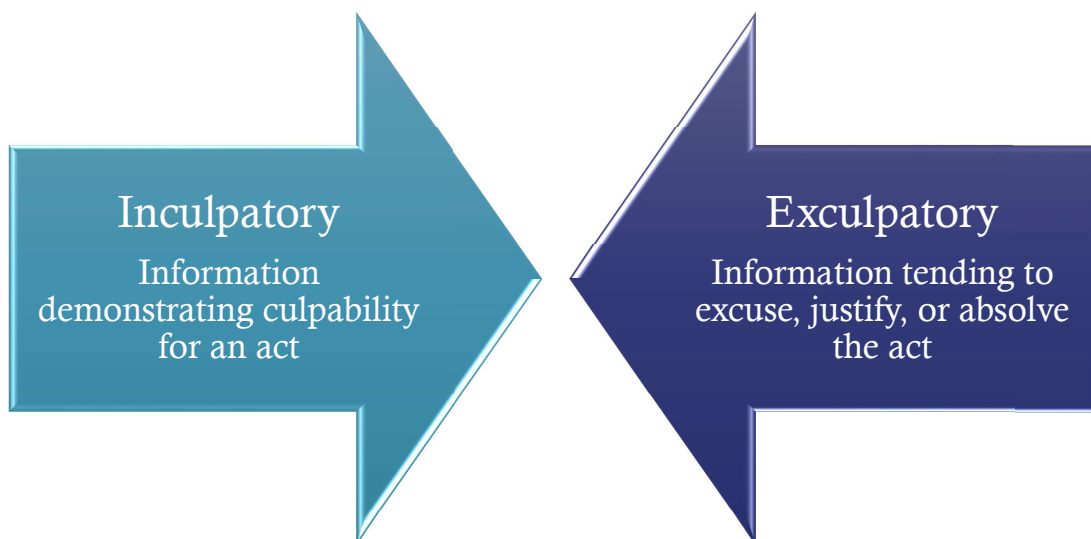
2

Provide an equal opportunity for each party to inspect and review the evidence and respond

3

Investigator must determine relevant and permissible evidence

EVIDENCE



EVIDENCE THAT MUST BE EXCLUDED



Protected by Privilege

- Unless voluntarily waived



Records Connected to Treatment

- Unless voluntary, written consent



Complainant's Sexual Interests or Prior Sexual Conduct

- Unless offered to prove that someone else committed the conduct or about specific incidents offered to prove consent

TYPES OF EVIDENCE



Real evidence



Demonstrative



Documentary



Testimonial

PROVIDERS OF EVIDENCE



Parties



Witnesses

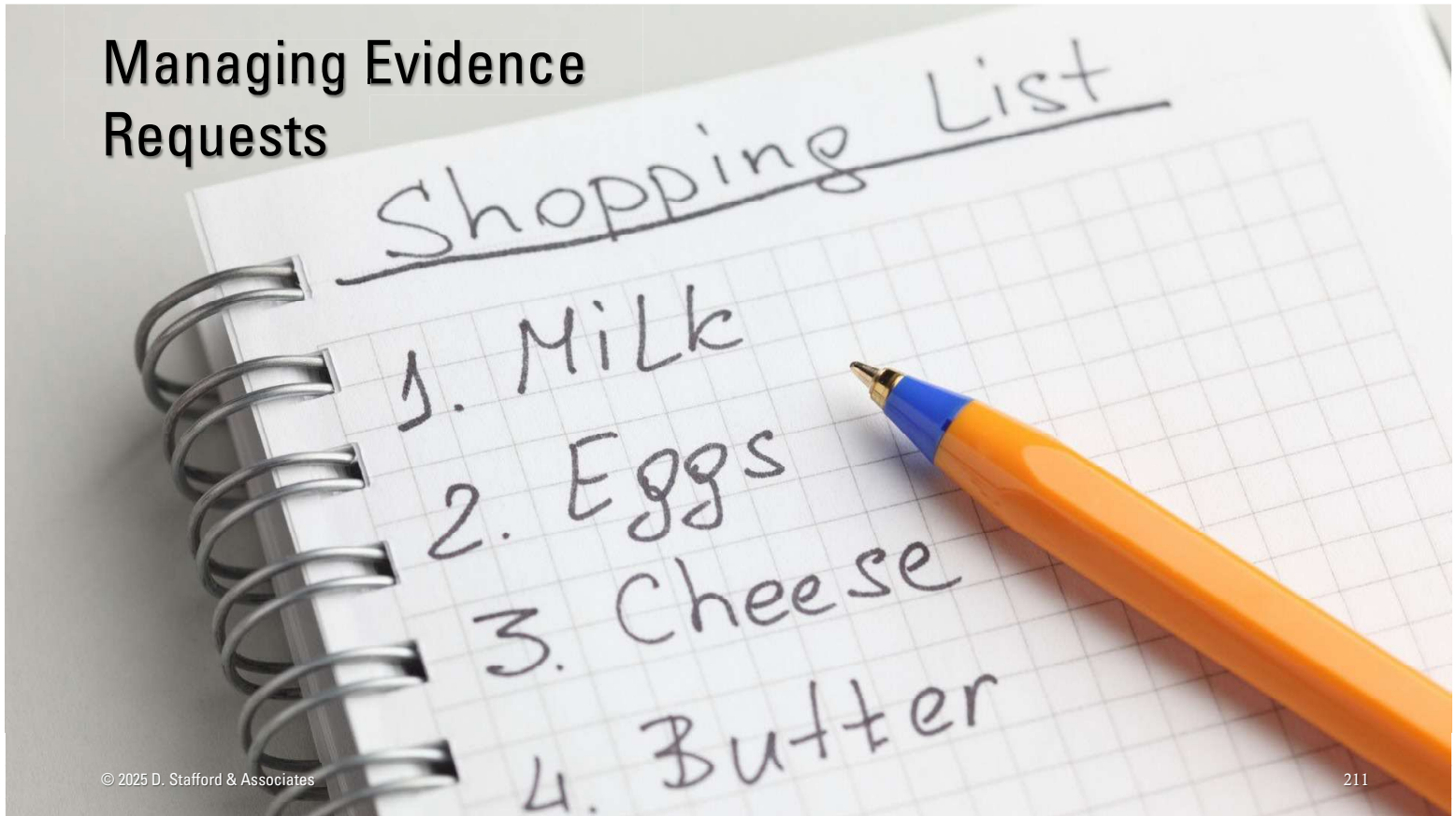


Institution



Investigators

Managing Evidence Requests



EXAMPLES OF EVIDENCE

Photographs

Text messages

Social media/dating
apps

Documents (memos,
letters, notes)

Voicemail

Phone logs

Guest lists

Investigator-created
evidence

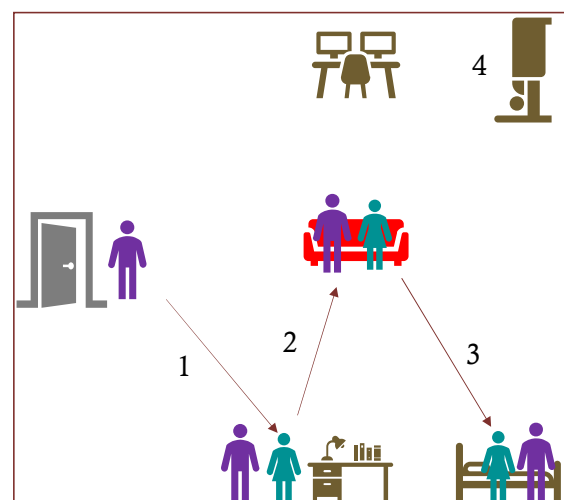
FLOORPLANS



INVESTIGATOR-CREATED EVIDENCE

During the Complainant's interview, the Complainant drew a model demonstrating the movements of the parties:

1. The Respondent arrived and went over to the Complainant who was at her desk.
2. The Respondent and Complainant moved to the couch and watched a movie.
3. The Complainant woke up as the Respondent was carrying her to her bed.
4. The roommate was in her bed across the room.



