

5 Common Mistakes in Title IX

And How to Avoid Them

August 6, 2026

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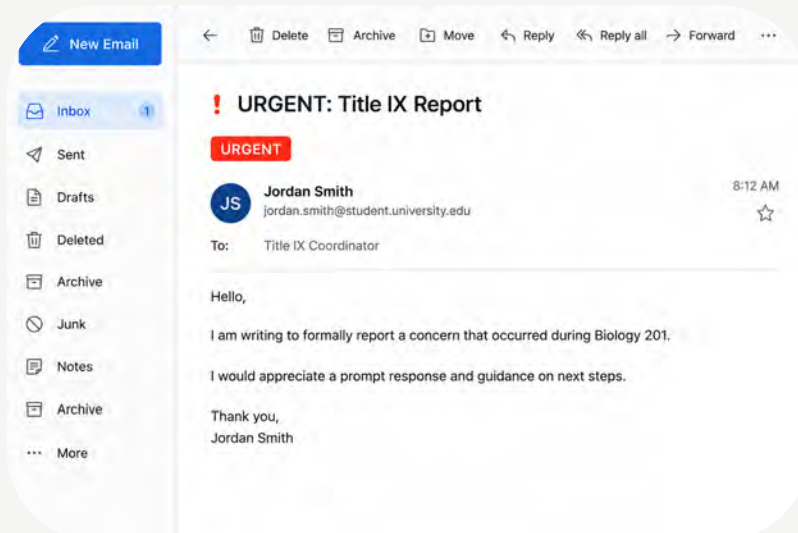
Meet Your Trainers



Liz DeChellis
Partner and Director of
Title IX Services



Stephanie Slone
Attorney Adjudicator



5 Common Mistakes in Title IX



Too Many Intake Interviews with Complainant



Overly Specific Scope



Incomplete Documentation of Potential Evidence & Activity Log



Missing Policy Elements in Your Questioning



Holes in the Report

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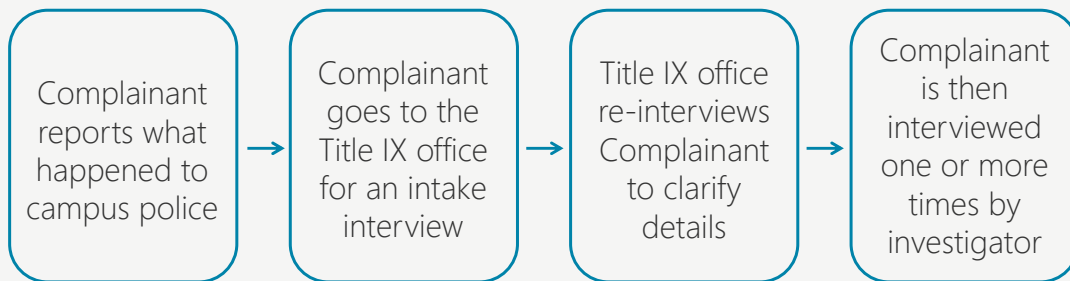
Missing Policy Elements in Your Questioning



Holes in the Report



Too Many Intake Interviews with Complainant



Too Many Intake Interviews with Complainant

IMPACT ON INVESTIGATIONS

- ⇒ Frustrated and overwhelmed Complainant
- ⇒ Complainant questions competency/efficiency of the process
- ⇒ Short, clipped answers during interviews





Too Many Intake Interviews with Complainant

IMPACT ON HEARINGS

- ⇒ Complainant does not show at hearing
- ⇒ Minimal or hostile participation at hearing
- ⇒ Complainant feels misled and mistreated by the process



Too Many Intake Interviews with Complainant

TIPS FOR AVOIDING THIS MISTAKE

-  Recognize the impact of asking parties to retell their story over and over again
-  Determine what needs to be clarified before the notice goes out, compared to what can be addressed in an investigative interview
-  Focus on gathering details during the investigative interview, not intake



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Overly Specific Scope



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Holes in the Report



Overly Specific Scope

The investigation scope is as follows:

- On March 1, 2024, Respondent told Complainant he wanted to buy sex toys to use with his girlfriend. This comment made Complainant uncomfortable and she said, "You are disgusting!" She then told her friend, Witness A, who agreed Respondent was "disgusting."
- On March 4, 2024, Respondent penetrated Complainant's vagina with his penis without her consent. Complainant felt disgusted and violated during the encounter. The parties' friend, Witness C and Witness D, were asleep outside the bedroom while the sexual activity took place.
- On March 4, 2024, after penetrating Complainant's vagina with his penis, Respondent used two fingers on his left hand to penetrate Complainant's vagina for approximately eight minutes. Complainant cried while he did so. Respondent also touched Complainant's buttocks.





