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I was unable to log into the meeting yesterday? I would appreciate any comments you may have concerning the creation of a STANDARD for Title IX Investigators to follow? The STANDARD should also incorporate training requirements as well as procedures to follow? I am a U.S. Government Contractor (DUNS 117648281) I have experience in technical writing and would be honored to assist in that endeavor.

The United States Supreme Court has heard many cases involving conflicts of interest involving bias. Under 34 C.F.R. 106.45 (b)(8)(i)(c); bias is a basis for an appeal of decision-makers determinations. Title IX regulations as they now exist allow for a school to employ an investigator as an employee, and they allow for a college/university police department to conduct Title IX Investigations on their behalf. Therein a bias exists because there is a perceived possibility that because those mentioned are receiving their employment from the school, that they could bias their investigative results in favor of the school for fear of losing their jobs and the income derived therefrom if the school failed to benefit from the investigation. The courts have said this *"Personal conflict of interest exists when a person's private interests, outside professional relationships or personal assets with or have the perception of interfering with, the person's official duties towards the organization. **The perception of a conflict of interest can cause as much concern as an actual conflict of interest**".* My question for the meeting was to be: Can the regulation be amended to only allow those who are licensed private investigators to act in the capacity of a Title IX Investigator? An attorney can only adjudicate and not investigate in most states. In my state (Nevada) he would be required to have a private investigator's license issued by the State Attorney General in order to function in that capacity. In most states licensing is required and subcontracting (not having a license) with another licensee is disallowed. To conduct a Title IX investigation in Nevada by an unlicensed and non-school employee is a criminal offense (NRS Chapter 648.210); see NRS 648.012.1 (a-f) for who a private investigator is. Similar laws exist in most states. Private Investigators are vetted by law enforcement to include the FBI, their experience evaluated by the Attorney General and they have been tested in their knowledge of the law and other areas before licensing was approved. They are insured and

their conduct is closely monitored. In Nevada for example, if a school were to employ someone under a 1099 agreement, and that person was not licensed as a PI and the school was aware of that fact: both the school and the person employed have committed a felony offense and any and all agreements made between them are void and all evidence collected can be held inadmissible. All this and the ensuing civil lawsuit that will surely follow.

2001 Guidance at (V)(A)(1)(2); 34 C.F.R. Section 668.46 (k)(2)(ii)

*"An equitable investigation of a Title IX complaint requires a **trained investigator** to analyze and document the available evidence to support reliable decisions, objectively synthesize all available evidence, including both inculpatory and exculpatory evidence, and take into account the unique and complex circumstances of each case".*

This section supports my inquiry.

Thank you
James Born
Private Investigator
Non-Attorney