

## Title IX Investigation Checklist

Case #: \_\_\_\_\_

Date Reported: \_\_\_\_\_

Investigator: \_\_\_\_\_

Incident Date: \_\_\_\_\_

Co-Investigator: \_\_\_\_\_

60 Day Deadline: \_\_\_\_\_

Alleged Student/Respondent: \_\_\_\_\_

Complainant: \_\_\_\_\_

Witnesses: \_\_\_\_\_

\_\_\_\_\_

Respondent Attorney: y/n \_\_\_\_\_

Complainant Attorney: y/n \_\_\_\_\_

### I. PRE-INVESTIGATION

- ☐ Notify Title IX Coordinator Date Notified: \_\_\_\_\_
- ☐ Create Case for all individuals involved
- ☐ Determine if a police report is available, VUPD or Valpo City Policy

### II. INITIAL STEPS

- ☐ Contact the reporting party and determine whether the following resources were provided:

- \_\_\_\_ Campus resources (SAAFE, Pastoral Counselors, Counseling, Police)
- \_\_\_\_ The need to preserve any evidence (condom, bed sheets, clothing, etc), SANE Exam
- \_\_\_\_ The person's right to file a criminal complaint and how

*If no, ask the reporting staff to follow up with the complainant to preserve any evidence that remains and let them know someone from HR will be contacting them soon.*

- ☐ Review the case file, if one exists
- ☐ Check <https://public.courts.in.gov/mycase/#/vw/Search>, HR Records, and with Title IX Coordinator for any prior complaints against the Respondent

### III. CONTACT THE COMPLAINANT

- ☐ Contact complainant and arrange a meeting Meeting Date: \_\_\_\_\_  
     \_\_\_\_ Email "Notice Resources Letter to Complainant" Sent: \_\_\_\_\_
- ☐ Determine what Interim Measures are needed, if any. (Review Interim Measures Guidance)  
*Ask, for example, "Do you feel safe in your room? How much space do you need to feel safe?" Do NOT automatically move/restrict either party unless a party states it is necessary. Attempt to minimize the disruption to both parties.*
  - \_\_\_\_ Explain any interim measures that will need to take place during the investigation to both parties
  - \_\_\_\_ Choose two follow-up dates to check in that the interim measures are sufficient \_\_\_\_\_

### IV. MEETING WITH THE COMPLAINANT

- ☐ If complainant is a student: obtain FERPA Waiver if a Non-Valpo staff is serving as advisor
- ☐ Discuss confidentiality limits and the impact of anonymous reporting might have on the investigation.
- ☐ Discuss the involvement of others
  - a. EDS/Title IX notification
  - b. Police notification, possible involvement
  - c. Coordination and cooperation with law enforcement during a parallel criminal investigation
  - d. Professors or other University Staff that might need to be contacted

- ☐ Discuss the conduct process and the person's rights and personal choices:
  - a. The person's involvement choices (complainant, witness, anonymous)
  - b. Support and advocacy during the process
  - c. What happens if there is a hearing
  - d. Sharing of information regarding the investigation with the person
  - e. Protection from retaliation
- ☐ Let person tell their story (allow to describe what occurred without interruption, if possible)
  - a. Ask to explain what they remember and how they felt
  - b. What is the relationship between the parties?
  - c. If alcohol or drugs were a factor: incapacitation or the inability to make clear decisions
  - d. If there was violence involved, was the person injured? How, Where?
  - e. Was the person able to state no or indicate that they did not consent?
  - f. What specific body parts were involved?
  - g. Were there any witnesses, before or after the incident? Who did the person tell about this?
  - h. Are there any electronic messages between the parties regarding the incident, before or after?
  - i. Is there any other evidence they can provide that supports their version of events?
- ☐ Determine what the complainant needs now:
  - a. Is there a safety concern? If yes, what would make the person feel safe?  
*Help the person develop a safety plan and encourage them to call police if the respondent causes problems during the investigation.*
  - b. Discuss Campus resources i.e. counseling, etc. (health or academic impact due to the incident)
  - c. Explain who the person may contact if they wish to discuss the progress of the investigation or remember more information.
- ☐ Gather any evidence the Complainant alleges exists (ex., security camera video, texts, corroborating evidence)

