

2026 Title IX Summer Summit

Effective Investigations + Reports

Jodie Crosby Ferise, JD, EdD

Presented by **Church, Church, Hittle + Antrim**
Vincennes, Indiana | June 2026



Session Roadmap

Conducting an investigation

Role of a Decision Maker

Role of the Investigator

Report Writing

Outcome Letters



Stages of a Title IX Case

I. REPORT

II. INITIAL INTAKE

III. SIGNED FORMAL COMPLAINT

IV. INVESTIGATION

Role of an Investigator

- **Conduct prompt, thorough, fair, equitable, and impartial investigation**
- **Make thorough search for relevant facts + evidence sufficient for adjudicators to reach a determination**
- **Effectively organize documents + develop comprehensive investigation file**
- **Prepare preliminary evidence report and final investigation report**
- **Provide testimony at hearing related to investigation**

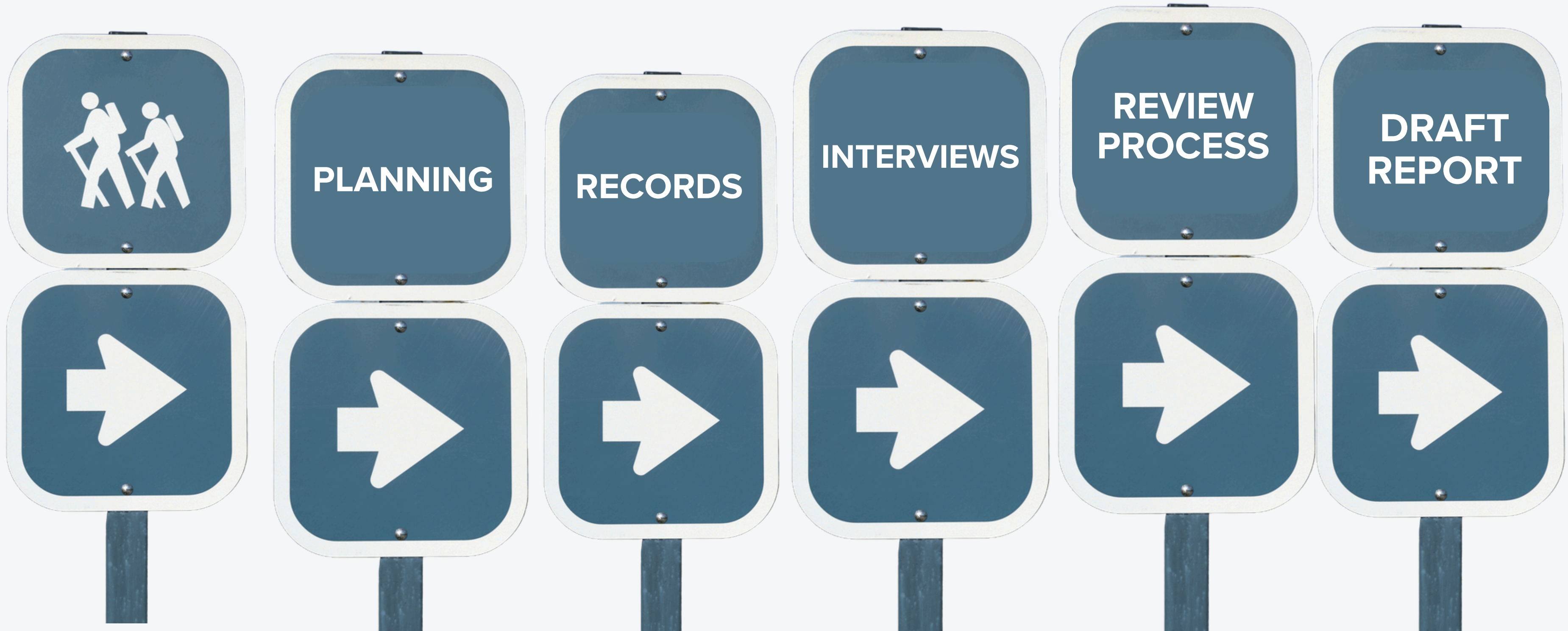


Investigate to find relevant facts, not make outcome determination.

