7LWOH ,; &RRUGLQDWRUV DQG WKH 1HZ 7LWOH ,; *ULHYDQFH 3URFHVV

&LW\ &ROOHJH RI 6DQ)UDQFLVFR

2FWREHU

35(6(17('%< *HRUJHOOH & &XHYDV

&HUWLILFDWH RI $FKLHYHPHQW ‡ 3OHDVH DFNQRZOHGJH

```
1(: 7,7/(  ,; 6&23( $1'
      '(),1,7,216
```

1HZ 7LWOH ,; 5HJXODWLRQV

5HJXODWLRQV DQG *XLGDQFH

- 7H[W RI UHJXODWLRQ&V) 5F3QWWKDQYHGWLKH IXOO IRUFH DQG
- 6WUHQJWKHQ &ODULI\ 7LWOH ,; SURWHFWLRQV IRU &RPS IDFLQJ DFFXVDWLRQV RI VH[XDO PLVFRQGXFW

2YHUDOO ,QWHQW RI &KDQJHV

1HZ 6FRSH 8QGHU 7LWOH ,; 5HJXODWLRQV

- $PHQGHG VH[XDO KDUDVVPHQW GHILQLWLRQV FODULILH

/LYH +HDULQJ 5HTXLUHG IRU 3RVW 6HFRQGDU\ ,

- $ OLYH KHDULQJ LQ 7LWOH ,; JULHYDQFH SURFHVVRV FRPS .HJDQ $OOH&DO $VS ZKLFK UHTXLUHV IDLU KHDULQJ D RU LQGLUHFW FURVV H[DPLQDWLRQ EHIRUH D QHXWUDO I IDFWV DQG PDNH FUHGLELOLW\ DVVHVVPHQWV

aalrr

Davis v. Monroe County Board of Education

$FWXDO .QRZOHGJH FRQWLQXHG

7KH ,QVWLWXWLRQ VKRXOG

- 3URYLGH WHFKQLFDO DQG JXLGHOLQHV WR 2:$V
- 7UDLQ DOO 2:$V LQ WKHLU UHVSRQVLELOLW
  - 3URPSWO\ SURYLGLQJ D YHUEDO ZULWWHQ RU &RRUGLQDWRU OLNHO\ ZLWKLQ EXVLQHVV G
  - 3URKLELWHG IURP ILOLQJ DQRQ\PRXV UHSRUWV
  - 3URYLGH WKH 7LWOH ,; &RRUGLQDWRU DOO NQ
  - 1RW UHTXLUHG WR HYDOXDWH WKH FRPSODLQW 2:$ LV WKH 7LWOH ,; &RRUGLQDWRU

(GXFDWLRQ 3URJUDP RU $FWLYLW

‡3HU † D $Q HGXFDWLRQ SURJUDP RU D
HYHQWV RU FLUFXPVWDQFHV RYHUVZKELVFWKDWQ
FRQWURO RYHU ERWK WKH 5HVSLRQQZGHLQFWK DWQKG
KDUDVVPHQW RFFXUV DQEGXLDOOGVLRQ LQRFWHXôGRW F

6H[XDO +DUDVVPHQW 'HILQHG

$FFRUGLQJ WR6H[XDO +DUDVVPHQW PHDQV
EDVLV RXQVHU RQH RU PRUH RI IROORZLQJ

4XLG 3UR 4XR +DUDVVPHQW

±(PSOR\H

2WKHU 6H[XDO $FWV DV 6H[XDO +DU

6H[XDO $VVDXOW

±)RUFLEOH

‡$Q\ VH[XDO DFW GLUHFWHG IRUFLEO\ WD&JRDLQSQVW D ZLOO RU ZLWKRXW FRQVHQW LQFOXGLQJ UDS REMHFW DQG IRQGOLQJ

±1RQIRUFLEOH

‡2IIHQVHV WKDW GR QRW LQYROYH IRUFH ZKHU JLYLQJ FRQVHQW LQFOXGLQJ VWDWXWRU\ UDS

127(8QGHU (GXFDWLRQ &RGH † XQDE&HRPSOHWHQVVRQ EQVWW &RPSOLDQW ZDV LGQXHDWLRQWKEWLQGXHQFH RI GUXJV WKDW WKH &RPSOLDQW FRXOG QRW XQGHUVWDQG W

