

AGENDA

UNT System Title IX Investigator Retreat



	Training Session/Description	SME/Presenter	Session Duration
	DAY ONE: October 20, 2020		
	Welcome & Introductions	Angela Brown	9:00 am
	Opening Remarks and Retreat Objectives	Alisha Carter Harris	9:15 am
1	Overview of Title IX 2020: 1. Definition of Sexual Harassment 2. Scope of Institution's Educational Program & Activities 3. Overview of Grievance Process (to include hearings, appeal, informal investigations)	Jarrold Jenkins Leslie Crosdale Adalyn Burger Angela Brown	9:20 am
	<i>BREAK</i>		<i>10:50 am</i>
2	Best Practices for Title IX Administrators	Alisha Carter Harris Eve Shatteen Bell	11:05 am
3	Closing/ Q&A	All	11:50 am

	DAY TWO: November 10, 2020	SME/Presenter	Session Duration
	Day Two Kickoff	Angela Brown	9:00 am
4	How to Conduct an Investigation: 1. Mock investigation 2. Impartiality, Avoiding Prejudgment & Conflicts of Interest	Alisha Carter Harris Anjela Guijosa Alvin Roberts	9:10 am
	<i>BREAK</i>		<i>10:45 am</i>
5	Ask a Title IX Coordinator Moderated Session	Eve Shatteen Bell Alisha Carter Harris	11:00 am
6	Open discussion/Additional Questions	All	11:30 am

	DAY THREE: November 17, 2020	SME/Presenter	Session Duration
	Day Three Kickoff	Angela Brown	9:00 am
7	Report Writing	Jarrold Jenkins	9:05 am
8	How to be a Good Hearing Witness: Mock Hearing Exercise	Eve Shatteen Bell Kory Levingston Angela Brown	10:05 am
	<i>BREAK</i>		<i>10:50 am</i>
9	Using ZOOM Technology for Interviews Separate ZOOM Session at: https://unt.zoom.us/j/83118183860	Amanda Fisher	11:10 am



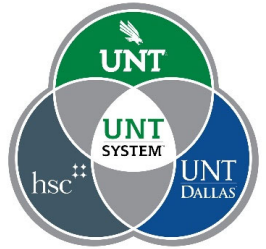
Report Writing

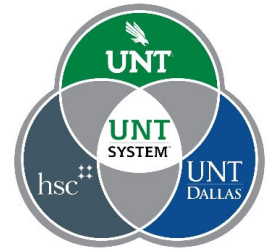
November 17, 2020

Jarrod Jenkins (he, him, his)
Assistant Director, Equal Opportunity
UNT Denton

Agenda

1. Prewriting Work
2. Report Writing
3. Takeaways





Prewriting Work

Formal Investigation



- Interview Referent and Complainant (with their advisor)
- Begin broadly: Who, what, when, where, why, how?
- Funnel to details
- Focus on elements of prohibited conduct
- Quantify and specify as much as possible: What time, how many minutes, how many people were there, how many times, what exactly was said?
- Always ask:
 - “Any witnesses you want us to talk to?”
 - “Any questions you want us to ask witnesses or other party?”
 - “Any documents related to this?”
 - “Anything Else?”
- Type answers.



UNT Policy 16.007, VII.A.-C., -H.

Formal Investigation



- Send Notice of Complaint/Investigation to Respondent
- Interview Respondent (and advisor)
 - Go through allegation(s) and give chance to respond to each
 - Always ask: “Any witnesses you want us to talk to?”; “Any questions you want us to ask witnesses or other party?”; “Any documents related to this?”; “Anything Else?”
 - Follow up email with info, resources, and chance to respond in writing
- Identify and interview witnesses
- Collect evidence – statements, documents, other info

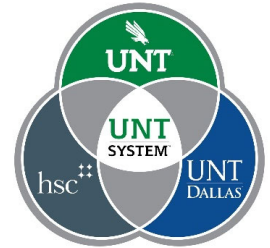
UNT Policy 16.007, VII.F., -H.

Focus on the Facts



- Only question: Did Respondent violate UNT Policy?
- **Not** investigating:
 - Is Respondent a bad/nice person
 - Is Complainant upset
 - Who do you like better
 - Would you have acted differently
- Policy states prohibitions
- Collect **facts** related to elements within definitions





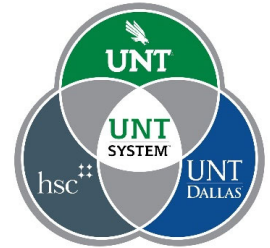
What is “Consent”?

