



GICA Compliance Collaborative

2020 In-Person and Webinar Training

Title IX – Investigator Training – Part IV

(1 Hour In-Person, Webinar, and Videotaped - August 2020)

AGENDA

Title IX Investigator Training – Part IV

ANSI/ASIS INV.1.-2015 – Investigation Standards

(Discussed relevancy of ANSI/ASIS INV.1.-2015 Investigation Standards to Title IX Investigations)

What a lawsuit will focus on if allegation of improper investigation:

- Does the institution have a policy/procedure in place to govern investigations?
- Was there a written disclosure of allegation?
- Was there disclosure of objective purpose of investigation?
- Were the investigator(s) identified?
 - Documentation of education, training, previous experience
- Were both parties provided the same opportunity to tell their story to the investigator, provide documentation, review record, present their story to the hearing panel, cross-examine witnesses, and appeal?

Overview

Investigation Defined

Investigation Framework

Plan-Do-Check-Act Model

Investigation Guiding Principles

Information Types

Testimonial

Documentary

Physical

Direct Evidence

Circumstantial Evidence

Forensic Evidence

Hearsay Evidence

Admissibility of Evidence

Materiality of Evidence

Establishing Investigation Scope

Establishing Investigation Roles
Establishing Legal Requirements
Investigator Competency Defined
Investigator Competency Skills
Prior to Investigation Commencing
Investigator's Information Collection Role
Preparing Investigation Conclusions
Evaluating Investigation Outcomes

Resources Provided

<https://www.asisonline.org/publications--resources/standards--guidelines/>

Each GICA Compliance Collaborative member institution was provided with one copy of these proprietary standards.

Presenter: Judy Spain, J.D., CCEP

Judy currently serves as the GICA Compliance Program Consultant. She is a Professor Emeritus, Eastern Kentucky University, an attorney licensed in Kentucky, Ohio, New York, and Pennsylvania, and is a Certified Compliance and Ethics Professional. She served as General Counsel and Chief Ethics and Compliance Officer at Eastern Kentucky University and Manhattanville College, where she developed and implemented compliance programs. She has served in multiple Title IX roles and has lectured extensively in this area. Judy is the author of the first book on higher education compliance, *“Higher Education Compliance: Blueprint for Success”*. Judy is also the author of *“Compliance Risk Assessments: An Introduction”* published by the Society for Corporate Compliance and Ethics.