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Title IX Investigator- Investigation of Dating Violence, Domestic Violence, and Stalking (Tier 2)

Presented by DSA Associates:

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Investigation of Dating Violence, Domestic Violence, and Stalking
Topics to Discuss

- **The Investigator**
- **Dating Violence**
- **Domestic Violence**
- **Stalking**
- **Investigative Strategy & Evidence Collection**
- **Interviewing**
- **Trauma & The Interview**
- **Evidence Evaluation**
- **Reports**



Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.

Catherine Cocks, M.A.
Consultant, Student Affairs, Title IX, and
Equity Compliance Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.

Ann Todd

Consultant, Equity Compliance and Civil Rights Investigations



Ann Todd, Esq is a seasoned civil rights investigator in higher education for D. Stafford & Associates (DSA). Ms. Todd is a graduate of Davidson College with a degree in psychology and holds a JD from the University of Nebraska. Prior to joining DSA, she practiced law in Charlotte, NC, specializing in employment and civil rights and worked for a number of non-profit organizations. She returned to her alma mater (Davidson College) in 2008 and worked there through March of 2016 serving as the Assistant Director of Human Resources with the responsibility of managing employee relations and the learning and development function while also serving as the deputy Title IX Coordinator.

Ms. Todd joined the DSA in 2015 and currently serves as the Consultant, Equity Compliance and Civil Rights Investigations. She is the Senior Investigator for the DSA Title IX Investigation Team. She conducts external investigations on behalf of colleges and universities, specializing in investigating student allegations of sex discrimination, sexual assault, intimate partner violence, and stalking. Additionally, she brings a strong Human Resources background to investigating a range of employee misconduct—from performance issues to discrimination.

In addition to conducting investigations, Ms. Todd is a frequent speaker and consultant on Title IX investigations, conducting 20-30 courses every year on best practices for investigating sex discrimination and sex crimes on campus. She works with schools to draft policies and processes that provide equity and fairness to



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all parties involved and is adept at facilitating discussions with institutions to ensure the end product represents the values of the campus community.

Ms. Todd is licensed private investigator and a member of the NC Bar. She is a Certified Clery Compliance Officer through the National Association of Clery Compliance Officers and Professionals (NACCOP) and she is also a certified 360 facilitator through the Center for Creative Leadership. Ms. Todd lives in Davidson, NC where she volunteers on a number of local and town boards.

INVESTIGATION CLASS ACRONYMS

- ASR:** Annual Security Report (often used as a reference to the Annual Security Report and/or the Annual Security and Fire Safety Report) that must be published by each institution of higher education.
- CSA:** Campus Security Authority—Individuals on each campus who have been identified by the Department of Education as persons who are required to report crimes that they become aware of to the Reporting Structure at each institution.
- DCL:** Dear Colleague Letter—this is a formal name of the method of communication from the Department of Education to college campuses. It is like naming their official “memo” to campuses.
- FERPA:** Family Educational Rights and Privacy Act—governs the confidentiality of student records.
- FNE:** Forensic Nurse Examiners
- GO:** General Order—some departments describe their operating procedures as general orders
- HEOA:** Higher Education Opportunity Act—the broader law that contains the Clery Act language and the fire safety and missing person language that is in the law but not contained within the “Clery Act” portion of the law.
- HIPAA:** Health Insurance and Privacy and Portability Act—governs privacy of medical records.
- MOU:** Memorandum of Understanding—an official agreement developed between agencies.
- NIBRS:** National Incident-Based Reporting System. 1 of 2 crime reporting systems developed by the FBI, but not the system that you are required to use for Clery Reporting—the only portion of this system that is used for Clery Act purposes are the 4 forcible and 2 non-forcible sex offense definitions.
- OCR:** Office of Civil Rights—the unit of the Department of Education that oversees Title IX Compliance.
- PD:** Police Department
- PS:** Public Safety
- PNG:** Persona-non-Grata—process used by some campuses not keep students from entering certain areas of the campus or the entire campus (administrative process) versus legal bar notice or trespass warning.
- SACC:** Sexual Assault Crisis Center, also known as Women’s Center.
- SANE:** Sexual Assault Nurse Examiner

SART: Sexual Assault Response Team

SOP: Standard Operating Procedures—some departments describe their operating procedures as Standard Operating Procedures. Some call them General Orders, etc...

SWA: Senior Women's Administrator (Athletics)

TWN: Timely Warning Notice

UCR: Uniformed Crime Report. This is 1 of 2 crime statistics reporting systems developed by the FBI. Institutions are required to use UCR Standards for counting and classifying crimes for reporting the Clery statistics.

VAWA: Violence Against Women Act



TITLE IX

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To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

Attendees should report each absence using the online form provided (each class has its own unique form that is sent to all attendees via email prior to class). Attendees should complete the form twice for each absence: once to record their departure, and again to record their return. Attendees should complete the form immediately before leaving class and as soon as practicable upon their return. If an attendee signs out but does not sign back in, they will be marked absent for the remainder of the day.

The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

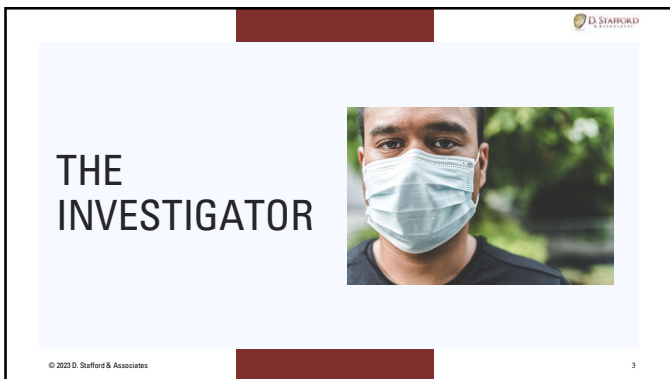
Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.



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CHARACTERISTICS OF A GREAT INVESTIGATOR



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CREDIBILITY OF THE INVESTIGATION



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INVESTIGATOR PITFALLS



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CONFLICT OF INTEREST OR BIAS

Generally



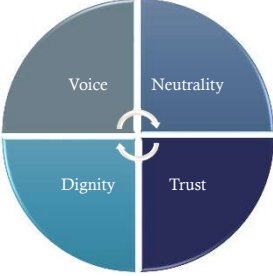
Individually



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PROCEDURAL FAIRNESS



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DVIDS AS SEX-BASED HARASSMENT



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UNDERSTANDING THE ELEMENTS IN DV CASES

Relationship → Behavior

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DECISION-MAKER'S PATH

What was the conduct?

Was the conduct on the basis of sex?

Was the conduct unwelcome or without consent?

