Conducting Fair and Thorough Trauma-Informed Investigations

Independent Colleges & Universities of Texas

July 2023

Chantelle Cleary Botticelli
Sr. Director of Strategic Partnerships

Martha Compton
Director of Strategic Partnerships
MEET YOUR FACILITATORS

Chantelle Botticelli

Chantelle Cleary Botticelli is the Senior Director of Strategic Partnerships and Client Relations. Chantelle is a nationally-recognized subject matter expert in Title IX and related fields with over 15 years of experience in the investigation and adjudication of sexual and interpersonal violence. She lectures extensively throughout the country on Title IX, the Violence Against Women Act, harassment, and the implementation of best and emerging strategies in the industry.

Martha Compton

Martha is the Director of Strategic Partnerships and Client Relations. Martha consults and trains nationally on Title IX and student conduct and has previously served as a technical trainer for Department of Justice VAWA campus grantees. Martha is a former President of the Association for Student Conduct Administration, has been a faculty member for ASCA’s Gehring Academy, and was part of the core team that developed ASCA’s Sexual Misconduct Institute. A student conduct professional for over 20 years, Martha is also a former dean of students and has extensive experience in residence life, behavior intervention, emergency services, orientation, leadership, and working with student organizations.
DAY ONE
AGENDA

Title IX’s Requirements: Quick Review

The Proper Application of Trauma-Informed Practices

The Importance of Understanding the Potential Impact of Trauma

Developing an Investigative Strategy
TITLE IX’S REQUIREMENTS FOR INVESTIGATIONS
No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681 (1972).
TITLE IX APPLICATION POST MAY 2020
REGULATIONS

**TYPE OF CONDUCT**
- Hostile Environment
- Sexual Harassment
- Quid Pro Quo
- Sexual Assault
- Dating/Domestic Violence
- Stalking

**ED PROGRAM OR ACTIVITY**
- On campus
- Campus Program, Activity, Building and
- In the United States

**REQUIRED IDENTITY**
- Complainant is participating or attempting to participate in the Ed Program or activity
- Institution has control over Respondent

**APPLY 106.45 PROCEDURES**
Required Response:
- Section 106.45 Procedures
# CURRENT PROCEDURAL REQUIREMENTS FOR INVESTIGATIONS

<table>
<thead>
<tr>
<th>Notice to both parties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal opportunity to present evidence</td>
</tr>
<tr>
<td>An Advisor of Choice</td>
</tr>
<tr>
<td>Written notification of meetings, etc., and sufficient time to prepare</td>
</tr>
<tr>
<td>Opportunity to review all directly related evidence, and 10 days to submit a written response to the evidence prior to completion of the report</td>
</tr>
<tr>
<td>Report summarizing relevant evidence and 10-day review of report prior to hearing</td>
</tr>
</tbody>
</table>
THE PROPER APPLICATION OF TRAUMA INFORMED PRACTICES
TRAUMA INFORMED PRACTICES PROVIDE TOOLS/TECHNIQUES FOR INTERVIEWING AND ENGAGING WITH THE COMPLAINANT, RESPONDENT AND WITNESSES.

Format/Structure of the Interview

Format of questions

Approach to Clarification
TRAUMA INFORMED PRACTICES PROVIDE TOOLS/TECHNIQUES FOR INTERVIEWING AND ENGAGING WITH THE COMPLAINANT, RESPONDENT, AND WITNESSES.
TRAUMA INFORMED PRACTICES ARE DESIGNED TO:

<table>
<thead>
<tr>
<th>Encourage thorough and complete investigations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assist with recollection</td>
</tr>
<tr>
<td>Assist with recounting</td>
</tr>
<tr>
<td>Reduce potential for false information</td>
</tr>
<tr>
<td>Minimize unnecessary re-traumatization</td>
</tr>
<tr>
<td>Reduce Bias</td>
</tr>
</tbody>
</table>
MISAPPLICATION OF TRAUMA INFORMED PRACTICES