INCIDENT TIMELINE

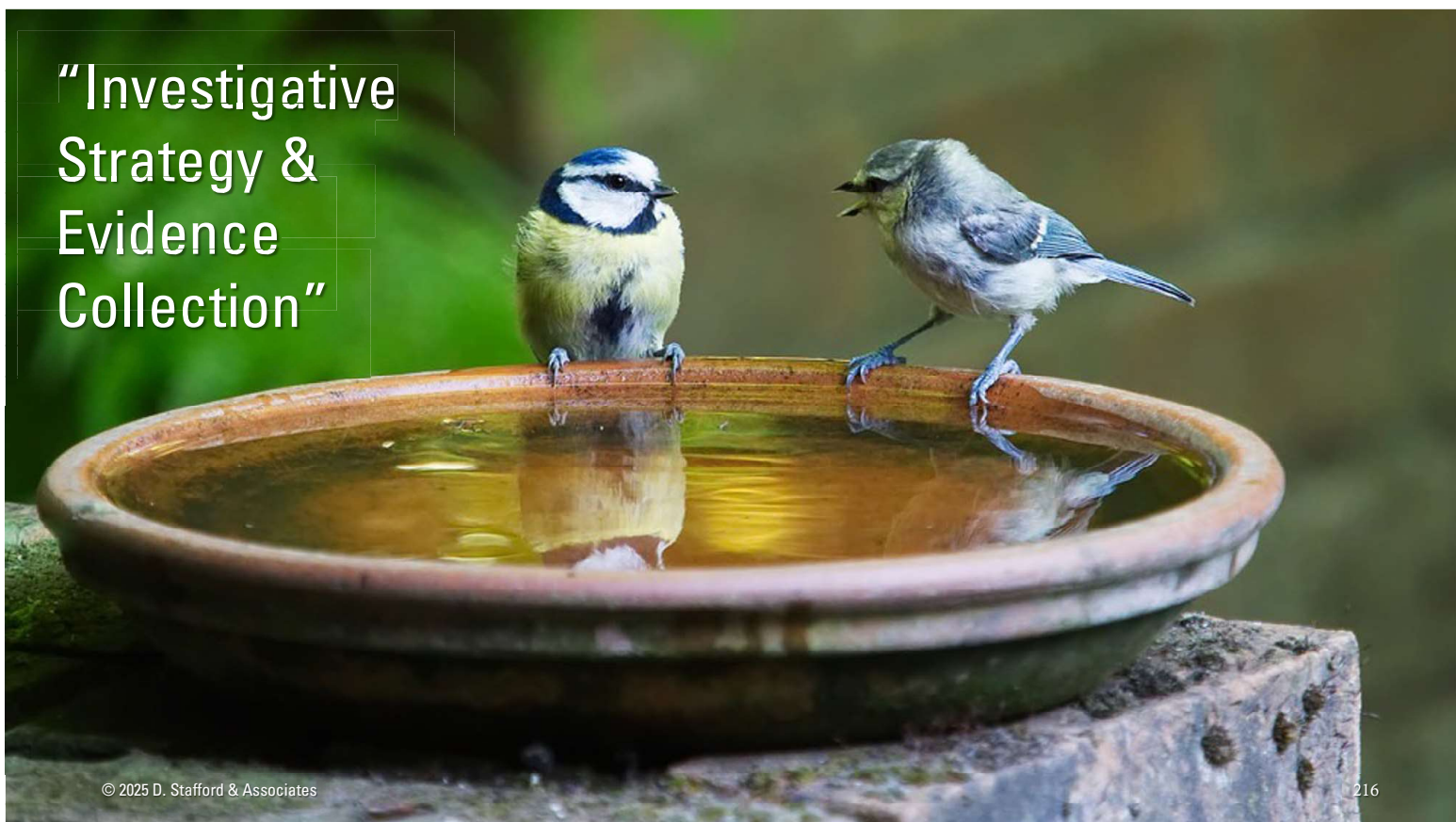
© 2025 D. Stafford & Associates

Photo by airfocus on Unsplash



215

"Investigative Strategy & Evidence Collection"



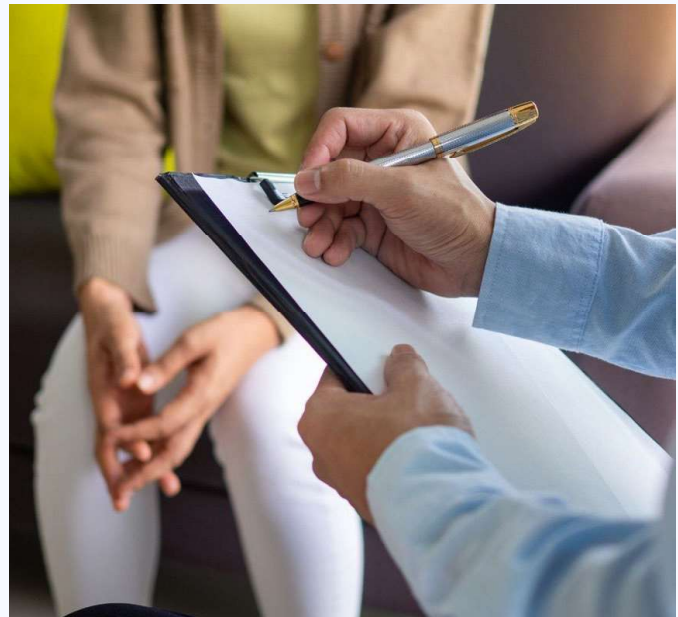
© 2025 D. Stafford & Associates

216

INTERVIEWING



INTERVIEWING BASICS



INTERVIEWS



Testimonial Evidence



Conversation



Structured

THE INTERVIEWEES

Complainant

Respondent

Witness

KEYS TO A GREAT INTERVIEW

© 2025 D. Stafford & Associates



221



PREPARATION

Logistics	Procedures (communication, scheduling)
	Notice documents
	Case file
Research	Policy review
	Preliminary evidence
	Topics of inquiry
Pre-drafted questions	Background
	Narrative
	Case specific

222



COMFORTABLE ENVIRONMENT

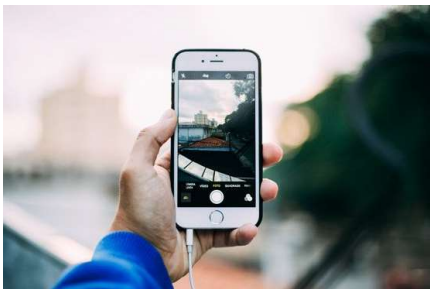
- The space
- Investigative tools
- Coping items
- Safety measures



223

HELPFUL PROMPTS

Recreate the Scene



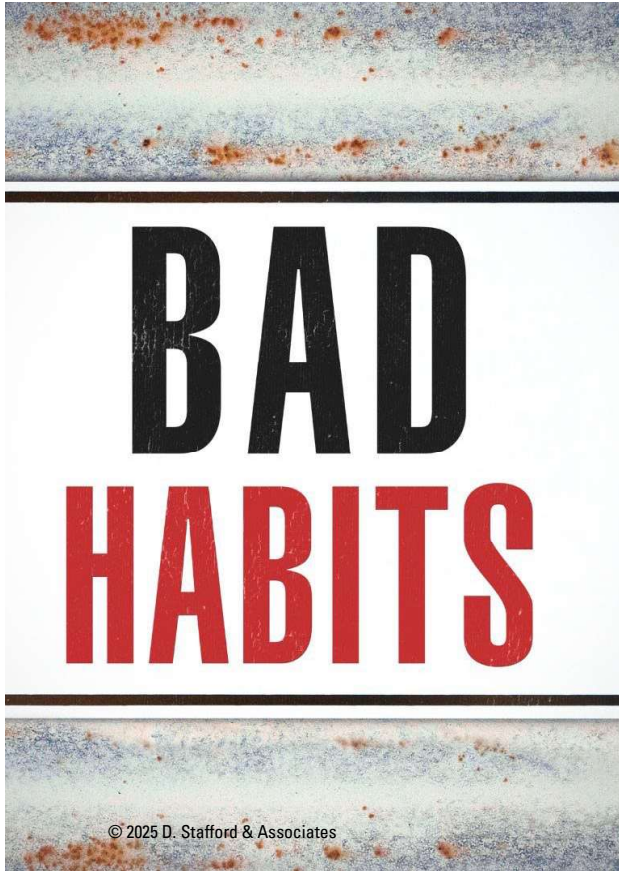
Physical Space



Sensory



224



AVOID BAD HABITS

- Interrupting
- Asking two questions at once
- Not listening for the answer
- Avoiding the hard questions
- Not focusing on the elements

225



BE FULLY PRESENT

- Treat the interviewee ethically and with dignity
- Be non-judgmental and non-adversarial
- Be objective - you are not “making a case” or pushing a theory
- Adjust and adapt