(1) Words or actions that show (2) an active, knowing, and voluntary agreement to engage in (3) each instance of sexual activity

- Can be revoked at any time
- Absent when activity exceeds scope of previously given consent
- **Cannot** be gained by force, coercion, manipulation, threat, or administration of substances that impair ability to consent
- **Cannot** be given while incapacitated or unconscious (*e.g.*, passed out from drugs or alcohol)



Consent Analysis



1. Did Respondent use force, coercion, manipulation, or threat to gain consent?
2. Was Complainant incapacitated (asleep, unconscious, lacked control over their body)?
3. Did Respondent know or should he have known of incapacitation?
4. What clear words or actions by Complainant gave Respondent permission for specific sexual activity that occurred?



16.007 – Title IX Sexual Harassment



Conduct on the basis of sex that is one or more of:

- a. Quid pro quo – (1) an employee (2) conditioning an aid, benefit, or service of the University on an individual’s participation in (3) unwelcome (4) sexual conduct;
- b. “SPOO” – (1) Unwelcome conduct (2) determined by a reasonable person to be (3) so severe, pervasive, **and** objectively offensive that it (4) effectively denies a person equal access to education program or activity;
- c. Sexual assault, dating violence, domestic violence, or stalking

Quid Pro Quo Analysis



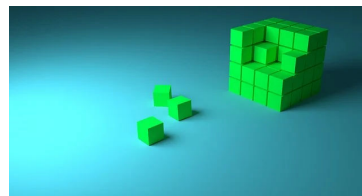
1. Was Respondent an employee?
 - a. Date of employment, records from HR
2. Did Respondent condition an aid, benefit, or service of UNT?
 - a. What exactly was communicated? When? How? By whom?
 - b. Did Complainant receive an aid, benefit, or service of UNT?
3. Was the conduct unwelcome to Complainant?
 - a. Did Complainant express unwelcomeness?
4. Was the conduct sexual?
 - a. How? What happened?
 - b. How did Complainant interpret it?
 - c. How did Respondent intend it?





SPOO Analysis

1. Was the conduct on the basis of sex?
2. Was the conduct unwelcome to Complainant?
3. As determined by a reasonable person, was the conduct severe, pervasive, **and** objectively offensive?
4. Did Respondent's actions effectively deny Complainant equal access to an education program or activity?



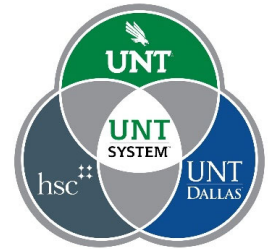
Sexual Assault



- **Rape** - 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
- **Fondling** - touching 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 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 (17 in Texas)



Rape Analysis



1. Was there penetration?
 - a. Of the vagina or anus with any body part or object?
 - b. Of the mouth by a sex organ
2. Did Complainant consent?

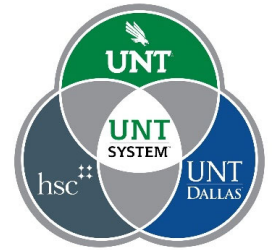


Fondling Analysis



1. Was there touching?
2. Of private body parts of another person?
3. For the purpose of sexual gratification?
4. Did Complainant consent?





Report Writing

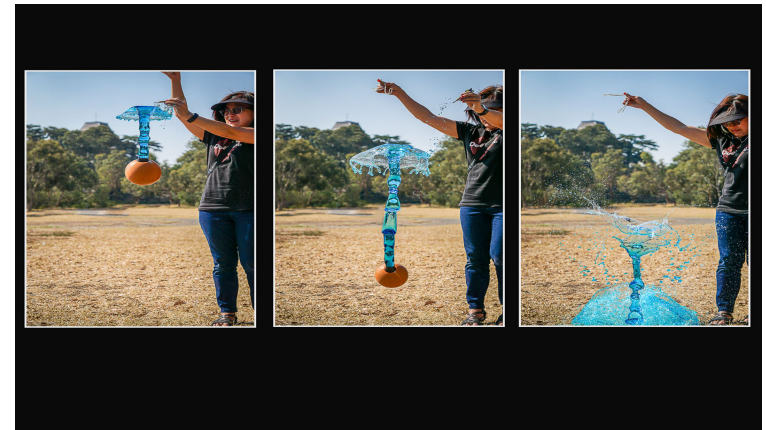
Report Writing



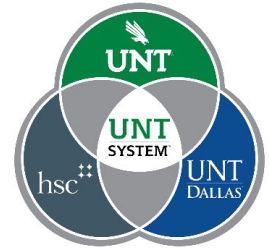
- Culmination of your prewriting work
- Good interview questions and notes will make report writing easier
- Paint a picture; write news article not mystery novel



vs.

