



REPORT WRITING WORKSHOP

Collin Baer & Kelly Whitney
September 2024

MEET YOUR FACILITATORS



Collin Baer

Senior Solutions Specialist

He/Him/His



Kelly Whitney

Senior Solutions Specialist

She/Her/Hers

ABOUT US

Vision

We exist to create safe and equitable work and educational environments.

Mission

To bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.

Core Values

- Responsive Partnership
- Innovation
- Accountability
- Transformation
- Integrity

LEARNING OUTCOMES

Identify relevant information for inclusion in an investigative report.

Identify and exclude irrelevant information from your reports.

Write a report that is understandable by someone without any experience in this space, and that can stand on its own without access to other documents.

Use simple, neutral, unbiased, and accurate language in your reports.

Ensure that the report accurately states policy language and is compliant with institutional policy and procedures.

Understand the importance of using a template that will contribute to the consistency of the reports generated.

AGENDA

- | The Regulatory Requirements
- | Structure of the Investigative Report and Record
- | Writing the Report: Developing the Content
- | Developing an Investigative Report and case file for the Mock Investigation

THE REGULATORY REQUIREMENTS

01

Grand River

ESSENTIAL STEPS OF AN INVESTIGATION

Formal Complaint
and Notice of
Allegations

Investigative
Interviews

Evidence Collection

Evidence Review

Additional Evidence
Collection/Follow-Up
Interviews

The Investigative
Report and Final
Investigative Record

THE PRODUCTS OF EACH STEP OF THE INVESTIGATION

- **Notice of Allegations:** A document that frames the scope of the investigation
- **Initial Interviews:** Transcripts, summaries of interviews, interview notes
- **Evidence collection:** Text messages, social media posts, medical/police records
- **Evidence review:** Complainant's written response, Respondent's written response
- **Additional Evidence Collection/Follow-Up Interviews:** More documentary evidence, additional interview transcripts/summaries
- **The Investigative Report and Final Investigative File**

REPORT AND EVIDENCE FILE

Summary of the Evidence



Compilation of the Evidence





REPORT

The Investigator must create and provide to the Parties, their advisors, and the decision maker(s) an investigative report that fairly summarizes relevant evidence.

THE INVESTIGATIVE FILE

The Parties, their Advisors, and the Decision Maker(s) must be provided with a final compilation of all of the evidence gathered that is relevant to the allegations in the formal complaint.



EVIDENCE REVIEW

Parties must have equal opportunity to inspect and review evidence obtained as part of the investigation that is relevant to the allegations raised in a formal complaint (and not otherwise impermissible).

Parties *can* provide a written response *within timeframe set by institution*.

RELEVANT EVIDENCE

Relevant means **related to** the allegations of sex discrimination under investigation.

- Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred.
- Evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

EVIDENCE THAT IS "IMPERMISSIBLE"

- Questions and evidence about the complainant's sexual interests or prior sexual conduct are not relevant,
 - unless such questions and evidence about the complainant's prior sexual conduct are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - if the questions and evidence concern specific incidents of the complainant's prior sexual conduct with respect to the respondent and are offered to prove consent.
- 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.
 - Example: Physical and mental health records and attorney-client privileged communications

PRIOR SEXUAL CONDUCT AND INTERESTS

- Not waivable
 - "Allowing complainants to broadly introduce the evidence prohibited by § 106.45(b)(7)(iii) threatens to deprive respondents of due process (e.g., allowing a complainant to introduce evidence of prior sexual conduct but not permitting the respondent to rebut) and might result in misuse by the parties.
- Sexual "interests" ["predisposition" is out]
 - Mode of dress
 - Speech
 - "Lifestyle"
- Examples of potentially impermissible prior sexual history of complainant:
 - Evidence of pregnancy
 - Use of birth control
 - Medical history of STI

MORE ABOUT "IMPERMISSIBLE" EVIDENCE

- Waiver for privileged information need not be in writing
- Partial waiver can be factored into decision-making
- Redactions are mandatory
- "impermissible evidence (and questions seeking that evidence) must not be accessed or considered except by a recipient for the purpose of determining whether an exception applies that would permit the use of such evidence."

EVIDENCE THAT MAY BE RELEVANT

- Respondent's prior sex-based conduct used as "pattern evidence"
 - *Note: "pattern witness" is not protected by "rape shield" protections*
- Character evidence
- Expert witnesses
- **Key consideration?**

WHO DECIDES?