226

THE INTERVIEW



© 2025 D. Stafford & Associates

227

THE D. STAFFORD INTERVIEW OUTLINE



Preliminaries

Background

Narrative

Clarification

Case Questions

Closing

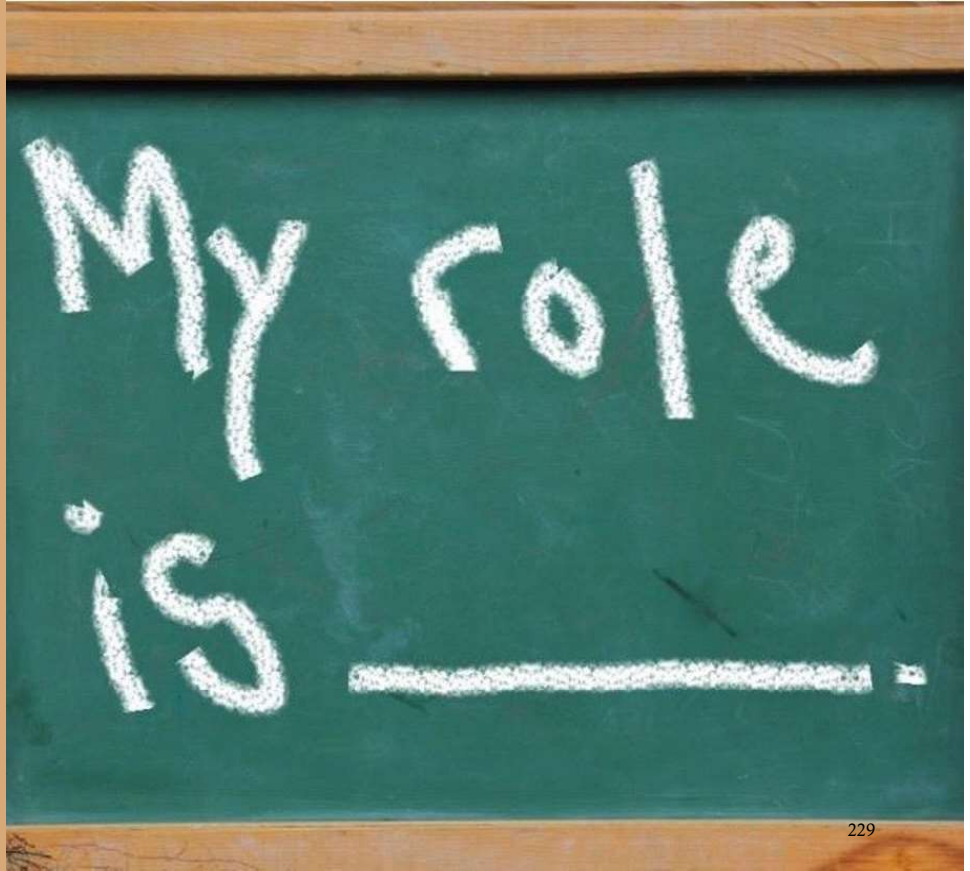
Self Evaluation

© 2025 D. Stafford & Associates

228

PRELIMINARIES: You do the talking

© 2025 D. Stafford & Associates



229

BACKGROUND: Build the rapport

© 2025 D. Stafford & Associates



230

NARRATIVE: The big question

© 2025 D. Stafford & Associates



CLARIFICATIONS: Filling in the holes

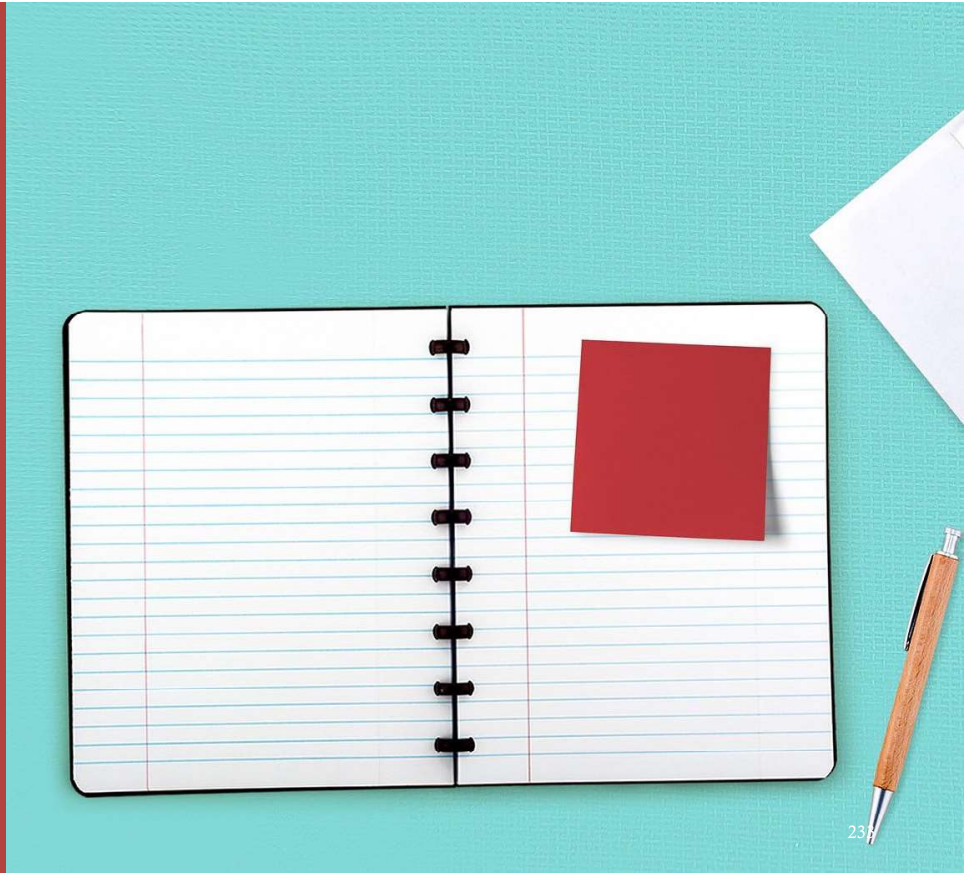
© 2025 D. Stafford & Associates



232

CASE QUESTIONS: The pre-drafted must asks

© 2025 D. Stafford & Associates



CLOSING: Loose ends

© 2025 D. Stafford & Associates



234

SELF EVALUATION: How did it go?

© 2025 D. Stafford & Associates



INTERVIEW NOTES



D. STAFFORD
ASSOCIATES

© 2025 D. Stafford & Associates

236

CAPTURING THE INTERVIEW



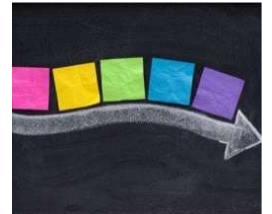
Transcription



Q & A



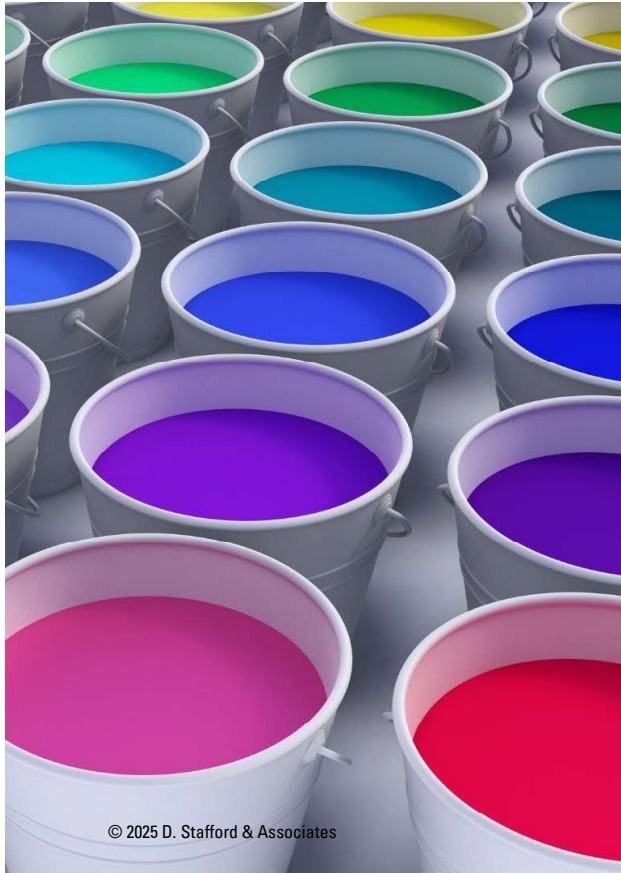
Meeting
Chronology



Incident
Chronology

INCIDENT CHRONOLOGY





INCIDENT CHRONOLOGY

- Ideal for investigative interviews
 - Events and themes are organized in a sequential manner by the event, not the meeting
 - Provides the interviewee's perspective not the interviewer's
 - No observations or analysis
-

EXAMPLE - CHRONOLOGICAL NARRATIVE

The Complainant stated she came back to her room on October 22, 2022 and found a flower bouquet outside of her room. There was an unsigned note that said, "Hope you are feeling better." Betty stated that she had not felt well the day before and skipped her classes. When asked how the Respondent knew she was sick, she stated that she posted about it on Instagram and "maybe he saw it there."

The Complainant stated that on October 24, 2022, she found another flower bouquet with a note at her door. The note stated, "You looked really pretty today."

KEYS TO A GREAT NOTE

© 2025 D. Stafford & Associates



241



Don't Bury the Lead

© 2025 D. Stafford & Associates

242





USING QUOTES

Added Value

- Increases the credibility of your notes
 - demonstrates listening and comprehension
- Provides an opportunity to highlight key points of the meeting
- Gives the interviewees a direct voice on important aspects
- Avoids the appearance of the interviewer having an opinion

Pitfalls

- Quoting for the sake of quoting
- Confuses the reader if there are too many quotes
- Giving importance to something that is irrelevant
- Disrupts the flow or clarity of your notes

EXAMPLE - THE CONVERSATION

Shelby (interviewer): Tell me about how much alcohol you had that night.

Betty (interviewee): I believe I had four to six shots of Pink Whitney Vodka.

Shelby: What did you use to drink the shots?

Betty: A shot glass that Riley had

EXAMPLE - PICK THE BEST OPTION

Version 1

- Betty stated she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 2

- Betty believed she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

Version 3

- Betty stated she "believed" she had four to six shots of Pink Whitney Vodka from Riley's shot glass.

