

# **Session 4: Investigations and Informal Resolution**

**Training for Title IX Coordinators, Investigators, Hearing  
Coordinators, Appeals Managers and Student Conduct  
Administrators**

Systemwide Title IX Compliance  
Office of the Chancellor  
The California State University

---

# The Purpose of the Investigation (Broadly Stated)



Gather evidence for

---

# Additional Addendum B Investigation Procedural Requirements

- f* Provide written notice at least 3 working days prior to every meeting (5 working days if initial Respondent meeting), and interview with the Parties. It will include **details of the date, time, location, participants and purpose of the interview.**
- f* University will not restrict the ability of either Party to discuss the allegation or to gather or present relevant evidence.
- f* Review of evidence (Preliminary Investigation Report) – copies sent to advisor unless Party opts out.
- f* Explicit requirement that burden rests on the University to gather evidence.
- f* Role of the Support Advisor during investigation and evidence –

---

# Gathering Evidence

*f* Take reasonable steps to gather all **Relevant** evidence from the Parties, other witnesses or other sources.

*f* Document the steps taken to gather evidence, even when those efforts are not successful.

*f* Must include with the Preliminary Investigation Report all evidence **Directly Related** to the complaint, even that which it is

# Types of Evidence



Relevant Evidence



Directly Related [Not required to be Relevant]



Evidence not directly related or relevant





---

# Scenario #1: Devin and Jules (Students)

*f*



## Devin and Jules

*f*Question 1: Is evidence relating to what Jules ate "relevant"? And if it's collected, would it be considered "directly related" to the investigation?

**WA:** Relevant and directly related

**WB:** Relevant but not directly related

**WC:** Directly related but not relevant

**WD:** Neither

---

## Devin and Jules (continued)

*f*

---

## Devin and Jules (continued)

*f*Question 3: Is Jules' academic major relevant?  
And if not, would it nevertheless be considered  
"directly related" to the investigation?

**WA:** Yes, it'?

## **Scenario #2: Hadley and Blake (Employees)**

*f*Hadley is accused of making inappropriate sexual comments to a co-worker, Blake, several times a week. Hadley says they would never do such a thing. Hadley heard rumors that Blake's father is in prison for drug offenses and wants the investigator to collect evidence about the conviction ("like father, like child," Hadley says). Blake in turn wants the investigator to confirm that Hadley has been accused of sexually harassing other employees in the department.

