



Identifying and Addressing Gaps in Investigations

February 25, 2025

DAN SCHORR, LLC

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- Title IX, Civil Rights, and Misconduct Investigations
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- Expert Witness Testimony

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DAN SCHORR

President

New York



Dan Schorr is a former criminal prosecutor and municipal inspector general with more than 25 years of legal and investigative experience. He manages a variety of complex assignments, including investigations into sexual misconduct, Civil Rights, and fraud allegations at educational institutions, corporations, and government entities. In addition to specializing in Title IX investigations, Dan assists higher education and K-12 schools by conducting policy and program reviews, training personnel on all aspects of Title IX and Civil Rights compliance, and serving in hearing officer and Decision Maker roles. Dan is a pre-approved Sexual Misconduct Investigator for the United Educators ProResponse Expert Services Benefit.

ALYSSA-RAE MCGINN

Vice President

Boston



Alyssa-Rae McGinn has extensive experience serving as an investigator, decision maker, hearing chair, mediator/informal resolution facilitator, and interim Title IX Coordinator, with particular expertise in applying regulatory requirements and best practices in complex matters of sexual misconduct and identity-based harassment at educational institutions. Alyssa-Rae balances a compassionate understanding of the difficulty parties face being involved in such matters with the importance of remaining compliant with relevant law and policy.

JENNA FARRELL

Investigator

Denver



Jenna Farrell specializes in investigations of sexual misconduct and discrimination allegations based on sex, gender, and race. She was previously an intern in Kroll's Business Investigations & Intelligence practice where she worked on a wide array of investigations including due diligence, fraud investigations, and pro bono human rights matters. Prior to Kroll, Jenna interned at the Washington County District Attorney's Office in New York State focusing on cases of sexual misconduct and domestic violence. She is a pre-approved Sexual Misconduct Investigator for the United Educators ProResponse Expert Services Benefit.

The Importance of Thorough Investigations

- Due process/fairness to the parties
- Gives parties the opportunity to feel heard and understood
- Minimizes stress and trauma for the parties
- Makes the decision-maker's job easier
- Increases likelihood of decision-maker reaching correct conclusion
- Lowers chance that correct result will be overturned in appeal or litigation

Thinking Like an Investigator

- Curiosity
 - What is this person's story?
 - What is the real story?
 - What does this person's story make me think about what else I've heard?
- Completeness
 - What is the whole story?
 - What information am I missing to get a full, clear picture?
- Cohesiveness
 - How does this person's story fit with other information I know?

Identifying Gaps: Before the Interview

- Review all information you currently have
- Sometimes helpful to begin writing the report, synthesizing
- What might this person know?
 - Direct observations
 - Personal experiences
 - Second-hand outcry, gossip, and stories
- What information might this person have that would support or undermine the information I have?

Identifying Gaps: During the Interview

- Memorize what you already know (loosely) or make sure you can have important points accessible
- Listen actively – engage with what you are hearing, and as you listen, start fitting these puzzle pieces together with those you have
- Gaps in this interviewee's account – make sure you've got a complete picture
- Gaps when compared to other evidence – know what you already have
- Gaps when compared to policy – know the policy you're working under and what information meets the elements

Identifying Gaps: Writing the Report

- Do you have the complete picture?
- When synthesizing evidence, is something missing to complete the picture?
 - A timeline?
 - A detail?
 - An account about an internal reaction or feeling?
 - A source?
 - A document?