Overly Specific Scope

IMPACT ON INVESTIGATIONS

- ⇒ Inclusion of details that are not necessary for policy finding
- ⇒ Forces the investigator to gather unnecessary information
- ⇒ Important details might be glossed over



Overly Specific Scope

IMPACT ON HEARINGS

- ⇒ Hearing Officer has to make specific findings based on the scope
- ⇒ Requires them to make findings that are not relevant to the policy analysis





Overly Specific Scope

TIPS FOR AVOIDING THIS MISTAKE



Look at what is in the policy and include only the necessary details



Put yourself in the position of making findings and ask yourself, "Is that finding necessary?"



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Overly Specific Scope



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Holes in the Report



Incomplete Documentation of Potential Evidence & Activity Log

SCENARIO: The hearing is complete and Respondent appeals. Respondent says he asked the Investigator to interview four friends. The investigator did not interview the friends and never said why. Respondent also asked them to appear at the hearing, but the Hearing Officer declined because they were not referenced in the investigation report.



Incomplete Documentation of Potential Evidence & Activity Log

IMPACT ON INVESTIGATIONS

- ⇒ Evidence, both documents and witnesses, might be lost
- ⇒ Incomplete investigation report
- ⇒ Participants lose faith in the process





Incomplete Documentation of Potential Evidence & Activity Log

IMPACT ON HEARINGS

- ⇒ Witnesses and evidence could be missed
- ⇒ The Hearing Officer might make final findings based on an incomplete record



Incomplete Documentation of Potential Evidence & Activity Log

TIPS FOR AVOIDING THIS MISTAKE

-  Start charts when you first get the case to document your steps
-  Go through your interview notes and document each individual mentioned and each piece of evidence referenced
-  Document your attempts to gather information, or why you determined it was unnecessary



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Too Many Intake Interviews with Complainant



Overly Specific Scope



Incomplete Documentation of Potential Evidence & Activity Log



Missing Policy Elements in Your Questioning



Holes in the Report



Missing Policy Elements in Your Questioning

SCENARIO: The investigator gathers evidence about Respondent's actions during Complainant's interview. The investigator never asks the Complainant how it impacted them and their experience at school. Complainant does not appear at the hearing.





Missing Policy Elements in Your Questioning

IMPACT ON INVESTIGATIONS

- ⇒ Critical evidence is missing that could speak to the policy elements
- ⇒ Incomplete information for a credibility assessment
- ⇒ Unfocused interviews



Missing Policy Elements in Your Questioning

IMPACT ON HEARINGS

- ⇒ If Complainant does not appear, that information might never be gathered
- ⇒ Difficult for the Hearing Officer to make policy findings





Missing Policy Elements in Your Questioning

TIPS FOR AVOIDING THIS MISTAKE



Write out the policy elements in every interview outline



Review the elements with parties and witnesses



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Missing Policy Elements in Your Questioning



Holes in the Report



Holes in the Report

SCENARIO: The final report is five pages long. It includes bulleted summaries of each interview. However, it is missing critical background information such as the parties' relationship and role dynamics, how key evidence was gathered and verified, the investigation timeline, procedural steps taken, or an explanation of witness selection.



Holes in the Report

IMPACT ON INVESTIGATIONS

- ⇒ The investigation appears cursory, even if it was not
- ⇒ There might be missing details related to policy elements
- ⇒ Parties might feel the investigator did not hear their experience





Holes in the Report

IMPACT ON HEARINGS

- ⇒ The Hearing Officer might lose critical background information to understand party or situation dynamics
- ⇒ Not able to question inconsistent statements because it is not clear what was said previously



Holes in the Report

TIPS FOR AVOIDING THIS MISTAKE

-  Put yourself in the shoes of your reader
-  Refer to the policy to ensure the report includes information relevant to each element and the scope of the investigation
-  Ensure the methodology is thoroughly documented



QUESTIONS?



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