

ADVANCED INVESTIGATOR WORKSHOP

A Practical and Experiential
Approach to Navigating
Complex Investigations

MEET YOUR FACILITATOR



Jennifer Ananda

Jennifer Ananda is a member of Grand River Solutions' Investigation, Hearing, & Appeal Services Team. Jennifer conducts investigations and serves as an advisor and hearing officer in Title IX, discrimination, harassment, and retaliation matters.

Jennifer has nearly two decades of experience in higher education and civil rights work. They previously served as Title IX Coordinator at Emporia State University and as Deputy Title IX Coordinator and Policy Specialist at the University of Kansas. Their background also includes work as a litigator, Executive Director of The Sexual Trauma and Abuse Care Center, and mayor of Lawrence, Kansas. Jennifer holds a J.D. and Master of Social Welfare from KU and is currently writing their dissertation.

ABOUT US

Vision

We exist to create safe and equitable work and educational environments.

Mission

To bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.

Core Values

- Responsive Partnership
- Innovation
- Accountability
- Transformation
- Integrity

AGENDA

- | Preparing for Complex Assignments
- | Evidence Gathering
- | Investigation Writing
- | The Analysis



COMPLEX ASSIGNMENTS



COMMON COMPLEXITIES



General / non-specific Notices

Party variances

Multiple policies triggered

GENERAL OR NON-SPECIFIC NOTICES

What to do: **ACT**

Assess and evaluate

Communicate

Touch-base



GENERAL OR NON-SPECIFIC NOTICES

01

Assess and Evaluate

- Review materials
- Organize the information
- Identify what needs to be gathered
- Create a plan

02

Communicate

- Confer with the coordinator
- Ask questions for clarity
- Confirm understanding and scope

03

Touch-base

- Meet with the party
- Confirm your understanding of the allegations
- Inform the Coordinator

PARTY VARIANCES



- More than one Complainant and / or Respondent
- Uncooperative or non-participatory
- Group party

Any others?

PARTY VARIANCES: WHAT TO KEEP IN MIND



MULTIPLE POLICIES: CONSIDERATIONS

What is your
role?

One incident,
multiple policies
triggered?

Redundancy?

Fact gathering?
Fact finding?
Policy analysis?

Do the elements
overlap?

What's the best
way to organize
the information
without being
repetitive?

Don't miss what
seems obvious

Ask the hard
questions

Gather evidence
for credibility and
reliability

Gather
information for
the assessment

EVIDENCE GATHERING



EVIDENCE GATHERING: INTERVIEWS

Don't miss the obvious

- **Identity verification:** Confirm the identity that the party believes has been targeted.
- **Identify the precise conduct:** Simply stating something was “hostile” does not make it so.

REMEMBER! Face value is insufficient!

Ask the hard questions

- **Define terminology:** What something means to you may differ from others.
- **Seek clarification always:** Make it make sense.
- **Be comfortable with sensitive subjects:** This is a non-negotiable.

The answers to hard questions are usually what the matter stands on.

EVIDENCE GATHERING

Credibility and Reliability assessments are key components of any investigation, regardless of who is making the policy determination.

Understand the factors

Be prepared to identify appropriate factors per participant

Establish foundation for the information

Go beyond the evidence

Have a plan for issues with evidence

Utilize multiple sources

Seek confirmation

A photograph of three students in a library or study hall. A young man with dark hair and headphones around his neck is on the left, looking at a laptop. A young woman with a high bun and a headband is in the center, gesturing with her hands while speaking. Another young woman with a headband is on the right, looking towards the center. They are all sitting at a wooden table with books and a laptop. The background shows bookshelves.

ACTIVITY 1

Review the Notice of Investigation, Incident Report, Intake Form, and Interview Transcript. In your group,

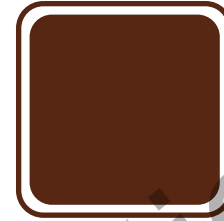
- (1) Decide on the best structure for the report
- (2) Identify any follow-up questions you may have for participants
- (3) Determine what questions you have for Respondent