Following Up on Gaps

- If you identify gaps in your information, you may need to take additional investigative steps to follow up
- When should you follow up?
 - Material to proving or disproving the allegations
 - Significant aspect of a party or witness's account
 - New relevant information that needs to be fleshed out
- When should you consider not following up?
 - Immaterial, irrelevant, or insignificant for the allegations
 - Unresponsive or difficult witness who has declined to provide the information
 - While you want to be thorough, you don't want to waste time tracking down trivial facts

THE TITLE IX AND CIVIL RIGHTS

PODCAST

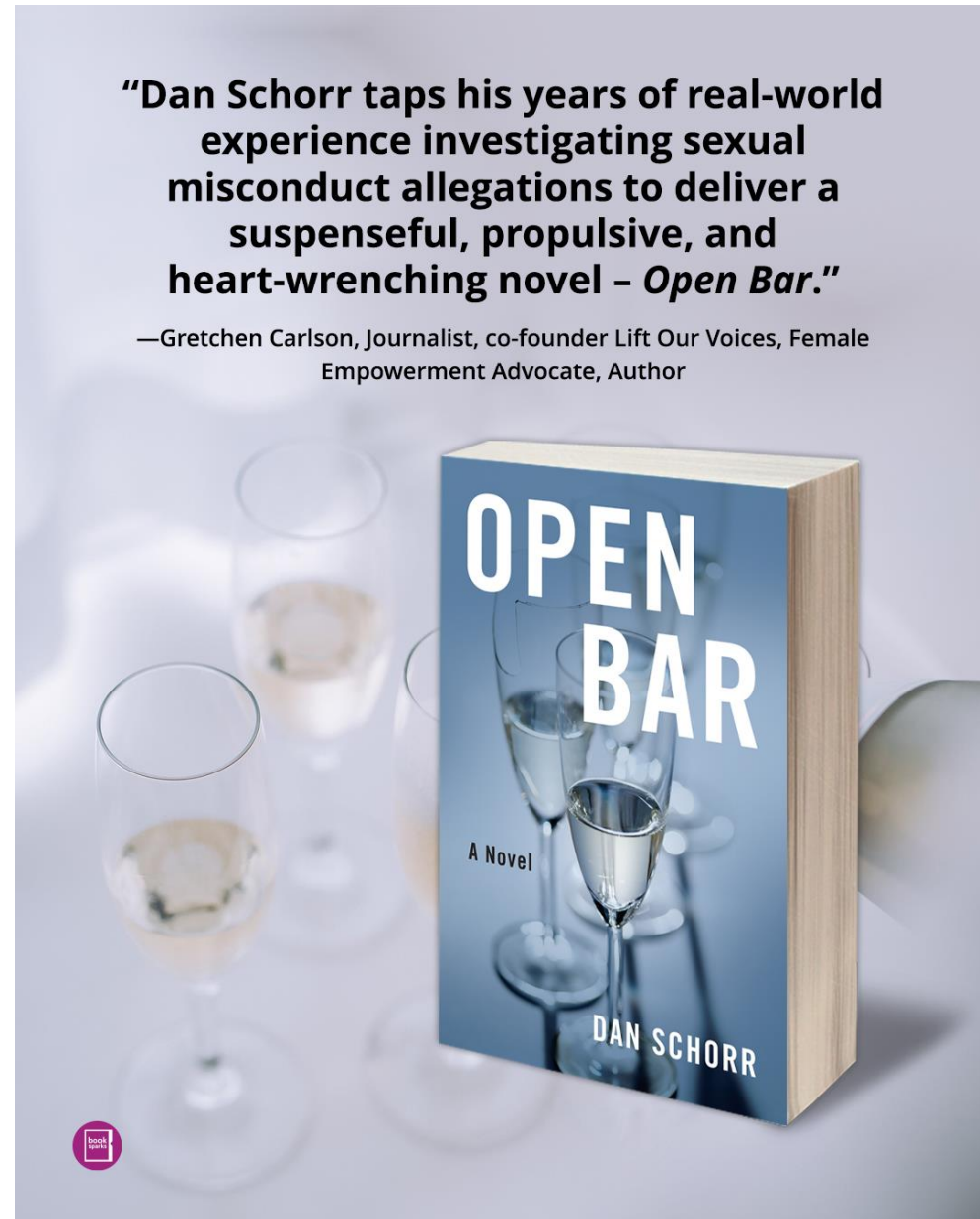


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