It is a misapplication of trauma informed principles to allow potential evidence of trauma to:

• Influence the interpretation of a specific item of evidence;
• Substitute for missing evidence;
• To serve as a justification for not doing a full and thorough investigation;
• Cause a biased belief in the veracity of one or more party.
THE IMPORTANCE OF UNDERSTANDING THE POTENTIAL IMPACT OF TRAUMA
AN EVENT THAT IS EXPERIENCED AS TERRIFYING, HORRIFYING, OR THREATENING AND THAT IS COUPLED WITH AN ACTUAL OR PERCEIVED LACK OF CONTROL.
EXAMPLES OF EVENTS THAT MIGHT TRIGGER A TRAUMATIC RESPONSE

- Sexual Assault
- Physical Assault by a Stranger
- Physical Assault by an Intimate Partner
- A Car Accident
- Accident that causes serious injury or death
- Robbery
- Significant medical event
WHEN TRAUMA OCCURS, THERE ARE VERY REAL CHANGES IN BRAIN FUNCTION THAT MAY AFFECT A PERSON’S ABILITY TO MAKE MEMORY AND TO RECOUNT THEIR EXPERIENCE.
COMMON CHARACTERISTICS OF DISCLOSURES BY A TRAUMA BRAIN

<table>
<thead>
<tr>
<th>Inconsistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Linear</td>
</tr>
<tr>
<td>Fragmented</td>
</tr>
<tr>
<td>Lack of Detail</td>
</tr>
<tr>
<td>New Information</td>
</tr>
<tr>
<td>Affect is unexpected</td>
</tr>
</tbody>
</table>
Historically, the seemingly inconsistent behaviors that frequently accompany disclosures of sexual assault and interpersonal violence resulted in the belief that the victim was being dishonest.

Inconsistencies
Lack of Detail
Non-Linear
Fragmented
New Information

Not Credible
The Historical Conclusion...

- False Report
- Regretted Sex
- Not Provable

Investigation
CLOSED
When an investigator uses "Trauma Informed" tools, they are less likely to:

1. Conclude, without a thorough investigation, that the reporting individual is Not Credible.
2. Ask questions or make decisions founded in bias.
3. Cause additional harm.
WHEN PRESENTED WITH THE FOLLOWING CHARACTERISTICS IN A DISCLOSURE

- Inconsistencies
- Lack of Detail
- Non-Linear
- Fragmented
- New Information

An investigator who understands trauma will...
Continue their investigation.
An understanding of trauma and its potential impact should encourage investigators to keep an open mind, and it should prevent investigators from immediately interpreting seemingly inconsistent behaviors with lack of credibility or reliability. An understanding of trauma provides another explanation for these seemingly inconsistent behaviors. This is essential to a fair and thorough investigation.
DEVELOPING AN INVESTIGATIVE STRATEGY
ESSENTIAL STEPS OF AN INVESTIGATION

- Review Notice of Allegations and Formal Complaint
- Initial Interviews
- Evidence Collection
- Evidence Review
- Additional Evidence Collection/Follow Up Interviews
- Report Writing
UNDERSTAND THE SCOPE OF THE INVESTIGATION

Review the Notice of Allegations and the Formal Complaint

Ask questions if unsure
IDENTIFY THE CLAIMS AND WHAT NEEDS TO BE PROVEN

• What will the decision maker be asked to decide?
• What does the formal complaint allege?
• What are the elements of each act of prohibited conduct alleged?
BREAK OUT 1
IDENTIFY THE ELEMENTS...

1- Breakout into small groups
2- Identify a scribe
3- As a group read the definition of the act of prohibited conduct assigned
4- With your group, identify the elements
5- Be prepared to share out
PROHIBITED CONDUCT

1. Rape. The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

2. Stalking: Occurs when a person engages in a course of conduct directed at another person that would cause a reasonable person to fear for their safety or the safety of another, or experience material emotional harm.

