

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
- Create Case for all individuals involved
- Determine if a police report is available, VUPD or Valpo City Policy

Date Notified: _____

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 Date Sent: _____
 - Complaint Report (copy of complaint form)
 - Respondent's response to charges (copy of response form)
 - Date/time/location and any special directions on Hearing

XI. APPEALS

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