Does the conduct meet the definition of a violation of institutional policy?

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DEFINITIONS

definitive /dɪˈfɪnɪtɪv/ *adj.*
answer, verdict, etc.) decisive
final 2 (of a book)

definite article *n.* the word (English) preceding a noun and having a specific instance.

definition /ˌdefɪˈnɪʃ(ə)n/ *n.* 1 **a** statement of the meaning of a word, etc. 2 distinctness in outline, photographic image. [Latin: DEFINIRE]

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WHAT IS DOMESTIC VIOLENCE?

Violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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HOW PREVALENT IS DV?

•On average, nearly 20 people per minute are physically abused by an intimate partner in the United States. During one year, this equates to more than 10 million women and men.¹

•1 in 4 women and 1 in 9 men experience severe intimate partner physical violence, intimate partner contact sexual violence, and/or intimate partner stalking with impacts such as injury, fearfulness, post-traumatic stress disorder, use of victim services, contraction of sexually transmitted diseases, etc.²

- 1 in 3 women and 1 in 4 men have experienced some form of physical violence by an intimate partner. This includes a range of behaviors (e.g. slapping, shoving, pushing) and in some cases might not be considered "domestic violence."¹
- 1 in 7 women and 1 in 25 men have been injured by an intimate partner.¹
- 1 in 10 women have been raped by an intimate partner. Data is unavailable on male victims.¹

¹ Finkelhor, D., Browne, K. C., Browne, M. T., Smith, S. G., Widom, M. L., Merrick, M. T., Chen, J., & Serrano, M. (2011). The national intimate partner and sexual violence survey 2010 summary report. Retrieved from http://www.cdc.gov/violenceprevention/pdf/nisvs_spr010109.pdf

² Smith, S. G., Zhang, X., Basile, K. C., Merrick, M. T., Wang, J., Kossau, M., & Chen, J. (2018). The national intimate partner and sexual violence survey 2015 data brief—updated release. Atlanta: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/pdf/2015das-brief-040818.pdf>

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IMPACT

Domestic violence is prevalent in every community, and affects all people regardless of age, socioeconomic status, sexual orientation, gender, race, religion, or nationality.

Physical violence is often accompanied by emotionally abusive and controlling behavior as part of a much larger, systematic pattern of dominance and control.

Domestic violence can result in physical injury, psychological trauma, and even death. The devastating consequences of domestic violence can cross generations and last a lifetime.



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Everyone, regardless of gender, sexual orientation or gender expression deserves a healthy relationship where they are treated with respect and valued for who they are.


DV IN THE LGBTQ+ COMMUNITY

1. 43.8% of **lesbian women** and 61.1% of **bisexual women** have experienced rape, physical violence, and/or stalking by an intimate partner at some point in their lifetime, as opposed to 35% of heterosexual women.
2. 26% of **gay men** and 37.3% of **bisexual men** have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime, in comparison to 29% of heterosexual men.
3. In a study of **male same sex relationships**, only 26% of men called the police for assistance after experiencing near-lethal violence.
4. In 2012, fewer than 5% of **LGBTQ survivors of intimate partner violence** sought orders of protection.
5. **Transgender victims** are more likely to experience intimate partner violence in public, compared to those who do not identify as transgender.
6. **Bisexual victims** are more likely to experience sexual violence, compared to people who do not identify as bisexual.
7. **LGBTQ Black/African American victims** are more likely to experience physical intimate partner violence, compared to those who do not identify as Black/African American.
8. **LGBTQ white victims** are more likely to experience sexual violence, compared to those who do not identify as white.

Source: Partner Violence in the United States 2018. <https://www.oas.samhsa.gov/2K18/2K18-findings/2K18-fv-04-01-18.pdf>

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DV & THE BLACK COMMUNITY

"Due to systemic racism, racist policies, and racist societal structures, both Black women and Black men experience intimate partner violence at a disproportionately high rate. By intentionally denying Black people access to economic opportunities, the ability to build intergenerational wealth, healthcare, education, and a sense of safety from governmental systems, racist policies increase the prevalence of risk factors for domestic violence. These systems create numerous barriers for survivors seeking safety. Law enforcement officials often arrest Black survivors, and police, jurors, and judges are less likely to believe Black survivors than White survivors. Racist systems put Black people at greater risk of experiencing intimate partner violence."

-National Coalition Against Domestic Violence, Fact Sheet on DV & the Black Community, https://assets.speakcdn.com/assets/2497/dv_in_the_black_community.pdf

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DV AND DISABILITY

According to the United States Centers for Disease Control and Prevention, "A disability is any condition of the body or mind (impairment) that makes it more difficult for the person with the condition to do certain activities (activity limitation) and interact with the world around them (participation restrictions)."

"There are many types of disabilities, such as those that affect a person's: Vision, Movement, Thinking, Remembering, Learning, Communicating, Hearing, Mental health, [and] social relationships. Although "people with disabilities" sometimes refers to a single population, this is actually a diverse group of people with a wide range of needs. Two people with the same type of disability can be affected in very different ways. Some disabilities may be hidden or not easy to see."

Centers for Disease Control and Prevention, Disability and Health Promotion. Disability and health overview. <https://www.cdc.gov/nchs/d/di/abilityandhealth/disability.html>

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DV AND DISABILITY

23.8% of women and 20.1% of men in the United States have a disability.¹ Women with disabilities experience intimate partner violence at twice the rate of other populations.²

A CDC study found that, in addition to experiencing intimate partner violence at a higher lifetime rate, in the previous twelve months, when controlling for other factors:

Women with disabilities were more likely to have experienced intimate partner physical violence, intimate partner sexual violence, intimate partner stalking and intimate partner psychological aggression than their non-disabled peers.³

Men with disabilities were more likely to have experienced intimate partner stalking and intimate partner psychological aggression than their non-disabled peers.⁴

¹ Breiding, M. A., Armour, R. S. (2015). The association between disability and intimate partner violence in the United States. *Annals of Epidemiology*, 25(4), 457-457. <https://doi.org/10.1016/j.amepre.2015.03.017>

² Smith, D. L. (2007). Disability, gender and intimate partner violence: Relationships from the behavior risk factor surveillance system. *Sexuality and Disability*, 24, 17-24. <https://doi.org/10.1007/s11195-007-9084-4>

³ Breiding, M. A., Armour, R. S. (2015). The association between disability and intimate partner violence in the United States. *Annals of Epidemiology*, 25(4), 457-457. <https://doi.org/10.1016/j.amepre.2015.03.017>

⁴ *Ibid.*

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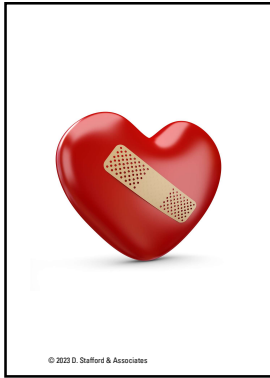


CO-OCCURRING HARM

1 in 4 women and 1 in 10 men experience sexual violence, physical violence and/or stalking by an intimate partner during their lifetime with 'IPV-related impact' such as being concerned for their safety, PTSD symptoms, injury, or needing victim services.

Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M. & Chen, J. (2010). The national intimate partner and sexual violence survey: 2010 data brief—updated release. Atlanta: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from https://www.cdc.gov/violenceprevention/pdf/2010_brief_0810.pdf

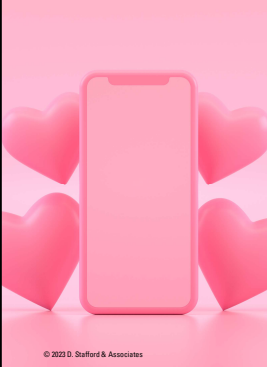
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WHAT IS DATING VIOLENCE?

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

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SO, WHAT IS "DATING?"

- Seeing each other
- Hooking up
- Talking
- It's Complicated
- Friends with Benefits
- Roaching
- Situationship
- Wifey/Hubby Status (as opposed to a "side chick")
- Chillin'
- Netflix and Chill
- "DM Slides and Thirsty Texts" (DTF)
- F**K Buddy

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HOW BIG IS THE PROBLEM?


About **1 in 12**
U.S. high school students
experienced physical dating violence.

About **1 in 12**
U.S. high school students
experienced sexual dating violence.

Source: U.S. Centers for Disease Control and Prevention (CDC)
<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html>

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WHAT ARE THE CONSEQUENCES?

Unhealthy, abusive, or violent relationships can have short-and long-term negative effects, including severe consequences, on a developing teen. Youth who are victims of teen dating violence are more likely to:


- experience depression and anxiety symptoms
- engage in unhealthy behaviors, like using tobacco, drugs, and alcohol
- exhibit antisocial behaviors, like lying, theft, bullying, or hitting
- think about suicide
- have the inability to go to school, stay in school, or participate fully in school
- not understand healthy access to relationships, including sexual relationships
- experience domestic violence as an adult

Source: U.S. Centers for Disease Control and Prevention (CDC)
<https://www.cdc.gov/violenceprevention/intimatepartnerviolence/teendatingviolence/fastfact.html>

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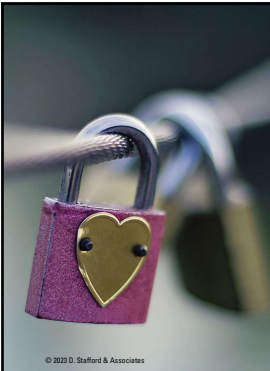


SOME SIGNS OF IRL DATING/DOMESTIC VIOLENCE INCLUDE:

- Acting overly jealous, including constantly accusing you of cheating
- Being extremely controlling, such as telling you what to wear, forbidding you from seeing friends and family, or demanding to check your phone, email, and social media
- Constantly checking in with you and getting angry if you don't check in with him or her
- Forcing you to have sex when you don't want to (or without birth control)
- Telling you that you owe them sex in exchange for
- Putting you down, including your appearance (clothes, makeup, hair, weight), intelligence, and activities
- Trying to isolate you from other people, including by insulting them
- Blaming you for the abusive behavior and listing the ways you "made them do it"

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CONTINUED...

- Refusing to take responsibility for their own actions
- Apologizing for abuse and promising to change again and again
- Having a quick temper, so you never know what you will do or say that may cause a problem
- Not allowing you to end the relationship or making you feel guilty for leaving
- Threatening to call the authorities (police, deportation officials, child protective services, etc.) as a way to control your behavior
- Stopping you from using birth control or going to the doctor or nurse
- Committing any physical violence, such as hitting, pushing, or slapping you

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ONLINE ABUSE

"Online abuse includes a diversity of tactics and malicious behaviors ranging from sharing embarrassing or cruel content about a person to impersonation, doxing, stalking and electronic surveillance to the nonconsensual use of photography and violent threats.

The online harassment of women, sometimes called Cybersexism or cybermisogyny, is specifically gendered abuse targeted at women and girls online. It incorporates sexism, racism, religious prejudice, homophobia and transphobia." —Women's Media Center

Photo credit: Women's Media Center

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WHAT IS STALKING?

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

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STALKING (CONTINUED)


(ii) For the purposes of this definition -

(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 a person's property.


(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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COMMON STALKING TACTICS

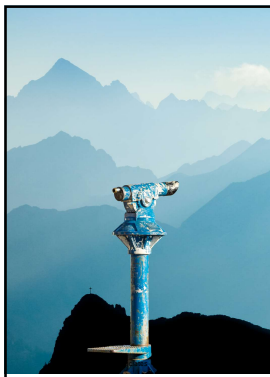
Stalking tactics can include:

- Unwanted phone calls
- Unwanted emails, instant messages, text messages, voice messages, or social media messages
- Approaching a victim or showing up unwanted, such as at the victim's home, workplace, or school
- Leaving strange or potentially threatening items for the victim to find
- Watching, following, or tracking a victim
- Sneaking into the victim's home or car and doing things to scare the victim or let them know the perpetrator had been there

<https://www.cdc.gov/ncjrs/victim/survivors/guides.html>

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FAST FACTS ABOUT STALKING

•**Stalking is common.** About 1 in 6 women and 1 in 17 men have experienced stalking in their lifetimes.

•**Stalking starts early.** Nearly 54% of female victims and 41% of male victims experienced stalking before the age of 25.

•**Stalking impacts the physical and mental health of victims.** Research shows stalking can lead to depression and post-traumatic stress disorder. About 68% of female and 70% of male victims experienced threats of physical harm during their lifetime.

<https://www.cdc.gov/violenceprevention/nisvs/index.html>

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COMMON ONLINE ABUSE

- Cross platform harassment
- Cyber-exploitation, Nonconsensual Photography or "Revenge Porn"
- Deadnaming
- Defamation
- DOS
- Doxing
- Electronically enabled financial abuse
- False accusations of blasphemy
- Flaming
- Gender-based Slurs and Harassment
- Google Bombing
- Grooming and Predation
- Hate Speech
- Identity Theft and Online Impersonation
- IRL Attacks
- Mob Attacks/CyberMobs
- Rape Videos
- Retaliation Against Supporters of Victims
- Sexual Objectification
- Shock and Grief Trolling
- Spying and Sexual Surveillance
- Stalking and Stalking by Proxy
- Sexting/Abusive Sexting
- Slut-Shaming
- Swatting
- Threats
- Trafficking
- Unsolicited Pornography

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CROSS PLATFORM HARASSMENT

When a harasser, or group of harassers, deliberately sabotages or invades multiple online spaces for the purposes of harassing a target. Cross-platform harassment is very effective because users are currently unable to report this scope and context of the harassment when they contact platforms, each of which will only consider the harassment happening on their own sites.