3. Sexual Harassment: Unwelcome conduct of a sexual nature that is severe, pervasive, and objectively offensive and impacts a person's ability to participate in the educational program or activity.
RAPE

Did Respondent penetrate Complainant's vagina or anus, with any body part or object, or oral penetration by a sex organ of another person? Without Complainant's affirmative consent? Lack of affirmative consent? Force? Incapacitation? Etc...
STALKING

Did Respondent engage in a course of conduct?

Was that course of conduct directed at Complainant?

Would Respondent’s conduct cause a reasonable person to either

1. Fear for their safety or the safety of others, or
2. Suffer substantial emotional distress
SEXUAL HARASSMENT

Did Respondent engage in unwelcome conduct?

Was it severe, pervasive, or objectively offensive?

Did the conduct impact Complainant’s ability to access the educational program or activity?
The process of developing an investigative strategy includes the following steps:

1. Receive Report
2. Develop a timeline
3. Identify Witnesses
4. Identify Potential Evidence
5. Develop Strategy to Collect Evidence
INVESTIGATION TIMELINE

Prior History
- Between the Parties?
- Of the Parties?

Pre-Incident
- Communications?
- Interactions?
- Conduct?

Incident
- Consent?
- Type of Contact?
- Injuries?

Post Incident
- Behaviors?
- Communications?
INVESTIGATION TIMELINE

Prior History
- Communications between C and R

Incident
- Complainant
- Respondent
- Video taken by R of act?

Pre-Incident
- Pictures of C
- Video of C
- Texts between R and friends
- Snap chat between C's friends about C

Post Incident
- C/R
- Outcry witnesses
- Texts between C and R
- Texts between R and friend
BREAK OUT 2
DEVELOP AN INITIAL INVESTIGATIVE STRATEGY

1. Get into small groups
2. Select a scribe
3. Review the report
4. Develop an initial investigative strategy
On Saturday I was drinking in my dorm room with my friends Darci and Omar. At around 11, Gavin hit me up and invited me to his frat house off-campus. The three of us decided to go and we called an uber. When we got there, we joined the beer pong tournament and I partnered with Gavin. We kept winning, but the games were close and so I drank a lot. At some point my memory just goes blank. The last thing I remember was taking a shot of fireball off of some girl’s stomach. My next memory is waking up in a room I didn’t know. My pants were off and my vagina hurt. Gavin was next to me and he was naked and asleep. I quickly got dressed and left. When I got outside, I checked my phone and I had a bunch of text messages in our group chat asking me where I was and if I survived and if I was ok. There were pictures of me passed out on a couch. I called my friend Kerri to come pick me up and she did. Later that day I messaged Gavin and asked him what happened. He said we had sex. I have no recollection of even going to his room, let alone consenting to sex.
THE IMPORTANCE OF ORGANIZATION
DAY TWO AGENDA

1. Investigative Interviews

2. Evidence Collection & Assessment

3. The Investigative Report & Record
INVESTIGATIVE INTERVIEWS
Interview Objectives

**Connect**
Build rapport, Build trust, Empower

**Listen**
Allow interviewee to share their experience

**Clarify**
Understand what you have heard
Seek additional information

**Evidence Preservation**
Text Messages
Photographs
Names and contact info for witnesses
PRIOR TO THE INTERVIEW

Secure an appropriate meeting location

Allow for enough time to conclude the meeting

If interviewing a party, inform them of their right to have an advisor present

Prepare for the meeting
Areas of focus? Other evidence? Go back review what you have

Provide Written Notice of the Meeting
Advise the parties/witnesses that you will be collecting evidence
SET EXPECTATIONS

What they should expect of you:

• That you are neutral
• That you will listen, what they are saying is important to you
• That you will keep the information they share private
• What you will do with recording/notes
• That you may have to ask difficult questions
• Patience, respect, and appreciation
• This will not be their only opportunity to speak with you
• Prepare the parties for follow up interviews and the “shift”

What you should expect of them:

• Honesty
• That they will seek clarity if needed (give them permission to do so)
• That they won't guess or fill in blanks
HOW DO WE...