Department emphasizes repeatedly in Preamble that investigators have discretion to determine relevance at this stage of the process.

- Institution may need to "revisit" relevance decisions
- Consider a storage plan for evidence found not relevant

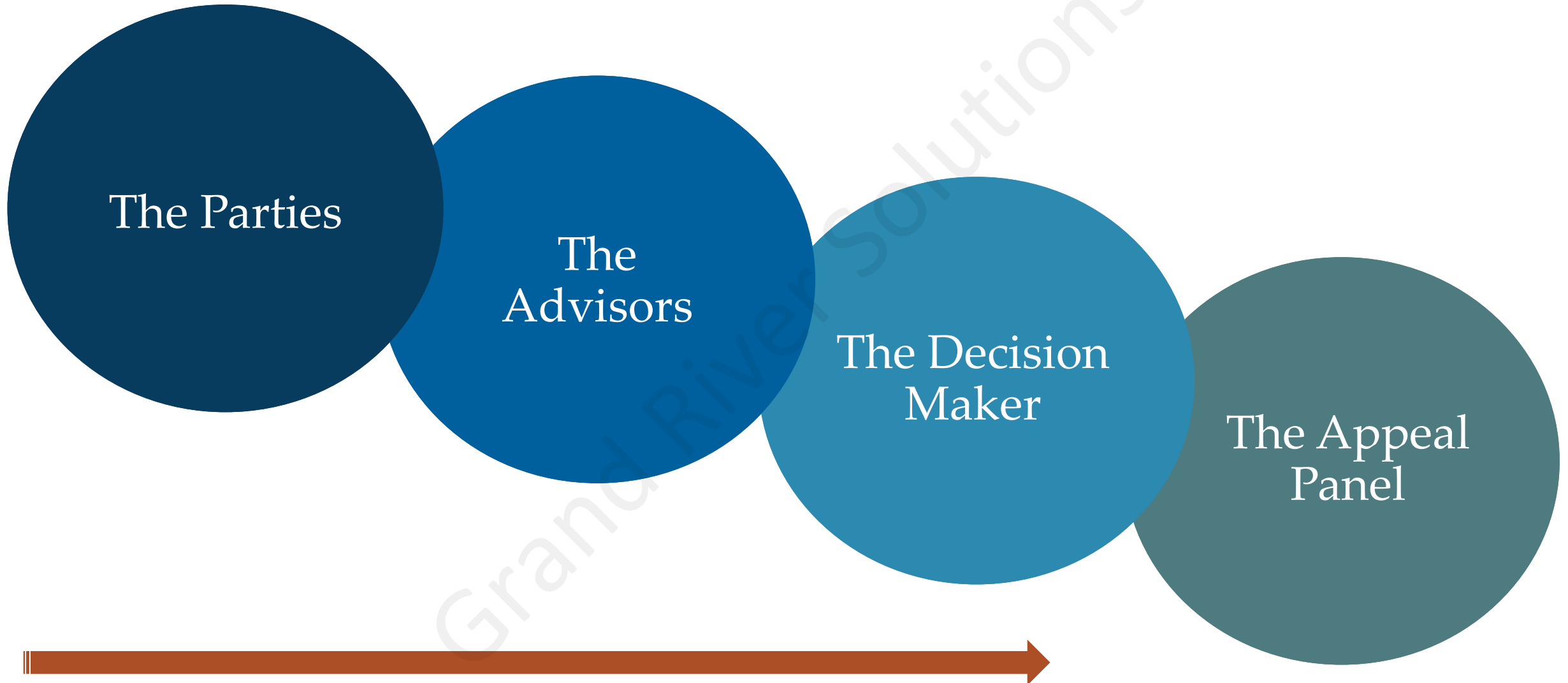
Investigators will have to balance discretionary decisions not to summarize certain evidence in report against:

- Each party's right to argue their case, and
- Fact that decisions regarding responsibility may be made at hearing, not investigation stage.

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 the final outcome

INTENDED RECIPIENTS



OTHER RECIPIENTS?

- Friends of the parties
- Parents
- Law enforcement
- Attorneys
- Judges
- Media
- Social Media



WHY IS IT IMPORTANT TO WRITE A SOLID REPORT?

All of the reasons given by the DOE, and...