'RPHVWLF 9LROHQFH 8 6 & D

)HORQ\ RU PLVGHPHDQRU FULPHV RI YLROHQFH R

$ FXUUHQW RU IRUPHU VSRXVH RU LQWLPDWH SDUWQHU

$ SHUVRQ ZLWK ZKRP WKH &RPSODLQDQW VKDUHV @P`Q

2WKHU 6H[XDO $FWV

6WDONLQJ 8 6 & D

7KH WHUP ³VWDONLQJ´ UHIHUV WR D SDWWHUQ RI XQZDQWHG DWWHQWLRQ RU FRQWDFW WKDW HYRNHV IHDU RU HPRWLRQDO GLVWUHVV LQ WKH YLFWLP

-)HDUV IRU WKHLU VDIHW\ RU WKH VDIHW\ RI RWKHUV
- 6XIIHUV VXEVWDQWLDO GLVWUHVV

7LWOH ,; 7HDP 7LWOH ,; &RRUGL

7LWOH ,;
&RRUGLQDWRU
'XWLHV

- &RRUGLQDWHV 7LWOH ,; FRPSOL
- &RQGXFWV ,QWDNH PHHWLQJ ZLW
- 2IIHUV VXSSRUWLYH PHDVXUHV W
  5HVSRQGHQW
- ([SODLQV JULHYDQFH SURFHVV
  FRPSODLQW GHWHUPLQHV PDQ
- ,I QR IRUPDO FRPSODLQW FRQVI
  FRPSODLQW IRU LQVWLWXWLRQ
- (YDOXDWHV HPHUJHQF\ UHPRYDO
- (YDOXDWHV XVH RI LQIRUPDO UH
- $VVLJQV XQELDVHG LQYHVWLJDW

7LWOH ,; 7HDP 7LWOH ,; &RRUGL

7LWOH ,; 7HDP 'HFLVLRQ 0DNHU

- 5HYLHZV ,QLWLDWLYH 5HSRUW H\HV´ WR VHH LI LQIRUPDWLRQ LV
- 0D\ EH D KHDULQJ RIILFHU RU D K
-

7LWOH ,; 7HDP ,QIRUPDO 5HVROXWL

,QIRUPDO 5HVROXWLRQ 3URFHVV)DFLOLWDWRU 5ROH

±&DQQRW UHTXLUH WKH SDUWLHV W
SURFHVV RU WR ZDLYH WKH ULJKW

±2EWDLQV YROXQWDU\ ZULWWHQ FR
UHVROYH WKH PDWWHU DQG FRPSO
DQG before GHWHUPLQDWLRQ RI UHVS

±3URFHVV GRHV QRW LQYROYH IXOO
DGMXGLFDWLRQ EXW LQFOXGHV D
GLVFORVLQJ WKH DOOHJDWLRQV W
SURFHVV DQG QRWLFH WKDW WKH
UHVXPH WKH JULHYDQFH SURFHVV

±0D\ FRQVLGHU WKH XVH RI D WUDL
UHVWRUDWLYH MXVWLFH IDFLOLWD

±3URFHVV FDQQRW EH XVHG ZKHUH
WR KDYH VH[XDOO\ KDUDVVHG D V

,17$.(352&(66)25 5(32576 2)
6(;8$/ +$5$660(17

,QWDNH 0HHWLQJ ZLWK &RPSODL

7KH 7LWOH ,; &RRUGLQDWRU

- 3URPSWO\ VFKHGXOHV D PHHWLQJ ZLWK &RPSOD FRQFHUQV
- ,I&RPSODLQDQW GHVLUHV WR XVH DOOHJDWLRQV ZLWK MXULVGLFWLRQ WKH 7LWOH ,; &RRUGLQDWRU H[
- ,QIRUPV &RPSODLQDQW RI WKH LQLWLDO DQG UHDQG KRZ UHDQG UHVROXWLRQ SURFHVV UIJKW WR VXSSRUWLYH PHDVXUHV HYHQ LI D IRU
- ,IQRRUPDO FRPSODLQW LV ILOHG WKH 7LWOH ,; UIJKW WR ILOH D IRUPDO FRPSODLQW DW D ODW DVVHVVHV GHVSLWH &RPSODLQDQW¶V GHFLVLRQ IRUPDO FRPSODLQW LI WKH IDLOXUH WR LQLWLD XQUHDVRQDEOH FRQVLGHULQJ WKH FLUFXPVWDQ