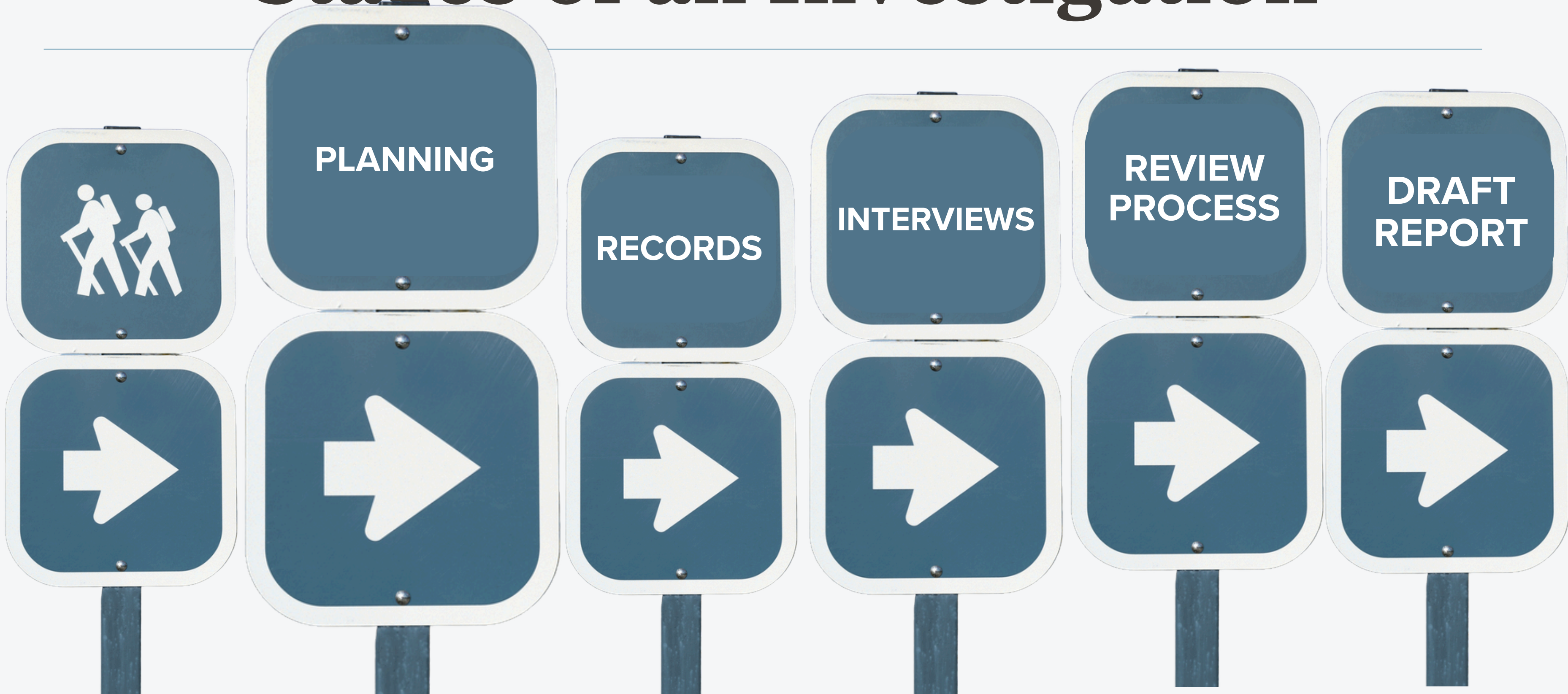
Qualifications of an Investigator

- **Internal or external to institution**
- **Appropriately and regularly trained**
- **Not adjudicator**
- **Respectful of privacy**
- **Of appropriate temperament**
- **Able to engender trust**
- **Capable of balancing sensitivity and directness**
- **Free from bias and conflict of interest**

