

NEW JERSEY INSTITUTE OF TECHNOLOGY



July 31, 2025

ABOUT US

Vision

We exist to create safe and equitable work and educational environments.

Mission

To bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.

Core Values

- Responsive Partnership
- Innovation
- Accountability
- Transformation
- Integrity

LEGAL OVERVIEW

01

TITLE IX

- Reverting back to 2020
- Policy/procedure changes and challenges
- Best practices for addressing non-Title IX sexual misconduct , including off-campus conduct
- Continuing to address pregnancy discrimination—no change in that requirement generally.
- Continuing risks—reputation, litigation, enrollment/retention. Harm to students is most concerning.

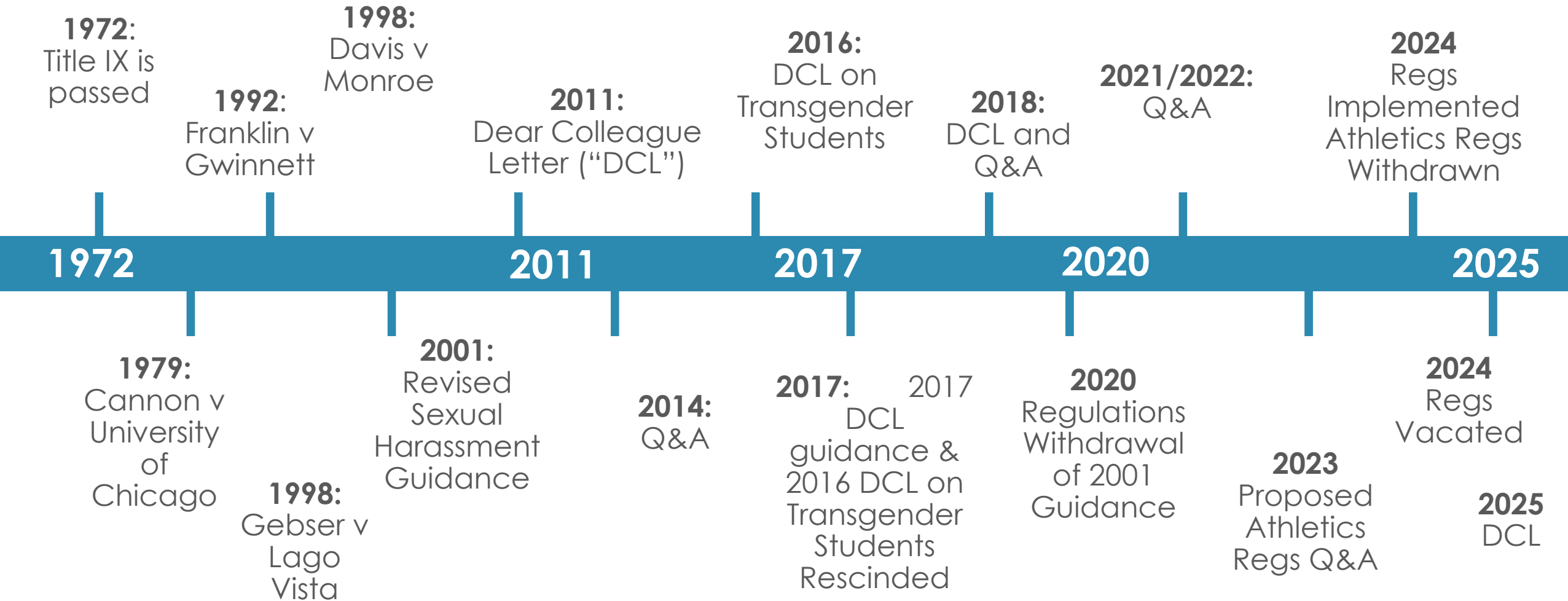


TITLE IX APPLIES TO ALL FORMS OF SEX DISCRIMINATION

- Sexual Harassment
- Achievement Awards
- Athletics
- Benefits
- Financial Aid
- Leaves of absence and re-entry policies
- Opportunities to join groups
- Pay rates
- Recruitment
- Retention Rates
- Safety
- Screening Exams
- Sign-on Bonuses
- Student and Employee Benefits
- Thesis Approvals
- Vocational or College Counseling
- Research opportunities