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CYBER-EXPLOITATION, NONCONSENSUAL PHOTOGRAPHY OR "REVENGE PORN"

The distribution of sexually graphic images without the consent of the subject of the images. The abuser obtains images or videos in the course of a prior relationship, or hacks into the victim's computer, social media accounts or phone. Women make up more than 95 percent of reported victims. The unauthorized sharing of sexualized images is still not illegal in the majority of US states. Twenty-two states now have laws on the books and proposed national legislation is being drafted. It is defined as the non-consensual distribution and publication of intimate photos and videos.


If You're the Target of Revenge Porn

- Get Help from the Cyber Civil Rights Initiative
- Follow the steps in the Online Removal Guide at cybercivilrights.org/online-removal
- Call the Crisis Helpline at 1-844-878-CCRI (2274)
- Check cybercivilrights.org for local laws about revenge porn.

Report fraud at ReportFraud.ftc.gov

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FLAMING


A flood of vitriolic and hostile messages including threats, insults, slurs and profanity.

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GENDER-BASED SLURS AND HARASSMENT

Name-calling is common online. Gendered harassment, however, involves the use of words, insults, profanity and, often, images to communicate hostility. Typically, harassers resort to words such as "bitch," "slut," "whore," or "cunt" and include commentary on women's physical appearances.



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IRL ATTACKS

In Real Life Attacks describe incidents where online abuse either moves into the "real" world or is already part of an ongoing stalking or intimate partner violence interaction. IRL trolling can also mean simply trying to instill fear by letting a target know that the abuser knows their address or place of employment.

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SEXUAL OBJECTIFICATION


Harassers frequently objectify their targets, including through the use of manipulated photographs and sexually explicit descriptions of their bodies. Sometimes these also contain threats to the victim.



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SPYING AND SEXUAL SURVEILLANCE

Women are frequently illegally (and legally) surveilled. This happens in their apartments; in changing rooms; department stores; supermarket bathrooms; on public stairways and subway platforms; in sports arenas and locker rooms; in police stations and in classrooms while they teach.


In dating relationships where abuse is present, dating partners use technology to track their partners locations, watch them from parking lots of nearby inside of where they may be, and even install apps on their phones to be able to listen in o conversations that the victim feels are private.

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STALKING AND STALKING BY PROXY

Justice Department records reveal that 70 percent of those stalked online are women and more than 80 percent of cyber-stalking defendants are male.



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SEXTING/ABUSIVE SEXTING

Sexting is the consensual electronic sharing of naked or sexual photographs. This is different, however, from the nonconsensual sharing of the same images. While sexting is often demonized as dangerous, the danger and infraction is actually resident in the violation of privacy and consent that accompanies the sharing of images without the subject's consent. For example, while teenage boys and girls sext at the same rates, boys are between two and three times more likely to share images that they are sent.

In dating relationships, an abuser will share or threaten to share with others without their partner's consent.

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SWATTING

Deliberately tricking authorities into responding to a false emergency situation at a specific address. The term comes from "SWAT" (Special Weapons and Tactics), a branch of the US police that uses militarized techniques, equipment and firearms to breach targeted sites. Harassers will report a serious threat or emergency, eliciting a law enforcement response that might include the use of weapons and possibility of being killed or hurt.

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INVESTIGATIVE STRATEGY & EVIDENCE COLLECTION

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INTIMATE PARTNER VIOLENCE INVESTIGATIONS

<p>Parties</p> <ul style="list-style-type: none"> • Type of relationship • Length of the relationship • Frequency of interaction between the persons 	<p>Behaviors</p> <ul style="list-style-type: none"> • Type of violence • Possible patterns of behaviors • Other behaviors that may fall under other policy definitions
--	--

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INVESTIGATION ROAD MAP

Investigative strategy

Research and initial evidence collection

Interviews

Additional evidence collection

Report writing

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DEVELOPING AN INVESTIGATIVE STRATEGY



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INVESTIGATIVE STRATEGY







-  Scope
-  Methodology
-  Preparation
-  Challenges

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SCOPE

-  Notice of Allegation
-  Notice of Investigation
-  Policy Definitions
-  Rights of the Parties

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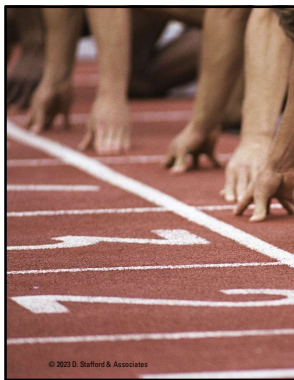


METHODOLOGY

- File Management
- Liaisons
- Logistics
- Internal Communications

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PREPARATION

- Review Complaint
- Research
- Draft Questions
- Initial Evidence Collection

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**INVESTIGATION CHALLENGES:
PREDOMINANT AGGRESSOR**



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SIDEBAR:
INVESTIGATIVE
CASE FILE




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Internal vs. External
Notes and Documents



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ORGANIZE IT!

- Formal complaint
- Communications
- Notices
- Evidence (who provided, when it was received)
- Research
- Interview times/locations/attendees
- Names/nicknames/pronouns/titles/relationships
- Timeline

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EVIDENCE COLLECTION

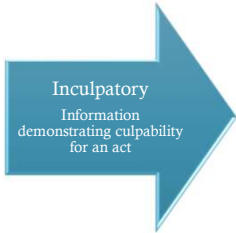


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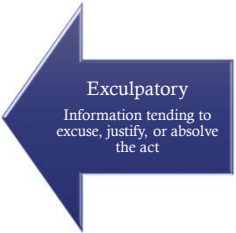
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EVIDENCE



Inculpatory
Information demonstrating culpability for an act




Exculpatory
Information tending to excuse, justify, or absolve the act

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TYPES OF EVIDENCE




Real evidence



Demonstrative




Documentary







Testimonial

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 **PROVIDERS OF EVIDENCE**

 **Parties**  **Witnesses**  **Institution**  **Investigators**

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 **INITIAL EVIDENCE COLLECTION**