Stages of an Investigation



Stages of an Investigation



Planning an Investigation

- **Review Notice of Allegations and other information provided by Title IX Coordinator**
- **Review applicable policies**
- **Understand the elements of the alleged policy violation, and definitions such as consent if at issue**
- **Create communication log and evidence log**
- **Create an investigation plan**



Investigation Plan:

Records

- **Text messages and E-mails**
- **Social Media**
- **Video Recordings/Surveillance footage**
- **Medical Records**
- **Police Reports**
- **Photographs**

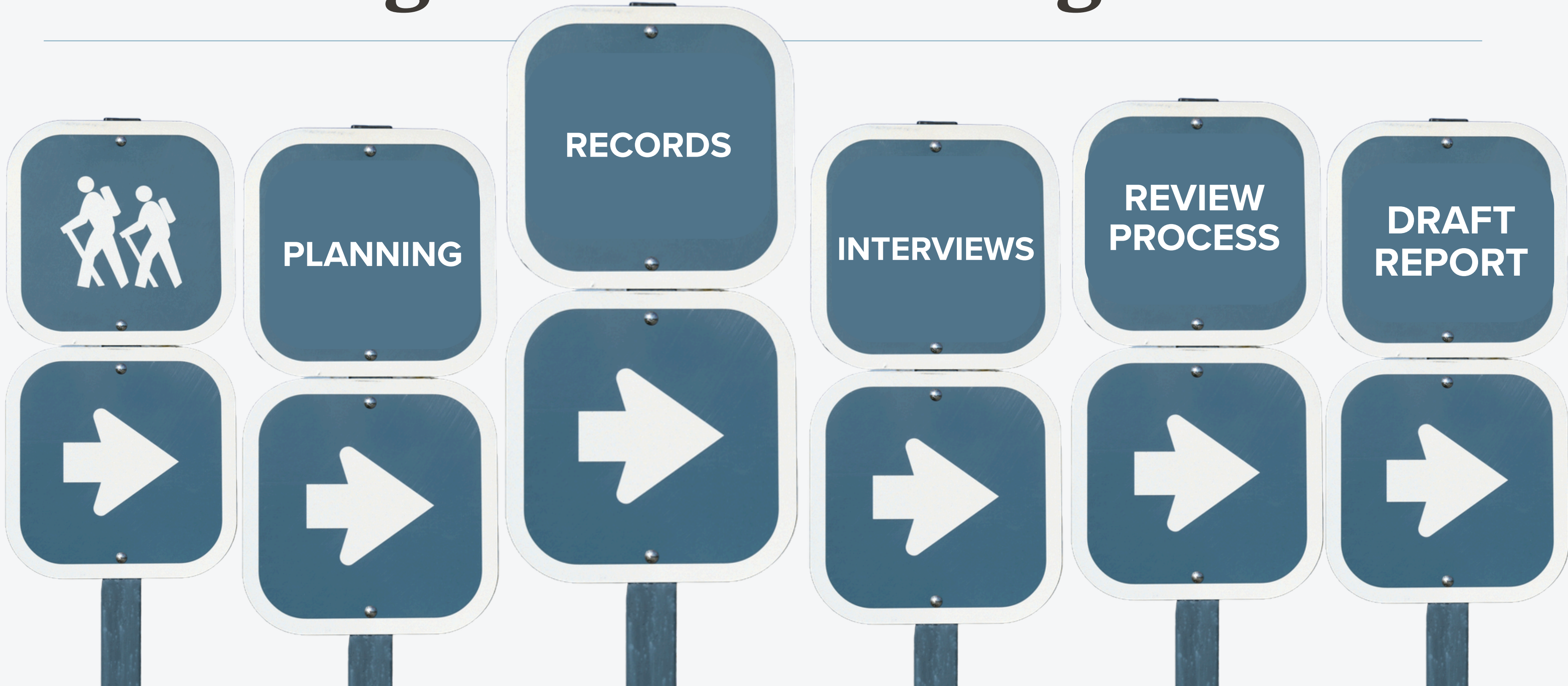


Investigation Log

- **Table or Maxient Entries**
- **What to Record**
 - **Attempts to contact witnesses**
 - **Responses and non-responses**
- **When?**