INVESTIGATION WRITING



INVESTIGATION WRITING

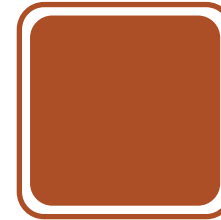
INTERVIEW SUMMARIES BEST PRACTICES



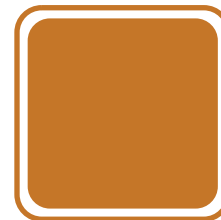
Timing



Comprehensive

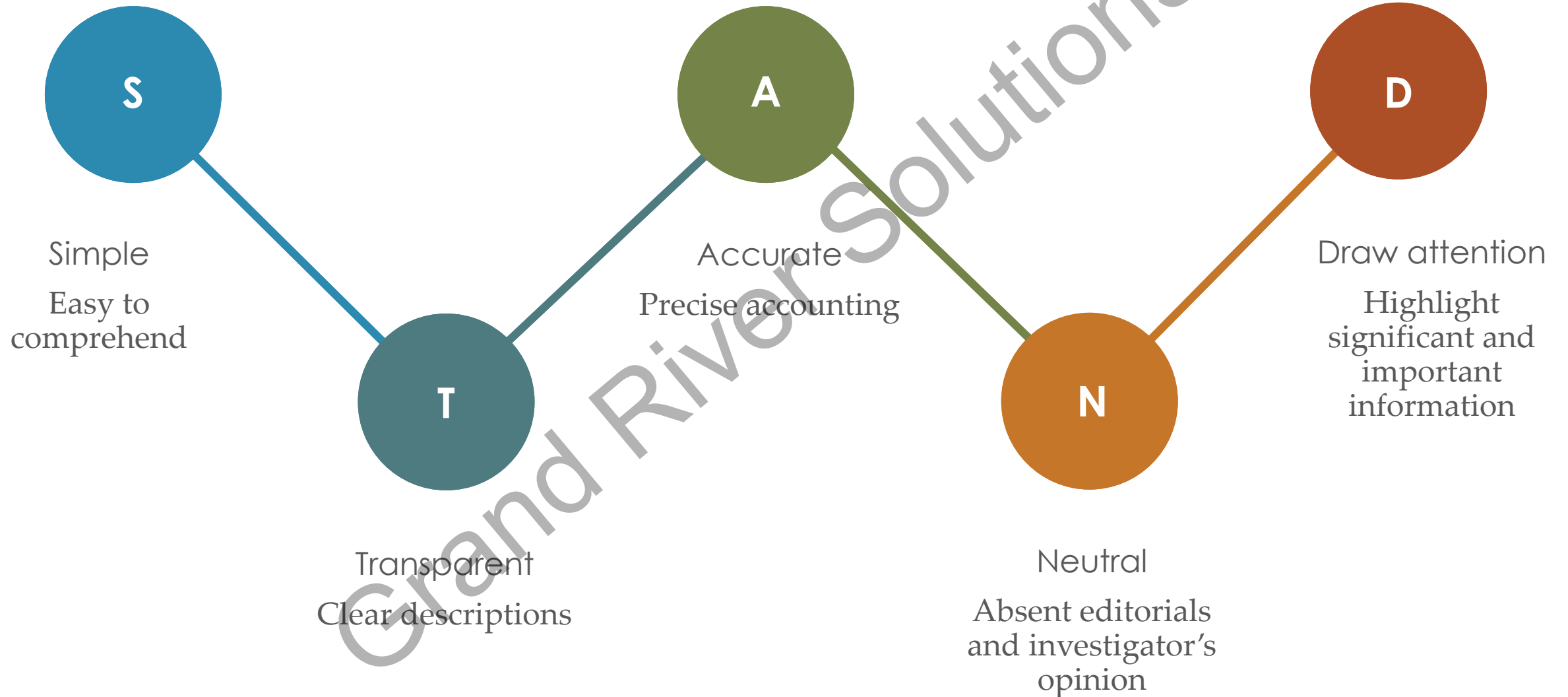


Consistent structure



Unbiased and neutral

S.T.A.N.D. REVIEW



A photograph of three students in a library or study hall. A young man with dark curly hair and headphones around his neck is looking at a laptop. A young woman with a high afro and a headband is gesturing with her hands while speaking. Another young woman with long dark hair and a headband is listening. They are sitting at a wooden table with books and a tablet. The background shows bookshelves.

ACTIVITY 2

In your group, review the assigned interview summary. Using tracked changes, revise the summary to ensure it meets the STANDard.

