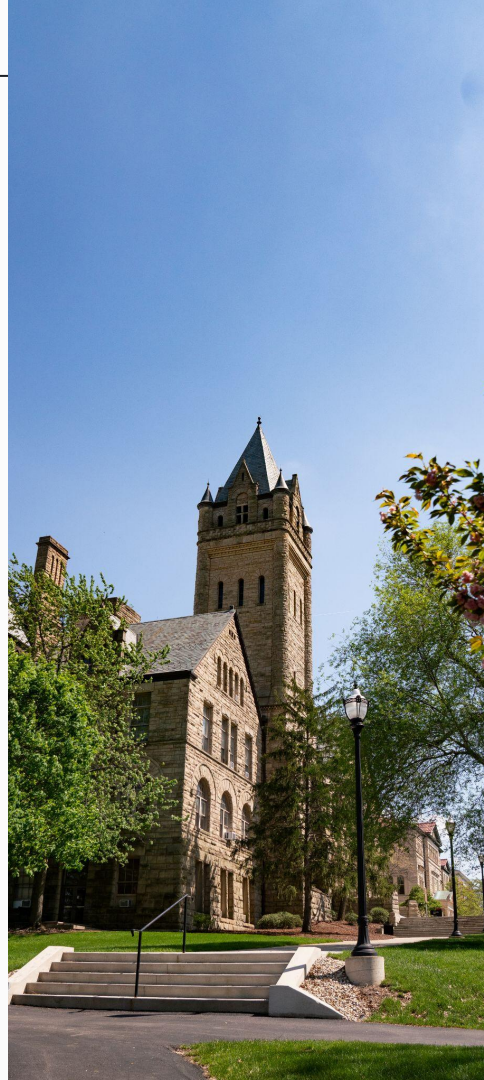
Title IX Investigator Training

Ohio Wesleyan

Fall 2026



Contents

01
Regulatory Standards

02
Investigation Framework

03
Impartiality & Bias

04
Relevance & Reporting

05
Program Compliance

Title IX Legal Landscape & Regulatory Framework



"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance…" 20 U.S.C. 1681(a).

2020 Title IX regulations (34 C.F.R. Part 106).

Investigators must execute an impartial, prompt, and equitable grievance process to resolve formal complaints.

Institutional Obligations:

Mandatory response requirements triggered upon actual knowledge of sexual harassment within an education program or activity.

Apply a presumption that the respondent is not responsible during the grievance process , so that the school bears the burden of proof and the standard of evidence is applied correctly.

Definition of Sexual Harassment



— Quid Pro Quo

— "This for that"

An employee conditioning an educational aid, benefit, or service on an individual's participation in unwelcome sexual conduct.

— Hostile Environment

— Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity.

— Specific Sexual Offenses

— Sexual assault is defined as "an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation"

Appendix A includes definitions from the FBI's Summary Reporting System (SRS), which was phased out effective December 31, 2020. The FBI now uses NIBRS.

Sexual Assault Types

01

Sexual Assault: Rape

-Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
-Agencies should classify the crime as 11A Rape, regardless of the age or gender of the victim or offender, if the victim did not consent or if the victim was incapable of giving consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, agencies should classify the crime as 36B Statutory Rape.

02

Sexual Assault: Criminal Sexual Contact (NIBRS)

-The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
-The forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
-This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

03

Sexual Assault: Incest and Statutory Rape

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Forcible:
- Rape (now includes Sodomy and Sexual Assault with an Object)
- Criminal Sexual Contact (replaces Fondling)

Non-forcible (no changes)
- Statutory rape
- Incest

Sexual Harassment

01

Dating Violence

"Dating Violence" means violence committed by a person [on the basis of sex] who is or has been in a romantic or intimate relationship with the complainant. The existence of such a romantic or intimate relationship is determined by the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

02

Domestic Violence

"Domestic violence" is felony or misdemeanor crime committed [on the basis of sex] by:

- A current or former spouse or intimate partner of the complainant;
- A person with whom the complainant shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic/family violence laws of the jurisdiction;
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic/family violence laws of the jurisdiction [note: this isn't always on the basis of sex]

03

Stalking

"Stalking" is engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person with similar characteristics under similar circumstances to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

To qualify under Title IX, it must be sex-based stalking. (30172 fn. 772)

"Course of Conduct"

- Under VAWA regulations: 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 a person's property.

"Reasonable person"

- Under VAWA regulations: means a reasonable person under similar circumstances and with similar identities to the victim.

"Substantial emotional distress"

- Under VAWA regulations: means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Scope of Education Program or Activity



01 Jurisdictional Boundaries

Applies to conduct occurring on school property, locations, events, or buildings.

02 Substantial Control Test

The institution must exercise substantial control over **both**:

- The Respondent.
- The Context in which the alleged harassment occurred.

03 Off-Campus & Digital Contexts

Covers buildings owned or controlled by officially recognized student organizations (e.g., fraternity/sorority housing) and digital environments utilizing school networks or platforms.