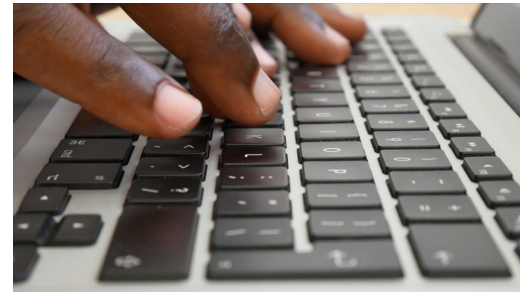


Preliminary Investigative Report



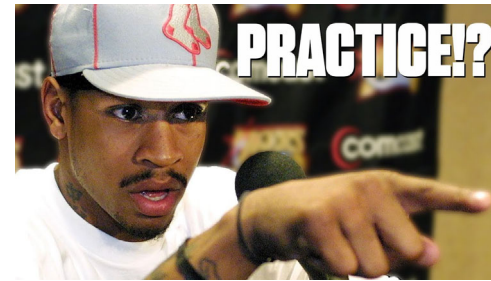
Parts:

1. Initiation of investigation
2. C's statement
3. R's statement
4. W's statements
5. Other evidence reviewed
6. Appendices or Exhibits
7. (Final IR will have parties' responses to Preliminary IR)

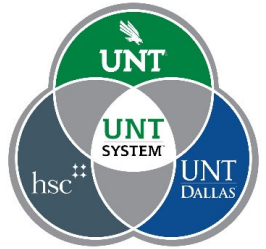


Best Practices

- Use Investigative Report template
- Explain chronologically
- Include facts related to elements of each allegation
- Accept parties' agreements and objective facts
- Clearly note disagreements or divergence from documents
- Quote parties or witnesses when necessary
 - Significant phrases
 - Answers were nonresponsive, vague, or incoherent
 - *E.g.*, “When asked by Investigator exactly how Complainant demonstrated consent, Respondent stated, ‘I could just tell.’”

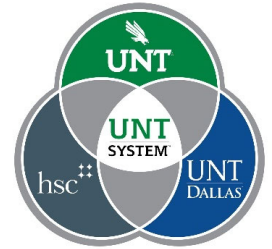


Writing Do's



1. **Embrace clarity through simplicity**
 - a. use > utilize; but > however; before > prior to
2. Use active voice
 - a. Amy called Bob > Bob was called by Amy
3. Average less than 20 words per sentence
4. One topic per paragraph, one idea per sentence
5. Start some sentences with “but,” “and,” “or”
6. Put information in order – by chronology, elements
7. Know when to break the rules





Writing Don'ts

1. Make your readers worker harder than they have to
2. Write run-on sentences
 - a. Break them up
3. Use passive voice
 - a. Make the subject do the action
4. Decorate with adjectives and adverbs
 - a. Remove “very,” “really,” “angrily,” “hastily,” “extremely,” etc.
5. Allow ambiguities or vagaries
 - a. “Gnawing on the slipper, the man scolded the dog.” vs. “The man scolded the dog for gnawing on the slipper.”
 - b. “We had a few drinks.” vs. “I had three beers, and she had two.”



Not this



She said that Amy was called by Bobby, who utilized his mobile electronic device, at half past 12 to post pictures on Instagram to his friend Darren. At five before 1, two bottles of wine were opened, and Amy was very dizzy at that time, but she became even more dizzy at ten til 2, when they obtained another bottle of alcohol, which was drunk within the next half-hour. Amy said she was unsure what to do and did not know where she was, but she did not consent to kissing even though she had previously told her friend Charlotte that Bobby was cute, which she said two months before the start of spring break. When she woke up, she was very confused and extremely sleepy . . .

- Run-on sentences, passive voice, ambiguities, confusing timeline
- Who is doing what? How does this information fit into the big picture?

More like this



During her interview on October 10, 2020, Amy stated the following. Bobby called her at 12:30 a.m. She told him something close to, “If you want to come over, we can watch a movie.” He drove to her apartment and arrived at 12:55 a.m. She opened the door for him. As soon as he entered her apartment, he opened two bottles of wine that he had brought with him. Amy stated she was “very dizzy” even before Bobby arrived. Amy became more dizzy as she and Bobby drank wine for the next hour. Bobby opened a third bottle of wine around 1:30 a.m.

