



# CONDUCTING CLIMATE INVESTIGATIONS: Challenges and Best Practices

June 17, 2020

# Sexual Misconduct & Civil Rights Investigations Expertise

- ▶ **Independent Investigations of Sexual Assault, Harassment, & Discrimination Reports**
- ▶ **Compliance with New Title IX Regulations**
- ▶ **Lookback Audits**
- ▶ **Policies and Procedures Reviews**
- ▶ **Employee & Student Trainings**

[MORE INFORMATION AT ANKURA.COM](https://www.ankura.com)



## DAN SCHORR

MANAGING DIRECTOR

485 Lexington Avenue | New York, NY 10017  
 +1.862.255.4915 Office  
 +1.914.625.6270 Mobile  
 dan.schorr@ankura.com

### EDUCATION

JD, Harvard  
 Law School

MA, University  
 of Pennsylvania

BA, University  
 of Pennsylvania

Dan Schorr is a Managing Director at Ankura, based in New York. A former criminal prosecutor and municipal inspector general, he has more than 20 years of legal and investigative experience. Dan manages a variety of complex assignments, from investigations into major fraud, internal issues at corporations and governmental entities, and sexual misconduct and Title IX violations to litigation support, threat management, construction quality concerns, labor-law compliance, and independent monitorships. Dan began his legal career as an assistant district attorney, specializing in the investigation and prosecution of sex crimes, domestic violence, child abuse, and homicides. He also worked for several years as a vice president in the law division at Morgan Stanley, where he conducted investigations into claims related to client investments. He has appeared as a commentator on legal issues for television news programs on ABC, Fox News, CNN, and the BBC, among others. Dan conducts investigations at educational institutions, corporations, governments, and other entities. He has trained university investigators on best practices when handling Title IX matters and is a pre-approved Sexual Misconduct Investigator for the United Educators ProResponse Expert Services Benefit.



## ALYSSA-RAE MCGINN

SENIOR ASSOCIATE

60 State Street | Boston, MA 02109  
 +1.516.382.3043 Mobile  
 alyssarae.mcgin@ankura.com

### EDUCATION

MA, St. John's  
 University

BA, St. John's  
 University

Alyssa-Rae McGinn is a Senior Associate with five years of experience leading and conducting a variety of complex investigations, including monitorships of a large international bank and a governmental child welfare agency. Alyssa-Rae is an ATIXA-certified Civil Rights Investigator. Additionally, she is a pre-approved Sexual Misconduct Investigator for the United Educators ProResponse Expert Services Benefit. Alyssa-Rae conducts investigations at educational institutions and corporations into allegations of sexual misconduct and gender-based harassment involving students, faculty, staff, and corporate leadership. These investigations include communication with parties in accordance with school or company policy and Title IX and Title VII regulations, interviews with parties and witnesses, analysis of relevant evidence, and consultation on findings of liability and sanctions.

# When to Conduct Climate Investigations

- ▶ Climate investigations are broad investigations into the attitudes and practices of a team, club, department, or other group
- ▶ Climate investigations can be triggered by:
  - ▶ Clear, direct allegations from outside the group
  - ▶ Clear, direct allegations from a member of the group
  - ▶ Vague or unverified allegations
  - ▶ Rumors
  - ▶ Anonymous allegations
  - ▶ An unusual number of individual investigations within a particular group

# Who Should Conduct Climate Investigations?

- ▶ Investigators should be from outside the group
- ▶ Avoid actual or perceived bias or conflicts of interest
- ▶ Investigators should have subject matter expertise regarding the nature of the investigation

# Identifying Information

- ▶ Start with the source of the allegations when possible
- ▶ Assess whether you begin with a wide or narrow scope
- ▶ Look for individuals who may have knowledge outside the group
  - ▶ Identify former members, friends of members, or adjacent/related groups

# Interviewing Group Members

- ▶ Be transparent about the reason for the interview, the process, and what's at stake
- ▶ Be kind, compassionate, and friendly
- ▶ Recognize the difficulty of speaking "against" the group
- ▶ Begin with questions to elucidate the group's attitude about the issue, rather than direct questions
- ▶ Build rapport and trust
- ▶ Ask for names of others who may be willing to speak or have relevant information
- ▶ Leave the door open for follow-up

# Conducting a Climate Investigation: Team Hazing

▶ You receive the following anonymous email:



# Conducting a Climate Investigation: Team Hazing

- ▶ You receive the following anonymous email:



**From:** [anonymous123@gmail.com](mailto:anonymous123@gmail.com)

**Sent:** Wednesday, June 17, 2020

I don't want to reveal my identity because I'm afraid of retribution, but you have a big problem on your football team. For years, it's been a tradition to have the freshmen go with the upperclassmen to a certain bar off campus the first weekend of the school year, and then the freshmen have to drink 12 shots without getting sick. If anyone gets sick, the older players on the team make them be their "servants" for the rest of the season, and they have to be available all the time on their phones, do whatever the older players tell them, and call the older players "sir" and say "I apologize" before every time they talk. The older players also always yell at and insult the freshmen, especially the "servants," and call them racial and gender slurs. They also allow freshmen to get out of being servants if they can provide a photo or video of a naked female classmate. The coaches know about this and don't care, as long as the "servant" work doesn't interfere with games.

# Conducting a Climate Investigation: Department Harassment

**You are the Title IX Coordinator and one of the students who works in your office told you that a few of his friends, graduate students in the biology department, were talking about being harassed by their PIs, but he didn't want to tell you more information because his friends didn't want to come forward. This isn't the first time you've heard similar accounts about faculty in the biology department. You know from past rumors that there are several "problem PIs" who have gotten drunk and acted inappropriately toward female students at social functions and who have a history of leering at or otherwise targeting female students in their labs.**

# Conclusion

---

## Q&A

### **DAN SCHORR**

Managing Director

485 Lexington Avenue | New York, NY 10017  
+1.862.255.4915 Office | +1.914.625.6270 Mobile  
dan.schorr@ankura.com



### **ALYSSA-RAE MCGINN**

Senior Associate

60 State Street | Boston, MA 02109  
+1.516.382.3043 Mobile  
alyssarae.mcginn@ankura.com