The University must dismiss complaints under Title IX policy if:

- The persons were not in the United States when the incident(s) occurred.
- The incident(s) occurred at/on a property or at an event not affiliated with Ohio Wesleyan University.
- If the complaint does not reach the definitions of sexual harassment under Title IX.
- If the Complainant is not attempting to access and/or participate in an educational program or activity.

Roles

Role →	Summary
Coordinator	The Title IX Coordinator maintains continuous administrative oversight of the grievance process to ensure strict institutional compliance with policy and federal regulations. This includes addressing procedural questions from all participants, actively tracking case milestones to guarantee timely progression, and monitoring evolving circumstance to adjust or provide ongoing supportive measures as needed.
Investigator	Investigators must provide both the complainant and respondent equal opportunities to participate in formal interviews, propose relevant witnesses, submit evidence, and submit potential questions for witness interviews. Following these initial consultations, investigators conduct structured witness interviews and collect voluntary evidence provided by all participating parties and witnesses throughout the process. \All gathered information is synthesized into a neutral investigative report that fairly summarizes all relevant evidence. Throughout this process, investigators must maintain an open, curious mindset, avoiding premature conclusions that could prematurely restrict the scope of inquiry.
Advisor	The primary function of an advisor is to provide direct support to their designated party throughout the Title IX grievance process. At the party's discretion, advisors may attend all official interviews and meetings, assist in identifying relevant witnesses and drafting potential questions, help evaluate pertinent evidence, and routinely remind their party of available supportive measures to ensure their well-being and access to institutional resources.

Reporting and Intake



Reporting Sexual Harassment

- Report
- Formal Complaint Initiation
- Notice Requirements
- Investigation Phase
- Transition to Adjudication

What Happens When A Report Is Made?

- Outreach from TIX Administrator
- Intake Meeting
  - Information about the resolution process
  - Discussion of Title IX jurisdiction
  - Potential discussion of definitions
  - Information about the interactions between the parties
  - Supportive measures
  - Protection from retaliation
- Make a report
  - Title IX
  - Law enforcement (if potentially criminal)
  - Determine Clery reportable

Supportive Measures

- Non-disciplinary, non-punitive individualized services
  - Offered as appropriate, as reasonably available, and without fee or charge
  - Available before or after the filing of a formal complaint or where no formal complaint has been filed
  - Designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party
  - Includes measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment
  - Kept confidential except as necessary to provide the support

Investigation Framework

- Investigations are impartial
  - Not influenced by bias or conflict of interest. *
  - Committed to decisions based on an objective view of the evidence.
  - Truth seeking.
  - Investigative reasoning must never rely on generalized assumptions regarding sex, gender identity, or trauma reactions.
  - The burden of gathering evidence and proving a violation rests entirely on the institution, never on the Complainant or Respondent.
- Initial Outreach (introduction, advisor of choice, scheduling an interview)
- Ahead of meeting
  - Review evidence and witnesses
  - Prepare questions
  - Policy
  - Notice of Allegations
  - Formal Complaint
  - Evidence provided in advance
- Interview Format
- Procedural Requirements
  - Notice to both parties
  - Equal opportunity to present evidence
  - Advisor of choice
  - Written notification of meetings, sufficient time to prepare
  - Opportunity to review all directly related evidence and 10 days to submit written response to evidence prior to the completion of the report
  - Report summarizing relevant evidence and 10 day review period prior to hearing



*Grievance process must require that any any individual designated by the recipient as Title IX Coordinator, investigator, decision maker, or facilitator of informal resolution not to have a conflict of interest or bias. 1. For or against complainants or respondents generally, or 2. An individual complainant or respondent.
Those designated must contact the Title IX Coordinator to formally disclose any potential conflict and request recusal.

Relevant Evidence



Determining Relevance

- Is it permissible?
- Does it help evaluate credibility?
- Does it contribute to underding what happened and/or the context surrounding it

Impermissible Evidence

- “Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant,
    - unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
    - if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.”
- Privileged information, where such privilege has not been waived by the holder. (Examples: Attorney-client, doctor-patient privileged information)
- Medical or counseling records for which the patient has not signed specific consent for the records to be included in the evidence for the case

Investigative Summary & Report

The investigator is responsible for drafting impartial investigation summaries and the investigative report.

Summaries

01

Draft soon after interview, summarize discussion with detail, using direct quotes when possible.

Include questions, policy and procedure discussion, etc.

02

Share draft with the individual being interviewed, incorporate feedback.

Address follow up questions that come up during drafting.

03

Maintain a timeline

Report

01

Summarize the facts clearly and thoroughly.

Distinguish between draft/initial and final

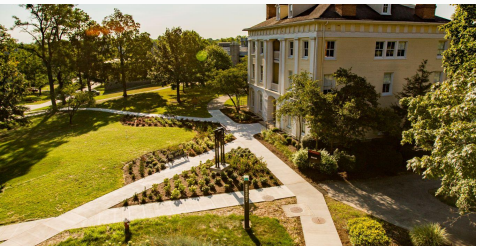
02

No findings or determinations, do not draw any conclusions.

Identify areas of agreement and disagreement about accounts of events

03

Parties receive 10 days to review *all directly related evidence* before the report is drafted, and another 10 days to review the *final investigative report* before a hearing.




Any questions?