Title IX Investigator Training for Higher Education Institutions



Session 1

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SESSION ONE

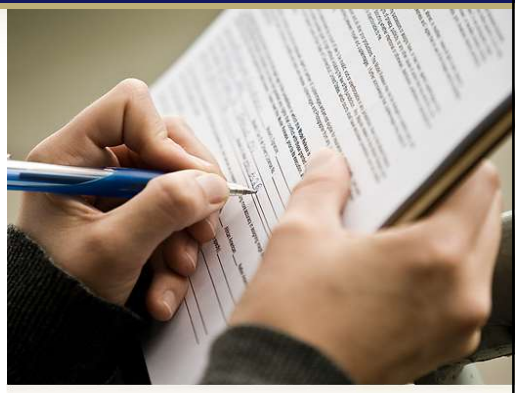
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Agenda

- Definitions for Training
- Review Title IX Investigator Roles
- Introduce the Hypothetical & Investigation Plan
- Plan the Investigation & Prepare for Interviews
- Interviewing Tips
- Weigh the Evidence & Determine Disputed and Undisputed Issues
- Application to Hypothetical



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1

1

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Definitions for Training

- Complainant
- Respondent
- Parties
- Witness
- Advisor
- Grievance Process
- Other

2

2

Review Title IX Investigator Roles

Investigator Role:

- Must be trained, knowledgeable, impartial, unbiased & free from general or specific conflicts of interest
- Reviews formal complaint & interviews parties and witnesses; gathers, reviews & synthesizes evidence
- Assesses relevance, credibility & weight of evidence
- Provides ***Draft Report of Evidence*** to Complainant/Advisor & Respondent/Advisor for review and comment; investigator revises as needed
- After considering responses, provides ***Final Investigative Report*** to parties/advisors for review and comment; report includes disputed and undisputed facts & summary of relevant evidence
- Investigator does ***not*** make decision about whether Respondent has engaged in sexual harassment

3

3

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Review Title IX Investigator Roles

- Presume Respondent is *not responsible* for the alleged conduct
- Complainant and Respondent do *not* have the burden of proof or the burden to gather sufficient evidence
- Provide written notice for all interviews with sufficient time for a party to prepare to participate with advisor
- Do not give confidentiality admonishments to Complainant or Respondent; consider advising against tampering with evidence or witnesses
- Provide parties with equal opportunity to present witnesses, including expert witnesses and other inculpatory and exculpatory evidence
- Do not gather privileged information without voluntary, written consent (e.g., physician or psychiatrist records, etc.)

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4

REVIEW HYPOTHETICAL & INVESTIGATION PLAN

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5

Promptly Review the Complaint

- Review **Hypothetical Complaint** and **Notice of Allegations**
  1. Who are the **parties**?
  2. Who are potential **witnesses**?
  3. Identify other potential **evidence**?
  4. What general **claims** are asserted or described?
  5. What **policies** are potentially violated?
  6. What **allegations** should you ask questions about?
  7. What's the **chronology**?
- Create an **Investigation Plan**

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6

PLAN THE INVESTIGATION & PREPARE FOR INTERVIEWS

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7

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Create an Investigation File

- Paper file, binder with tabs, electronic file, etc.
  - Section for Formal Complaint, Supportive Measures, Notice of Allegations, Policies/Regulations, Definitions, etc.
  - Section for Investigation Plan and updates
  - Section for communication with Complainant/Advisor, Respondent/Advisor, Witnesses, Title IX Coordinator
    - Phone/email log
    - Notice of Interview for parties/advisors
    - Notice to extend timelines
  - Section for each party and witness with interview notes, draft witness summary, final witness summary, and list of evidence submitted
- Create a timeline for investigation, calendar important dates, and foresee holidays, office closures, and busy times

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8

Create a Timeline for the Hypothetical

- Looking at a calendar, assume you have ***45 calendar days from October 1, 2026,*** to complete your investigation, exchange evidence (10 days), and deliver the Final Investigative Report to the parties and their advisors (if any) to review and provide written responses (10 days)
- Calendar your goals to complete the following tasks:
  - Date to complete all interviews and gather evidence
  - Date to complete witness statements (signed statement process optional)
  - Date to send Draft Report of Evidence to the parties and their advisors
  - Date to send Final Investigative Report to parties and their advisors
  - Date to send Final Investigative Report with attached written responses to Title IX Coordinator & Decision-Maker

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9

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Prepare Interview Environment

