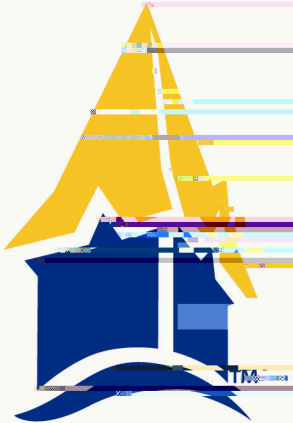
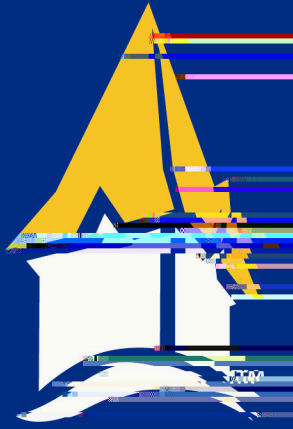


# Training for Volunteers



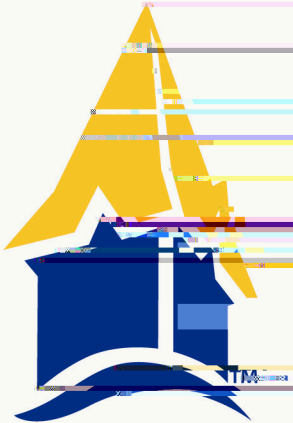


What do you want to know or understand by the end of the presentation?



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# Overview



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The University of North Georgia is committed to providing a safe work, learning, and living environment free from Sexual Misconduct, assault, harassment, discrimination based on sex, sexual orientation, or gender-related identity.



# General Definitions

- Complainant
- Respondent
- Advisor



# Scope: Title IX vs. Non-Title IX

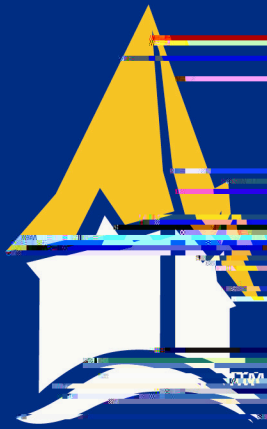
## Title IX Scope

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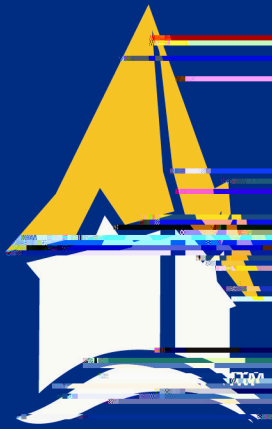


# Prohibited Conduct

- Sexual Harassment
- Dating Violence
- Domestic Violence
- Stalking
- Sexual Exploitation
- Non-Consensual Sexual Contact
- Non-Consensual Sexual Penetration



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# Sexual Harassment: Other than Student on Student

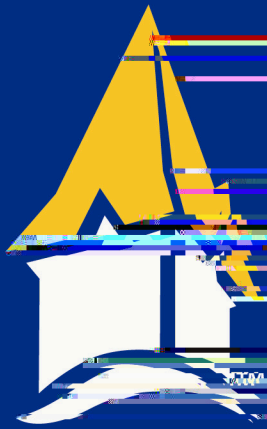


# Dating Violence

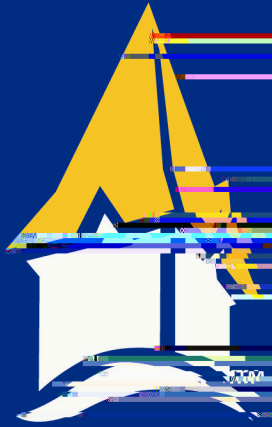
Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant.

Dating violence includes but is not limited to...

- Sexual or physical abuse
- Threats of sexual or physical abuse



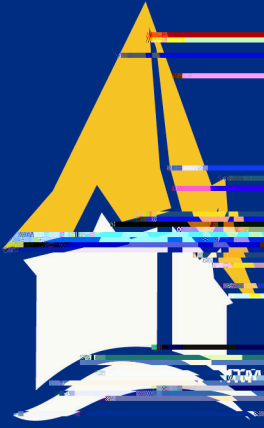
# Domestic Violence



# Stalking

Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to fear for their safety or the safety of others or suffer substantial emotional distress.