Stages of an Investigation



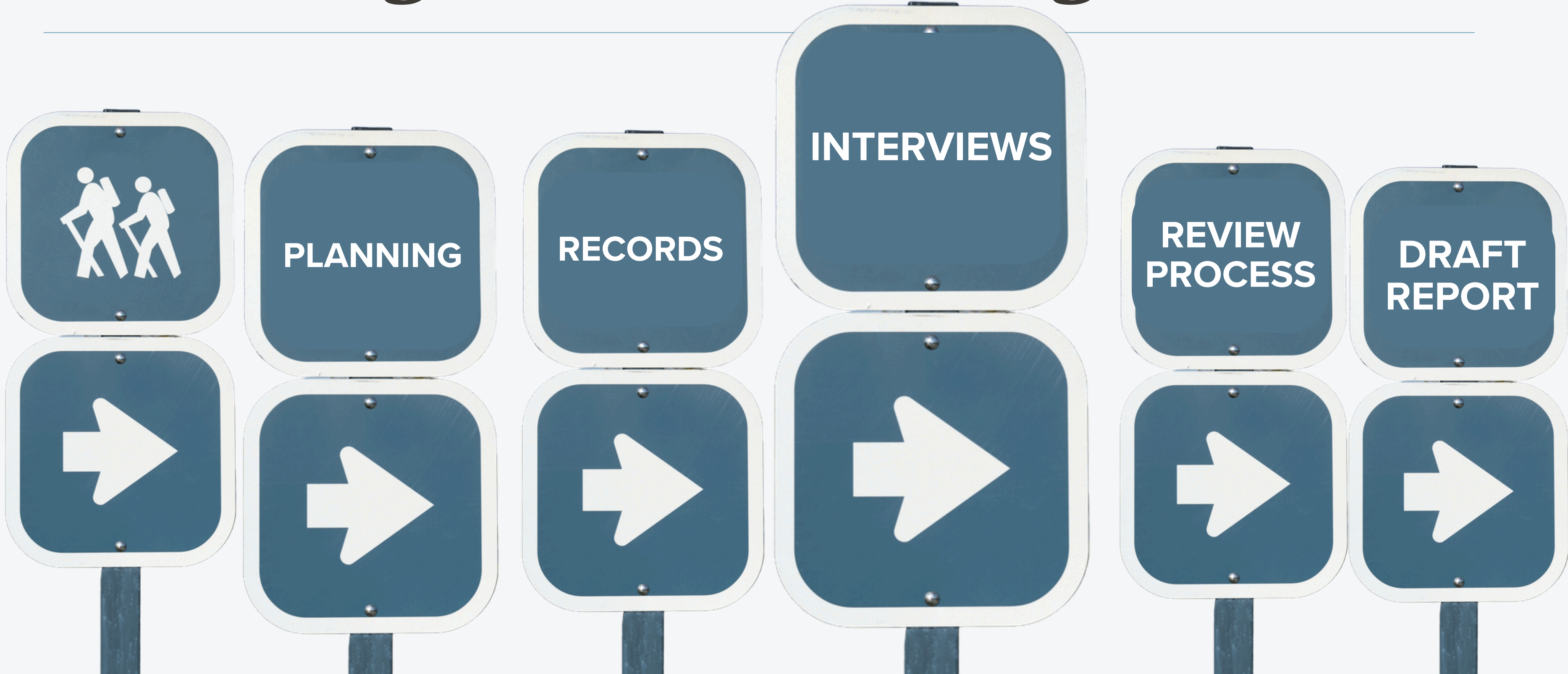
Records

What records do I need? Who is the custodian?

