

Trio launches association for sexual misconduct investigators

By: Pat Murphy September 1, 2016



Three attorneys who have established practice niches investigating sexual misconduct in both educational settings and the workplace recently announced the formation of an organization dedicated to advancing the professional development of everyone in the field.

The Association of Sexual Misconduct and Discrimination Investigators of New England is the brainchild of Djuna E. Perkins, Elizabeth Sanghavi and Jennifer C. Davis.

Unveiled last month, ASDI is intended to provide a forum for investigators to share ideas, examine trends and develop best practices.

"It's such a rapidly growing field and so many different people are interested in doing investigations like this," Perkins says. "Those of us who are already doing this realize you really need to be able to have other people to share ideas with."

Perkins is a Dedham trial attorney. Formerly an assistant attorney general and Suffolk County assistant district attorney, she started her own practice in 2012, focusing on Title IX school and workplace harassment investigations.

Sanghavi cut her teeth working for the U.S. Department of Education's Office for Civil Rights. Now, in addition to conducting internal investigations for schools, the Brookline lawyer provides guidance on compliance with Title IX as well as race and disability discrimination laws.

According to Perkins, the seed for ASDI was planted almost by accident as a result of Perkins and Sanghavi crossing paths at the office of a client. The two attorneys knew of each other by reputation. After their initial introduction, they occasionally met over dinner, bouncing ideas off each other regarding how best to handle investigations into campus sexual misconduct and workplace harassment.

The concept for an organization focused on the professional development of sexual misconduct investigators took shape after Perkins and Sanghavi connected with Davis, a like-minded Wellesley attorney.

"We wanted to get people who had experience doing these investigations together to make sure we're talking about what we're doing, why we're doing it, and how we're doing it," Davis says.

An employment lawyer who focuses her practice on conducting independent Title IX investigations, workplace investigations and training, Davis can't begin to count the number of investigations she's handled. Perkins, meanwhile, estimates she's conducted at least 40 over the years.

Their experience informs them of the need for a professional organization in which members can learn from one another. Perkins points to recent controversial campus sexual assault investigations as underscoring the need for the development of consistent practices in the field. She expects the association to address a wide variety of fundamental issues, such as what should be included in an investigative report and how to address conflicts of interest.

"Let's say a general counsel or [school] administrator who is not involved in the Title IX investigation process is trying to become involved," Perkins says. "How do you handle that?"

Any investigation into a campus assault should be prompt, thorough and impartial, Davis says, adding that

investigators need to be sensitive to the fact that the victim may have experienced real trauma, while also ensuring an accused student is afforded due process.

“There are lots of cases in which students accused of sexual misconduct believe that they weren’t given a fair chance to explain what happened and present evidence,” Davis says.

While the current focus of ASDI is professional development in a broad sense, Perkins says she and her colleagues also have discussed the possibility of the association offering CLE courses in the future. Eventually providing a referral service for institutions and employers looking for investigators also is on the table.

“We’re going to be driven by what members want,” Perkins says.

The association’s first meeting will be sometime in September, although a time and place for the event have yet to be worked out. Those interested in becoming members of ASDI can contact Perkins at dp@djunaperkinslaw.com.

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