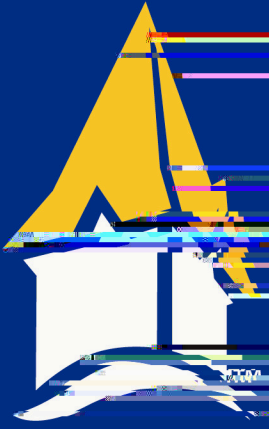
- A course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.



# Sexual Exploitation

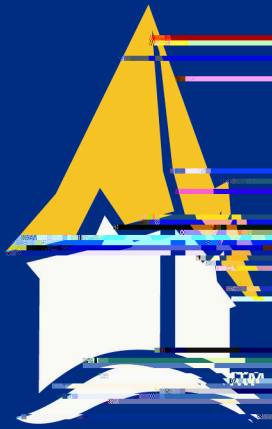
Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit or for the benefit or advantage of anyone other than the one being exploited. Examples of sexual exploitation may include, but are not limited to, the following:

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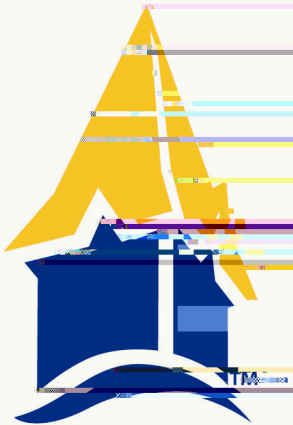
# Non-Consensual Sexual Contact





Non-

# 2022 Statistics for UNG





# Demographics of Complainants

## Status

- Students – 160
- Faculty – 1
- Staff – 2
- Unaffiliated – 3
- Unknown – 0

## Affiliations

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- Female – 147
- Male – 16

\* Two are both in the Corps  
and are in a fraternity/sorority

# Demographics of Respondents

Status



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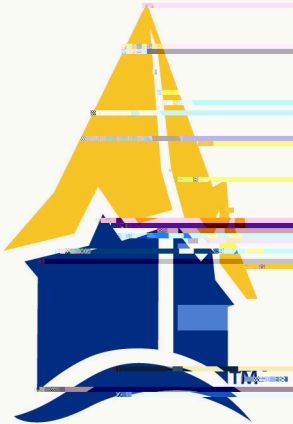
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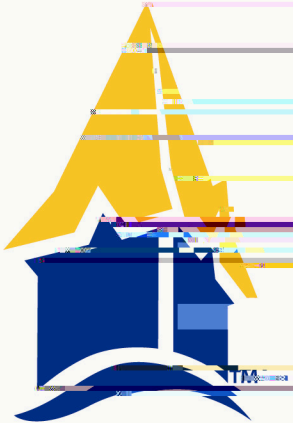
# Grievance Process



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# Reporting



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# Reporting

- Reporting can be done by way of the online Sexual Misconduct Reporting form, any online form, email, phone, in-person, or telling a mandatory reporter.
- Mandatory employees include all administrators, supervisors, faculty members, and other employees who are not confidential or privileged employees. Students such as teaching assistants, graduate assistants, residential assistants, student managers, and orientation leaders are considered mandatory reporters.
- Reports should include as much information as possible (names, dates, description of allegations, evidence, etc.).
- They can be made anonymously. However, this may limit the University's ability to respond to the anonymous report. Mandatory Reporters must disclose all information shared with them and cannot submit anonymous reports.



# Outreach

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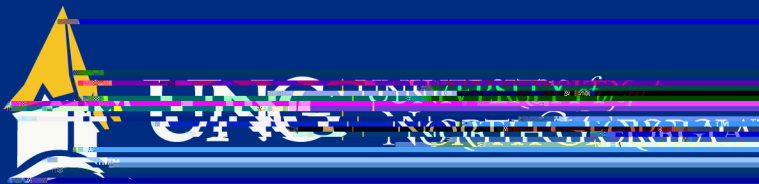
# Privacy and Confidentiality

## Privacy

- Generally speaking, the information related to a report of misconduct will only be shared with a limited circle of individuals who have a legitimate need to know the information to assist in the response, investigation, and resolution of the complaint.
- While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