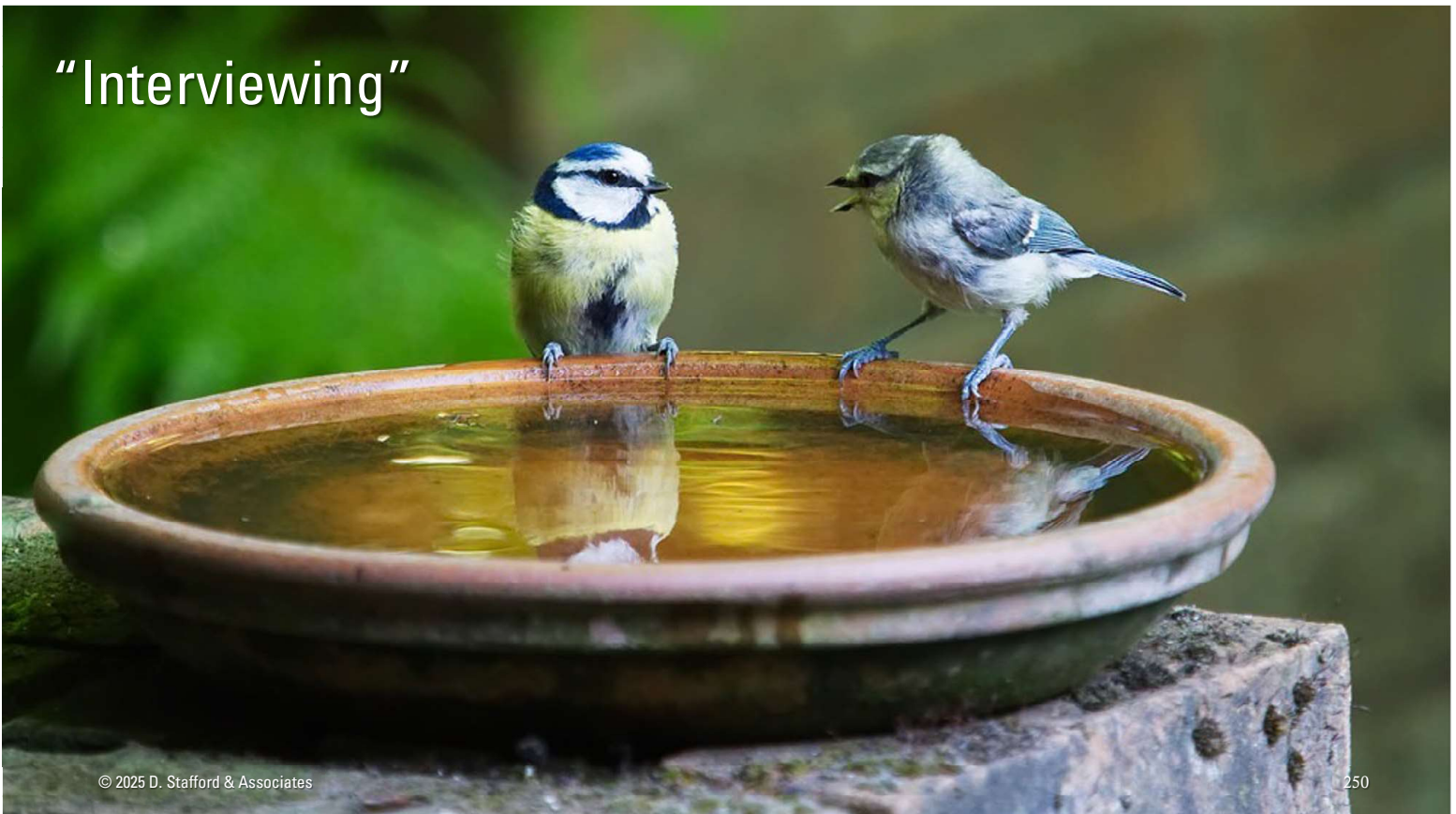
Version 4

- Betty stated, "I believe I had four to six shots of Pink Whitney Vodka." Betty stated she used one of Riley's shot glass.

SLANG AND OTHER INFORMAL WORDS

- Quote words or phrases that are slang, informal, or pejorative.
- Examples:
 - Riley stated Betty was “wasted.”
 - Betty stated that she could no longer live with her roommate because “she is unstable.”
 - Riley described Betty’s behavior as “creepy.”
- “Uncommon slang” may need a definition, either in the notes or as a footnote.

“Interviewing”



EVIDENCE EVALUATION



RELEVANCY



RELEVANCY

Makes a fact more
or less probable than
it would be without
the evidence

The fact is of
consequence in
determining the
action

KEY RELEVANCY POINTS

1

The evidence does
not need to be
conclusive

2

Is sufficient if it
constitutes a link in
the chain

3

Enough if in
connection with
other evidence,
helps *“a little”*

CREDIBILITY



CREDIBILITY OF THE STORY





Corroborating Evidence

What are some examples?

© 2025 D. Stafford & Associates

257



PLAUSIBILITY



Possible



Believable

© 2025 D. Stafford & Associates

258

CREDIBILITY OF THE STORYTELLER

© 2025 D. Stafford & Associates



259

What motivates a
storyteller?

© 2025 D. Stafford & Associates

260



What impacts our
ability to perceive?



DO THESE IMPACT CREDIBILITY?

Past
Behaviors

Post-
Incident
Behavior

Character

Interview
Demeanor

Identity

DECEPTION



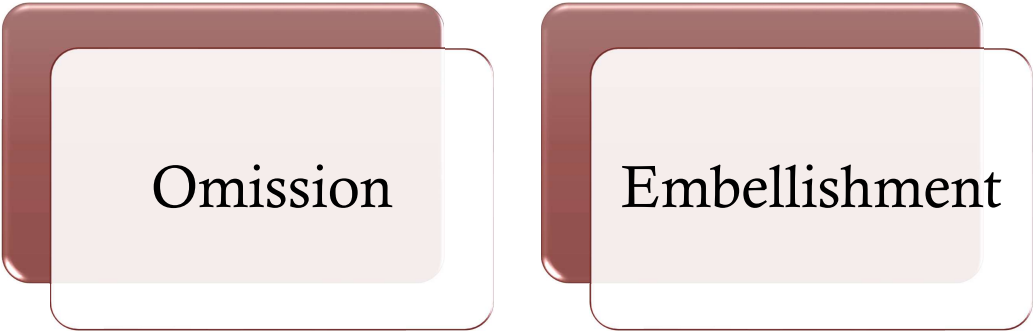
Why are we so poor at detecting deception?

© 2025 D. Stafford & Associates

265



TRUTHFULNESS



EXAMINING TRUTHFULNESS



Repeat v.
Reconstruct



Get them to
talk



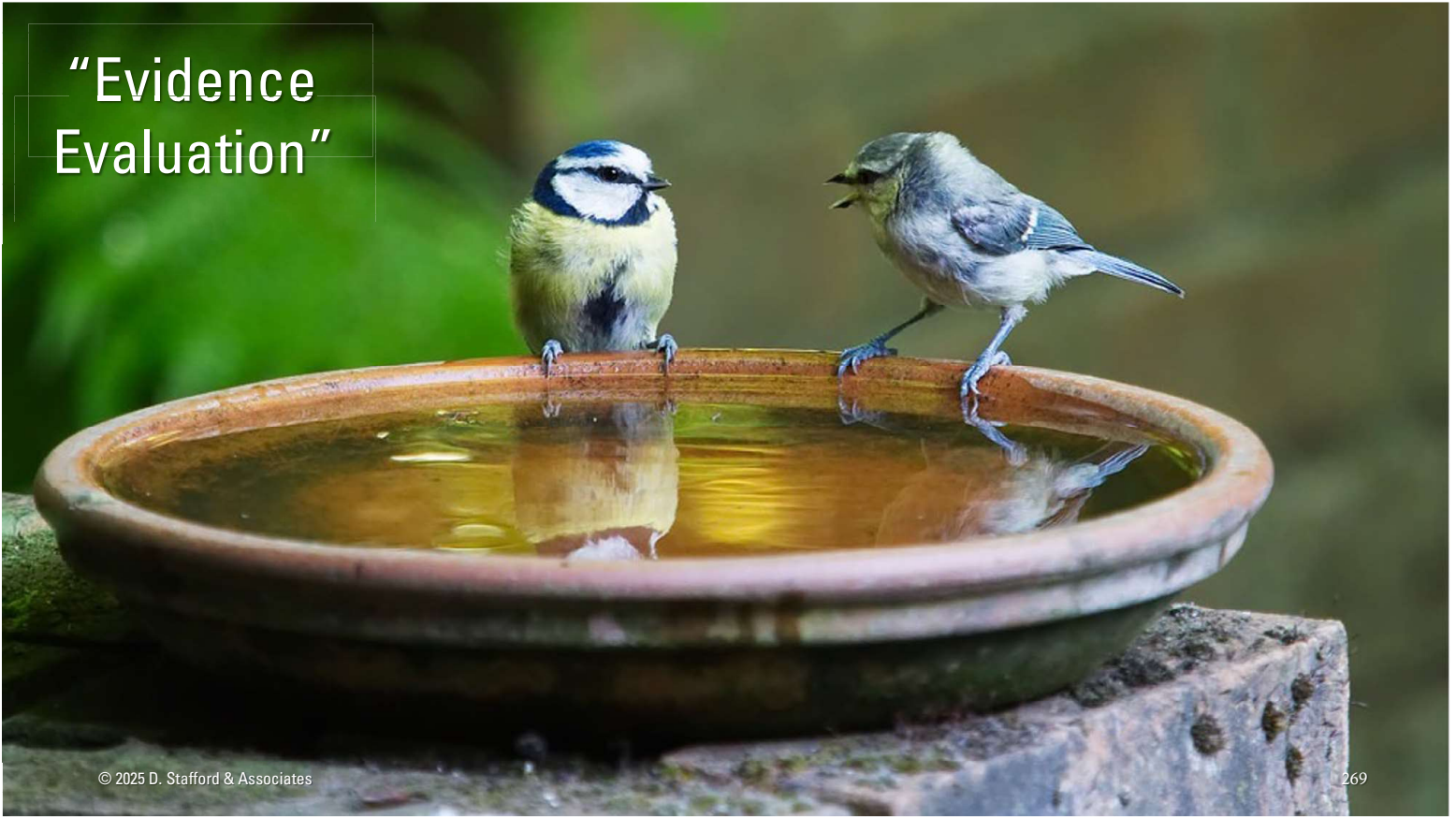
Consistency



Details

DID THEY
ANSWER THE
QUESTION?