- Shorter sentences, active voice, chronological order
- Quotes phrases from Amy to separate her words from investigator’s paraphrasing

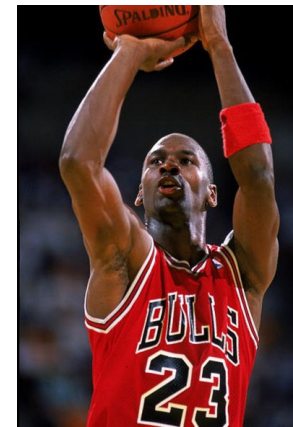
It's Not Easy



“Maybe I led you to believe it was easy when it wasn’t.”

— Michael Jordan

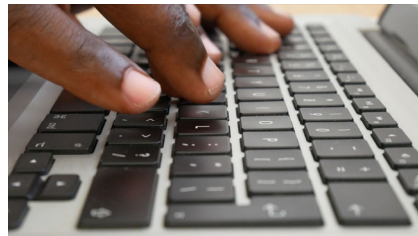
- Writing well is hard work
- It takes time and practice
- Easy reading follows difficult writing
- **Clear writing follows clear thinking**
- Know what you want to say
- Outline your thoughts



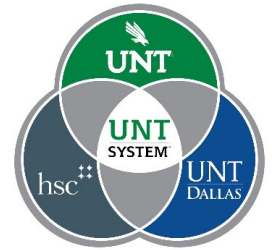
Final Investigative Report



- Allow parties at least 10 days to review preliminary Investigative Report and evidence
- Incorporate parties' comments into final Investigative Report
- No findings of fact or analysis sections
- Send parties, their advisors, and Title IX Coordinator final Investigative Report



UNT Policy 16.007, VII.H.

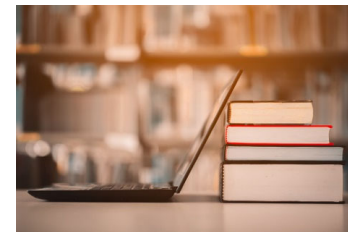


Takeaways

Last Bits of Advice



- Start with the template
- Use “Complainant,” “Respondent,” “W1,” “W2,” etc.
- Explain info as if for the first time
- Shorten, remove wherever possible
- Wait a day between drafts
- Revise and consult as needed
- Resources:
 - Elements of Style by Strunk and White; Grammarly
 - Dictionaries: Webster, Oxford English, Urban (for slang)



Questions?



Relevance Exercise

Scenario:

Juanita Morales, a freshman member of the women's soccer team, made a Title IX report directly to the Title IX Coordinator. On the morning of October 11, her teammate, who was checking her email in the computer lab, yelled for Juanita to come and look at something on the computer. Juanita saw an email sent from the men's soccer team email address, which said "greetings new freshman, meet the girl next door." The email included a photo of Juanita's face photoshopped onto a naked body with huge breasts.

Everyone in the lab knew it wasn't Juanita, but they all laughed anyway. Juanita ran from the room crying, embarrassed that others would think it was her. She immediately called Ivan, a member of the men's soccer team, who she believed sent the email. Earlier in the year, Ivan asked her out several times, but she didn't like him. She found him really annoying, and while she knows it wasn't nice, she called him a total loser in front of his friends. She knows that he sent the email to hurt and embarrass her.

Ivan told the investigator that he believes Juanita is blowing the whole matter out of proportion. He admits to creating the photo for a class project. He reports:

"It was only meant to be a joke. I never put her name on it, so what's the big deal? This is a work of art that I created for my class, not a porn picture or anything. I only showed my artwork, which by the way is protected by the First Amendment, to a few of my teammates. I know my rights very well, since my dad is a lawyer. In fact, the First Amendment states that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Ivan stated that he showed the photo to a couple of teammates but did not send the email. The email account is for official team business. The coaches and captains have the password; one captain has shared it broadly with all the seniors on the team. The investigator also consulted with John Wang, assistant director of information technology. John was able to confirm that someone using the computer lab computer sent the picture from the men's soccer team email account. The picture was inserted into the email via a flash drive and he was unable to determine which student had logged in. John received Ivan's consent to inspect his laptop. The photo was on his hard drive but was not sent out via email to anyone. He said that when he doesn't have his laptop with him, it is typically inside his locker. Ivan also told him that he hasn't given anyone else his laptop password.

Ivan was notified via the institution's NOIA letter that it is alleged that he violated the institution's sexual harassment policy, specifically the hostile environment provision.

The definition of Sexual Harassment is:

- unwelcome conduct,
- determined by a reasonable person,

- to be so severe, and
- pervasive, and,
- objectively offensive,
- that it effectively denies a person equal access to the Recipient’s education program or activity.