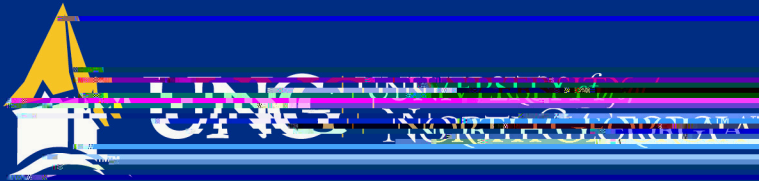
## Confidentiality

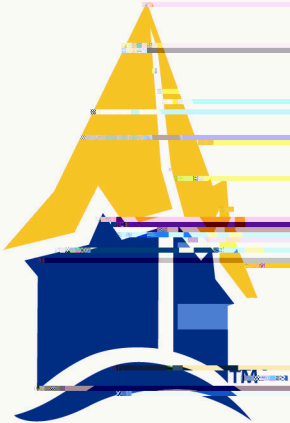
- Confidentiality is not the same as privacy. Confidentiality means that the information shared with a specific employee or outside professional cannot be disclosed to others without the express permission of the individual who shares the information. They are obligated by law to maintain confidentiality, subject to that office's stated terms of confidentiality.



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- Information a Student reports during an investigation concerning the consumption of alcohol or other drugs will not be used against the Student in a disciplinary proceeding (i.e., Student Code of Conduct) or voluntarily reported to law enforcement. Amnesty for Employees is at the discretion of Human Resources.
- Amnesty may not apply in situations where alcohol or other drugs were used as a tool to facilitate a violation of this Policy.
- Students and Employees may be given resources on counseling and/or education related to alcohol and other drugs.





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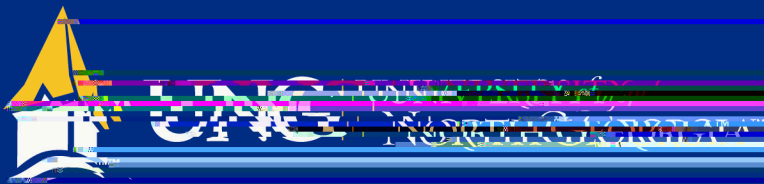


# Review for Dismissal

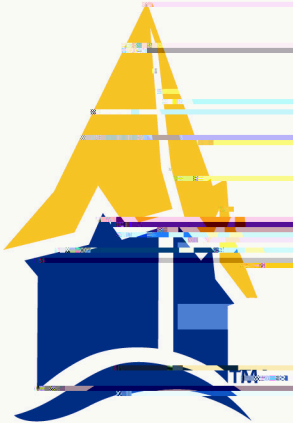
Title IX Coordination can dismiss a report on the following grounds:

- The alleged conduct, on its face or as clarified, would not constitute a violation of the Sexual Misconduct Policy.
- The Complainant provides written notice that they want to withdraw the complaint or allegation(s).
- The Respondent is no longer enrolled or employed by the University. If the Respondent was enrolled or employed at the time of the conduct, a dismissal will be considered but is not required.
- Circumstances that may prevent the University from gathering relevant evidence sufficient to reach a determination regarding the complaint.

*A report that does not meet the Title IX scope (i.e., the location where the conduct occurred) will be dismissed under Title IX and reviewed under the general dismissal reasons.*



# Role of Advisor

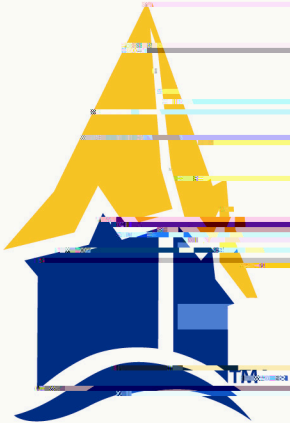


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# Right to an Advisor

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# Trauma and the Brain



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# TRAUMA AND THE DRAIN



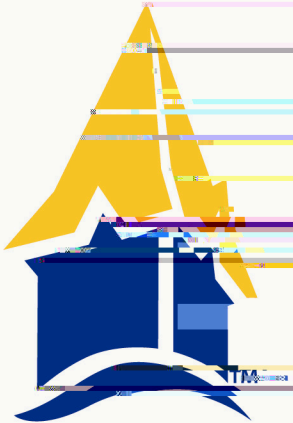
# Impact of Trauma:

- Memory Consolidation:

# Impact of Trauma

- **Memory Gaps:** Some individuals may experience memory gaps or amnesia for certain parts of a traumatic event. These memory gaps can be a protective mechanism, as the brain may suppress or block out particularly distressing details to reduce emotional distress.
- **Hyperarousal and Hypervigilance:** People who have experienced trauma might also exhibit heightened states of arousal and hypervigilance. This hyperarousal can make it challenging to concentrate and recall information accurately, as their attention is often focused on potential threats in the environment.
- **Triggers:** Trauma-related memories can be triggered by various stimuli, such as sights, sounds, or smells associated with the traumatic event. These triggers can lead to a flood of emotions and memories, further affecting memory recall.

# Alternative/Informal Resolution



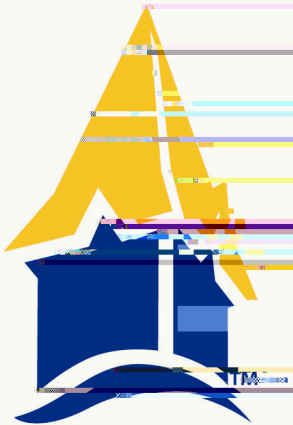
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# Alternative/Informal Resolution

- The difference is that informal resolution requires a formal complaint to be submitted, and the Respondent cannot be an employee.
- The Respondent received a notice of the allegations.
- The Complainant, Respondent, and the University agree to enter into the process.
- All parties agree on the terms of the resolution.

# Investigation



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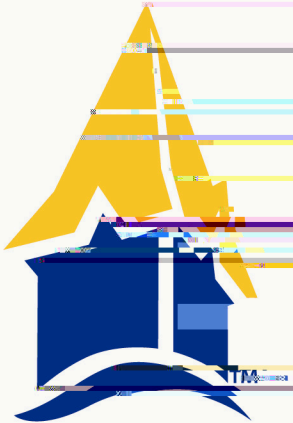
# After the investigation

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- Response options
  - Either party can request a hearing
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# After the investigation

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- - Move to the sanction-only process
  - Start the alternative/informal resolution process
  - Close the case
  - Move to Formal hearing

# Formal Hearing



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# Key Information

- The hearings are live but done via Zoom.
- Typically, there are three (3) hearing panelists. Of which the parties can challenge for bias or conflict of interest.
- Rules of Decorum are in place for the hearing.



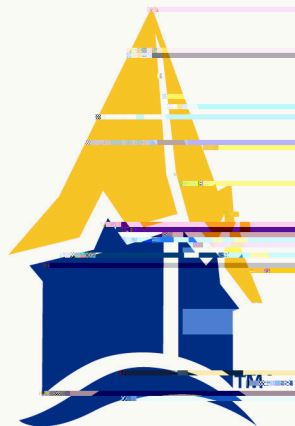
# During the hearing

- The Chair serves oversees the hearing, deliberation, and determination. They also answer procedural questions. They are not decision-makers.
- The Complainant and Respondent are given equal opportunity to speak.
- Witnesses can be called by either party. The investigator may also testify as a witness regarding the report.
- The parties have the right to question the other party and witnesses.
- In Title IX cases, the advisor asks the questions. In Non-Title IX cases, the party asks the questions.
- The University must provide an advisor if a party does not have an advisor for a Title IX hearing.

# After the hearing

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- - Imposes sanctions for a student Respondent.
  - Recommends sanctions to Human Resources for an employee Respondent.
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# Appeal Process



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# Appeals

Both parties have the right to appeal the determination of responsibility and the imposed or recommended sanctions.

# Appeals for Employee Sanctions

The hearing panel offers recommendations for sanctions concerning employees rather than directly imposing them.