- Build Trust?
- Empower?
RAPPORT AND TRUST

Exhibiting Expertise

Clear Introduction

Exhibiting Empathy

Preparedness

Transparency
EMPOWERMENT

Duration

Permission to ask questions

Space

Clear expectations

Permission to seek clarity
INVESTIGATIVE INTERVIEWS

Start by eliciting a narrative

Interview for Clarification

Avoid leading questions, questions that blame; interrogating

Listen

Listen

Grand River Solutions
Start the interview by eliciting a narrative…

Help me understand your experience?

What are you able to tell me about your experience?

Start where you are comfortable and share what you are able to remember.

Allow the person to speak uninterrupted. This takes patience.
Next, ask questions that are intended to clarify and more deeply explore the information and details provided by the person in their narrative.

**Do Ask:**
- Interview for clarification
- Help me understand?
- Can you tell me more about...?
- Is there anything else you can share about...?

**Avoid:**
- Interrogation
- Questions that blame
- Questions that imply doubt
- Leading questions
Capture the Entire Experience

• Ask about the physical and emotional reactions to the incident.
• Conclude with very open-ended questions:
  • What was the most difficult part of this experience for you?
  • Is there something that stands out/that you just can't stop thinking about?
  • Is there anything more that you would like me to know?
At some point during the interview, it is also important to explore the prior history, if any, between the complainant and the respondent, and the history of the parties, individually.
It is also important to explore the events following the incident. Oftentimes, the best evidence is produced after the incident.

- The parties’ psychological reactions
- Changes in behavior
- Witnesses to the psychological reaction
- “Has anyone expressed concern about you since the assault?”
- Communication/contact between the complainant and respondent
Throughout the Interview

- Explain your questions, especially the difficult ones.
- Do not ask leading questions.
- Watch your tone.
- Do not rush.
- LISTEN!!!!!!!
- Pay attention to and document information that might lead to additional evidence.
- Document questions asked. Especially when a response is not provided.

How much did you drink? What they hear: this is your fault because you were drinking.
At the Conclusion of the Interview

Discuss submission of evidence.

Explain statement review process.

Explain next steps in the process.

Keep the lines of communication open.

Review available support, privacy requirements, and prohibition against retaliation.
After the Interview: Actions

- Memorialize the Interview in writing.
- Provide opportunity for the party or witness to review it.
- Provide opportunity for party or witness to provide a response.
- Incorporate the response.
A NOTE ABOUT WITNESSES SUMMARIES

01
The reader of any report should not know of the investigator’s presence in the summary; for example, report should not say “I then asked . . .”

02
Use interviewee’s words and put the words in quotes if it is their words.

03
Avoid conclusory words, or words that suggest that the investigator has an opinion about the information offered.
AFTER THE INTERVIEW: REFLECTION

Reflect.

Is there something you missed or forgot to ask?

Do you need clarity on any of the information shared?

Has this interview revealed additional evidence that you want to explore or collect?

Has evidence of additional policy violations been shared?
FOLLOW UP INTERVIEWS

Seek Clarification

Explore Inconsistencies

Explore contradictory evidence

Explore difficult issues

Opportunity to respond
FOLLOW UP INTERVIEW APPROACH

01 Explain the purpose of the follow up.
02 Set the stage for the topics you will be covering.
03 Prepare the interviewee for “the shift.”
04 Do not avoid asking the hard questions.
The “Hard” Questions

- Details about the sexual contact
- Seemingly inconsistent behaviors
- Inconsistent evidence/information
- What they were wearing
- Alcohol or drug consumption
- Probing into reports of lack of memory
How to Ask the Hard Questions

Lay a foundation for the questions.