- It allows you to recall the details of your investigation long after the event—this is important if there are complaints by or against the parties involved or litigation in the future.
- It signals to others that the complaint was taken seriously—that it is important to the institution to get it right.
- A well written and comprehensive report shows that the investigation was fair, impartial, and thorough.
- A well written and comprehensive report protects you and your institution in case of litigation and helps to limit your liability.



BREAKOUT ACTIVITY 1

IDENTIFY THE IMPERMISSIBLE INFORMATION...

He stated, “I asked her if she felt better and she told me yes. She apologized and I told her not to worry about it. At that point I was pretty drunk myself and I just wanted to go to sleep. At some point she put her arms around me and snuggled into me. I took that as a sign that she wanted to hook up. I had heard from a few other guys that had had sex with her before that she was a super sexual girl. One of my boys described her as a ‘sex freak.’ I didn’t want to disappoint her so I rolled onto my side and we were face to face; she didn’t back away so I kissed her. She kissed me back. I asked her again if she was ok and she moaned. We continued to undress each other. Before I knew it, we were having sex. She was totally awake and totally into it.”

IDENTIFY THE IMPERMISSIBLE INFORMATION...

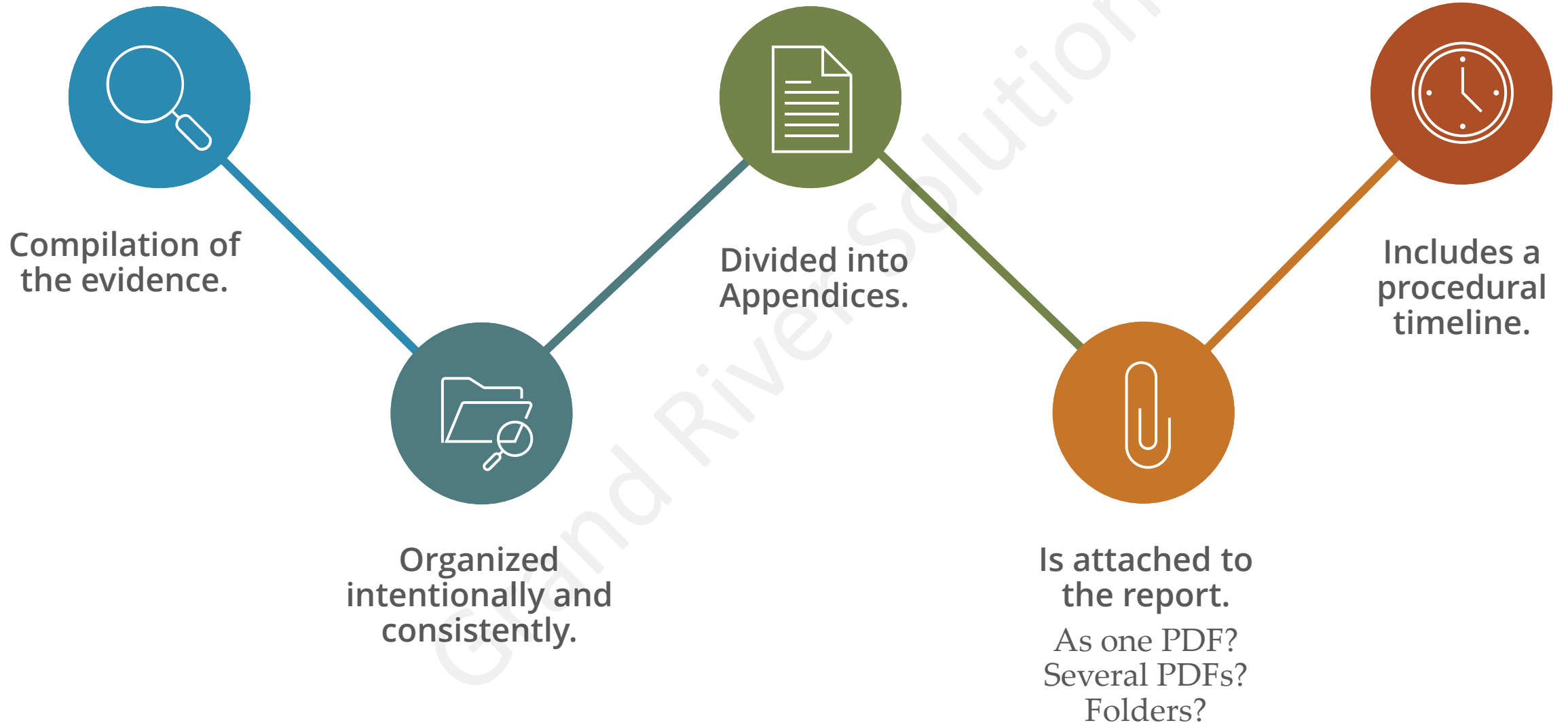
He stated, “I asked her if she felt better and she told me yes. She apologized and I told her not to worry about it. At that point I was pretty drunk myself and I just wanted to go to sleep. At some point she put her arms around me and snuggled into me. I took that as a sign that she wanted to hook up. **I had heard from a few other guys that had had sex with her before that she was a super sexual girl. One of my boys described her as a ‘sex freak.’** I didn’t want to disappoint her so I rolled onto my side and we were face to face; she didn’t back away so I kissed her. She kissed me back. I asked her again if she was ok and she moaned. We continued to undress each other. Before I knew it, we were having sex. She was totally awake and totally into it.”