Relevance Ruling:

You are the Chair of the Hearing Panel. You must determine whether the following questions seek relevant information and/or whether the specific piece of evidence is relevant. Let’s start with some of the evidence from the investigation report. Is it relevant that:

- Ivan is a member of the men’s soccer team?
- Juanita is a member of the women’s soccer team?
- There was “history” between Ivan and Juanita?
- Juanita called Ivan “a loser” earlier in the year in front of his friends?
- Ivan admitted to creating the image for his class?
- Ivan showed the image to a few teammates?
- The image was sent from a computer lab computer?
- Ivan consented to letting John from IT inspect his laptop?

Relevant or Related

Consider whether the following pieces of evidence, if part of the fact-pattern originally provided from the investigation report, would be relevant:

- Juanita’s advisor’s daughter is in the same art class with Ivan and stated that she never had an assignment like that for class.
- Ivan’s friend, Alan, states that Juanita really is not bothered by the photo because he has observed occasions where Juanita flashed her breasts at Ivan a few times before. Juanita also told Ivan and Alan that she wanted breast implants.
- Ivan’s high school soccer coach has prepared a written character reference for Ivan, which states that he was an upstanding member of his high school team and community, a four-year leader on the squad, and volunteered many times at the local YMCA youth program.

- Ivan stated that at the time that the email was sent, he was attending his poli-sci class, which had an in-class exam on that day.
- Juanita provided a screenshot of Ivan’s Twitter feed, which showed that he retweeted an announcement from his favorite band just two minutes prior to the precise time that the email was sent.
- Ivan’s advisor wants to ask Juanita about her academic progress during the fall term. Ivan and his advisor believe that Juanita was in danger of failing her chemistry course.



Facilitator & Host Checklist

Personal Preparation

- Appropriate attire (not busy/patterned)
- Water and tissues available
- Is your phone's volume turned off?
- "red leather, yellow leather" to warm-up your voice
- Comfortable positioning of the camera and other equipment
- Notes nearby, but watch what displays on camera
- Keep head raised while speaking
- Tape up the opening speech if desired
- Tape do not disturb sign on door if necessary
- Have you tested the camera/mic on the computer prior to presentation?
- Use Ethernet if possible
- Open PowerPoint in reader view
- Use a high-quality camera/mic if available
- Use a timer to watch time if preferred Ex: [online-stopwatch.com](https://www.online-stopwatch.com)
- Be sure computer does not go to sleep
- Test Sound
- Make sure screen is clean, programs off, and notifications muted
- If websites are needed open websites in advance
- Login & Start Meeting – <https://unt.zoom.us> <https://untdallas.zoom.us>
<https://unthsc.zoom.us> (or desktop app)

Starting Meeting

- Mute Yourself – address attendees as they enter as desired
- Mute All Attendees by default to prevent lots of background noise.
- Stop Video if you wish as people enter (can turn off and on throughout)
- Be sure everyone has downloaded/received the required materials
 - *Don't forget late comers*
- Remind attendees they are muted, but are given rights to unmute
- Tell attendees the presentation will be recorded if applicable
- Do Presentation – Use Share option to select appropriate screen
- Unmute All Attendees for Q&A if desired

At End of Meeting

- Where to contact for questions
- Click on End Meeting
- Cohost will manage recording
- Cohost may ask for meeting reports after and can walk you through that.



Other Resources

Zoom Web Portal

- <https://unt.zoom.us/> <https://untdallas.zoom.us/> unthsc.zoom.us

Training from Zoom

- [Meeting and Webinar Overviews](#)
- [Live Training Webinars](#)
- [Zoom video tutorials](#) (includes: scheduling, controls, breakout rooms, sharing)
- [Watch Recorded Training Sessions](#)
- [Meeting and Webinar Best Practices and Resources](#)
 - [Zoom Meetings Training Reference Guide](#) (PDF)
 - [Zoom Online Event Best Practices](#) (PDF)
- [Tips & Tricks: Teachers Educating on Zoom](#)

Training from Linked In Learning

- Zoom: Leading Effective and Engaging Calls
<https://www.linkedin.com/learning/zoom-leading-effective-and-engaging-calls/continued-learning-with-zoom?u=74650474>
- Learning Zoom (Linked In Learning)
<https://www.linkedin.com/learning/zoom-leading-effective-and-engaging-calls/continued-learning-with-zoom?u=74650474>

Crash Course: Improve Your Virtual Presentation Skills

- <https://www.youtube.com/watch?v=EpZLi3KUzYc>