- Explain why you are asking it
- Share the evidence that you are asking about, or that you are seeking a response to

Be deliberate and mindful in your questions:

- Can you tell me what you were thinking when....
- Help me understand what you were feeling when...
- Are you able to tell me more about...
BREAK OUT 1
What Questions Do You Have for Quinn?

“Casey and I have been friends for a few weeks. On Friday night, we were hanging out alone in my room, watching a movie. We started to make out, and I was ok with that. After making out for a while, Casey started touching me down there. Then Casey tried to have sex with me. Casey knew that I didn’t want to have sex but kept trying anyway. Casey was being really coercive, and so I just went along with it. Casey raped me and I want Casey to be held accountable.”
“When I got to the party, I was already lit. I kept letting Marc get me drinks anyway. At some point, I just kinda don’t remember anything. And then I woke up in Marc's bed and it was morning. I had all my clothes on, but I know someone had sex with me. I could feel it. I just wanted to go, so I did. Before I left Marc woke up and tried to talk to me but I wasn’t hearing it. He looked guilty and I could tell he felt bad.”
“What questions do you have for Colin?

“Pat and I have been together for about a month and have been intimate for the last two weeks. We went out with my friends on Friday night and Pat got really drunk. At some point we ran into my ex and Pat was really jealous, so we left. When we got back to my place, I thought things were fine. We started hooking up and all of a sudden Pat's mood changed. Pat got really aggressive and choked me. He was so angry and I was so scared.”
EVIDENCE COLLECTION AND ASSESSMENT
EVIDENCE

“Something (including testimony, documents, tangible objects) that tends to prove or disprove the existence of an alleged fact; anything presented to the senses and offered to prove the existence or non-existence of a fact.”

Black’s Law Dictionary
TYPES OF EVIDENCE

01 Direct Evidence
Evidence that is based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.

02 Circumstantial Evidence
Evidence based on inference and not on personal knowledge or observation.

03 Corroborating Evidence
Evidence that differs from but strengthens or confirms what other evidence shows.
LAST PERSON STANDING: PART 1

1. Get into small groups
2. Select a scribe
3. When I say go, you and your team will have 90 seconds to list as many items of evidence as you can.
4. Please include one item per sticky note.
5. Only the scribe can write.
6. When I say stop, ALL WRITING MUST STOP!
EVIDENCE COLLECTION

1. Identify the items of evidence that you would like to obtain.
2. Develop an intentional strategy for obtaining that evidence.
3. Overcome barriers to evidence collection.
4. Considerations about collecting certain types of evidence.
A THOROUGH INVESTIGATION IS MORE THAN EVIDENCE COLLECTION
<table>
<thead>
<tr>
<th>Question</th>
<th>Sub-Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is it relevant?</td>
<td>Is the evidence important, or of consequence, to the fact-finding process?</td>
</tr>
<tr>
<td>Is it authentic?</td>
<td>Is the item what it purports to be?</td>
</tr>
<tr>
<td>Is it credible/reliable?</td>
<td>Is the evidence worthy of belief and can the decision maker rely on it?</td>
</tr>
<tr>
<td>What weight, if any, should it be given?</td>
<td>How important is the evidence to the fact-finding process?</td>
</tr>
</tbody>
</table>
BREAK OUT 3
If the investigator is not making findings, why is it important for the investigator to evaluate and assess the evidence during their investigation?
A Thorough Investigation Permits the Decision Maker to Assess

- Relevance
- Credibility
- Reliability
- Authenticity
- Weight
The Department declines to define “relevant”, indicating that term “should be interpreted using [its] plain and ordinary meaning.”

See, e.g., Federal Rule of Evidence 401 Test for Relevant Evidence:

“Evidence is relevant if:
- (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) the fact is of consequence in determining the action.”
1. “Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant,
   1. unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
   2. if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.”

2. “require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.”