THE HISTORY OF TITLE IX

A TIMELINE



WHERE WE ARE

U.S. District Court for the Eastern District of Kentucky

- One of the 7 lawsuits about the regs
- Already issued a preliminary injunction on June 17, 2024
- Vacated the regulations on January 9, 2025



EXECUTIVE ORDER ON SEX, AND YET



- Definition of sex.
- EEOC guidance.
- Impacts Title IX and Title VII, but not state law or your policies.
- NJLAD includes gender identity and expression, and sexual and affectional orientation as protected categories.
- The Clery Act requires counting hate crimes, including on protected categories of gender identity and sexual orientation.

COMPLAINANT INTAKE & SUPPORTIVE MEASURES

02

**WHERE DO YOUR
REPORTS COME
FROM?**

RECEIVING REPORTS AND INITIATING THE RESPONSE



1. Review the report



2. Determine the appropriate initial response



3. Promptly initiate that response



4. Document/record the receipt of the report and the response thereto

BEFORE THE INTAKE MEETING: INITIAL OUTREACH

- How and When to Conduct Initial Outreach
- Elements of Initial Outreach
- Follow-up Frequency
- Document management



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CONDUCTING OUTREACH: BEST PRACTICES

- Identifying Complainant/Party
- Electronic/Email vs Phone Call
- Safety Concerns
- Utilize Case Management Systems (where possible)
- Communication Styles and Outreach Content



INITIAL MEETING WITH THE COMPLAINANT

- Prepare for the meeting
- Select appropriate space
- Build trust and rapport; empower
- Explain your role
- Discuss available support
- Options for reporting
- Answer questions
- Evidence collection/preservation
- Conclude with a discussion of next steps



INTAKE CHECKLIST

- Introductions and Establish Rapport
- Describe your role/office
- Outline the purpose of the intake and what to expect
- Explain Privacy vs. Confidentiality
- Invite parties to share their experience OR ask follow-up questions*
- Review policy and appropriate pathways for resolution (formal, informal, law enforcement, etc)
- Review supportive measures
- Review rights of party
- Answer any remaining questions
- Confirm next steps

SUPPORTIVE MEASURES

Non-Disciplinary

May not
unreasonably
burden the other
party

Designed to restore
or preserve equal
access

Non-punitive

As appropriate and
reasonably available

Confidential

SUPPORTIVE MEASURES

Non-Disciplinary

May not
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Designed to restore
or preserve equal
access

Non-Punitive

As appropriate and
reasonably available

Confidential

EXAMPLES OF SUPPORTIVE MEASURES

- Assistance obtaining access to counseling, advocacy, or medical services;
- Assistance obtaining access to academic support and requesting academic modifications and supportive measures;
- Changes in class schedules;
- Assistance requesting changes in work schedules, job assignments, or other work accommodations;
- Changes in campus housing;
- Safety escorts;
- Leaves of absence;
- Mutual restrictions on contact between the Parties (“No-contact” orders).



“MUTUAL RESTRICTIONS ON CONTACT BETWEEN THE PARTIES”



POST MEETING TASKS

Document the meeting

Send a summary email
with resources, options,
next steps

Follow up

Make connections

Provide the supportive
measures

Document supportive
measures requested,
provided, and not
provided. Where not
provided, indicate why.