"Evidence Evaluation"



© 2025 D. Stafford & Associates

269

 D. STAFFORD
& ASSOCIATES

EVIDENCE REVIEW & THE FINAL REPORT



© 2025 D. Stafford & Associates

270

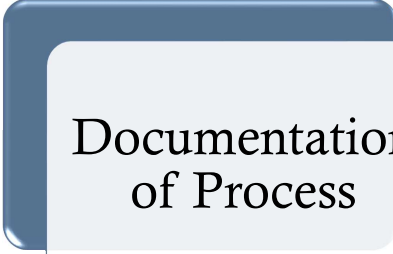


EVIDENCE REVIEW

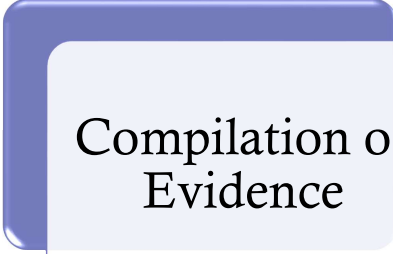
- Each party and advisor will receive all evidence obtained that is directly related to the allegations, including evidence that may not be relied on to make a decision.
 - The parties have 10 calendar days to submit a written response to the investigator.
 - In writing the report, the investigator will consider the responses and the evidence obtained.
-

271

REPORT PURPOSES



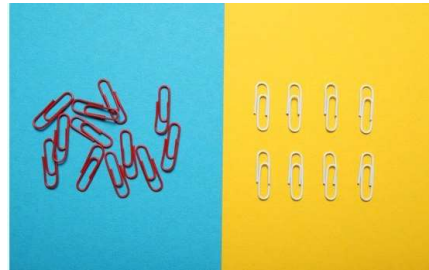
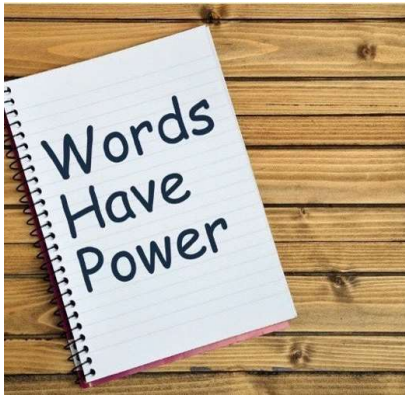
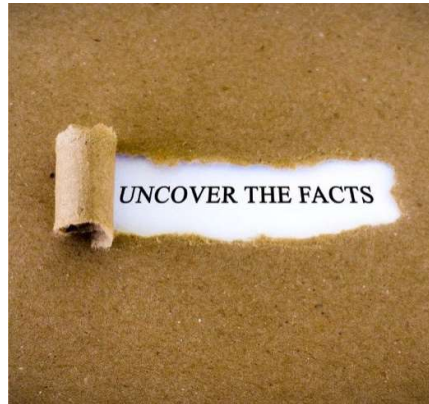
Documentation
of Process



Compilation of
Evidence



Summary of
Facts



ELEMENTS OF A GOOD REPORT

PROOFREAD

☒ SPELLING

☒ GRAMMAR

☒ ACCURACY

CASE STUDY - THE REPORT

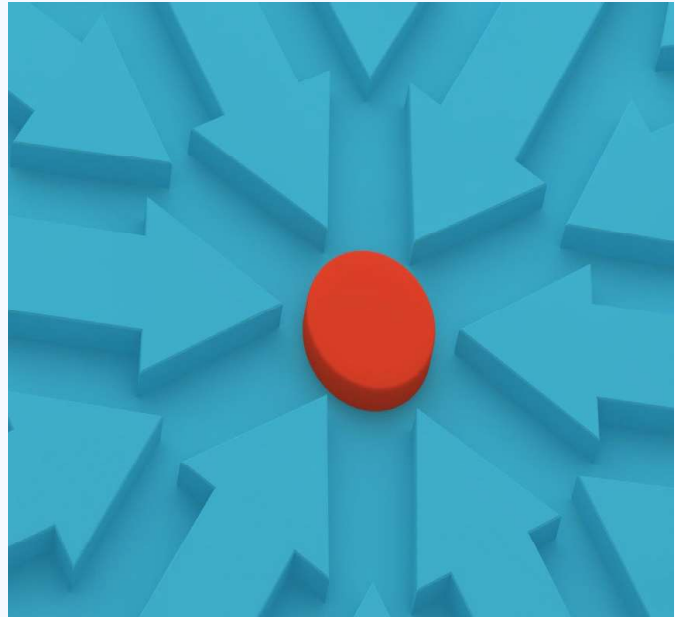




POST-INVESTIGATION



DECISION- MAKING



LOGISTICS

Scheduling

Sharing of evidence with decisionmaker

Meeting/Hearing notification letters

Post-investigation meeting

Advisors

Recording

Written determination

Sanctions/Remedies

PRE-HEARING ACTIVITY



RECOMMENDED HEARING NOTICE



Date, time, location, and names of decision-makers



Reiterate details from notice (parties, alleged behavior and allegations)



Investigative report

INVESTIGATIVE REPORT



Must accurately summarize the relevant evidence



Parties must be provided an opportunity to respond prior to the final determination

HEARING DECISION- MAKER PREPARATION



PRE-HEARING PREP



Review notice of allegation and complaint



Review policy and procedures



Review final investigative report



Review party responses

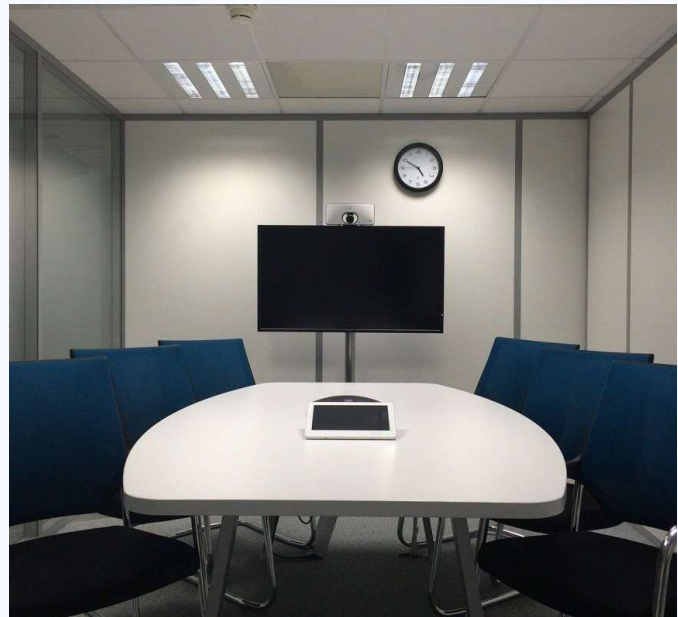


Develop clarifying questions related to relevant evidence summary



Identify potential challenges and responses

THE HEARING





Let's take a moment...

© 2025 D. Stafford & Associates

285



SAMPLE AGENDA

1. Opening (Chair)

2. Purpose of the Hearing (Chair)

3. Review of the Hearing Process (Chair)

4. Questioning

5. Concluding Remarks (Chair)

© 2025 D. Stafford & Associates

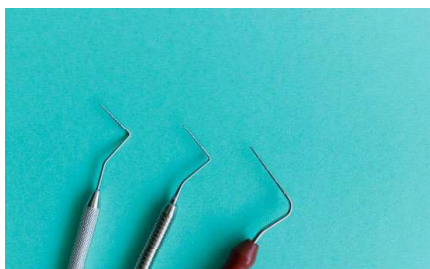
286

CROSS-EXAMINATION BY ADVISORS

Question by advisor

Relevancy determination by decision-maker

Answer by party or witness



IRRELEVANT QUESTIONS

- Past sexual history
- Privileged information
- Repetitive question
- Not probative of material fact

RELEVANCY DETERMINATIONS



Use logic and common sense



Maintain a neutral, objective position



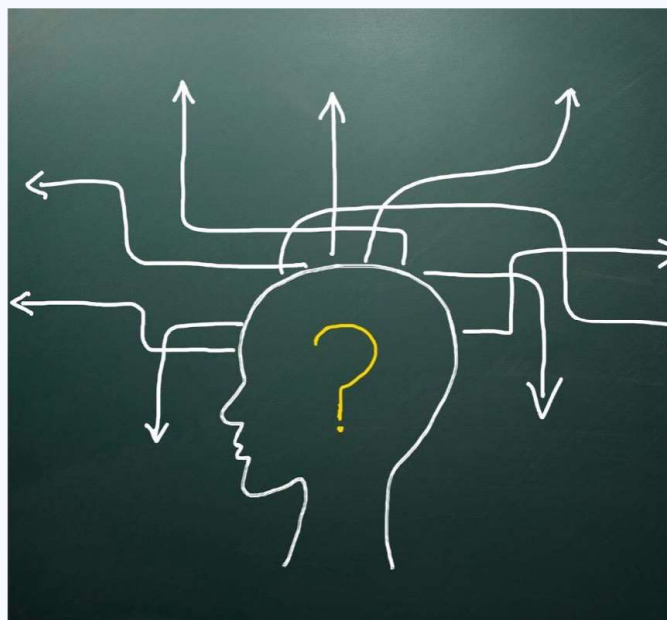
A lengthy or complicated explanation is not needed

ABSENCE OR REFUSAL TO ANSWER CROSS

“The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.”

§ 106.45(b)(6)(i)

THE DELIBERATION



Let's take a look back
at evidence
evaluation.

The investigator
identifies relevant
evidence. The
decision-maker puts it
together in the context
of the allegation.

Beware of “standard creep”!

This is not your standard -
Clear and convincing

This is your standard -
Preponderance of the evidence

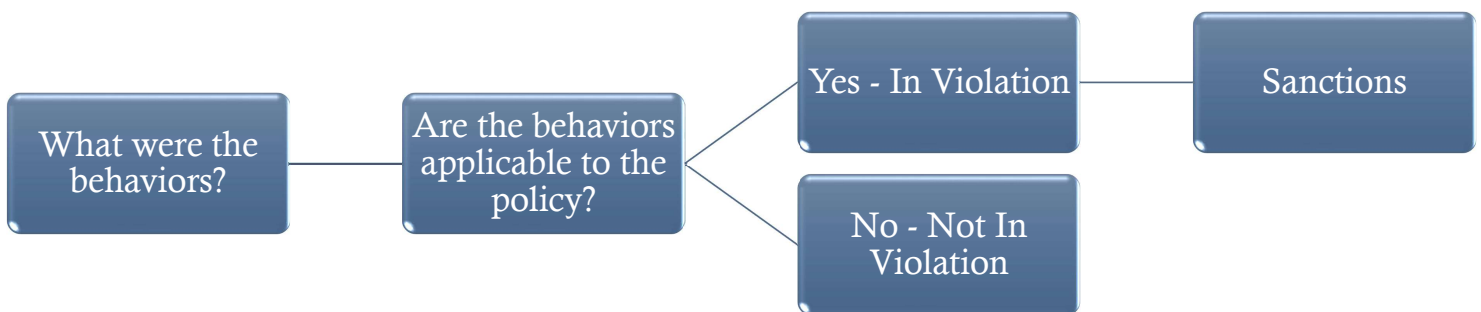


© 2025 D. Stafford & Associates

293



DECISION-MAKING STEPS



© 2025 D. Stafford & Associates

294

THE DECISION LETTER



NOTIFICATION



Parties must be notified
simultaneously



Becomes final on the date the
parties are notified of an appeal
decision

DETERMINATION REGARDING RESPONSIBILITY

Allegations

Procedural steps

Findings of fact

Conclusion/application

Rationale

Appeal procedures

THE DETERMINATION

Previously Shared Information

- Alleged allegations
- Procedural steps up to the hearing
 - Notifications
 - Interviews with parties and witnesses
 - Site visits
 - Methods used to gather other evidence

New Information

- Procedural steps from the actual hearing
- Findings of fact
- Conclusions regarding the application of the policy
- Statement regarding responsibility and rationale for each allegation
- Any sanctions imposed
- Any remedies for the Complainant imposed
- Appeal procedures, including the grounds

THE APPEAL



TYPES OF APPEALS*

Dismissal

Determination Regarding
Responsibility

*An emergency removal allows for a “challenge” by the respondent; it is not an appeal.