These recommendations are subsequently forwarded to the Human Resources

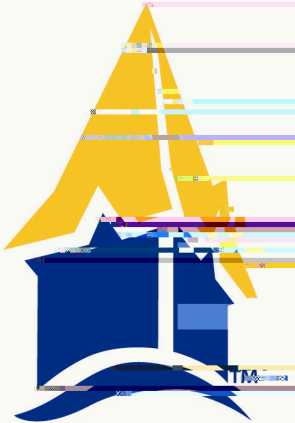


# Closing Cases

Closure letters are sent when

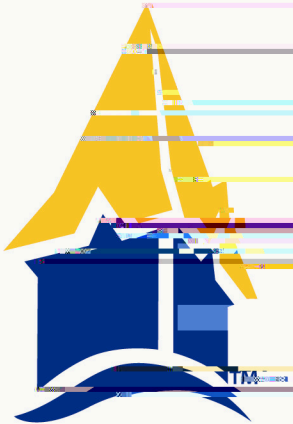
- The Complainant does not want any action.
- The case is dismissed.
- An agreement was reached through the alternative/informal process.
- A final determination has been made on the case.

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# Investigator Training



# Role

The role of an investigator in Title IX cases is critical in upholding the principles of fairness, due process, and the prevention of sex-based discrimination and harassment in educational settings.

Their work contributes to creating a safe and inclusive environment for all students and employees.



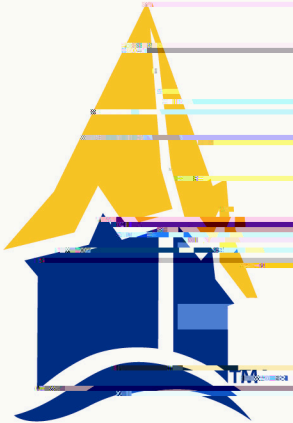
# Role (cont'd)

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# Role

7. **Reviewing Policies and Procedures:** Investigators should be well-versed in the institution's policies and procedures related to Title IX. They ensure that the investigation complies with these guidelines and any legal requirements.
8. **Report Preparation:** After gathering all the necessary information, investigators prepare a detailed report summarizing the findings of the investigation. This report may include a narrative of the events, relevant evidence, and witness statements.
9. **Adhering to Timelines:** Investigators should work within established timelines and deadlines to complete the investigation promptly.

# Bias



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# Recognize and Address Bias

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# Recognize and Address Bias

- Diverse Input: Seek out diverse sources of information and engage in conversations with people who have different perspectives. This can broaden your understanding and reduce the impact of bias.
- Objectivity: Strive for objectivity in your decision-making. Base your judgments and



# Impact of Bias

Bias during an investigation can have significant and far-reaching consequences, potentially undermining the integrity and fairness of the process. Here are some of the key impacts of bias during an investigation:

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# Develop an investigation plan

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# Consider the Physical Setting







# Setting the Stage



# Setting the Stage (cont'd)



# Environment



# Your Mannerisms

# Keep the Goal in Mind

The primary objective of the investigation is to gather facts, allow both parties to voice their perspectives, and facilitate the submission of evidence and witness statements for a comprehensive understanding of the incident(s). To giTm /TT-0(h) -0(i) 2(s) -2 ) JTJET Q 2024 m BT 5050 n