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INVESTIGATIONS

03

PROCEDURAL REQUIREMENTS FOR INVESTIGATIONS

Notice to BOTH parties

Equal Opportunity to Present Evidence

An advisor of choice

Written notification of meetings, etc., and sufficient time to prepare

Opportunity to review all directly related evidence, and 10 days to submit a written response to the evidence prior to completion of the report

Report summarizing relevant evidence and 10-day review of report prior to hearing

INVESTIGATION INTERVIEWS

04

INTERVIEW OBJECTIVES



Listen

Allow interviewee to share their experience



Evidence Preservation

Text messages

Photographs

Names and contact info for witnesses

Connect

Build rapport

Build trust

Empower



Clarify

Understand what you have heard

Seek additional information



PRIOR TO THE INTERVIEW: INTERVIEW PREP

- Secure an appropriate meeting location
- Allow for enough time to conclude the meeting
- If interviewing a party, inform them of their right to have an advisor present
- Prepare for the meeting

- Provide written notice of the meeting

EXPECTATIONS

What they should expect of you:

- That you are neutral
- That you will listen, what they are saying is important to you
- That you will keep the information they share private
- What you will do with recording/notes
- That you may have to ask difficult questions
- Patience, respect, and appreciation
- This will not be their only opportunity to speak with you
- Prepare the parties for follow up interviews and the “shift”

What you expect of them:

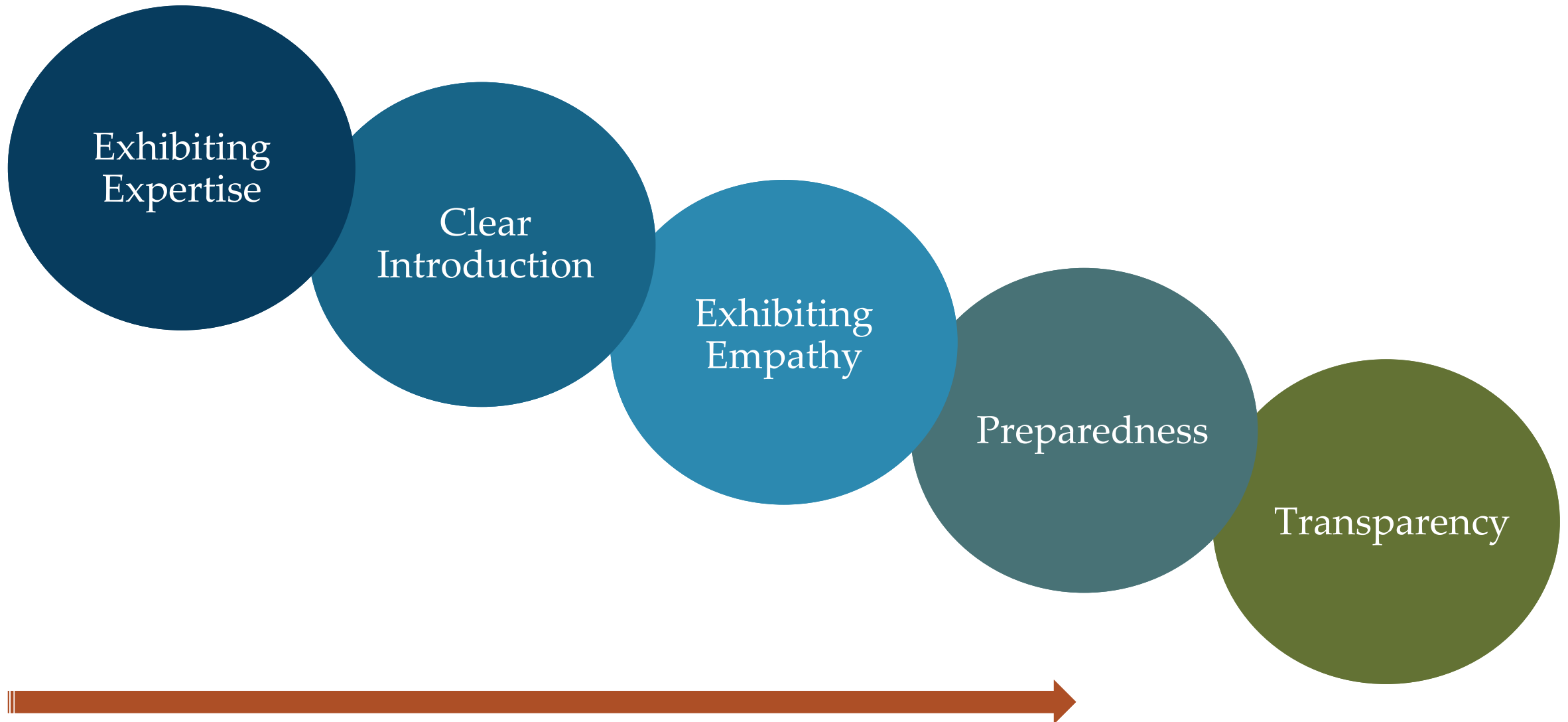
- Honesty
- That they will seek clarity if needed (give them permission to do so)
- That they won't guess or fill in blanks