6XSSRUWLYH 0HDVXUHV

5HTXLUHPHQW WR 2IIHU 6XSSRUWLYH 0HDVXUHV

- 0XVW EH RIIHUHG WR &RPSOLQDQW DV VRRQ DV &&' KDV 5HVSRQGHQW DIWHU IRUPDO FRPSOLQW ILOHG

$YRLG %XUGHQ RQ 3DUWLHV

- 6XSSRUWLYH 0HDVXUHV PXVW EH QRQ SXQLWLYH QRQ G EXUGHQVRPH WR WKH RWKHU SDUW\

,QGLYLGXDOL]HG

- 6XSSRUWLYH 0HDVXUHV PXVW HQVXUH HTXDO HGXFDWLR VH[XDO KDUDVVPHQW

([DPSOHV RI 6XSSRUWLYH 0HDVXUHV

- &RXQVHOLQJ FRXUVH UHODWHG DGMXVWPHQWV PRGLI LQFUHDVHG VHFXULW\ DQG PRQLWRULQJ DQG RU PXWXD

'LVFXVV $GYLVRU RI &KRLFH

- 7KH 7LWOH ,; UHJXODWLRQV SURYLGH WKH &RPS
  RSSRUWXQLWLHV WR KDYH ³RWKHUV SUHVHQW´ G
  -

(PHUJHQF\ 5HPRYDO 2SWLRQ IRU 6

,QVWLWXWLRQ PD\ UHPRYH D VWXGHQW 5HVS

,QVWLWXWLRQ PXVW XQGHUWDNH LQGLYLGXD
5HVSRQGHQW

7KH DQDO\VLV GHWHUPLQHG LI WKH VWXGHQW RU RWKHU LQGLYLGXDO DULVL
VDIHW\ RU RWKHU VWXGHQW RU RWKHU LQGLYLGXDO

1RWLFH WR 5HVSRQGHQW RI (PHUJHQF\ 5HPR

2SSRUWXQLW\ IRU 5HVSRQGHQW WR FKDOOH
WKH UHPRYDO

3URFHGXUHV RQ 3URGL\ 5HVSRQGHQW ULJKWV XQGH

$GPLQLVWUDWLYH /HDYH 2SWLRQ

+\SRWKHWLFDO 'LVFXVVLRQ

$ 3URIHVVRU RIIHUV D 6WXGHQW H[WUD FUHGLW JURFHULHV

±,V WKLV VH[XDO KDUDVVPHQW XQGHU 7LWOH ,;"

- ‡1R 8QGHUVWDQGLQJ WKDW VH[XDO KDUDVVPHQW EHFDXVH LW LV QRW HQRXJK WR GHPRQVWUDWH WKDW WKH EDVLV RI WKH KDUDVVPHQW WDNHV SODFH RQ FDPSXV RU LQ D FODVVURRP 4XHVWLRQV WR FRQVLGHU
- ‡6LPLODUO\ WKLV EHKDYLRU E\ LWVHOI LV QRW HQRXJK EHFDXVH LW LV QRW EDVHG RQ VH[LW LV QRW FRQGXFW SHUYDVLYH REMHFWLYHO\ RIIHQVLYH
- ‡7KH 3URIHVVRU¶V DGGUHVV RI WKH LQFLGHQW DQG WKH FLUFXPVWDQFHV DQG FDPSXV H[SHFWDWLRQV EDVHG RQ WKH FLUFXPVWDQFHV DQG FDPSXV H[SHFWDWLRQV
- ‡35$&7,&(7,3 7KH 7LWOH ,; &RRUGLQDWRU ILHOGLQJ WKH XQGHUVWDQG WKH IXOO FRQWH[W RI WKH PDWWHU

+\SRWKHWLFDO 'LVFXVVLRQ

$ &RDFK ZKR WHDFKHV ZHLJKWV DQG QXWULWLF
ZHDU WLJKW FORWKHV WR RQ FDPSXV FODVVHV
³KHOS ZLWK WKH 6WXGHQW¶V IXWXUH DWKOHWLF