APPEAL GROUNDS



Procedural irregularity that
affected outcome



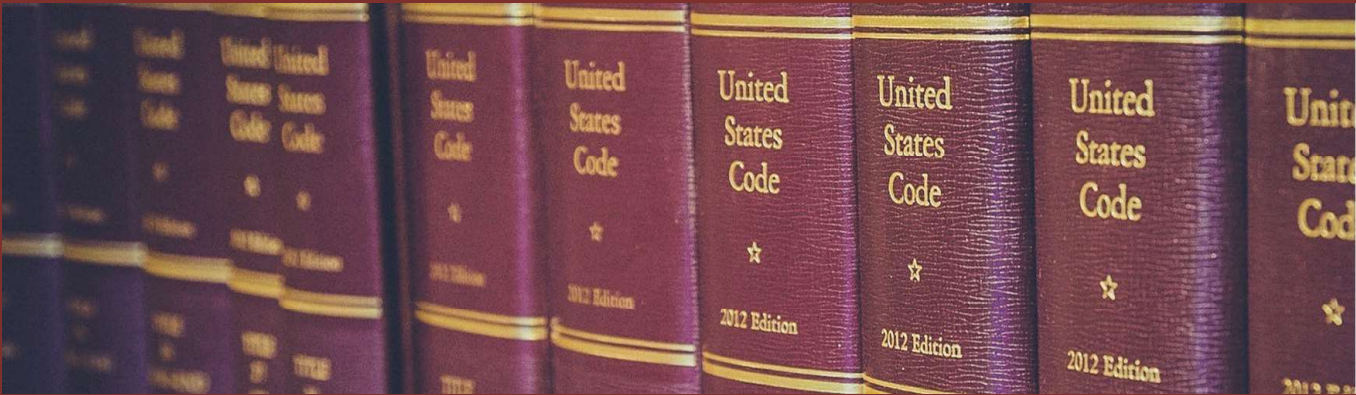
New evidence that **could**
affect the outcome



Conflict of interest or bias
that **affected the outcome**

PROCEDURAL DETERMINATIONS

- Who is your decision-maker for appeals?
- Who is informing the parties of an appeal submission?
- Who is collecting the information and giving to the decision-maker for the appeal?
- Who is communicating with the parties?
- Timelines
 - Deadline for appeal
 - Submission of written statements
 - Written decision



THANK YOU





Bibliography

- ABC. (n.d.). *Schoolhouse Rock - "I'm just a bill"*. YouTube. Retrieved January 21, 2022, from <https://www.youtube.com/watch?v=l6MinvU93kl>
- Alexander, M. (2012). *The New Jim Crow*. New Press.
- American Council on Education. (2020, September 10). *Race and ethnicity of college and university presidents over time*. Race and Ethnicity in Higher Education. Retrieved January 21, 2022, from <https://www.equityinhighered.org/indicators/postsecondary-faculty-and-staff/race-and-ethnicity-of-college-and-university-presidents-over-time/>
- Anderson, M., Vogels, E. A., & Turner, E. (2020, October 2). *The Virtues and Downsides of Online Dating*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/2020/02/06/the-virtues-and-downsides-of-online-dating/>
- Anderson, N., & Clement, S. (2015, June 12). *Poll shows that 20 percent of women are sexually assaulted in college*. The Washington Post. Retrieved from <https://www.washingtonpost.com/sf/local/2015/06/12/1-in-5-women-say-they-were-violated/>
- Anti-Defamation League. (n.d.). A Brief History of Disability Rights Movement. Retrieved January 17, 2022, from <https://www.adl.org/education/resources/backgrounders/disability-rights-movement>
- Areen, J., & Lake, P. F. (2014). *Higher Education and the Law*. Foundation press.
- Barlow, J. N. (2020, February). *Black women, the forgotten survivors of sexual assault*. American Psychological Association. Retrieved from <https://www.apa.org/pi/about/newsletter/2020/02/black-women-sexual-assault>
- Bedera, N. (2017). Moaning and Eye Contact: College Men's Negotiations of Sexual Consent in Theory and in Practice. <https://doi.org/10.31235/osf.io/eqfya>
- Boyle, K. M. (2015). Social Psychological Processes that Facilitate Sexual Assault within the Fraternity Party Subculture. *Sociology Compass*, 9(5), 386–399. <https://doi.org/10.1111/soc4.12261>
- Brown, J. T. (2012). *The parent's guide to college for students on the autism spectrum*. Autism Asperger Pub. Co.
- Bryant, J. (2021, November 11). *How many Americans have a college degree? BestColleges*. BestColleges.com. Retrieved January 21, 2022, from <https://www.bestcolleges.com/news/analysis/2021/07/01/how-many-americans-have-college-degrees/>

- Campbell, R., Bybee, D., Townsend, S. M., Shaw, J., Karim, N., & Markowitz, J. (2014). The Impact of Sexual Assault Nurse Examiner Programs on Criminal Justice Case Outcomes. *Violence Against Women*, 20(5), 607–625. <https://doi.org/10.1177/1077801214536286>
- Canan, S. N., Jozkowski, K. N., & Crawford, B. L. (2016). Sexual Assault Supportive Attitudes: Rape Myth Acceptance and Token Resistance in Greek and Non-Greek College Students From Two University Samples in the United States. *Journal of Interpersonal Violence*, 33(22), 3502–3530. <https://doi.org/10.1177/0886260516636064>
- Cantor, D., Fisher, B., Chibnall, S., Townsend, R., Lee, H., Bruce, C., & Thomas, G. (2017, October 20). *Report on the AAU Campus Climate Survey on Sexual Assault ...* Retrieved from <https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/AAU-Campus-Climate-Survey-FINAL-10-20-17.pdf>
- Center for Applied Special Technology. (2020, September 25). *Timeline of Innovation*. CAST. Retrieved from <https://www.cast.org/impact/timeline-innovation>
- Center for Applied Special Technology. (n.d.). *UDL On Campus*. UDL On Campus: Home. Retrieved from <http://udloncampus.cast.org/home>
- The Centers for Disease Control and Prevention. (2010). *NISVS: An Overview of 2010 Findings on Victimization by Sexual Orientation*. National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation. Retrieved from https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_victimization_final-a.pdf
- Centers for Disease Control and Prevention. (2019). Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/publichealthissue/social-ecologicalmodel.html>
- Centers for Disease Control and Prevention. (2020, June 1). *Sexual Violence and Intimate Partner Violence Among People with Disabilities | Violence Prevention | Injury Center | CDC*. Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/datasources/nisvs/svandipv.html>
- Chambers, J. C., Horvath, M. A. H., & Kelly, L. (2010). A Typology of Multiple-Perpetrator Rape. *Criminal Justice and Behavior*, 37(10), 1114–1139. <https://doi.org/10.1177/0093854810377971>
- Cho, H., Seon, J., Choi, G.-Y., An, S., Kwon, I., Choi, Y. J., Hong, S., Lee, J. O., Son, E., & Yun, S. H. (2020). Gender Differences in Intimate Partner Violence Victimization, Help-Seeking, And Outcomes Among College Students. *Advances in Social Work*, 20(1), 22–44. <https://doi.org/10.18060/23675>
- Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq (1964) (n.d.).
- Coaston, J. (2019, May 20). *The intersectionality wars*. Vox. Retrieved from <https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>