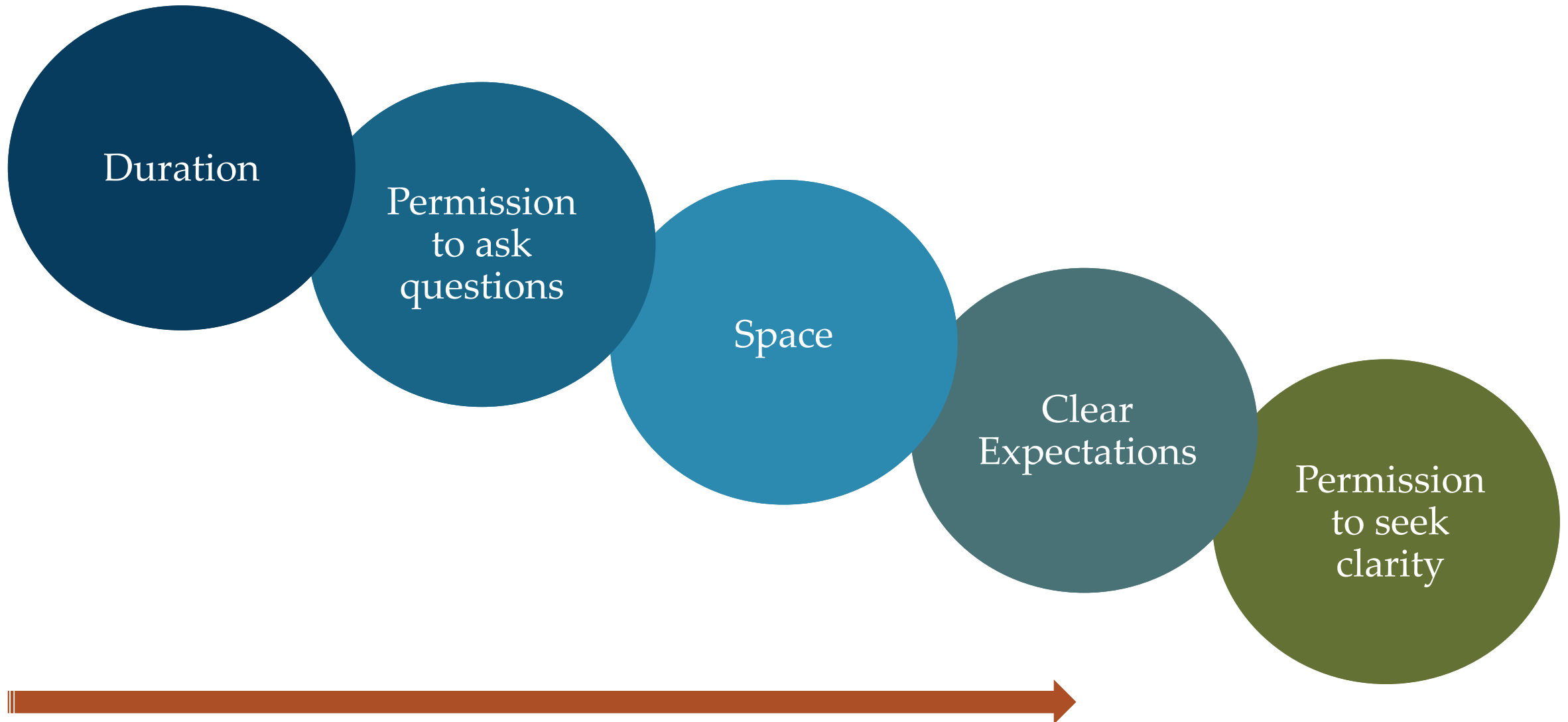
HOW DO WE...