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 **RESEARCH**

 **Websites**  **Organizations**  **Calendars**  **Schedules**  **Party "directory information"**

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OTHER SOURCES OF EVIDENCE

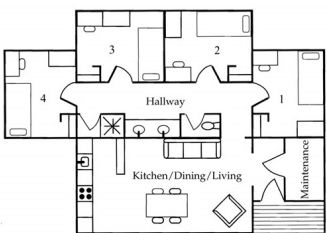
Photographs	Text messages	Social media/dating apps	Documents (memos, letters, notes)
Voicemail	Phone logs	Guest lists	Investigator-created evidence

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FLOORPLANS



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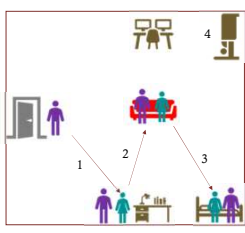
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INVESTIGATOR-CREATED EVIDENCE

During the Complainant's interview, the Complainant drew a model demonstrating the movements of the parties:

1. The Respondent arrived and went over to the Complainant who was at her desk.
2. The Respondent and Complainant moved to the couch and watched a movie.
3. The Complainant woke up as the Respondent was carrying her to her bed.
4. The roommate was in her bed across the room.

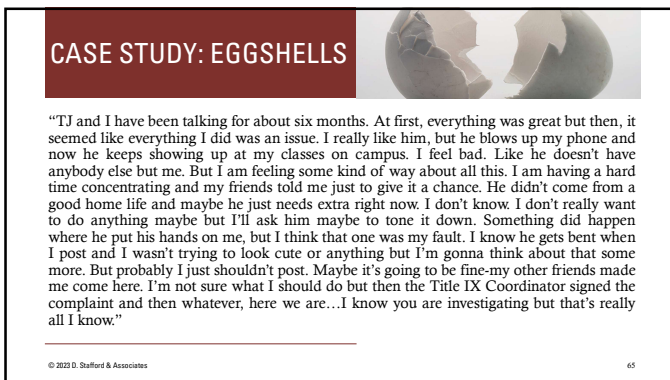


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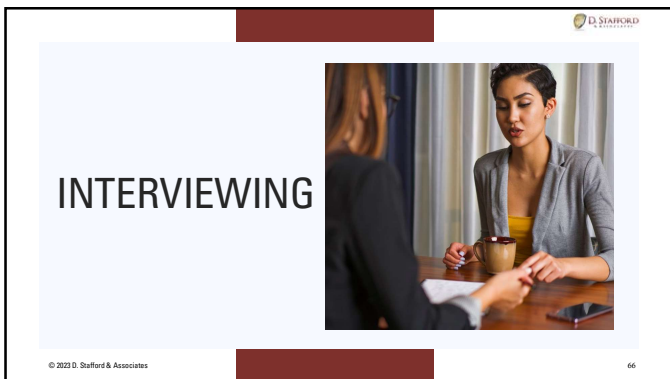
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INTERVIEWING BASICS




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INTERVIEWS



Testimonial Evidence



Conversation




Structured

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THE INTERVIEWEES



Complainant

Respondent

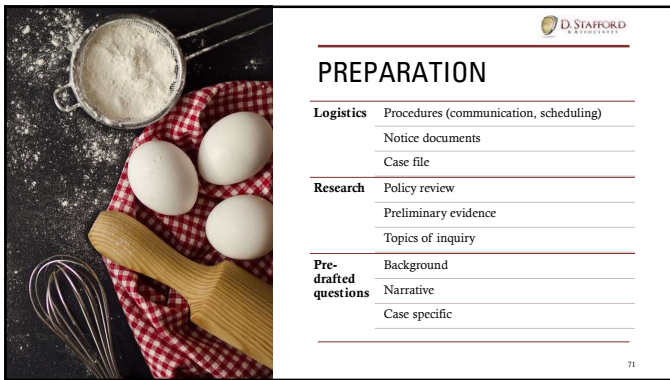
Witness

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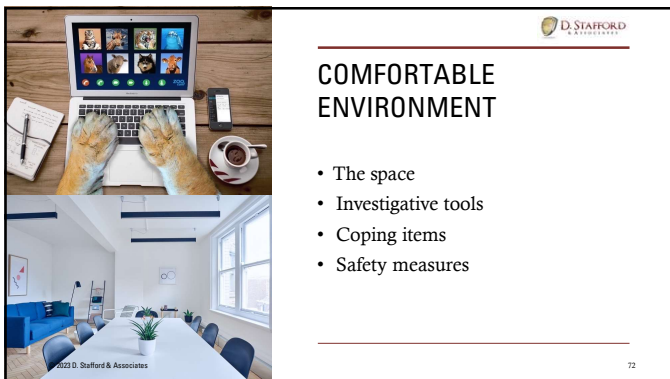
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HELPFUL PROMPTS


Recreate the Scene Physical Space Sensory

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AVOID BAD HABITS

- Interrupting
- Asking two questions at once
- Not listening for the answer
- Avoiding the hard questions
- Not focusing on the elements

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BE FULLY PRESENT

- Treat the interviewee ethically and with dignity
- Be non-judgmental and non-adversarial
- Be objective - you are not "making a case" or pushing a theory
- Adjust and adapt

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THE INTERVIEW



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THE D. STAFFORD INTERVIEW OUTLINE

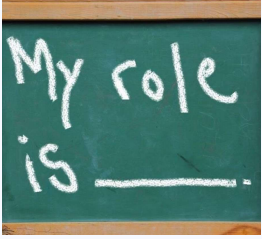


- Preliminaries
- Background
- Narrative
- Clarification
- Case Questions
- Closing
- Self Evaluation

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PRELIMINARIES:
YOU DO THE TALKING




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BACKGROUND:
BUILD THE
RAPPORT





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NARRATIVE:
THE BIG
QUESTION







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CLARIFICATIONS:
FILLING IN THE
HOLES





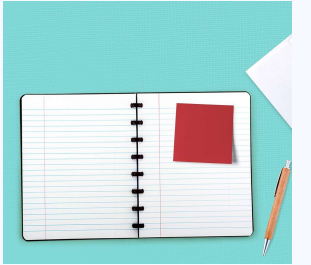
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CASE QUESTIONS: THE PRE-DRAFTED MUST ASKS




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CLOSING: LOOSE ENDS



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SELF EVALUATION:
HOW DID IT GO?