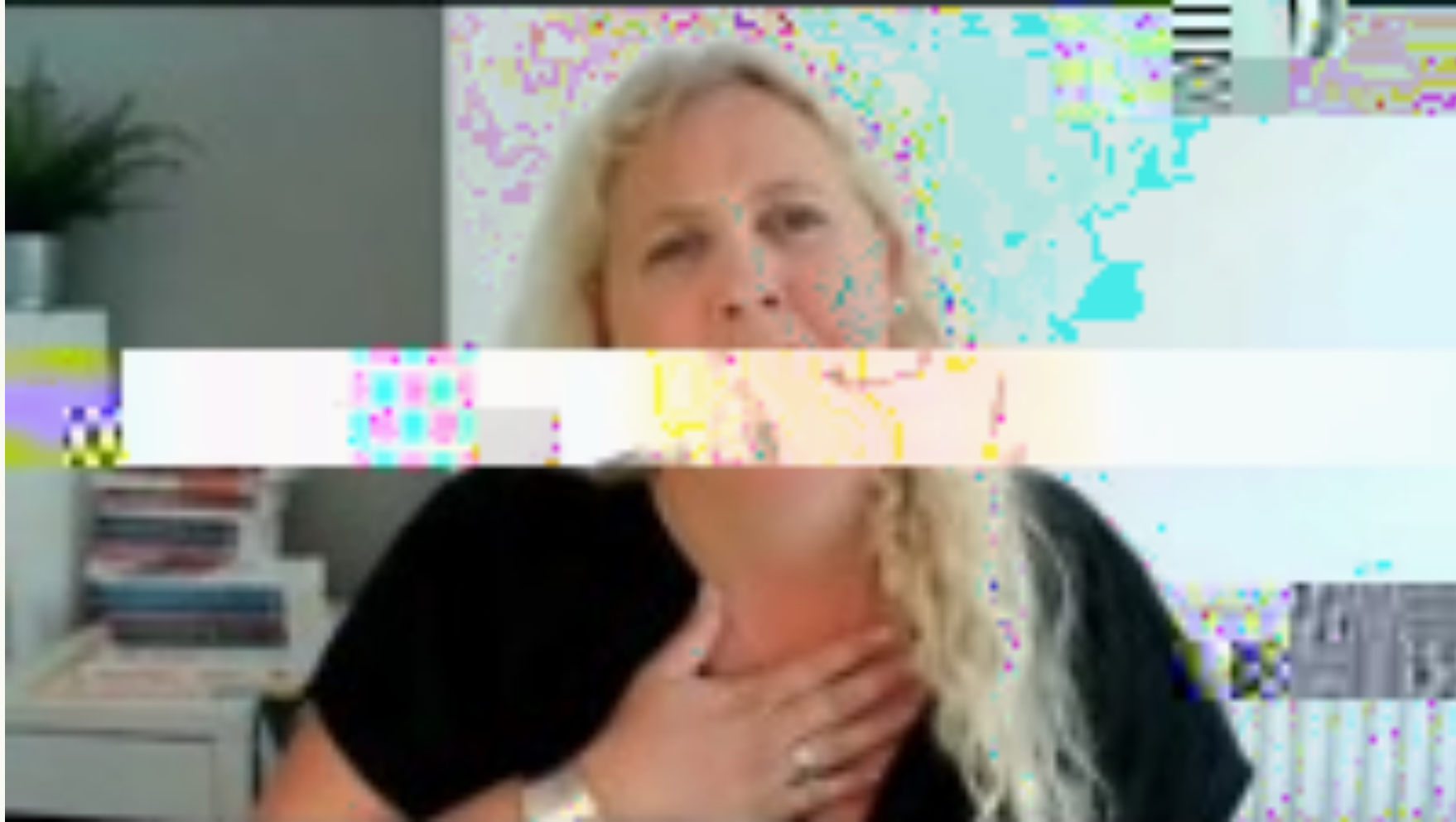
# Notes

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- Allocate dedicated time for the careful review and transcription of the interview summary.
- Provide a draft of the interview summary to the participants, allowing them the opportunity to review and make any necessary edits.

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# Trauma Informed Interviewing



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(e.g., "What were you wearing at the time of the incident?")

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- **Transparency about role and process**
  - Use plain language and detailed information. It helps establish trust and make them feel at ease.
- **Control choice**
  - Examples – where the interview is to be held, where they set, tell them they can ask for breaks or stop the interview
- **Follow their lead and minimize interruptions**
  - Asking where they want to start or tell them to share what they feel comfortable sharing
- **Maintaining rapport**
  - Throughout the interview acknowledge that you know this is difficult; thank them for sharing
- **Neutral, non-direct language**
  - Avoid why questions

# Trauma Informed Interviewing Tips

- Use sensory memories
  - Smells, sounds, tastes, sights, or touch
- Environment and safety
  - Easy access for them to leave the interview space; use of a support person
- Give warning about difficult questions
  - Ask them if it is okay to talk about a specific item
- Ask follow-up questions in the first interview
  - Follow-up can cause stress
- Debrief, reflect and learn
  - Talk to a colleague about the interview for reflection and decompressing

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# Effective Questioning

When crafting questions, focus on gathering pertinent information, including the "Who, What, When, Where, and How" aspects of the incident.