3. Physical and mental health records and attorney-client privileged communications would fit within scope of this prohibition.
# ASSESSING RELEVANCE

Why does it matter?

<table>
<thead>
<tr>
<th>Type of Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Character Evidence</td>
</tr>
<tr>
<td>Polygraph Evidence</td>
</tr>
<tr>
<td>Opinion Evidence</td>
</tr>
</tbody>
</table>

Unsure about the relevance about a particular item of evidence? Ask the person who has proffered it.
When might it be relevant?

How do you establish a foundation for opinion evidence so that the reliability of the opinion can be assessed?
BREAK OUT 2
OPINION EVIDENCE

1. Get into small groups

2. Discuss the following questions:
   1. What are the opinions here?
   2. What questions might you ask in follow up?
OPINION EVIDENCE: TRY IT!

You are investigating an allegation that Casey had sex with Taylor when Taylor was incapacitated. You interview several witnesses, one of whom made the following statement:

“I got to the party pretty late, and Taylor was already lit.”

“Taylor was wasted. Like totally messed up. There is no way they could have given permission for sex”
AUTHENTICITY
WHAT DO YOU DO?

Complainant provides you with screen shots of text messages between her and respondent wherein respondent apologizes for hurting her. She wants these messages to be included as an item of relevant evidence.

What questions do you have for her that will assist the decision maker with assessing authenticity?
ASSESSING AUTHENTICITY

Never assume that an item of evidence is authentic.

Ask questions, request proof.

Investigate the authenticity if necessary.
IS IT AUTHENTIC?

- Question the person who offered the evidence
- Have others review and comment on authenticity
- Request Originals
- Obtain originals from the source
- Are there other records that would corroborate?
ASSESSING CREDIBILITY AND RELIABILITY

NO FORMULA EXISTS, BUT CONSIDER THE FOLLOWING:

Opportunity to view

Ability to recall

Motive to fabricate

Plausibility

Consistency

Coaching

Character, background, experience, and training

Bias
BARRIERS TO EVIDENCE COLLECTION

- Non-Participating Parties
- Uncooperative Witnesses
- Uncooperative Advisors
- Identity Of Party Or Witness Unknown
- Refusal To Share Materials
- Materials Lost Or No Longer Accessible
- Difficult topics
THE INVESTIGATIVE REPORT AND RECORD
At the conclusion of the investigation, we must create an investigative report that fairly summarizes relevant evidence.
Relevancy Standard

**Relevant Evidence**

“Evidence is relevant if:
(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
(b) the fact is of consequence in determining the action.”

**Irrelevant Evidence**

Prior sexual history of complainant, with two exceptions
Legally recognized and un-waived privilege.
Records related to medical, psychiatric, psychological treatment
WHO DECIDES?

• “Department emphasizes repeatedly in Preamble that investigators have discretion to determine relevance at this stage of the process.
  • Subject to parties’ right to argue upon review of “directly related” evidence that certain information not included in investigative report is relevant and should be given more weight.

• Investigators will have to balance discretionary decisions not to summarize certain evidence in report against:
  • Each party’s right to argue their case, and
  • Fact that decisions regarding responsibility will be made at hearing, not investigation stage.
REDACTIONS
ADDITIONAL REQUIREMENTS

- Share the report with the parties and their advisors
- In electronic format or hard copy
- At least 10 days prior to the hearing
THE PURPOSE OF THE REPORT

To allow for advance Review

To allow for advance Preparation
  • By the Decision Maker
  • By the Parties

Reduce likelihood of bias in final outcome
INTENDED RECIPIENTS

The Parties

The Advisors

The Decision Maker

The Appeal Panel
OTHER RECIPIENTS?

- Friends of the parties
- Parents
- Law enforcement
- Attorneys
- Judges
- Media
- Social Media
Intentionally organized to enhance comprehension

Factually accurate

Concise

Without editorial or opinion

Consistent format
REPORT AND EVIDENCE FILE
Compilation of the evidence
Organized intentionally and consistently
Divided into Appendices
Is attached to the report
Includes a procedural timeline
EXAMPLES OF APPENDICES

Appendix A
Contains all of the party/witness testimony (e.g., transcripts, statements summaries, etc.) that the investigator deems relevant.

