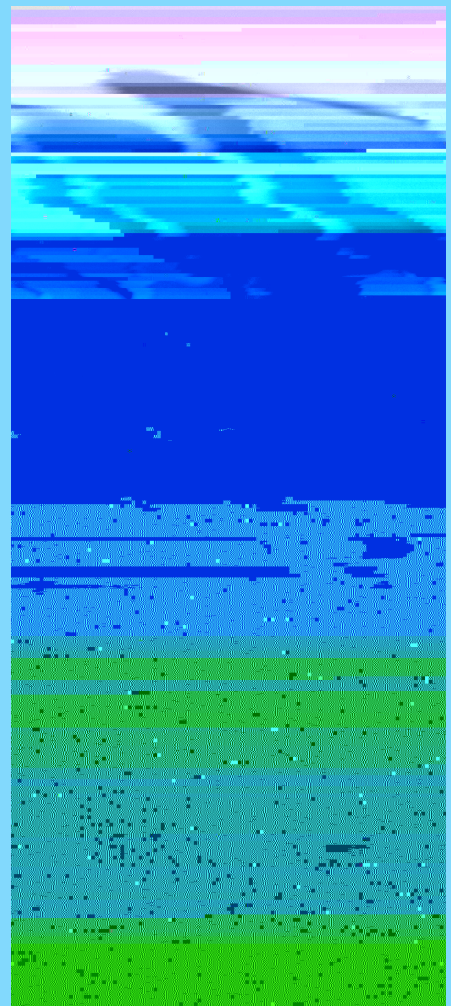
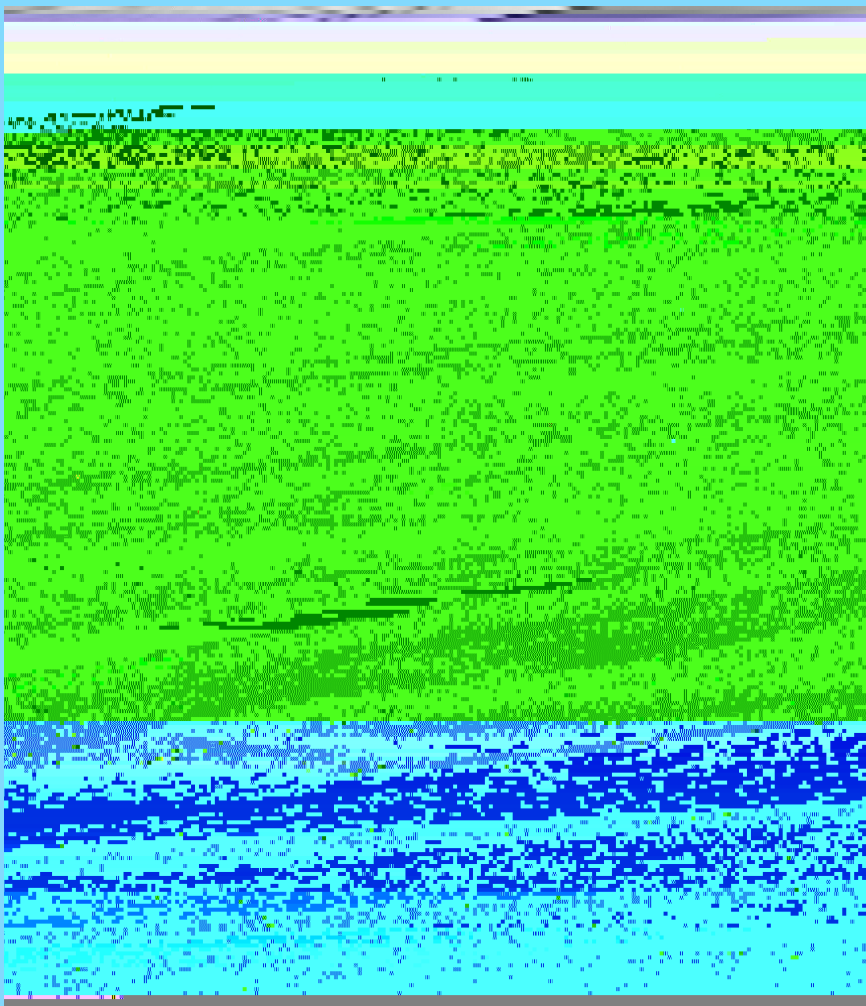


# COLLECTING AND MAINTAINING EVIDENCE IN TITLE IX INVESTIGATIONS



REQUIREMENTS AND BEST PRACTICES

June 2021

## Section i





- R I E ee evidence is considered relevant er



Although not explicitly required, the following are considered best practices when collecting evidence:

At the start of the investigation, the investigator should clearly inform the parties of the following:



- **Evidentiary value** – For example, if an item of clothing is offered and it is alleged that a specific person's DNA exists on the item, you might accept the item solely to note that it does or does not have visible stains, but not so that you can look at it and make a judgement call as to whether or not it contains the DNA of the specified individual. If analysis of the evidence is ultimately conducted by another entity you might accept a report of tothn



Once obtained, the evidence must be retained and stored using a method and manner that is both secure and maintains the parties' right to privacy. Most, if not all of the evidence collected will be of a sensitive nature. Investigators should work with the Title IX Coordinator to understand what practices the institution uses for the safe and secure storage of investigation evidence. It is also important to know how long the institution is obligated to retain the information and when it may be destroyed. Under Section 106.45(b)(10) of the Final Title IX Regulations the requirement for retention of records is seven (7) years. 85 Fed. Reg. 30571 (May 19, 2020). In the



- A brief description of the evidence;
- The source of the evidence (i.e., how was the evidence discovered or