- **Attempt to receive actual record from the person who created it**
- **Consider contacting IT**
- **Timing is important**



Stages of an Investigation



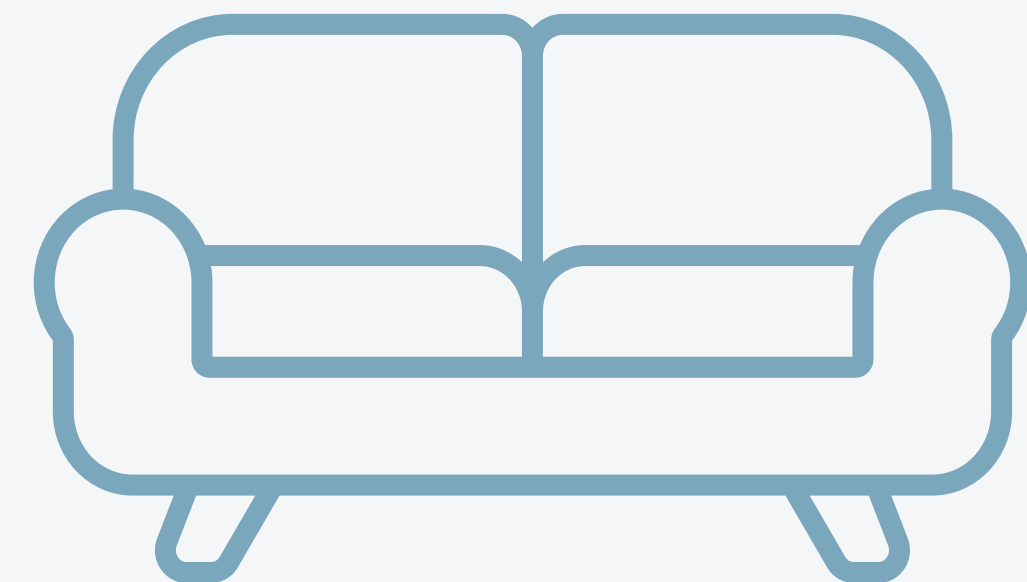
Scheduling Interviews + Advisor Participation

- **Request interviews – usually via email – provide sufficient notice for party to prepare, include dates and times**
- **Once confirmed, send email with date, time, location, and what they should bring to interview**
- **Since advisors may accompany parties, confirm advisor participation + inform of advisor’s role (supportive, cannot answer for party, non-disruptive, potted plant)**
- **Consider procedure meeting with advisor prior to interview to discuss policy + expectations**

Before the Interview

Set up or locate an appropriate space.

- **Ensure a neutral, quiet, private setting**
- **Warm, inviting, calm**
- **Soft seating, blankets, pillows, rug, indirect lighting**
- **Tissues, water, fidget devices**
- **Noise cancellation**



Preparing for the Interview:

Notes

- **Who will interview?**
- **How will notes be taken?**
- **Will there be a recording?**



Preparing for the Interview:

Interview Outline

- **What information might this person have related to the elements of the allegations?**
- **Who has mentioned this person in their interview?**
- **What information could this person corroborate with a firsthand account?**

Preparing for the Interview:

Opening Script

Examples of items to include in the opening script:

- Introductions and explanation of investigator's role
- Indicate date, time, place
- Have everyone in attendance introduce themselves
- Acknowledgment of recording, if applicable
- If virtual, confirm private location
- Relevant policy/amnesty policy/no retaliation
- Acknowledge potential difficulty of interview
- Invite questions regarding interview or process

Preparing for the Interview:

Closing Script

Examples of items to include in the closing script:

- List of evidence they've said they would provide; ask if any additional exists
- Witnesses they want you to interview + any others who might have information
- “Were there any questions you thought I would ask, but didn’t?”
- “Is there anything else you think I should know about what happened?”
- Reminder to reach out if they think of additional information later
- Ask if they have questions for you
- Explain next steps and thank them for participating

Starting the Interview

- **Goals:** learn the facts, gather evidence, establish a timeline, understand each party's perception of what happened
- **Understand this is an interview/relaxed conversation, not an interrogation**
- **Remember:**
 - **No obligation to participate**
 - **Discomfort and emotions may be extreme**

Starting the Interview

- **Introduce yourself; thank them for meeting with you**
- **Explain the purpose of the meeting:**
- **Explain their rights**
- **Share available resources**
- **Provide options for proceeding**
- **Ask permission to record**
- **Explain terms you will use, e.g. Complainant, Respondent, and policy violation**
- **Set expectations for privacy vs. confidentiality**