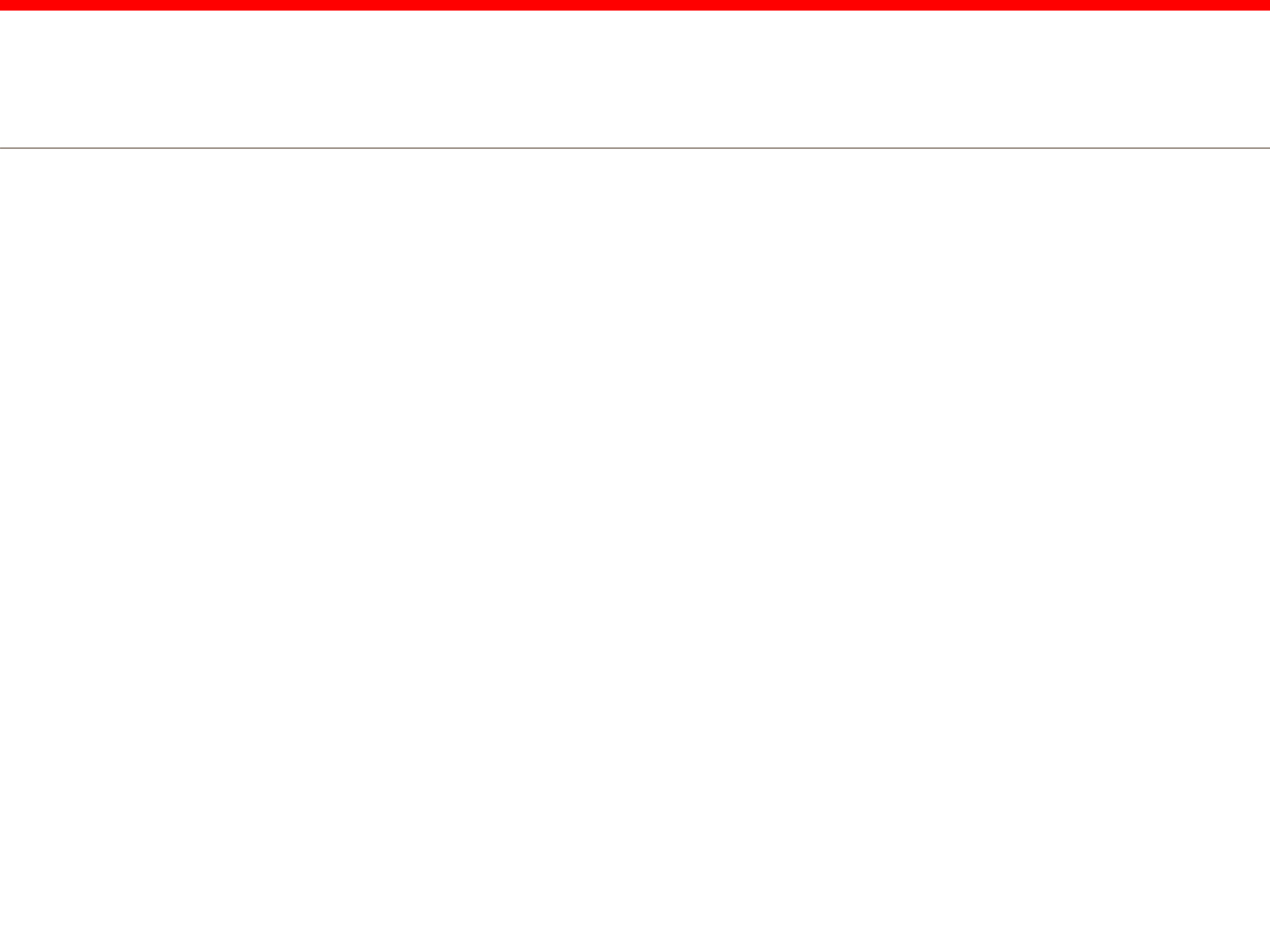
---

## Hadley and Blake

*f*Question 1: Is evidence relating to Blake's father being convicted of a crime relevant?

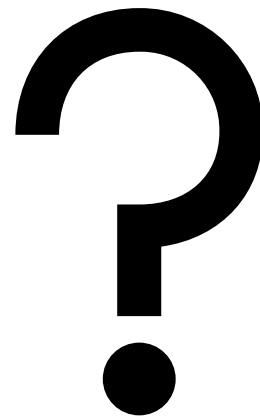
*W*A: Yes

*W*B: Maybe –we n/64!ay



---

**LET'S PAUSE  
FOR QUESTIONS**



# Evidence Review



# Evidence Review – Preliminary Investigation Report

Provide ALL evidence obtained as part of the investigation that is Directly Related to the allegations raised in the Formal Complaint, including inculpatory or exculpatory evidence whether obtained from a Party or other source.

Material Disputed and Undisputed Facts

Must send to Party AND Support Advisor (if any).

Discretion as to method of sending (electronic or hard copy – file sharing platform with limitations on download acceptable).

10 Working Days for review.

# Types of Evidence

## Directly Related and Relevant

- <sup>3</sup>/~~4~~ Include in Preliminary Investigation Report.
- <sup>3</sup>/~~4~~ Include in Final Investigation Report.

## Directly Related

- <sup>3</sup>/~~4~~ Include in Preliminary Investigation Report.

- <sup>3</sup>/~~4~~ Do **not** include in Preliminary Investigation Report or Final Investigation Report.

## Privileged Materials

- <sup>3</sup>/~~4~~ Do **not** include in Preliminary Investigation Report or Final Investigation Report.

---

## Excluded Evidence

- f* Illegally obtained evidence (e.g., conversations recorded without the consent of the participants).
- f* Evidence not Directly Related to the complaint.
- f* Information protected by a legally recognized privilege.
- f* The Complainant's sexual history (with exceptions).
- f* A Party's treatment records if the Party has not given voluntary, written consent to the disclosure of those records.

---

## Treatment Records

*f*Party's treatment records require voluntary, written consent.

*f*Records include those that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party.

# Final Investigation Report

Fairly summarize  
**Relevant**  
evidence  
(inculpatory and  
exculpatory).

Must send to  
Party AND  
Support  
Advisor (if  
any).

10 Working  
Days prior to  
hearing.

Party may  
provide  
written  
response.

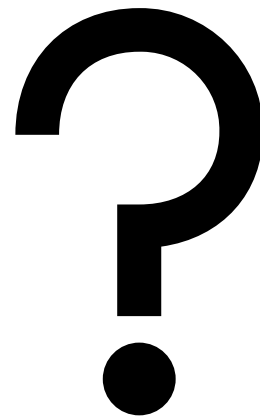
# Timeframes

*f*Absent a determination of good cause made by the Investigator or Title IX Coordinator (of which the Parties will receive written notice):

- (i) the investigation should be concluded within **100 Working Days** from the date that the Notice of Allegations is provided to the Parties; and
- (ii) the Final Investigation Report should be completed and provided to the Parties within **10 Working Days** after the Review of Evidence has concluded.

---

**LET'S PAUSE  
FOR QUESTIONS**



# Informal Resolution



---

# Preliminary Assessment

*f* As part of an Informal Resolution, at **BDC 24.04g4 (ofh) (arye &al)r.**

---

# Informal Resolution Procedural Requirements

- 9Cannot be required.
- 9Only available after a Formal Complaint has been filed and any time prior to reaching a determination regarding responsibility.
- 9Requires the Parties' voluntary, written consent to engage in the Informal Resolution process.
- 9Facilitated by the Title IX Coordinator or a Deputy Coordinator.
- 9Unavailable in student Complainant and employee Respondent cases.
- 9No later than 60 Working Days after both Parties provide voluntary, written consent to participate in the Informal Resolution process.



---

# Informal Resolution Procedural Requirements

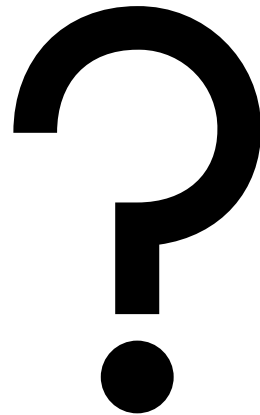
*f*Parties must be notified that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process.

*f*Parties must be notified of **any consequences** resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.



---

# **ADDITIONAL QUESTIONS**



---

[www.calstate.edu](http://www.calstate.edu)