,V WKLV VH[XDO KDUDVVPHQW XQGHU 7LWOH ,;"

‡7KLPD\ EH DQ H[DPSOH RIDTXDVLPHRDWXHG 7RQHVHHQGLWLR
EHKDYLRU QHHG QRW EH H[SOLFLW 7KH FRQGLWLRQLQ

‡,I VLJQLILFDQW DGGLWLRQDO DOOHJDWLRQV RI D VH[XD

7,7/(,;
*5,(9$1&(352&(66

aalrr

1RWLFH RI $OOHJDWLRQV

- 7LWOH ,; &RRUGLQDWRU 3URYLGHV 1RWLFH RI $O
  - E
    - 1RWLFH RI DOOHJDWLRQV ZLWK VXIILFLHQW GHW
      - ,GHQWLILFDWLRQ RI WKH SDUWLHV
      - 'HVFULSWLRQ RI DOOHJHG FRQGXFW ZKLFK PDLQFRQ
        ORFDWLRQ RI DOOHJHG LQFLGHQW V
    - 1RWLFH RI 'LVWULFW¶V DQG LQ RI HR OXWLRQ SU
      - ,GHQWLI\ UHOHYDQW %RDUG 3ROLFLHV $GPLQLVW
        SURFHVV DQG LQIRUPDO UHVROXWLRQ SURFHVV
      - ,GHQWLI\ VWDQGDUG RI HYLGHQFH
      - ([SODLQ ULJKW WR LQVSHFW DQG UHYLHZ HYLGHQ
    - 5HYLHZ 6DPSOH 1RWLFH RI $OOHJDWLRQV

1RWLFH RI $OOHJDWLRQV

‡3URYLGH 1RWLFH RI $OOHJDWLRQV WR (DFK 3DUW

±$GGLWLRQDO ,WHPV LQ 1RWLFH RI $OOHJDWLRQ

‡,GHQWLILFDWLRQ RI SRWHQWLDO SROLF\ YLRODWL

‡,GHQWLILFDWLRQ RI WKH UDQJH RI SRVVLEOH GLV

‡6WDWHPHQW WKDW 5HVSRQGHQW LV SUHVXPHG QR

‡ G Hp

Op UH]

2WKHU :ULWWHQ 1RWLFHV

- ,I DGGLWLRQDO DOOHJDWLRQV DUH GLVFRYHUHG $GGLWLRQDO $OOHJDWLRQV
- 3URYLGH ZULWWHQ QRWLFH RI DQ\ FKDQJHV LQ
  - 'HDG\V ([WHQVLRQ RI WLPHOLQHV
  - 0HHWLQJV
  - ,QWHUYLHZV
  - +HDULQJV
  - $SSHDOV
  - 'HFLVLRQV
  - 2WKHU

aalrr

'LVPLVVDO RI)RUPDO &RPSODLQW

- 3HUPLVVLYH 'LVPLVVDO SHU † E
  - 5HFLSLHQW PD\ VV WKH IRUPDO FRPSODLQW RU GXULQJ WKH LQYHVWLJDWLRQ RU KHDULQJ
    - 7KH &RPSODLQDQW QRWLILHV WKH 7LWOH ,; & FRPSODLQW
    - 7KH 5HVSRQGHQW LV QR ORQJHU HQUROOHG
    - 6SHFLDO FLUFXPVWDQFHV SUHYHQW WKH UHF RUGHU WR UHDFK D GHWHUPLQDWLRQ
  - $OO GLVPLVVDOV UHTXLUH ZULWWHQ QRWLFH DW WKH VDPH WLPH