Building Rapport

- **Acknowledge how awkward, uncomfortable, and even painful this meeting may feel.**
- **Ask some easy, unrelated, introductory questions to allow them to begin to speak on topics that do not feel threatening (e.g., hometown, major, etc.).**
- **Remain neutral.**



Conducting Effective Interviews

- **Active listening skills - pay attention - not distracted / make eye contact / nodding / body language / not thinking of question while listening**
- **Mirror language used by the person you are interviewing, but find out what it means.**

Example: You mentioned you and x “fooled around”, what does it mean to “fool around”?

Once you know what is meant, then you can use it.

Conducting Effective Interviews

- **Clarify ambiguous language such as “had a few drinks,” “drunk,” “was acting strange,” “sex”**
- **Use medical/anatomical terms for clarification**
- **Let them tell their account of what happened first, without interrupting, then follow up with open ended questions, paraphrasing, and funneling**
- **Acknowledge hesitation or awkwardness as normal**
- **Ask to send evidence such as text messages during the interview; follow up with email**

Interview Questions

What do you remember about that date?

**Do you remember if you
were with anyone?**

Were you with Janice?

Interview Questions

**I heard you say ____.
Did I understand
that correctly?**

**Tell me about
____.**

**Help me understand
what you meant
when you said ____.**

**What else can
you tell me
about that?**





What if a party or witness provides false information during the investigation?

Conducting Effective Interviews

Do not:



- **Ask compound, multiple choice, or leading questions**
- **Ask irrelevant questions out of curiosity**
- **Ask accusatory questions – “victim blaming” – “Why did you stay after? Why did not report the incident sooner? Why were you wearing that?”**
- **Say “I am sorry this happened to you. That’s too bad.” Instead, I understand this is difficult for you to talk about.**
- **Treat parties differently – use same techniques for both parties**

Trauma-Informed Interviews

How does trauma affect interviews?

- Lack of accurate, detailed memory
- Inability to recall in linear or chronological memory; jumping around in retelling
- Inconsistencies across multiple accounts of incident(s)

How should this affect your view of Complainant or the validity of their complaint?

- Responses to trauma vary widely.
- Signs of trauma do not prove misconduct occurred.
- Lack of trauma does not indicate misconduct did not occur.

Trauma-Informed Interviews

Ask:

“What are you able to tell me?”

Relieves some pressure.

Ask sensory questions:

“What did you see, hear, smell...”

Explain reasoning behind difficult questions.

Addressing Inconsistencies

- **Don't be accusatory; remain neutral**
- **Be explicit and direct; cite source of inconsistency**
- **“You said X but you previously said Y. Can you help me understand? Those seem like different responses.**





**What if the advisor
answers questions?**

After the interview



- **Finalize interview notes**
- ***Update investigation plan***
- **Follow up with document requests**
- **Refer to policy for appropriate next step**