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INTERVIEW NOTES




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CAPTURING THE INTERVIEW




Transcription Q & A Meeting Chronology Incident Chronology

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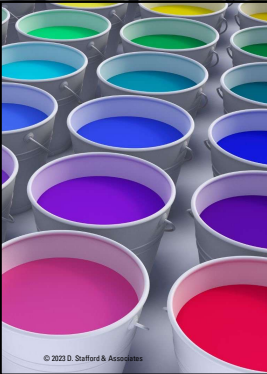
INCIDENT CHRONOLOGY: SPECIAL FOCUS-DV TIMELINES AS DOCUMENTATION OF HISTORICAL COMPLAINT



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INCIDENT CHRONOLOGY

- Ideal for investigative interviews
- Events and themes are organized in a sequential manner by the event, not the meeting
- Provides the interviewee's perspective not the interviewer's
- No observations or analysis

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EXAMPLE - CHRONOLOGICAL NARRATIVE

The Complainant stated she came back to her room on October 22, 2022 and found a flower bouquet outside of her room. There was an unsigned note that said, "Hope you are feeling better." Betty stated that she had not felt well the day before and skipped her classes. When asked how the Respondent knew she was sick, she stated that she posted about it on Instagram and "maybe he saw it there."


The Complainant stated that on October 24, 2022, she found another flower bouquet with a note at her door. The note stated, "You looked really pretty today."

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KEYS TO A GREAT NOTE

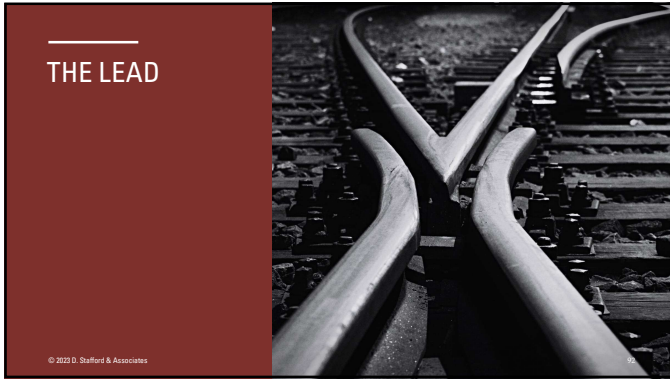
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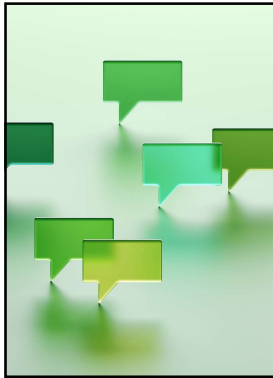
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USING QUOTES

<p>Added Value</p> <ul style="list-style-type: none">Increases the credibility of your notes - demonstrates listening and comprehensionProvides an opportunity to highlight key points of the meetingGives the interviewees a direct voice on important aspectsAvoids the appearance of the interviewer having an opinion	<p>Pitfalls</p> <ul style="list-style-type: none">Quoting for the sake of quotingConfuses the reader if there are too many quotesGiving importance to something that is irrelevantDisrupts the flow or clarity of your notes
---	--

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EXAMPLE - THE CONVERSATION

Shelby (interviewer): Tell me about how the text TJ sent. How many times does he text each day?

Betty (interviewee): I believe maybe like 50.

Shelby: Is that the average?

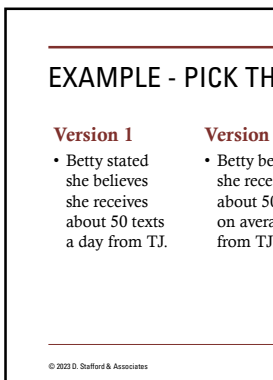
Betty: Yeah, probably.

Shelby: What's the most he has ever texted you in a day, from when you woke up until when you went to bed?

Betty: Well, Janice counted once. It was 382. But that was an of day.

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EXAMPLE - PICK THE BEST OPTION

<p>Version 1</p> <ul style="list-style-type: none"> Betty stated she believes she receives about 50 texts a day from TJ. 	<p>Version 2</p> <ul style="list-style-type: none"> Betty believed she receives about 50 texts on average from TJ. 	<p>Version 3</p> <ul style="list-style-type: none"> Betty stated she "believes" she gets about 50 texts a day from TJ, but her friend, Janice has seen as many as 300+ in one day. 	<p>Version 4</p> <ul style="list-style-type: none"> When asked how many text messages TJ sends per day to her on average, Betty stated, "I believe maybe like 50" but added that "Janice counted once, and it was 383" (for that day.)
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TRAUMA & THE INTERVIEW

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Stress

Trauma

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TYPES OF TRAUMA

Acute

Chronic

Complex

Secondary

Adverse Childhood Experiences (ACE)

Historical/ intergenerational trauma

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IMPACT OF TRAUMA

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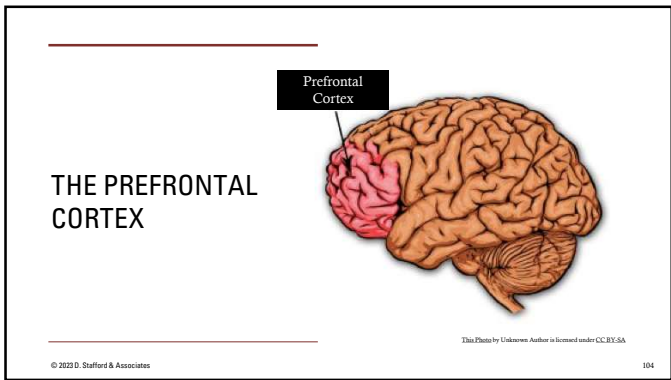
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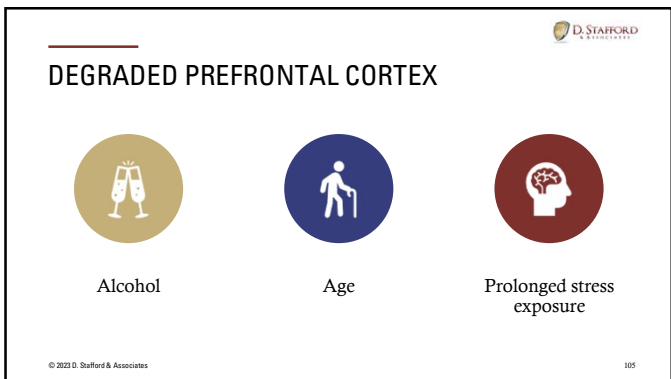
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THE LIMBIC SYSTEM