- General Location or Platform (district office, Zoom?)
- Waiting Area
- Interview Room
  - Private
  - No distractions
  - Choices
  - Easy access to exit
  - Enough room for more than one advisor
  - Clear visual of interviewee
  - Water, tissues, paper, and pencil
- Exiting considerations

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10

Prepare Notice of Interview

- Provide written notice of the investigative interview to each ***party*** with sufficient time for the party to prepare to participate.
  - Query: Will Title IX Coordinator or Investigator prepare and/or send notice?
- The Notice shall include:
  - Date
  - Time
  - Location
  - Participants
  - Purpose
  - A party may bring advisor of choice
- Consider reiterating what evidence to bring, if any

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11

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Prepare Interview Introduction & Advisements

- Sample Introductory **Comments by Investigator**
  - Introduce yourself and your role:
    - Review the complaint and relevant policies
    - Interview witnesses
    - Gather and review relevant and directly related evidence on all sides
    - Ask follow-up questions, as needed
    - Weigh the evidence and determine what is undisputed or in dispute
    - Maintain confidentiality ***outside*** of the complaint process
    - ***For Complainant and Respondent:*** Provide the parties and advisors with a Draft Report of Evidence and then a Final Investigative Report which fairly summarizes the relevant evidence, both for review and comment

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12

Prepare Interview Introduction & Advisements

- Sample **Introductory Instructions** for Parties and Witnesses
  - Listen carefully to questions, answer truthfully, and be forthcoming with relevant information
  - We want evidence in its best, most original form, so do not tamper with any evidence (give examples of tampering)
  - Retaliation is against the law and policy. Please report retaliation to Title IX Coordinator and do not retaliate against anyone involved in this process
  - ***For witnesses only:*** Maintain confidentiality about the identities of the parties or witnesses and the information revealed during the interview
  - ***For advisors only:*** Discuss protocols established by educational institution, such as not answering for a party, not interrupting questions or answers, asking for a break after an answer and before next question, confidentiality, etc.

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13

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Prepare Scope of Questions

- For Complainant, prepare for the interview by outlining subjects to cover and/or questions to ask
  - **Review Hypothetical**
- After interview with Complainant, prepare an outline or list of questions for each Witness based on their likely scope of knowledge
- After interviews with Complainant and Witnesses, prepare an outline of subjects to cover, general questions, ***and*** specific questions for the Respondent
- Provide Respondent with a full and fair opportunity to respond to all of the allegations
- Prepare specific follow-up questions as needed

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14

INTERVIEWING TIPS

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15

Trauma-Informed Interviewing Tips

- Complainant, Respondent, and/or Witnesses may experience some type of discomfort or trauma related to the allegations or involvement in a Title IX complaint and investigation
- Consider the tone of your communications and questions
  - Are you showing respect to all people involved in the investigation?
  - Are you empathetic about the difficulty of this process?
  - Are you compassionate about what it's like to be in this situation?
  - Are you exhibiting patience?
- Investigator's ***goal is to objectively and thoroughly gather relevant evidence with a respectful and compassionate demeanor***

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16

Initial Questions

- After the introduction and advisements, consider asking routine **questions to "warm-up"** and provide an opportunity to observe any baseline communication patterns. Sample questions:
  - When did you start attending classes at the college? What year are you? What are you studying? What are your plans after graduation?
  - What is your job title? How long have you worked in that position? Who is your supervisor? What are your general job responsibilities?

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17

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Narrative Questions

Explain you have reviewed the Complaint and the NOA

- Tell me what happened on August 21, 2026, with Respondent
  - Allow for a narrative and, generally, do not interrupt
  - Take copious notes and identify areas for follow-up questions
- Acknowledge their story (e.g., “Thank you for explaining this to me.”)
- Explain you will now go back and ask follow-up questions for additional information and/or a better understanding
- Ask all relevant follow-up questions

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18

Open-ended Questions

- Ask **Who, What, Where, When, Why,** and **How** questions **for every allegation**, as well as any follow-up questions to understand the alleged incidents
- If there are multiple allegations, consider asking the Complainant to start from the first incident or start with the most recent incident and work in chronological order. *Caveat*: Some witnesses do not recall or think in a chronological fashion; follow witness’s lead
- For each allegation, start broad but circle back for additional details

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19

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Listen Closely & Follow-up

Example:

- Q: When did it happen? A: Yesterday.
- Q: What time yesterday? A: After all my classes.
- Q: What time of day was that exactly? A: About 11:50 a.m.
- Q: Where did it happen? A: On campus.
- Q: Where on campus? A: In the library.
- Q: Where in the library? A: Right by the front entrance.
- Q: Who was there? A: Other students.
- Q: What are those students' names? A: Not sure, I don't know them.