,QYHVWLJDWLRQ

7UDLQHG ,QYHVWLJDWRUV

$GGLWLRQDO WUDLQLQJ PD\ LQFOXGH KRZ WR FRQGXFW D
TXHVWLRQV WR DYRLG KRZ WR ZHLJK HYLGHQFH DQG KRZ

3UHVXPSWLRQ

±7KH LQVWLWXWLRQ PXVW *assume responsible* 5HVSRQGHQW L G FR

(YLGHQFH *DWKHULQJ

±,QYHVWLJDWRU KDV WKH EXUGHQ WR JDWKHU VXIILFLHQW
WKH &RPSODLQDQW RU 5HVSRQGHQW

±pÅ PÜ $ $@”B`A

,QYHVWLJDWLRQ FRQWLQXHG

(TXDO 2SSRUWXQLW\ WR ,QVSHFW DQG 5HYLHZ

±3URYLGH SDUWLHV ZLWK RSSRUWXQLW\ WR PHD
before WKH FRQFOXVLRQ RI WKH LQYHVWLJDWLRQ

±3DUWLHV PD\ UHYLHZ HYLGHQFH WKDW LV GLUH
LQFOXGLQJ HYLGHQFH ZKLFK *not* WKH LQYHVWLJDWRU
DV LQFXOSDWRU\ DQG H[FXOSDWRU\ HYLGHQFH

‡*Practice tip* 7KH LQYHVWLJDWRU FDQ UHFHLYH UHYLH
XQUHODWHG HYLGHQFH LQWR D VHSDUDWH H[KLEL
GHPRQVWUDWH WKH LQIRUPDWLRQ ZDV UHYLHZHG

aalrr

,QYHVWLJDWLRQ FRQWLQXHG

3UHSDUH DQG 6KDUH 'UDIW 5HSRUW RI (YLGHQF

- %HIRUH FRPSOHWLQJ WKH ,QYHVWLJDWLYH 5HSRUW RI
  (YLGHQFH DQG $WWRUQH\ :RUN3URGXFW WKHRULHV DQG WKHL
  HOHFWURQLF IRUPDW RU D KDUG FRS\
- 3URYLGH WKH SDUWLHV DQG DGYLVRU\ %RDUG ZLWK D
  'UDIW 5HSRUW RI (YLGHQFH DQG $WWDFKPHQWV
- 6KDUH DQ\ QHZ HYLGHQFH ZLWK WKH SDUWLHV
  UHODWHG WR QHZ LQIRUPDWLRQ LI QHHGHG
- 5HYLHZ DQG LQFRUSRUDWH QHZ LQIRUPDWLRQ
  ,QYHVWLJDWLYH 5HSRUW
- $JDLQ FRQVLGHU ZULWWHQ DJUHHPHQW ZLWK
  RWKHU SXSLO HPSOR\HH KHDOWK DQG RU RW

aalrr

,QYHVWLJDWLRQ FRQWLQXHG

3UH +HDULQJ DQG +HDULQJ 3URF

7KH 3RVW 6HFRQGDU\ ,QVWLWXWLRQ PXVW SURYL
H[DPLQDWLRQ RI WKH SDUWLHV DQGGY LZVLRUQVHVLQHFR
ZLWK E ,Q JHQHUDO WKH ,QVWLWXWLRQ PXVV
+HDULQJ DQG 3RVW +HDULQJ 3URFHGXUHV WKDW
À#@ ÞLÑÂÂò RQGXLRW'PLSDWLPp 0YL@SD p,_d• ÀUÂð€`

/LYH +HDULQJ ZLWK &URVV ([DPL

&URVV ([DPLQDWLRQ DQG 2WKHU 4XHVWLRQV

- ±&URVV ([DPLQDWLRQ PXVW EH FRQGXFWHG GLUHFW
  DGYLVRU RU DQ DWWRUQH\ ´ E\ D SDUW\ SHUVRQDOO\
- ±%HIRUH D SDUW\ RU ZLWQHVV DQVZHUV WKH FURVV
  GHFLVLRQ PDNHU V PXVW ILUVW GHWHUPLQH ZKHW
  - ‡*Rape Shield Protections:* (YLGHQFH DERXW &RPSODLQDQW V
    SULRU VH[XDO EHKDYLRU RU VH[XDO SUHGLVSRVLWLRQ RIIHUHG WR SURYH
    FRPPLWWHG WKH DOOHJHG FRQGXFW RU LI SULRU
    WR SURYH FRQVHQW
- ±'HFLVLRQ PDNHU V PXVW EH WUDLQHG WR UXOH RQ
  TXHVWLRQV
- ±'HFLVLRQ 0DNHU V PXVW H[SODLQ DQ\ GHFLVLRQ W