BASAL GANGLIA
control of movements, learning, habit, cognition, and emotion

HYPOTHALAMUS
controls body temperature, hunger, fatigue, sleep

AMYGDALA
memory, decision-making and emotional responses

THALAMUS
regulation of sleep, consciousness, and alertness

HIPPOCAMPUS
memory, navigation

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THE BODY'S RESPONSE TO FEAR

Heart **Lungs** **Muscles** **Prefrontal Cortex**

Eyes **Stomach** **Skin**

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RESPONSE

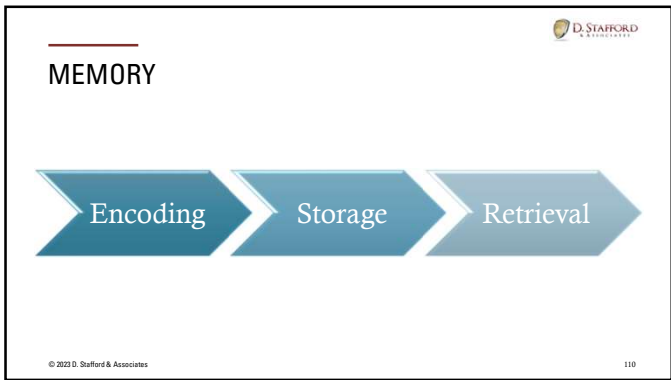
Habit **Reflex**

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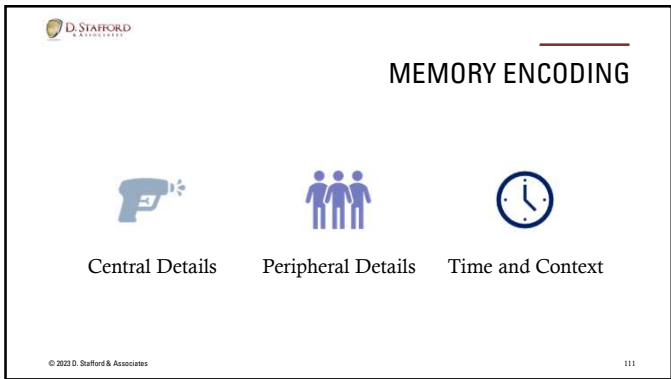
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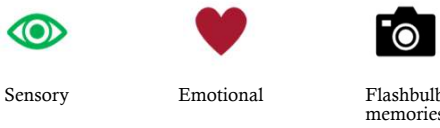
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TRAUMA MEMORY ENCODING



Sensory Emotional Flashbulb memories

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Memory Storage Over Time

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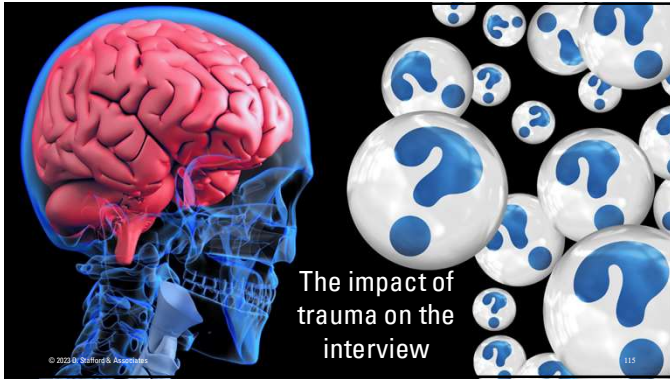
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LONG TERM RESPONSE: IMPACT

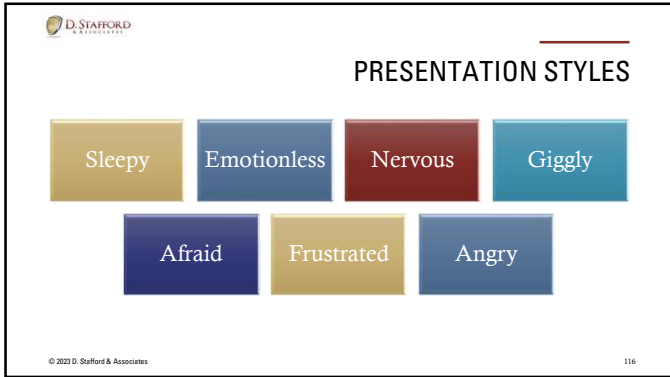


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 **QUESTION FORMAT**



 Tone
  Phrasing
  Open-ended
  Safe
  Judgment-free

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 **INTERVIEW TECHNIQUES**




 Clarify linear information
  Use sensory prompts

 Ask for feelings and emotions
  Understand statement variations

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 **IMPARTIAL INVESTIGATIONS**

 Consistent application
  Ask clarifying questions
  Avoid bias

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EVIDENCE EVALUATION



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INVESTIGATORS AS EVALUATORS OF EVIDENCE

- Developing lines of questioning
- Determining additional witnesses and evidence needed
- Utilizing evidence around credibility
- Identifying relevant evidence

"A postsecondary institution must provide a process...that enables the decisionmaker to adequately assess the credibility of the parties and witnesses" (2022 Proposed Title IX Regulations)


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CREDIBILITY



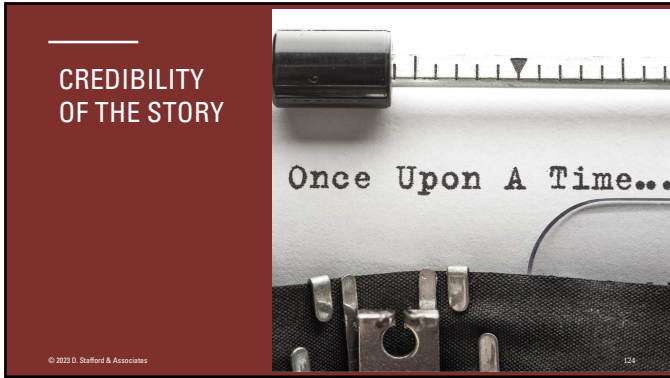
-TRUST-

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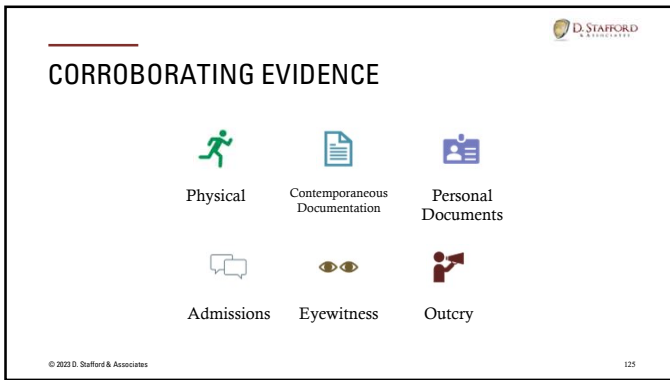
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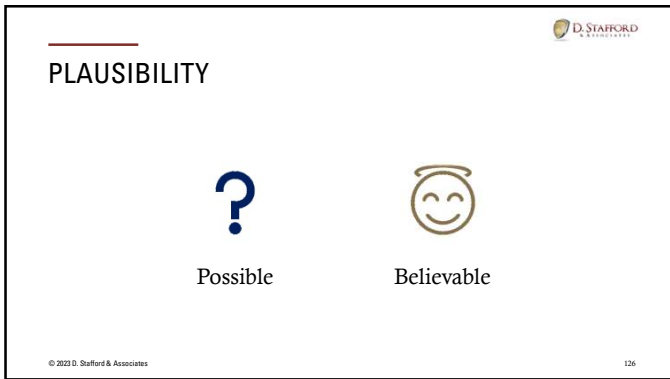
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CREDIBILITY OF THE STORYTELLER