20

20

Listen Closely & Follow-up

- When you listen closely, you may notice gaps in the Party's or Witness's statements. Ask follow-up questions to fill in those gaps. Some examples:
  - "**Before I knew it**, Respondent was fondling my breast."
  - "**Eventually**, Respondent told me what I was supposed to do."
  - "**After a while**, I knew what Complainant wanted."
  - "**One thing led to another**, and Respondent touched my private area."
- Ask questions to elicit additional information

21

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Listen Closely & Follow-up

- When you hear conclusory language, ask more questions:
  - "***It happens all the time***."
    - Ask, "How often?"
    - "Over what time period?"
  - "***Sam never made that statement***."
    - Ask, "How much time do you work together during the day and over the week?"
    - "How long have you been in the same classes?"
    - "Is it possible Sam said something like that?"
  - "***Sam can't stand me.***"
    - Reply, "Tell me more about that."
    - "How did you come to know that?"
    - "Can you give me some examples?"

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22

Do Not Avoid Difficult Questions

- Learn to note and address the following:
  - Repetitive use of "I don't remember" or "I don't recall"
  - Evasive, rambling responses
  - Refusals to answer
  - Answers that are self-contradictory or obviously false
- Ask questions about authenticity of electronic evidence
  - Are texts, videos, photos, or screenshots altered?
  - Ask for properties information for photos, date taken, etc.
- May need to explain potential effect of editing their testimony or changing a written witness summary after interview

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23

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Types of Questions for Investigator to Avoid

- Avoid **leading** questions
  - "You felt helpless, didn't you?"
  - "You wanted to be there, didn't you?"
  - "They are treating you this way because of your gender and skin color, right?"
- Avoid **negative** questions
  - "You don't know the password, do you?"
- Avoid **compound** questions
  - "What time did you arrive, and how long were you there?"
- Avoid **vague** questions
  - "Why is that?"

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24

Summary: How to Get the Most Out of an Interview

Ask the right questions	Be a good, impartial listener and keen observer	Ask witness to demonstrate	Document	Be prepared to assess credibility
• Begin with narrative questions • Ask who, what, where, when, why, and how questions • Ask specific questions to elicit key information	• Notice vague answers • Ask follow-up questions • Repeat the questions if witness fails to answer • Observe unusual non-verbal cues & ask more questions	If appropriate: • Have witness demonstrate the behavior • Tour the scene of the incident with you • Ask witness to draw a diagram	• Take thorough notes of questions and answers • Consider creating written summaries for parties & witnesses to review & sign, (depending on policy, regs, or procedures)	Make note of: • Consistent and inconsistent statements • Corroboration • Inherent plausibility or lack thereof • Recognize bias, motive to falsify

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25

Problem Solving Common Issues

- Unavailable Witness
  - Document attempts to contact; use various methods (e.g., phone message, email, text, etc.)
- Reluctant Witness or Witness Refusal to Participate
  - Acknowledge, answer questions, explain role in process, explain not likely only witness
- Difficult Advisors
  - Remind of protocols
  - Answer or refer questions
  - Give warning
  - Stop interview and notify Title IX Coordinator
- Recover from change in direction of interview
- Capture electronic evidence in best form

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26

Close the Interview

- Ask closing questions:
  - "Is there anything else you think I **should know**?"
  - "Is there anything else I should have **asked** you?"
- Explain your **follow-up** process:
  - "I may need to ask you follow-up questions at some point during the investigation. How would you like me to contact you?"
  - "Are there any times of the day that are off-limits to call or text you?"
  - "Do you want your advisor present for any further communications?"
- Consider acknowledging the difficulties of this important process, especially if you observed stress during the interview
- **Thank** each and every person for their participation

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27

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Prepare Interview Notes and/or Summaries

- **Review interview notes** as soon as possible
  - Schedule time after each interview to review notes
  - Fill-in abbreviated words & sentences, correct spelling & grammar, clarify vague pronouns, add correct names, note your relevant observations
  - Do not add or embellish information that was not discussed
  - Make a list of any questions missed or areas needing clarification; seek follow-up information
- **OPTIONAL**: Create a typed, double-spaced witness summary for Complainant, each Witness, and Respondent; consider using a format with numbered lines in margin
  - Send Draft Witness Summary to Complainant/Advisor, each Witness, and Respondent/Advisor with directions to review, edit mistakes, sign, and return
  - Keep track of any substantive changes and/or comments