- Initiate the conversation with neutral, non-judgmental, and open-ended questions that pertain to the incident.
- Steer clear of close-ended questions, as open-ended ones encourage detailed responses.
- Use clarifying questions as needed. For instance, you might say, "Just to clarify, you mentioned that you did x, y, z on..."
- Do not assume you know what they mean. "We had sex." "When you say "sex" what does that mean?" You want to ascertain the type – oral (who to whom), vaginal, anal, etc.
- Allow them to speak without interruption and save follow-up questions for later.
- Explore the same subject by phrasing questions in slightly different ways to assess consistency in the responses. This helps identify discrepancies or scripted answers.



# Asking the Hard Questions

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# Closing the Interviews

At the end of the interview, it is essential to:

- Acknowledge that the conversation may evoke challenging emotions or address sensitive topics.
- Express empathy while using language that underscores the neutrality of the investigative process.
- Conclude by expressing gratitude for their participation, and provide information on the subsequent steps in the process.
- Remind them they can provide additional information if they recall further details.
- Refer individuals back to the Title IX Coordinator for access to supportive measures and additional resources as needed.

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# Complainant Question Development

- Will the response to this question contribute to my comprehension of whether a policy violation has taken place?
- How will the answer to this question shed light on whether the individual's actions align with the definition of a violation?
- Does the information I am seeking serve the purpose of understanding either the individual or the incident, or does it aid the panel in making an informed decision?

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Avoid questions that imply fault or that suggest victim blaming:

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# Respondent Interview

## Remember:

- Acknowledge that the Respondent may also be experiencing considerable stress, similar to the Complainant.
- In some instances, the complaint may come as a surprise to the Respondent.
- Emphasize that the Complainant and Respondent are entitled to the same respect and consideration.

## Do:

- Uphold principles of fairness and equity as fundamental to the process.
- Ensure that the same trauma-informed approach is used for the Respondent.
- Strive to corroborate the information provided by each party.

# Respondent Interview (cont'd)

Say:

- Explain to them that a complaint has been filed and set forth the process involved in an investigation of this nature
- Describe the basis for the complaint and the behaviors alleged and by whom (confidentiality permitting)
- Stress the presumption of not being responsible.





# Questioning Witnesses

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# Steps to Address Reluctance

- : Create a comfortable and non-confrontational atmosphere to encourage openness.
- : Clarify the investigation process and the participant's rights and protections. Ensure they understand the purpose and the importance of their involvement.
- : Listen to their concerns and reasons for reluctance. Validate their feelings and empathize with their situation.
- : Assure them of the support available throughout the process, including counseling, advocacy services, etc.
- : If they are uncomfortable with a particular aspect of the process,



# Challenge a Lying Participant

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# Requirements for Collection

Institutions are required to ensure that both parties have an equitable chance to present evidence and call witnesses during the investigative process. Throughout the investigation, institutions should actively seek out pertinent evidence and be open to receiving both "relevant" and "directly related" evidence from all involved parties. Evidence includes:

- Inculpatory evidence: evidence showing or tending to show one's involvement in misconduct.
- Exculpatory evidence: evidence tending to establish innocence.

# This Process Does NOT Use Rules of Evidence

The "rules of evidence" refer to the established principles and guidelines that govern the admission and use of evidence in legal proceedings, such as trials and hearings. These rules are designed to ensure that the evidence presented is reliable, relevant, and fair.

Formal rules of evidence do not apply. Evidence should be admitted if the information is relevant to prove or disprove a fact. If credible, it should be considered. Certain types of evidence may be relevant to the credibility of the witness but not to the charges.

This means the process *cannot exclude*:

- Redundant evidence
- Character evidence
- Hearsay
- Evidence where the probative value is substantially outweighed by the danger of unfair prejudice

# Types of Evidence

Direct Evidence:

Circumstantial Evidence:

Witness Testimony:

Documentary Evidence:

Physical Evidence:

# Types of Evidence

Expert Testimony: Statements from professionals who can provide their expertise on specific matters related to the case, such as medical experts or forensic analysts.

Character Evidence: Information about the character or reputation of the individuals

# Sources of Evidence

- Documentary
- Statements
- Electronic
- Real
- Direct
- Circumstantial
- Hearsay

# Relevant vs. Irrelevant

Defining relevant and irrelevant evidence is essential for maintaining the focus of the investigation, preventing the process from becoming overly burdensome, and ensuring that decisions are based on pertinent information.