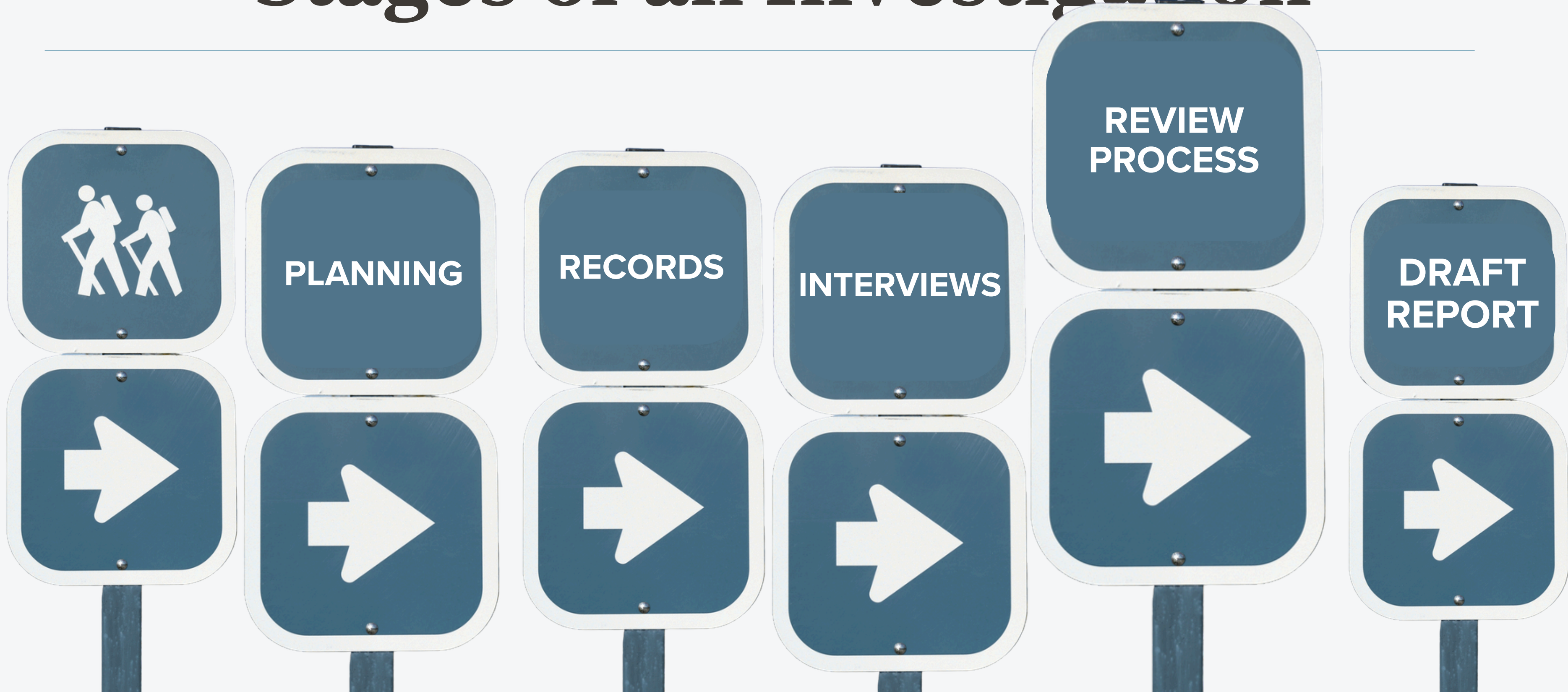


What do I do if a witness later asks for an update on the matter?