- Cocks, C. L., & Brown, F. C. L. (2020). The Philosophy of Student Conduct and the Student Conduct Professional. In *Student conduct practice: the complete guide for student affairs professionals* (pp. 23–35). essay, Stylus Publishing.
- Congressional Research Service, & McCallion, G., History of the Clery Act: Fact sheet (2014). Washington, DC; Congressional Research Service.
- Congressional Research Service, & Sacco, L. N., The Violence Against Women Act (VAWA): Historical Overview, Funding, and Reauthorization (2019). Washington, DC; Congressional Research Service.
- Crager, M., Cousin, M., & Hardy, T. (2003, April). *Victim-Defendants: An Emerging Challenge in Responding to Domestic Violence in Seattle and the King County Region*. King County Coalition Against Domestic Violence. Retrieved from <https://endgv.org/wp-content/uploads/2016/03/victimdefendantfinalreport111.pdf>
- Crenshaw, K. (2018). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics [1989]. *Feminist Legal Theory*, 57–80. <https://doi.org/10.4324/9780429500480-5>
- Cruz, J. V. (2018, December 24). *Five Things to Know When Working with Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Sexual Violence Survivors*. Justice Clearinghouse. Retrieved from <https://www.justiceclearinghouse.com/resource/five-things-to-know-when-working-with-lesbian-gay-bisexual-transgender-and-queer-lgbtq-sexual-violence-survivors/>
- Dannells, M. (1997). *From discipline to development: rethinking student conduct in higher education*. EIC Clearinghouse on Higher Education, Institute for Education Policy Studies, Graduate School of Education and Human Development, the George Washington University.
- daSilva, T., Harkins, L., & Woodhams, J. (2013). Multiple perpetrator rape: An international phenomenon. *Handbook on the Study of Multiple Perpetrator Rape*, 30–56. <https://doi.org/10.4324/9780203083406-9>
- daSilva, T., Woodhams, J., & Harkins, L. (2017). “An Adventure That Went Wrong”: Reasons Given by Convicted Perpetrators of Multiple Perpetrator Sexual Offending for Their Involvement in the Offense. *Archives of Sexual Behavior*, 47(2), 443–456. <https://doi.org/10.1007/s10508-017-1011-8>
- Dating App Revenue and Usage Statistics (2021)*. Business of Apps. (2021, January 25). Retrieved from <https://www.businessofapps.com/data/dating-app-market/>
- Davis, D.-M. (2020, December 24). *24 slang words teens and Gen Zers are using in 2020, and what they really mean*. Business Insider. Retrieved from <https://www.businessinsider.com/slang-words-terms-teens-current-2019-8#extra-to-be-extra-is-to-be-unnecessarily-dramatic-and-over-the-top-1>

- DiAngelo, R. J. (2018). *White Fragility: Why It's So Hard for White People to Talk about Racism*. Beacon Press.
- Durham, J. J. (2018, November 27). *The Differences and Similarities of Restorative Justice and Mediation*. Pathways to Restorative Communities. Retrieved from <https://www.pathways2rc.com/news/2018/10/24/the-differences-and-similarities-of-restorative-justice-and-mediation>
- Electronic Privacy Information Center. (n.d.). *Family educational rights and privacy act (FERPA)*. Family Educational Rights and Privacy Act (FERPA). Retrieved January 19, 2022, from <https://epic.org/family-educational-rights-and-privacy-act-ferpa/>
- Federal Register. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 CFR 106. (2019).
- FIRE. (n.d.). *Campus rights: What we defend*. FIRE. Retrieved January 16, 2022, from <https://www.thefire.org/about-us/campus-rights/>
- Foubert, J. D., Brosi, M. W., & Bannon, R. S. (2011). Pornography Viewing among Fraternity Men: Effects on Bystander Intervention, Rape Myth Acceptance and Behavioral Intent to Commit Sexual Assault. *Sexual Addiction & Compulsivity*, 18(4), 212–231. <https://doi.org/10.1080/10720162.2011.625552>
- Foubert, J. D., Clark-Taylor, A., & Wall, A. F. (2019). Is Campus Rape Primarily a Serial or One-Time Problem? Evidence From a Multicampus Study. *Violence Against Women*, 107780121983382. <https://doi.org/10.1177/1077801219833820>
- Gehring, D. D. (2001). The Objectives of Student Discipline and The Process That's Due: Are They Compatible? *Journal of Student Affairs Research and Practice*, 38(4), 466–481. <https://doi.org/10.2202/1949-6605.1155>
- Gladwell, M. (2019). *Talking to strangers: what we should know about the people we dont know*. Little, Brown and Company.
- Goldman, T., & Chappell, B. (2019, January 10). *How Bernice Sandler, 'godmother of title IX,' achieved landmark discrimination ban*. NPR. Retrieved January 21, 2022, from <https://www.npr.org/2019/01/10/683571958/how-bernice-sandler-godmother-of-title-ix-achieved-landmark-discrimination-ban>
- Gravelin, C. R., Biernat, M., & Bucher, C. E. (2019). Blaming the Victim of Acquaintance Rape: Individual, Situational, and Sociocultural Factors. *Frontiers in Psychology*, 9. <https://doi.org/10.3389/fpsyg.2018.02422>
- Greenhouse, M., BrckaLorenz, A., Hoban, M., Huesman, R., Rankin, S., & Stolzenberg, E. B. (2018, August). *Queer-Spectrum and Trans-Spectrum Student Experiences in American Higher Education*. Tyler Clementi Center for Diversity Education and Bias Prevention. Retrieved from

<https://clementicenter.rutgers.edu/research-insights-and-events/campus-climate-queer-spectrum-and-trans-spectrum-higher-education>

Harris, J. C., & Linder, C. (2017). *Intersections of identity and sexual violence on campus: centering minoritized students experiences*. Stylus Publishing.

Hegji, A. (2021, August 17). The Higher Education Act (HEA): A Primer. Retrieved January 21, 2022, from <https://sgp.fas.org/crs/misc/R43351.pdf>

Hirsch, J. S., & Khan, S. (2020). *Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus*. W. W. Norton & Company.

Human Rights Campaign. (n.d.). Sexual Assault and the LGBTQ Community. Retrieved from <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

International Institute for Restorative Practices. (n.d.). Retrieved from <https://www.iirp.edu/>

Interrogation: A Review of the Science HIG Report. (2017, March 23). Retrieved from <https://www.fbi.gov/file-repository/hig-report-interrogation-a-review-of-the-science-september-2016.pdf/view>

Irving, D. (2018). *Waking up White: And Finding Myself in the Story of Race*. Elephant Room Press.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092. (n.d.).

Jeanne Shaheen. (2022, January 12). *Shaheen, Hassan introduce Bill to combat sexual violence against students with disabilities*. U.S. Senator Jeanne Shaheen of New Hampshire. Retrieved January 17, 2022, from <https://www.shaheen.senate.gov/news/press/shaheen-hassan-introduce-bill-to-combat-sexual-violence-against-students-with-disabilities>

Johnson, P. A., Widnall, S. E., & Benya, F. F. (2018). *Sexual harassment of women: climate, culture, and consequences in academic sciences, engineering, and medicine*. The National Academies Press.

Judge, J., & O'Brien, T. (2012). *Equity and Title IX in Intercollegiate Athletics: A Practical Guide for Colleges and Universities*. NCAA Publications. Retrieved from www.NCAA.org/gender_equity

Kaplin, W. A., Lee, B. A., Hutchens, N. H., & Rooksby, J. H. (2020). *Law of Higher Education: Student Version* (Sixth). Jossey-Bass.

Kendi, I. X. (2021). *How To Be An Antiracist*. Vintage.

Kidder, R. M. (2006). *Moral courage*. Harper.

Kidder, R. M. (2009). *How good people make tough choices: resolving the dilemmas of ethical living*. Harper.

- Koss, M. P., Dinero, T. E., Seibel, C. A., & Cox, S. L. (1988). Stranger and Acquaintance Rape: Are There Differences In the Victim's Experience? *Psychology of Women Quarterly*, 12(1), 1–24. <https://doi.org/10.1111/j.1471-6402.1988.tb00924.x>
- Krebs, C. P., Lindquist, C. H., Warner, T., Fisher, B. S., & Martin, S. L. (2007, December). The Campus Sexual Assault (CSA) Study. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>
- Lacey, A., & Murray, C. (2015). *The Nuts and Bolts of Reauthorization*. Career Education Review. Retrieved from <https://www.thompsoncoburn.com/docs/default-source/publication-documents/the-nuts-and-bolts-of-reauthorization.pdf?sfvrsn=0&sfvrsn=0>
- Lake, P. F. (2009). *Beyond Discipline: Managing the Modern Higher Education Environment*. Hierophant Enterprises, Inc.
- Lake, P. F. (2011). *Foundations of Higher Education Law & Policy: Basic Legal Rules, Concepts, and Principles for Student Affairs*. NASPA.
- Lake, P. F. (2013). *The Rights and Responsibilities of the Modern University: The Rise of the Facilitator University*. Carolina Academic Press.
- Lancaster, J. M. (2006). *Exercising Power with Wisdom: Bridging Legal and Ethical Practice with Intention*. College Administration Publications.
- Legal Momentum. (n.d.). *History of VAWA*. History of VAWA | Legal Momentum. Retrieved January 16, 2022, from <https://www.legalmomentum.org/history-vaawa>
- Martin, G. (2020, May 28). *What are Gender Pronouns? Why Do They Matter?* National Institutes of Health. Retrieved from <https://www.edi.nih.gov/blog/communities/what-are-gender-pronouns-why-do-they-matter>
- McClish, M. (2001). *I know you are lying: detecting deception through statement analysis*. Marpa Group, Inc.
- Mcleod, S. (2019, October 24). *Social Identity Theory*. Social Identity Theory | Simply Psychology. Retrieved from <https://www.simplypsychology.org/social-identity-theory.html>
- Mechanic, M. B., Resick, P. A., & Griffin, M. G. (1998). A comparison of normal forgetting, psychopathology, and information-processing models of reported amnesia for recent sexual trauma. *Journal of Consulting and Clinical Psychology*, 66(6), 948–957. <https://doi.org/10.1037/0022-006x.66.6.948>
- Meloy, J. R., Mohandie, K., & Green, M. (2011). The Female Stalker. *Behavioral Sciences & the Law*, 29(2), 240–254. <https://doi.org/10.1002/bsl.976>
- National Council on Disability. (2018, January 30). *Not on the Radar: Sexual Assault of College Students with Disabilities*. National Council on Disability. Retrieved from https://ncd.gov/sites/default/files/NCD_Not_on_the_Radar_Accessible_01292018.pdf