**Relevant Evidence:** Information that has a direct bearing on the key issues of the investigation. It is evidence that is material to the allegations or the defenses presented. Relevant evidence helps in proving or disproving the facts under consideration and is essential for making an informed decision. Includes *directly related evidence* obtained from any source that pertains to the allegations, even if the university does not plan to use it in determining responsibility

**Irrelevant Evidence:** Information that does not directly connect to the investigation's core issues. It does not contribute to establishing or refuting the allegations or defenses and, therefore, should not be considered when making a determination.

# Determining Relevancy

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# Restricted or Inadmissible Evidence

Information Protected by Privilege:





# What is Sexual Behavior

# Factors Impacting Weight of Evidence

- Information that can be trusted
- Comes from individuals who are able to have assumed the role they claimed to have or those with actual training or experience to support their claim of expertise
- Induces others to believe through understanding; tries to convince
- It must be believable and consistent to establish a dependable narrative
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# What Makes a Good Report

- : The report should be well-organized, with clear headings and subheadings, and written in plain language. It should be easily understood by all relevant parties, including those without a legal background.
- : The report must maintain impartiality. It should present facts and findings without bias or favoritism toward any party involved in the investigation.
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# Writing Good Statement Summaries

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# Distribution of the Report

- The report is distributed, and the parties have ten (10) business days to review it and respond.
- They are invited to give feedback on the content of the report

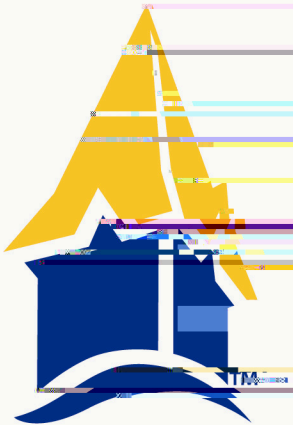
# Hearing

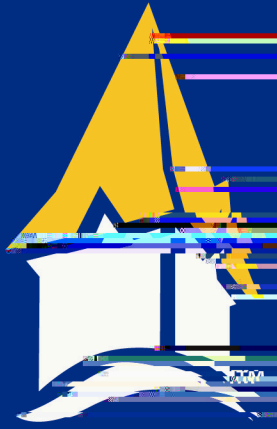
- Investigators are considered witnesses in a hearing.
- Should either party or the hearing panel wish to question you, you need to make yourself available during the hearing.

# Remanded

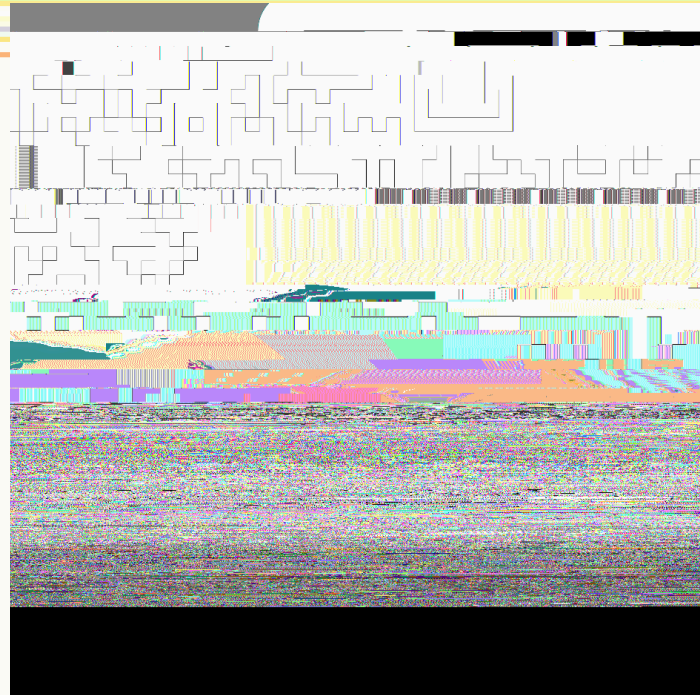
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Please give us your feedback on the presentation.



I will email you the presentation for your records.