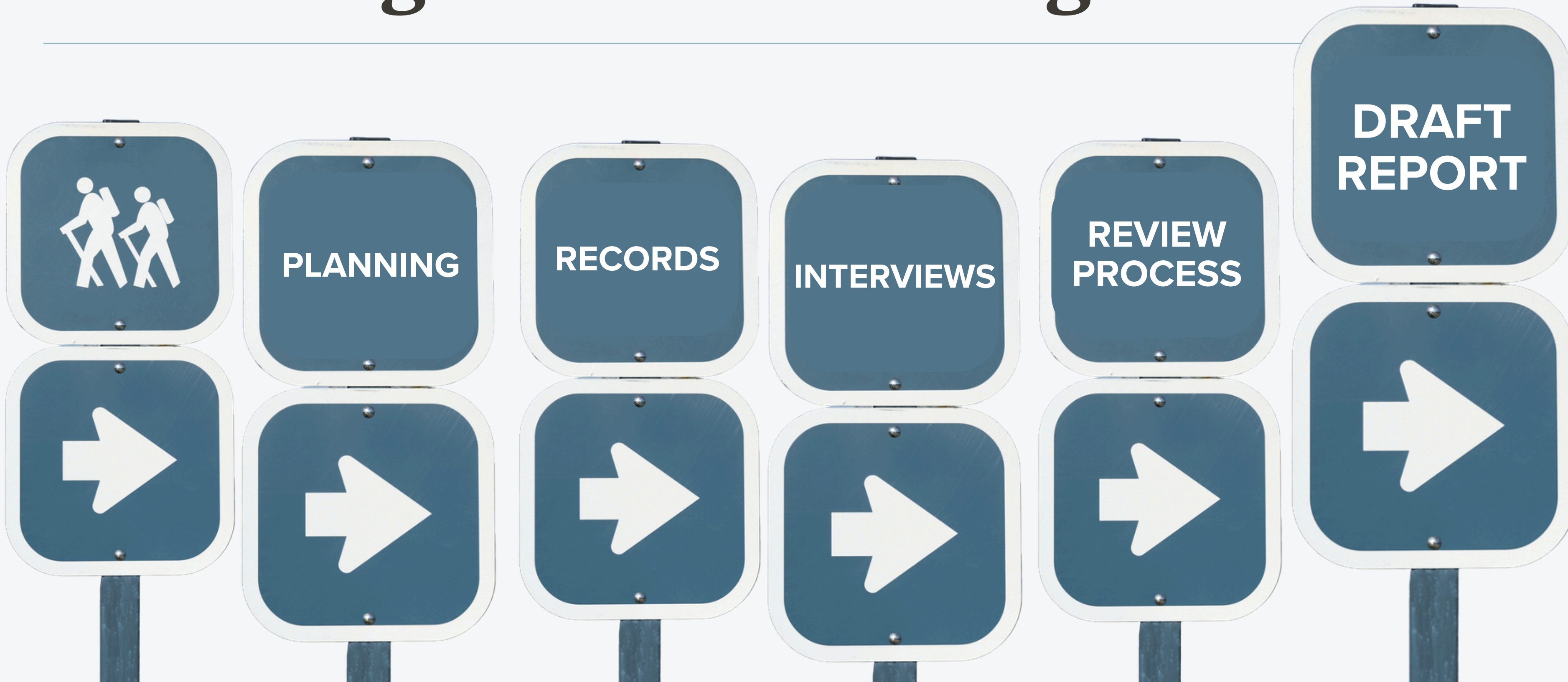
Concluding the Investigation

- **Is there more relevant information needed to make a determination regarding any of the allegations?**
- **Is there sufficient information to make credibility determinations?**
- **Did I interview everyone suggested by the parties?**
- **Have the parties had the opportunity to respond to all records and allegations?**

Stages of an Investigation



Stages of an Investigation



Drafting the Investigation Report

- **The investigator may redact information that is not directly related to the allegation or that is privileged.**
- **Do not make findings or recommendations; that is the role of the adjudicators.**



Distribution of Report

- **Once the draft report is completed, it must be shared with the parties and their advisors.**
- **They will have at least 10 days to review the draft report and provide a written response.**

Updating, Finalizing + Submitting

- **Investigator reviews comments from parties and decides if changes to the report, a response, and/or additional investigation is required**
- **Investigator updates report with any changes and/or additional evidence and finalizes the report - include responses to any comments from parties if applicable**
- **Final report is provided to parties for their review at least 10 days before the scheduled hearing**

Role of the Decision Maker

The decision maker applies the standard of evidence to the relevant facts to make determinations regarding the allegations.

- Rely on undisputed facts
- Make credibility determinations for disputed facts



Cannot be the Title IX Coordinator

Role of the Decision Maker

Assessing Credibility

- **Plausibility**
- **Internal contradictions**
- **Motive**
- **Patterns of behavior**
- **Corroborating information**

What to Include in a Determination Report

- 1. Identification of the parties and jurisdictional elements**
- 2. Identification of the allegations potentially constituting policy violation**
- 3. Precise policy language defining elements of alleged violations**
- 4. Description of procedural steps taken including all witnesses interviewed**
- 5. Findings of fact supporting the determination**
- 6. *Conclusions regarding the application of the policy to the facts***
- 7. *Determination for each allegation and the rationale for the finding;***
- 8. *Any disciplinary sanctions imposed including aggravating + mitigating circumstances warranting the sanctions imposed;***
- 9. *Procedures and permissible grounds for either party to appeal.***

Thank you!



Questions?

Feel free to reach out!



jferise@cchalaw.com

