

# NAVIGATING ELECTRONIC EVIDENCE IN TITLE IX INVESTIGATIONS

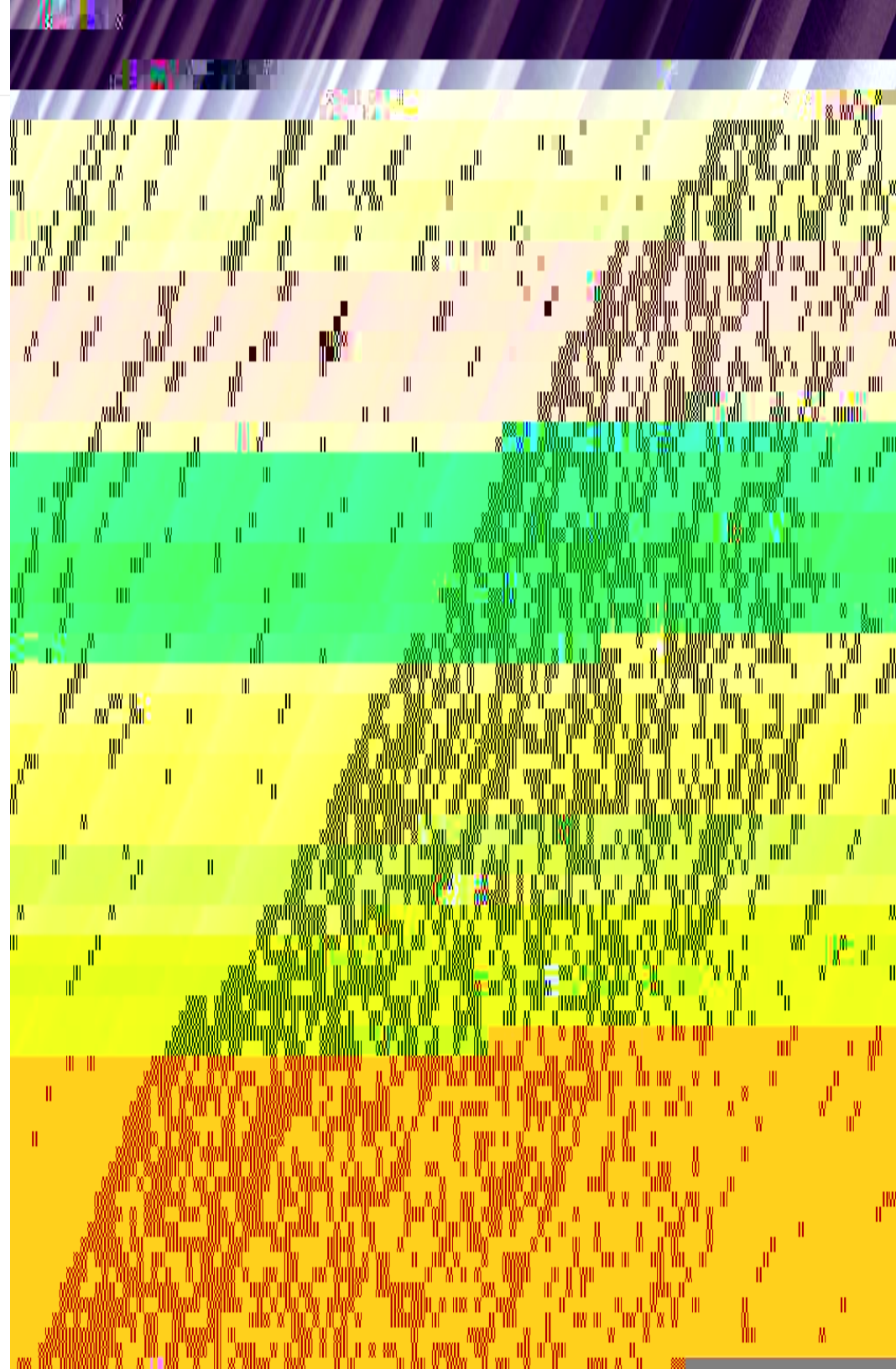
APRIL 22, 2020



Independent Investigations  
of Sexual Assault, Harassment,  
& Discrimination Reports

Lookback Audits

Policies and Procedures  
ReviRe& Discrimination Reports



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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.



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Alyssa-Rae McGinn is a Senior Associate with six 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 conducts investigations at educational institutions and corporations into allegations of sexual misconduct and gender-based harassment involving students, faculty, staff, and corporate leadership.



# INTRODUCTION TO DIGITAL EVIDENCE

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## OBTAINING DIGITAL EVIDENCE

In a Title IX or Civil Rights investigation, digital evidence may be provided voluntarily by parties or witnesses or obtained through organization-owned systems

Get primary/original evidence whenever possible

Mobile devices and laptops:

Active and recovered messaging content

- SMS/MMS
- Apps
- Social Media Accounts

Operating system metadata

Internet history

Account log-ins

Network and cloud logs

# DIGITAL EVIDENCE IN AN INVESTIGATION

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Junior Carrie Bolen reports to the Title IX Coordinator that she was in a relationship with junior Andrew Trillo from October 2019 through the end of February 2020.

On January 10, 2020, Carrie and Andrew consensually video recorded



Earlier this week, on Monday, April 20, Jane called Carrie and told her that Jane's friend, Mike Bell, had just sent Jane an Instagram message with a link to an Instagram post containing the video of Carrie and Andrew having sexual intercourse.

The post was removed later that day because it violated Instagram's Community Guidelines, but Carrie took a screenshot of it. The screenshot shows that it was posted by user sexycollegevidsxxx on April 20 and it was publicly visible. This account is still active and visible, but it has no other posts, and no photo or bio.

Carrie is very upset and says that she thinks Andrew posted the video because

Andrew denies that he posted the video.  
He tells you that he told his friends, Jessie King and Alan Warner,  
about the video

## THE INVESTIGATION CONTINUES...

You are approached by a student, Louis Toulson, who tells you that his friend, Maggie Vega, sent him a link to a university-managed Dropbox account, which had the video of Carrie and Andrew.

When you view this link, you find that it is an account used generally by the men's swim team, and you can see dozens of unidentified video files, including one with a title that matches the video of Carrie and Andrew.



## Q&A

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