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28

WEIGH THE EVIDENCE & DETERMINE DISPUTED AND UNDISPUTED ISSUES

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29

Review All of the Evidence Gathered

- Review the formal complaint, NOA, and policies again to refresh your memory of allegations and the policy definitions for the type of sexual harassment allegations
- Review all documents, photos, texts, videos, or other evidence gathered
  - Determine and set aside any evidence provided to you which is irrelevant and will not be considered

30

30

Identify Undisputed and Disputed Issues

- **Common Undisputed Issues**
  - Nature of relationship, age, how met, prior communications
  - Date, general time, location, who was present
  - Sexual or intimate relationship
- **Common Disputed Issues**
  - Sexual activity
  - Consent
  - Force, duress, or threats
  - Incapacitation
  - Intent
  - Words
  - Tone

31

31

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Important Definitions Regarding Evidence

- **Direct** Evidence
  - Evidence in the form of testimony from a ***witness who actually saw, heard, touched, tasted, or smelled the subject of questioning***. Evidence, which if believed, proves existence of a fact in issue without inference or presumption.
- **Circumstantial** Evidence
  - Testimony which is *not* based on actual personal knowledge or observation of the facts in dispute, but testimony of ***other facts from which deductions are drawn, showing indirectly the facts sought to be proved.*** Inferences drawn from facts proved.
- **Corroborating** Evidence
  - Evidence ***supplementary*** to that already given and ***tending to strengthen or confirm it***. Additional evidence of a different character to the same point.

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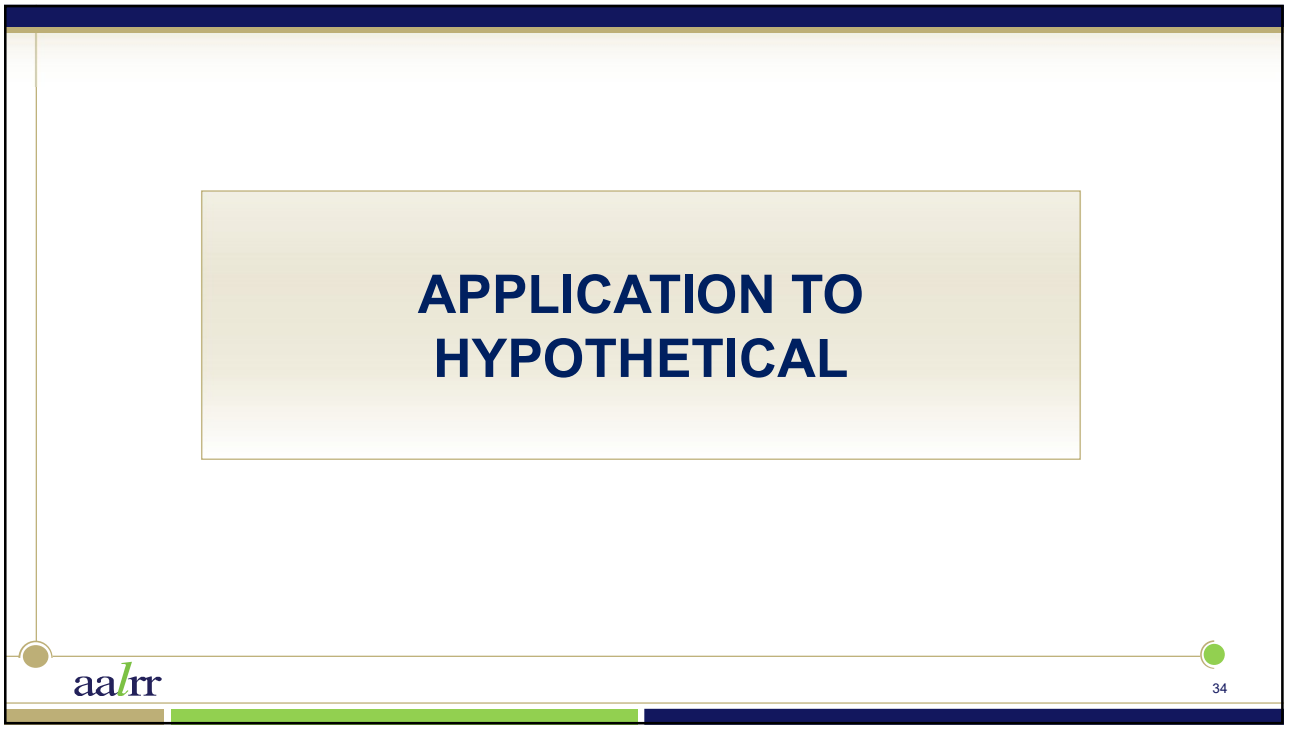
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Credibility Factors to Weigh Disputed Evidence

