



# PRELIMINARY INQUIRY

---

20 Minutes to Trained



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

DANIEL C. SWINTON, J.D., ED.D  
Vice President, ATIXA

LEAH GUTKNECHT  
Advisory Board, ATIXA

# 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.

# PRELIMINARY INQUIRY



- 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?

# PRELIMINARY INQUIRY – THE SMALL “I”



- 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

---

[www.atixa.org](http://www.atixa.org)