'HWHUPLQDWLRQ RI 5HVSRQVLELO

'HFLVLRQ 0DNHU 'HWHUPLQHV 5HVSRQVLEL

- ±'HFLVLRQ PDNHU V PXVW EH WUDLQHG \ HYLGHQFH DQG WR XQGHUVWDQG ZKDW K XSRQ DIWHU D IDLOXUH WR VXEPLW WR P
- ±'HFLVLRQ PDNHU V PXVW LVVXH D ZULW UHVSRQVLELOLW\
- ±5HPLQGHU 7KH 7LWOH ,; &RRUGLQDWRU GHWHUPLQH UHVSRQVLELOLW\

,QIRUPDO 5HVROXWLRQ 3URFHVV

2SWLRQDO 3URFHVV SHU † E

±0D\ XVH LQIRUPDO UHVROXWLRQ SURFHVV EHIRUH RU DIWHU D PHGLDWLRQ RU DUELWUDWLRQ

,QIRUPHG 0XWXDO &RQVHQW

±%RWK SDUWLHV PXVW JLYH YROXQWDU\ LQIRUPHG DQG FRQGLWLRQ RI HQUROOPHQW HPSOR\PHQW

5LJKW WR :LWKGUDZ IURP ,QIRUPDO 3URFHVV

±(LWKHU SDUW\ FDQ ZLWKGUDZ IURP LQIRUPDO SURFHVV

1RW 6XLWDEOH IRU 6WXGHQW Y (PSOR\HH 0DW

±

5HFRUGNHHSLQJ

$ UHFLSLHQW PXVW PDLQWDLQ UHFRUGV IRU \

±(DFK VH[XDO KDUDVVPHQW LQYHVWLJDWLRQ LQ

‡'HWHUPLQDWLRQ UHJDUGLQJ UHVSRQVLELOLW

‡$XGLR RU DXGLRYLVXDO UHFRUGLQJ RU WUDQ

‡$Q\ GLVFLSOLQDU\ VDQFWLRQV LPSRVHG RQ 5

‡$Q\ UHPHGLHV SURYLGHG WR &RPSODLQDQW

aalrr

5HFRUGNHHSLQJ

)RU HDFK UHVSRQVH UHTXLUHG XQGHU † D
PDLQWDLQ UHFRUGV IRU \HDUV LQFOXGLQJ UH

$Q\ DFWLRQV LQFOXGLQJ VXSSRUWLYH PHDVX
IRUPDO FRPSODLQW RI VH[XDO KDUDVVPHQW

,I WKH UHFLSLHQW GLG QRW SURYLGH VXSSRUWLYH PH
ZDV QRW FOHDUO\ XQUHDVRQDEOH LQ OLJKW RI WKH N

,Q HDFK LQVWDQFH UHFLSLHQW PXVW GRFXPH

:K\ LWV UHVSRQVH ZDV QRW GHOLEHUDWHO\ LQGLIIHU

7KH PHDVXUHV WDNHQ ZKLFK ZHUH GHVLJQHG WR UHV
HGXFDWLRQ SURJUDP RU DFWLYLW\

5HWDOLDWLRQ

6HFWLRQ 5HWDOLDWLRQ 3URKLELWHG

±1R UHFLSLHQW RU RWKHU SHUVRQ PD\ LQWLPLGDWH WK
LQGLYLGXDO IRU WKH SXUSRVH RI LQWHUIHULQJ ZLWK D
EHFDXVH WKH LQGLYLGXDO KDV PDGH D UHSRUW RU FRP
UHIXVHG WR SDUWLFLSDWH LQ DQ LQYHVWLJDWLRQ SUR

$YRLGLQJ WKH 7LWOH ,; 3URFHVV 0D\ %H 5HWDO

±,I WKH DOOHJHG EHKDYLRU IDOOV XQGHU 6HFWLRQ
VWXGHQW FRQGXFW SURFHVV DV D ZD\ WR DYRLG WKH U
GHFLVLRQ PD\ FRQVWLWXWH UHWDOLDWLRQ

5HWDOLDWLRQ &RPSODLQWV)LOHG 8QGHU $GGI

±5HWDOLDWLRQ FRPSODLQWV PXVW EH ILOHG XQGHU WKH