- Build Rapport and Trust?
- Empower?

RAPPORT AND TRUST



EMPOWERMENT



CONDUCTING INVESTIGATIVE INTERVIEWS

1. Start by eliciting a narrative

2. Listen

3. Interview for clarification

4. Listen

5. Avoid leading or blaming questions, interrogation

START INTERVIEW BY ELICITING A NARRATIVE

- “Help me understand your experience?”
- “What are you able to tell me about your experience?”
- “Start where you are comfortable and share what you are able to remember.”

Allow the person to speak uninterrupted. This takes patience.

ASK QUESTIONS THAT ARE INTENDED TO CLARIFY AND MORE DEEPLY EXPLORE THE INFORMATION AND DETAILS PROVIDED BY THE PERSON IN THEIR NARRATIVE.

Do Ask:

Interview for clarification

Help me understand?

Can you tell me more about...?

Is there anything else you can share about...?

Avoid

Interrogation

Questions that blame

Questions that imply doubt

Leading questions

CAPTURE THE ENTIRE EXPERIENCE

- Ask about the physical and emotional reactions to the incident.
- Conclude with very open-ended questions:
 - What was the most difficult part of this experience for you?
 - Is there something that stands out/that you just can't stop thinking about?
 - Is there anything more that you would like me to know?

THE BEFORE

At some point during the interview, it is also important to explore the prior history, if any, between the complainant and the respondent, and the history of the parties, individually.



AND THE AFTER

It is also important to explore the events following the incident. Oftentimes, the best evidence is produced after the incident.

- The parties' psychological reactions
- Changes in behavior
- Witnesses to the psychological reaction;
 “Has anyone expressed concern about you since the assault?”
- Communication/contact between the complainant and respondent

THROUGHOUT THE INTERVIEW



Explain questions, especially the difficult ones.

How much did you drink?

What they hear: this is your fault because you were drinking.

Do not ask leading questions.

Watch your tone.

Do not rush.

Listen.

Pay attention to and document information.

Document questions asked.

THE “HARD” QUESTIONS

Details about the sexual
conduct

Seemingly inconsistent
behaviors

Inconsistent
evidence/information

What they were wearing

Alcohol or drug
consumption

Probing into reports of lack
of memory

HOW TO ASK THE HARD QUESTIONS

- **Lay a foundation for the questions**
 - Explain why you are asking it
 - Share the evidence that you are asking about, or that you are seeking a response to
- **Be deliberate and mindful in your questions**
 - “Can you tell me what you were thinking when...”
 - “Help me understand what you were feeling when...”
 - “Are you able to tell me more about...”



AT THE CONCLUSION OF THE INTERVIEW

Discussion submission of evidence.

Explain statement review process.

Explain next steps in the process.

Keep the lines of communication open.

Review available support, privacy requirements, and prohibition against retaliation.

AFTER THE INTERVIEW: ACTIONS

Memorialize the interview in writing: notes, summary, transcript



Provide opportunity for the party or witness to review it.



Provide opportunity for party or witness to provide a response.



Incorporate the response.