#### V. DECISION REGARDING AN INVESTIGATION BY INVESTIGATORS

- ☐ The complainant requests the following actions to take place . . .
  - ☐ Keep the report, but no further action
  - ☐ A conversation to be held with the alleged but no official investigation/action to be taken
  - ☐ An informal complaint is filed
  - ☐ A formal complaint is filed
  - ☐ Refer to Bias Intervention Response Team
- ☐ According to the above complainant's statement, the behavior suggests:
  - ☐ Unwelcomed ☐ Gender-Based ☐ Verbal/Physical Behavior ☐ Objectively Offensive
  - And is . . . ☐ Severe (*rape is always severe*) ☐ Persistent ☐ Pervasive
  - And it . . . ☐ Creates a Hostile Environment
- ☐ Investigator recommends:
  - ☐ An investigation is recommended: Formal complaint filed or recommended (continue to Part VI)
  - ☐ No investigation is recommended (check with Title IX Coordinator before ending an investigation)

#### VI. CONTACT THE RESPONDENT/WITNESSES/GATHER EVIDENCE

- ☐ Contact respondent and arrange a meeting Meeting Date: \_\_\_\_\_
  - \_\_\_\_ Explain any interim measures that will need to take place during the investigation
  - \_\_\_\_ Choose two follow-up dates to check in that the interim measures are sufficient \_\_\_\_\_
  - \_\_\_\_ Email "Notice and Resources to Respondent" Sent: \_\_\_\_\_
- ☐ Contact any witnesses and arrange a meeting Meeting Date(s): \_\_\_\_\_

## **VII. MEETING WITH THE RESPONDENT**

- ☐ Discuss the limitations of confidentiality if a non-attorney attends the meeting as a support person
- ☐ Discuss the involvement of others
  - a. Title IX notification
  - b. Coordination and cooperation with law enforcement during a parallel criminal investigation
  - c. Professors or other University Staff that might need to be contacted
- ☐ Discuss the conduct process and the person's rights and personal choices:
  - a. The person's involvement choices
  - b. Support and advocacy during the process
  - c. What happens if there is a hearing
  - d. Sharing of information regarding the investigation with the person
- ☐ Let person tell their story (allow to describe what occurred without interruption, if possible)
  - a. Ask to explain what they remember
  - b. What is the relationship between the parties?
  - c. Ask whether alcohol or drugs were a factor
  - d. Was the person injured? How, where?
  - e. How did you know sexual contact was okay? (consent)
  - f. What specific body parts were involved?
  - g. Were there any witnesses, before or after the incident? Who did the person tell about this?
  - h. Are there any electronic messages between the parties regarding the incident, before or after?
  - i. Any other evidence that supports the respondent's version of events?
- ☐ Concerns or questions:
  - a. Discuss Campus resources i.e. counseling, etc. (health or academic impact due to the incident)
  - b. Explain who the person may contact if they wish to discuss the progress of the investigation or remember more information.

## **VIII. MEETING WITH WITNESS(ES)/GATHER EVIDENCE**

- ☐ If witness is a student: obtain FERPA Waiver if a Non-Valpo staff is serving as advisor
- ☐ Discuss the involvement of others
  - a. Title IX notification
  - b. Coordination and cooperation with law enforcement during a parallel criminal investigation
  - c. Professors or other University Staff that might need to be contacted
- ☐ Discuss the conduct process and the person's rights and personal choices:
  - a. The person's involvement choices
  - b. Support and advocacy during the process
  - c. What happens if there is a hearing
  - d. Sharing of information regarding the investigation with the person
  - e. Protection from retaliation
- ☐ Let person tell their story (allow to describe what occurred without interruption, if possible)
  - a. Ask to explain what they remember
  - b. What is the relationship between the parties?
  - c. What was the behavior of the respondent toward the complainant (at school or in the workplace)
  - d. Ask whether alcohol or drugs were a factor
  - e. Were there any other witnesses, before or after the incident? Who did the person tell about this?
  - f. Are there any electronic messages between the parties regarding the incident, before or after?
  - g. Is there any other evidence they can provide that supports their version of events?
- ☐ Concerns or questions:
  - a. Discuss Campus resources i.e. counseling, etc. (health or academic impact due to the incident)

- b. Explain who the person may contact if they wish to discuss the progress of the investigation or remember more information.

☐ Gather any evidence the Respondent alleges exists (ex., security camera video, texts, corroborating evidence)

#### **IX. Evidence Letter**

- ☐ Draft evidence letter (description of all interviews, what was shared in the interviews, any gathered evidence)
- ☐ Send draft evidence letter to Title IX Coordinator for review

#### **X. HEARING**

Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

- ☐ Send the hearing packet to the Complainant, Respondent, and Hearing Panel (use BCC); cc Title IX Coordinator
- ☐ Final Evidence Letter
  - ☐ Complaint Report (copy of complaint form)
  - ☐ Respondent's response to charges (copy of response form)
  - ☐ Date/time/location and any special directions on Hearing
- Date Sent: \_\_\_\_\_

#### **XI. APPEALS**

- ☐ Send the Hearing Panel's decision to the Provost in the event of an appeal