- National District Attorneys Association - Women Prosecutors Section. (2017, July 17). *National Domestic Violence Prosecution Best Practices Guide*. NATIONAL DOMESTIC VIOLENCE PROSECUTION BEST PRACTICES GUIDE. Retrieved from <https://ndaa.org/wp-content/uploads/NDAA-DV-White-Paper-FINAL-revised-July-17-2017-1.pdf>
- National Sexual Violence Resource Center and Pennsylvania Coalition Against Rape. (2012). *Sexual Violence & Individuals Who Identify as LGBTQ*. NSVRC_Research-Brief_Sexual-Violence-LGBTQ. Retrieved from https://www.nsvrc.org/sites/default/files/Publications_NSVRC_Research-Brief_Sexual-Violence-LGBTQ.pdf
- National Women's Law Center. (2000). *A Basic Guide to Title IX*. National Women's Law Center. Retrieved from <https://www.nwlc.org/sites/default/files/pdfs/ABasicGuidetoTitleIX.pdf>
- Natow, R. S. (2017). *Higher education rulemaking: the politics of creating regulatory policy*. Johns Hopkins University Press.
- Ohio Alliance to End Sexual Violence. (n.d.). The Violence Against Women Act of Reauthorization of 2021. Retrieved January 17, 2022, from https://oaesv.org/wp-content/uploads/2021/04/factsheet_vawa_2021.pdf
- Orantes, E., & Sharma, A. (2019, March 4). *Title IX Compliance Creates Hurdles for Collegiate eSports Programs*. JD Supra. Retrieved from <https://www.jdsupra.com/legalnews/title-ix-compliance-creates-hurdles-for-99240/>
- Orcutt, M., Petrowski, P. M., Karp, D. R., & Draper, J. (2020, June). *The Journal of College and University Law*. RESTORATIVE JUSTICE APPROACHES TO THE INFORMAL RESOLUTION OF STUDENT SEXUAL MISCONDUCT. Retrieved from https://jcul.law.rutgers.edu/wp-content/uploads/2020/08/45_jcul_No2_FULL.pdf
- Pacheco, R. (2020, May). Not Online. Not on Campus: Addressing Sexual Violence and Technology-Facilitated Violence on Campuses. Retrieved from <https://ywcacanada.ca/wp-content/uploads/2020/08/Not-Online.-Not-On-Campus.-Report.pdf>
- Paine, L. S. (2014, August 1). *Managing for Organizational Integrity*. Harvard Business Review. Retrieved from <https://hbr.org/1994/03/managing-for-organizational-integrity>
- Partners in Leadership. (2019, May 29). *The Three Values of Organizational Integrity*. Culture Management Experts. Retrieved from <https://www.partnersinleadership.com/insights-publications/the-three-values-of-organizational-integrity/>
- Pew Research Center. (2020, June 5). *Demographics of Social Media Users and Adoption in the United States*. Pew Research Center: Internet, Science & Tech. Retrieved from <https://www.pewresearch.org/internet/fact-sheet/social-media/>
- Practical Psychology. (2020, April 15). *Ebbinghaus Forgetting Curve (Definition + Examples)*. Practical Psychology. Retrieved from <https://practicalpie.com/ebbinghaus-forgetting-curve/>

- The Pregnant Scholar. (2020, September 29). *The Pregnant Scholar Homepage: Tools to support student parents*. The Pregnant Scholar. Retrieved from <https://thepregnantscholar.org/>
- Public policy recommendation: Addressing campus sexual ...* (n.d.). Retrieved from <https://www.atsa.com/pdfs/Policy/Addressing%20Campus%20Sexual%20Misconduct%20FINAL.pdf>
- Rothstein, R. (2018). *The Color of Law: A Forgotten History of How Our Government Segregated America*. Liveright Publishing Corporation, a division of W.W. Norton & Company.
- Seabrook, R. C., Ward, L. M., & Giaccardi, S. (2018). Why is fraternity membership associated with sexual assault? Exploring the roles of conformity to masculine norms, pressure to uphold masculinity, and objectification of women. *Psychology of Men & Masculinity*, 19(1), 3–13. <https://doi.org/10.1037/men0000076>
- Seelye, K. Q. (2019, January 8). *Bernice Sandler, 'godmother of title IX,' dies at 90*. The New York Times. Retrieved January 21, 2022, from <https://www.nytimes.com/2019/01/08/obituaries/bernice-sandler-dead.html>
- Sex Offender Management Assessment and Planning Initiative*. (2017, April). Retrieved from https://smart.gov/SOMAPI/pdfs/SOMAPI_Full%20Report.pdf
- Sloan, J. J., & Fisher, B. (2011). *The Dark Side of the Ivory Tower: Campus crime as a social problem*. Cambridge University Press.
- Stanford Journalism. (2019). *Celebrating 47 Years of Title IX and Bernice Sandler*. YouTube. Retrieved January 21, 2022, from https://youtu.be/F_B7-HwaqP4.
- Stark-Mason, R. (2020, February 26). *Name, Image, Likeness*. NCAA.org - The Official Site of the NCAA. Retrieved from <http://www.ncaa.org/champion/name-image-likeness>
- Steinfeld, E., & Maisel, J. (2012). *Universal Design Creating Inclusive Environments*. John Wiley & Sons.
- Stoner, E. N., & Lowery, J. W. (2004). Navigating Past The “Spirit of Insubordination”: A Twenty-First Century Model Student Conduct Code. *Journal of College and University Law*, 31(1), 1–78.
- Title IX of The Education Amendments of 1972, 20 U.S.C. A§ 1681 Et. (n.d.).
- Toure, K., & Hamilton, C. V. (1992). *Black Power: The politics of liberation in America*. Vintage Books.
- Tracy, C. E., Fromson, T. L., Long, J. G., & Whitman, C. (2012, June 5). *Rape and Sexual Assault in the Legal System*. Women's Law Project. Retrieved from <https://www.womenslawproject.org/wp-content/uploads/2016/04/Rape-and-Sexual-Assault-in-the-Legal-System-FINAL.pdf>

- Tumulty, K. (2004, May 17). *Evaluating the success of the Great Society*. The Washington Post. Retrieved January 21, 2022, from <https://www.washingtonpost.com/wp-srv/special/national/great-society-at-50/>
- U.S. Department of Education (ED). (2020, January 10). *Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School*. Home. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html>
- U.S. Department of Education (ED). (2020, January 10). *Students with disabilities preparing for postsecondary education*. Office of Civil Rights. Retrieved January 17, 2022, from <https://www2.ed.gov/about/offices/list/ocr/transition.html>
- U.S. Department of Education (ED). (2021, August 20). *Title IX and sex discrimination*. Title IX. Retrieved January 21, 2022, from https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html
- U.S. Department of Education. (2002, June 1). *Legislative history of major Ferpa provisions*. Legislative History of Major FERPA Provisions I Protecting Student Privacy. Retrieved January 19, 2022, from <https://studentprivacy.ed.gov/resources/legislative-history-major-ferpa-provisions>
- U.S. Department of Education. (2012, October). *Title IX and access to courses and programs in STEM*. Office for Civil Rights, Department of Education Revised October 2012. Office of Civil Rights Presentations. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/presentations/stem-t9-powerpoint.pdf>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 17, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=60>
- U.S. Department of Education. (n.d.). *The NCES Fast Facts Tool provides quick answers to many education questions (National Center for Education Statistics)*. National Center for Education Statistics (NCES) Home Page. Retrieved January 21, 2022, from <https://nces.ed.gov/fastfacts/display.asp?id=93>
- U.S. Government. (n.d.). *U.S. Federal Courts Circuit Map - United States Courts*. U.S. Federal Courts Circuit Map. Retrieved January 21, 2022, from https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf
- University of Buffalo. (2020, February 24). *Universal Design*. IDEA Center. Retrieved from <https://idea.ap.buffalo.edu/about/universal-design/>
- Vallano, J. P., & Schreiber Compo, N. (2015). Rapport-building with cooperative witnesses and criminal suspects: A theoretical and empirical review. *Psychology, Public Policy, and Law*, 21(1), 85–99. <https://doi.org/10.1037/law0000035>
- Varnell, S. (2013). *Statement analysis: an lss course workbook*. Steven Varnell.

- Vector Solutions. (n.d.). Title IX: 5 ways it changed education for the better. Retrieved January 21, 2022, from <https://www.vectorsolutions.com/resources/blogs/title-ix-positive-changes/>
- Wachtel, T. (2016, November). *Defining Restorative*. International Institute for Restorative Practices. Retrieved from <https://www.iirp.edu/defining-restorative/restorative-practices/defining-restorative/>
- Waryold, D. M., & Lancaster, J. M. (2020). *Student Conduct Practice: The Complete Guide for Student Affairs Professionals*. Stylus Publishing.
- Williamsen, D. K. K., Karp, D., & Williamsen, K. (2020, March 12). 5 Things Restorative Justice Sexual Harm. Retrieved from <https://www.naspa.org/report/five-things-student-affairs-administrators-should-know-about-restorative-justice-and-campus-sexual-harm>
- Woodhams, J., Taylor, P. J., & Cooke, C. (2020). Multiple perpetrator rape: Is perpetrator violence the result of victim resistance, deindividuation, or leader–follower dynamics? *Psychology of Violence*, 10(1), 120–129. <https://doi.org/10.1037/vio0000255>
- Yoshino, K. (2006). *Covering: The hidden assault on American civil rights*. Random House.



NACCOP Title IX & Equity Alliance

The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
- **Discounted Professional Development Opportunities**
 - Coffee and Conversations webinar series and individual webinars focused on Title IX & Equity compliance issues
- **A 50% discount on the Title IX Notice Document Library developed by NACCOP's Partner Organization, D. Stafford & Associates (a \$335 value)**

Join the Alliance

Eligible individuals must have Institutional, Professional, or Committee Membership with NACCOP.

Cost: \$425 for 1 year subscription

(The first year of enrollment will be pro-rated to match the NACCOP membership expiration date.)

Request to Join: <https://naccop.memberclicks.net/join-the-alliance>

Questions? Contact us at info@naccop.org or 302-344-1068.