

PRELIMINARY INQUIRY

20 Minutes to Trained

YOUR FACULTY





Title IX: It's not about compliance, it's about commitment.

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THE PROCESS





PURPOSE OF PRELIMINARY INQUIRY



- When receiving reports and allegations, assessing the information and determining the next steps in a timely fashion is essential.
- We cannot simply allow reporting parties to tell us a formal investigation is needed.
- We need to assess each report to determine how best to resolve the issue through informal or formal resolution.



- Receive allegations (complaint).
- Actual notice or constructive notice.
- Rumors, gossip, social media, etc. can be notice.
- Once notice exists, the duty to investigate is absolute.
 - Small "i" preliminary inquiry.
 - Big "I" comprehensive investigation.

GATEKEEPING AND PRELIMINARY INQUIRY



- The Gatekeeper of the process determines the extent and development of the investigation, moving it from preliminary to full investigation, and identifying timing for charges and strategy development.
 - Equity, due process, essential fairness, and equal dignity all demand substantiating evidence before dragging a reporting party through the entire process.
 - A charge (complaint) must be supported by reasonable cause to permit its full pursuit.

PRELIMINARY INQUIRY – THE SMALL "I"



- The preliminary inquiry is the initial inquiry to determine if a comprehensive investigation is desired or necessary
 - Check backgrounds, obvious patterns, signs of predatory, violent, and/or threatening behavior
 - If true, would the reported behavior constitute a violation?
 - How much involvement does the reporting party wish to have?
 - Give the reporting party as much control as possible in the process
 - Is it possible to remedy informally or without discipline?

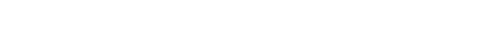


- What has been reported?
 - Do we have jurisdiction?
 - Is it gender-based/protected class based?
- Are there immediate safety concerns?
 What are the least restrictive means to address them?
- What interim actions/measures are or may be needed to support the parties?
- What referrals need to be made for the parties?
- Are criminal charges possible/pending?

PRELIMINARY INQUIRY – THE SMALL "I"



- Are there any potential conflicts of interest with any staff who will be involved in the process?
- Are there other procedures/processes in play that might intersect/interfere?
- Would any other processes serves the issue better?



PRELIMINARY INQUIRY – THE SMALL "I"

- Timing issues
 - Academic Breaks
 - Commencement
 - Departures
 - Study Abroad/Student Teaching
- Lockdown/secure evidence
 - From parties
 - From law enforcement
 - From institutional systems

CONTACT US

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