Appendix B
Contains all of the documentary evidence (e.g., text messages, SANE reports, photographs, etc.) that the investigator deems relevant.

Appendix C
Contains the remaining evidence deemed irrelevant by the investigator, but that is directly related to the allegations in the formal complaint.

Appendix D
The procedural timeline.
STRUCTURE OF THE REPORT

- Overview of the Investigation
- Statement of Jurisdiction
- Identity of Investigators
- Objective of the Investigation and the Investigation Report
- Prohibited Conduct Alleged
- Witnesses
- Evidence Collected
- Summary of Evidence
- Conclusion
In this section, provide a very brief overview of the case. Include:

- the names of the parties,
- the applicable policy(ies)
- the prohibited conduct alleged,
- the date, time, and location of the conduct,
- a brief description of the alleged misconduct
REPORT STRUCTURE

STATEMENT OF JURISDICTION

1. Cite Jurisdictional Elements

2. State all grounds for Jurisdiction
REPORT STRUCTURE
IDENTIFY INVESTIGATORS

1. Identify the investigators by name

2. Investigator's training belongs in file, not in report
REPORT STRUCTURE
OBJECTIVE OF THE INVESTIGATION & REPORT

1. This language should mirror the language in your policy or procedures.

2. State the objective of the investigation

3. Briefly state that all procedural steps were followed

4. Describe the purpose of the report.
REPORT STRUCTURE
PROHIBITED CONDUCT ALLEGED

1. List the allegations of prohibited conduct in the formal complaint.

2. Include definitions of prohibited conduct from institution’s policy/procedures
REPORT STRUCTURE
LIST WITNESSES

1. List those witnesses that were interviewed
2. List witnesses that were identified, but not interviewed
3. Simple List
4. Detailed List
## Example of a Detailed List

<table>
<thead>
<tr>
<th>Witness Name</th>
<th>Witness identified by:</th>
<th>Information offered</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe</td>
<td>Reporting Party</td>
<td>Mr. Doe is the Reporting Party's best friend. He was with the Reporting Party the night of the reported incident.</td>
</tr>
<tr>
<td>Jane Doe</td>
<td>Investigators</td>
<td>Jane Doe is the Responding Party's roommate. It is believed that she saw the Reporting Party leave the Responding Party's residence immediately following the reported incident.</td>
</tr>
</tbody>
</table>
The final Title IX regulations require that all evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint be shared with the parties and “made available at any hearing to give each party equal opportunity to refer to such evidence during the hearing including for the purposes of cross-examination.”

In this section, list the Evidence or Refer to Appendices.
In this section, include a summary of all relevant evidence. This section can be organized in several ways. It is important that, however organized, the evidence is summarized clearly and accurately, and without opinion or bias. In this section, the writer should cite the evidence and information in the Appendices.
In this section, summarize next steps in the process, including any procedural prerequisites for moving the matter forward to a hearing.
6-Month Complimentary Subscription

THE RIVER CONNECT

A place to communicate, share, educate, learn

for HIGHER EDUCATION PROFESSIONALS working in Title IX, Equity & Clery
THANKS FOR JOINING US!

CONNECT WITH US

- info@grandriversolutions.com
- /Grand-River-Solutions
- /GrandRiverSolutions
- Grandriversolutions.com

WE LOVE FEEDBACK
Your Opinion Is Invaluable!
©Grand River Solutions, Inc., 2022. Copyrighted material. Express permission to post training materials for those who attended a training provided by Grand River Solutions is granted to comply with 34 C.F.R. § 106.45(b)(10)(i)(D). These training materials are intended for use by licensees only. Use of this material for any other reason without permission is prohibited.