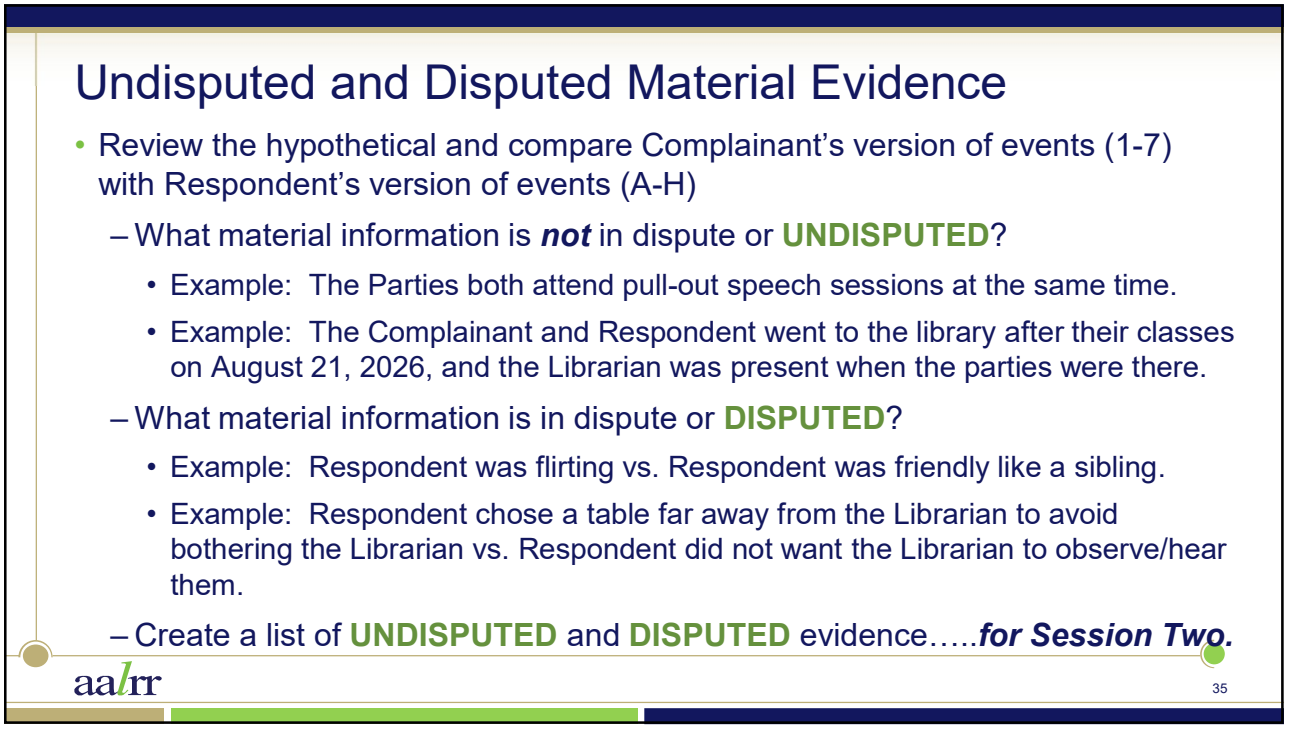
- Actual Knowledge/Opportunity to Observe or not Observe
- Inherently Plausible or Implausible
- Direct or Indirect Corroboration
- Consistent or Inconsistent Statements
- Material Omission or Material Admissions

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33



34



35

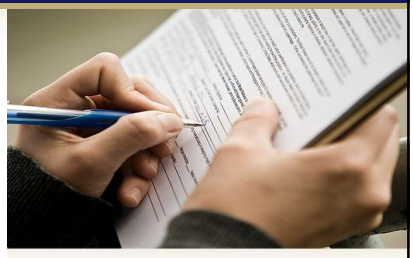
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Question & Answer Session

36

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37

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Thank You

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I feel privileged to have the opportunity to assist people with their problems.