A NOTE ABOUT WITNESS SUMMARIES

- The reader of any report should not know of the investigator's presence in the report; for example, report should not say "I then asked . . ."
- Use interviewee's words and put the words in quotes if it is their words
- Avoid conclusory words, or words that suggest that the investigator has an opinion about the information offered

AFTER THE INTERVIEW: REFLECTION



Reflect.

Is there something you missed or forgot to ask?



Do you need clarity on any of the information shared?



Has this interview revealed additional evidence that you want to explore or collect?



Has evidence of additional policy violations been shared?

FOLLOW UP INTERVIEWS

- Seek Clarification
- Explore Inconsistencies
- Explore contradictions
- Explore difficult issues
- Opportunity to respond

FOLLOW UP INTERVIEW APPROACH

01

Explain the purpose of the follow up

02

Set the stage for the topics you will be covering

03

Prepare the interviewee for “the shift”

04

Do not avoid asking the hard questions

CREDIBILITY AND RELIABILITY

05

CREDIBILITY AND RELIABILITY CONSIDERATIONS

- Sufficiency of details and specificity
- Internal consistencies / consistency over time
- Consistency with evidence or testimony
- Corroboration

- Inherent plausibility
- Material omission
- Motive to falsify
- Past record
- Ability to recollect events

EVALUATING THE EVIDENCE

01

Is it relevant?

Is the evidence important, or of consequence, to the fact-finding process?

02

Is it authentic?

Is the item what it purports to be?

03

Is it credible/reliable?

Is the evidence worthy of belief and can the decision maker rely on it?

04

What weight, if any, should it be given?

How important is the evidence to the fact-finding process?

ASSESSING CREDIBILITY AND RELIABILITY

No formula exists, but
consider the following:

Sufficiency of
detail and
specificity

Ability to recollect
events

Material
Omission

Internal
Consistency

Inherent
Plausibility

Motive to
falsify

Corroboration

BARRIERS TO EVIDENCE COLLECTION



Non-participating parties

Uncooperative witnesses

Uncooperative advisors

Identity of party or witness unknown

Refusal to share materials

Materials lost or no longer accessible

Difficult topics

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WE LOVE FEEDBACK

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COMPLIMENTARY SUBSCRIPTION

A banner for 'THE RIVER CONNECT' featuring a top-down view of a desk with a blue tablet, a white stylus, a pair of glasses, a cup of coffee, and a glass of water. The text on the banner reads: 'THE RIVER CONNECT', 'A place to', 'communicate', 'share', 'educate', 'learn', 'for HIGHER EDUCATION PROFESSIONALS working in', and 'Title IX, Equity & Clery' in orange.

 **THE RIVER**
CONNECT

A place to

communicate
share
educate
learn

for HIGHER EDUCATION
PROFESSIONALS working in
Title IX, Equity & Clery

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Let Our Team Support The
Good Work You And Your
Team Are Doing.



TRAINING

We've enjoyed working with you. Please check out our wide selection of trainings.



Equity
Titles VI, VII, IX



Clery
Stop Campus
Hazing Act



ADA/504
&
Digital Accessibility



CASE MANAGEMENT SOFTWARE

Case Tracker

Titles VI, VII, IX & Equity
Software Solution

by Grand River Solutions



Track & Manage Your Cases
Administrators & Parties can easily and securely manage correspondence, scheduling, deadlines, file sharing, evidence uploads, status updates, policy and procedures, reports, and so much more, all with the highest levels of privacy protection.



Schedule a Demo

- On or about October 2024, it is alleged that the Respondent engaged in a course of conduct both on-campus and electronically that caused the Complainant fear for their safety. The alleged conduct included:
 - On or about October 2nd-16th 2024, it is alleged that the Respondent messaged the Complainant digitally 30-50 times daily via Snapchat and text message.
 - On or about October 4th 2024, it is alleged that the Respondent went to Complainant's place of employment at Coffee Shop on campus and stared at Complainant for approximately 3 hours.
 - On or about October 2nd-16th, 2024, it is alleged that the Respondent followed Complainant around several campus locations, including to their Residence Hall.