THE ANALYSIS



ANALYSIS STRUCTURE OPTIONS

**Two-Part
Structure**

**Integrated
Structure**

Harassment matters

**Disparate Treatment or
Retaliation matters**

TWO-PART STRUCTURE

Findings of Fact



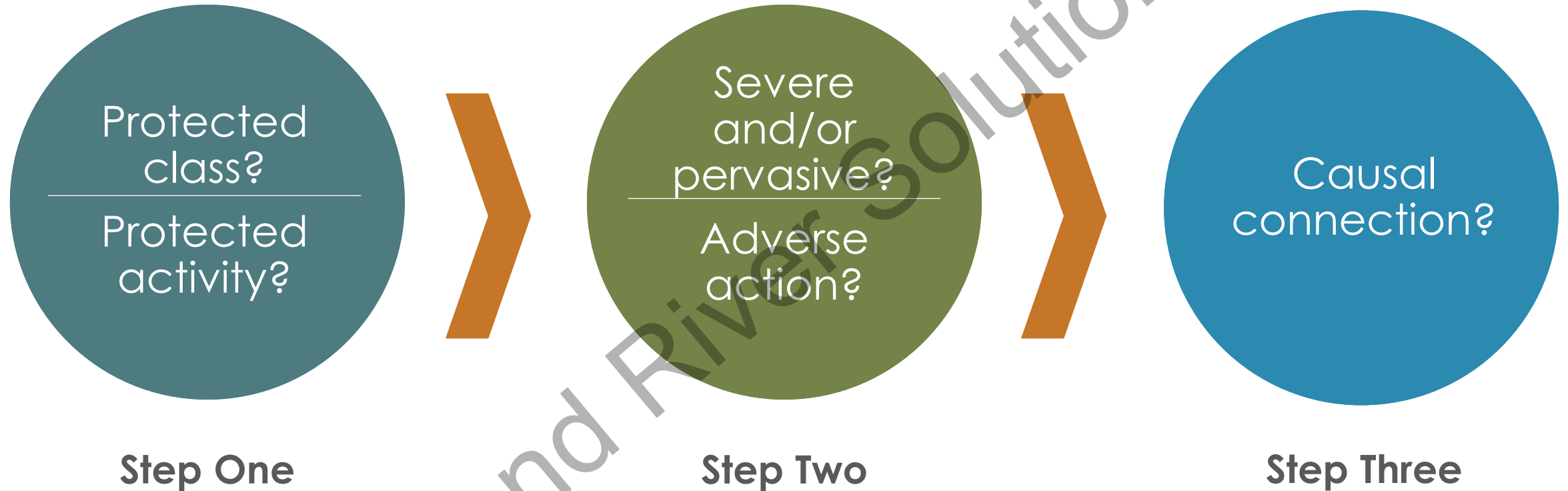
- Presents undisputed material facts
- Focuses on material facts still in dispute
- Does not address policy-related questions
- Includes credibility and reliability assessments

Policy analysis



- Facts found to be more likely than not to be true applied to the elements of the prohibited conduct definition

INTEGRATED STRUCTURE



A photograph of three students in a library or study hall. A young man with dark hair and headphones around his neck is looking at a laptop. A young woman with a high bun and a headband is gesturing with her hands while speaking. Another young woman with a headband is looking at a tablet. The background shows bookshelves.

ACTIVITY 3

Review the mock case file Finster v. Pickles. In your group, determine which analysis structure would be best.

CREDIBILITY AND RELIABILITY ASSESSMENTS

Credibility and reliability are not one in the same

Focus on the evidence that is provided

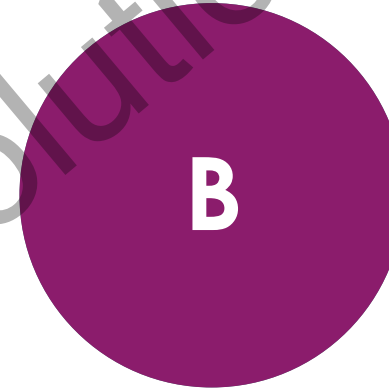
Not a character assessment

Incorporate considerations for the weight of particular information/evidence

CREDIBILITY & RELIABILITY ACTIVITY: WHICH IS BETTER?



P1 was unable to provide specific examples. Therefore, they were unreliable.



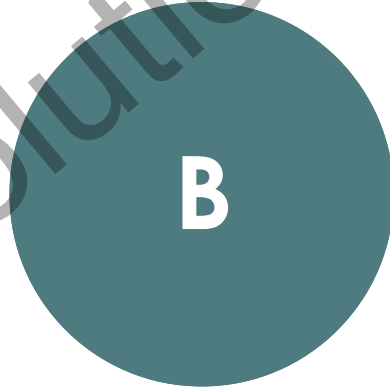
P1 was unable to provide specific examples. This diminished their reliability.

CREDIBILITY & RELIABILITY ACTIVITY: WHICH IS BETTER?



A

W1 corroborated P1's story and denied P2's version. Therefore, P1 was found to be credible and reliable.



B

W1 corroborated P1's statements, counter to P2's account, thus, strengthen P1's reliability.



QUESTIONS?

THE RIVER CONNECT

THE RIVER CONNECT is a virtual community of experts and colleagues gathered together to help each other process the complexities of the work.



A place to

communicate
share
educate
learn

for HIGHER EDUCATION
PROFESSIONALS working in
Title IX, Equity & Clery





**Let Our Team Support The
Good Work You And Your
Team Are Doing.**

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- Investigations
- Hearings & Appeals
- Alternative Resolutions
- Program Review
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CASE MANAGEMENT SOFTWARE

Case Tracker

Titles VI, VII, IX & Equity
Software Solution

by Grand River Solutions



**Designed for you,
by people like you**

We are experts and practitioners working in response and resolution for discrimination, harassment, & equity concerns.

Case Tracker allows you to:

- track and manage your cases
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- provide parties with the ability to follow the status of their case



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