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?
  o 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.