Georgelle Cuevas is experienced in counseling and representing public and private sector employers in all aspects of labor and employment law, including discrimination/harassment, wrongful termination, disability, reasonable accommodation, wage and hour requirements, leave requirements, discipline and dismissal. She has significant experience conducting thorough and effective investigations concerning workplace issues and student complaints. She regularly assists school districts, county offices of education, and community colleges in navigating the requirements of the Education Code, Title IX of the Education Amendments of 1972, Title 5 of the California Code of Regulations, the Brown Act, and other state and federal laws. She has represented employers in multi-day administrative hearings.

In addition to being a licensed attorney, Ms. Cuevas is also a certified Senior Professional in Human Resources (SPHR). Ms. Cuevas gained experience in employment law, retirement, education and civil rights at previous firms. Her prior experience also includes internships with the Equal Employment Opportunity Commission and the National Labor Relations Board.

During her LL.M. program, Ms. Cuevas served as the Associate Editor of the Berkeley Journal of International Law (BJIL). During law school, Ms. Cuevas served as the Vice-President of External Affairs for the Moot Court Honors Society. In addition, she won a CALI award for receiving the highest grade in her Immigration Law class.

Ms. Cuevas is a popular and highly requested speaker. She regularly provides training throughout the nation on a variety of subjects of interest to

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K-12 school districts, community colleges, universities, governing boards, and other management teams.

Honors & Recognitions

Ms. Cuevas has been named a Northern California Rising Star by *Super Lawyers* every year since 2022.

Events & Speaking Engagements

Ms. Cuevas regularly provides training addressing subjects that impact the workplace, the educational setting, and collective bargaining. She provides training on the FRISK® model for preparing effective documentation regarding employee substandard performance or conduct; leadership and communication skills; conducting investigations in the educational and workplace environments; conflict resolution; Brown Act compliance, and state-mandated sexual harassment training. She also lectures at webinars and conferences for local, statewide, and national organizations such as ACCCA, ACSA, ACHRO, CASBO, CISOA, CSBA, NSBA, and WACUBO.

Community & Professional

Ms. Cuevas volunteered as an attorney coach of the Amador Valley High School Mock Trial Team for the 2018-2019 competition season. She previously served as an attorney scorer for Contra Costa County's moot court and mock trial programs for high school students from 2012-2015.

Title IX

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Ashlee Reece-Walker provides counsel and representation to California public school districts, county offices of education, and other public entities in a wide variety of employment and education law matters. In addition to personnel-related counseling, Ms. Reece-Walker conducts investigations for public entities with respect to allegations of discrimination, harassment, retaliation and other alleged misconduct. She has used this experience to develop a Cultural Sensitivity Training, which she has presented to individual clients, statewide conferences and professional consortiums. She has also been a presenter at AALRR's Education Law Conference, Inland Personnel Council, Title IX Academy, and Cultural Competence Series along with presenting at external statewide conferences. Ms. Reece-Walker is also a member of the firm's Title IX Sexual Misconduct Committee and has fulfilled the role of Investigator, Decision-Maker, Appeal Officer and Hearing-Officer in Title IX matters and trains individuals in each of these respective roles. Additionally, Ms. Reece-Walker has successfully defended clients against charges brought by the California Department of Civil Rights (formerly the Department of Fair Employment and Housing), the United States Equal Employment Opportunity Commission and the Public Employees Relations Board.

Prior to joining Atkinson, Andelson, Loya, Ruud & Romo, Ms. Reece-Walker was a labor and employment law associate for a large law firm in downtown Los Angeles where she handled matters including ADA, FEHA, wrongful termination, and Unruh Civil Rights Act litigation. Prior to working in litigation Ms. Reece-Walker was an Equity Officer at a private Jesuit research university in St. Louis, Missouri where she conducted Title VII and Title IX investigations, and conducted monthly training to supervising and non-supervising employees.

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Events & Speaking Engagements

2026 Title IX Training Academy K12 - Single Session
At Your Desk (Via Zoom), 10.20.2026

Alerts & Articles

California Supreme Court Holds Public Agencies May Be Held Liable for Violating the CPRA Depending on How They Process Such Requests, Even If No Disclosures are Required (*City of Gilroy v. Law Foundation of Silicon Valley*)
01.22.2026

U.S. Department of Education Issues Long-Awaited Final Title IX Regulations
04.24.2024

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