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MOTIVATION




Afraid Pressured Revenge History

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BIAS



Past Relationship Identity Internal Biases

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ABILITY TO PERCEIVE

Distance Knowledge Credentials Competence

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ABILITY TO REMEMBER

Passage of Time Alcohol Trauma Peripheral Details History of Memory

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WHAT MAY NOT IMPACT CREDIBILITY

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DO THESE IMPACT CREDIBILITY?

- Past Behaviors
- Post-Incident Behavior
- Character
- Interview Demeanor
- Identity

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RELEVANCY



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WHEN IS EVIDENCE RELEVANT?


Evidence is relevant if:

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.

- (Federal Rules of Evidence)

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KEY RELEVANCY POINTS

1

The evidence does not need to be conclusive

2


Is sufficient if it constitutes a link in the chain

3

Enough if in connection with other evidence, helps "a little"

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NOT RELEVANT (PER TITLE IX REGULATIONS)

Past Sexual Behavior

Complainant's sexual predisposition or prior sexual behavior unless...

- Offered to prove that someone other than the respondent committed the conduct alleged or
- Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent

Privileged Information

Physician, psychiatrist, psychologist records in connection with the provision of treatment to the party unless there is voluntary, written consent from the party whose record it is

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REPORTS



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REPORT WRITING GOALS

- Documentation of Process
- Compilation of Evidence
- Summary of Facts

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ELEMENTS OF A GOOD REPORT

PROOFREAD

- SPELLING
- GRAMMAR
- ACCURACY

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OTHER D. STAFFORD TRAINING OPPORTUNITIES

<p>Title IX Coordinator Track</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tier 1: Law and Policy <input type="checkbox"/> Tier 2: Sex Discrimination Response <input type="checkbox"/> Tier 3: Safety & Risk Analyses for Sex-Based Harassment Emergency Removals 	<p>Investigator Track</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tier 1: Sex-Based Harassment Investigations <input checked="" type="checkbox"/> Tier 2: Dating/Domestic Violence and Stalking (DVDVS) Investigations <input type="checkbox"/> Tier 3: Case Study and Simulation (Interviewing) <input type="checkbox"/> Tier 4: Statement Analysis <input type="checkbox"/> Tier 5: Report Writing <input type="checkbox"/> Tier 6: Technology & Investigations <input type="checkbox"/> Tier 7: Violence Against Men 	<p>Related Offerings</p> <ul style="list-style-type: none"> <input type="checkbox"/> Institutional trainings <input type="checkbox"/> Threat Assessment Teams <input type="checkbox"/> Clery Compliance <input type="checkbox"/> Procedural Justice <input type="checkbox"/> Appellate Officer (www.naccop.org) <input type="checkbox"/> Constructing Resolution Processes (www.naccop.org) <input type="checkbox"/> Title IX Webinars (www.naccop.org)
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THANK YOU



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People

Interview	First Name	Last Name	Role	Title	Email	Other	Notes
			Complainant				
			Respondent				
			Witness				

To Do Tasks

Done	Tasks	Owner	Deadline

Evidence

EX.	Name	Source	Date	Notes
1				
2				
3				
4				
5				
6				

Closure

Actual Project Completion Date	
Notes	

Interview Template

Thursday, January 12, 2023

2:11 PM

Preliminaries

- *Permission/Notification of recording if needed*
- *Introductions and Role of the Investigators*
 - *Draft and ask questions of all interviewed witnesses*
 - *Collect other available evidence directly related to the allegation*
 - *Create a summary of the relevant evidence*
- *Confidentiality vs. Privacy*
- *Retaliation*
- *Rights of the parties*
 - *Right to submit witnesses and evidence*
 - *Right to submit questions for us to ask of witnesses and parties*
 - *Right to review evidence collected that is directly related to the allegation and respond (Prelim Report)*
 - *Right to review the summary and respond prior to a hearing (Final Report)*
- *School-specific rights (amnesty, report, next steps)*
- *Review Advisor Policy (if an advisor has attended)*

Case-Specific Preliminary Topics: ____

Background

- *Living, Major, Hometown, Other Background*

Narrative

- *"We are now going to talk about the specifics of the case. (May read the allegation to outline scope for respondent)*
- *"We'd like you to tell us what happened. We are looking for your memories and not the memories of others. If you learned something from someone else—just share it and let us know how you know it."*
- *"Give as much detail as you have—even if you aren't sure it is important"*
- *Avoid guessing—if you don't know something that is ok." It is fine to say "I don't know."*
- *"Don't rush—take all the time you need."*
- *"Start wherever you'd like" or "start where ever the beginning is for you."*

Clarifications

- *Refer to Narrative for specific questions*
- *Ask chronology questions*
- *Verify statements, words, people*
- *Ask for possible corroborating evidence*
- *Dates/Times/Locations*

DVDVS Case Questions

- *Elements of the policy violation*
- *Relationship (relevant in DV based stalking complaints. Other non-dv stalking complaints should focus on acts, including frequency and impacts)*
 - *Describe the interactions with the party?*
 - *Words, actions*
 - *Feelings*
 - *Over what time?*
 - *Response*
- *Acts*
 - *What*
 - *How much*
 - *When*
 - *By whom*
 - *Towards whom*
 - *Response*
 - *Impact*
- *Defenses/alternative theories*
 - *Motivation*
 - *Past relationship*
 - *Knowledge*
- *Credibility inquiries*
- *“A witness said you...”*
- *“Did you...”*

Closing

- *“Are there questions you thought we would ask/other information you think is important for us to know?”*
- *“Do you have any questions for us?”*
- *Is there any evidence you want to provide (now or following the interview)*
- *Reiterate retaliation and confidentiality*
- *Complainant/Respondent: “Are there any questions you want to make sure we ask of the other party?”*
- *Complainant/Respondent: “Are there any other witnesses you want us to talk to?”*
- *Complainant/Respondent: Discuss interim measures or resources, next steps*

Witnesses

Name	Who provided	Relationship/Topics of Inquiry	Contact info

Evidence

Exhibit #	Who provided	Item	Date