STRUCTURE OF THE INVESTIGATIVE FILE AND REPORT

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Grand River

THE EVIDENCE FILE



EXAMPLE 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 all institutional documents that relate to the procedural history from the filing of the formal complaint until the submission of the final investigative file and report.
- Appendix D
 - Contains the responses to the evidence review by the parties.



LABEL THE APPENDICES OR SECTIONS

- “Appendix A contains transcripts/summaries of party and witness interviews that the investigator deems relevant, in whole or in part.”
- “Appendix B contains documentary evidence that the investigator deems relevant, in whole or in part.”
- “Appendix C contains all institutional documents that relate to the procedural history from the filing of the formal complaint until the submission of the final investigative file and report, such as Formal Complaints, Notices of Allegations, No Contract Orders, and Notices of Extensions.”
- “Appendix D contains the responses to the evidence review by the parties.”

FORMAT AND STRUCTURE OF THE RECORD

- Include page numbers
- Include a Table of Contents
 - **For the entire record**
 - **For each appendix**
- One document or PDF





REDACTIONS

ESSENTIAL ELEMENTS OF THE REPORT

Intentionally organized to enhance comprehension

Factually accurate

Concise

Without editorial or opinion

Consistent format

STRUCTURE OF THE REPORT

- Introduction
- Purpose of the Investigation
- Identity of Investigators
- Allegations
- Applicable Policy
- Procedural History
- Investigation Methodology
 - Interviews
 - Documents
- Review of Evidence
- Undisputed and Disputed Facts





QUESTIONS ABOUT THE REPORT TEMPLATE?

GET THE EASY STUFF OUT OF THE WAY

Introduction

**Purpose of the
Investigation**

Allegations

Applicable Policy

Procedural History

**Investigation
Methodology**

REPORT STRUCTURE



Introduction

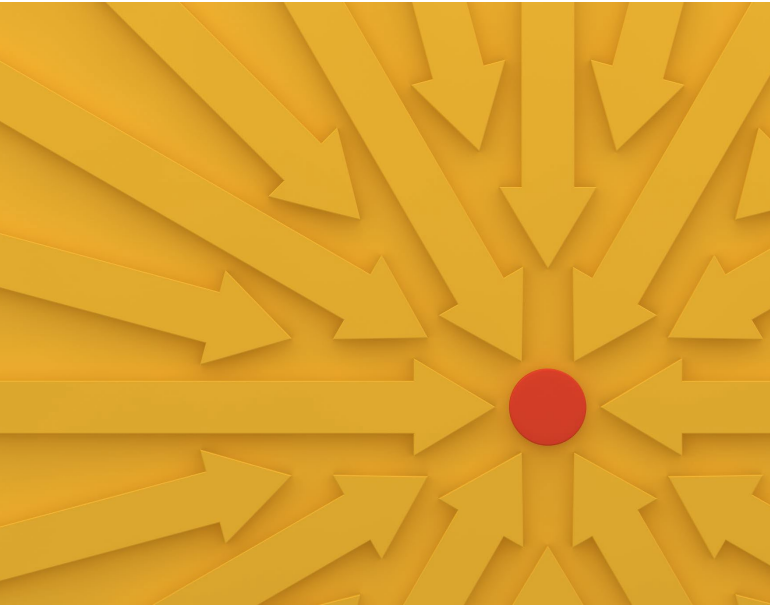
In this section, provide a very brief overview of the case. Include:

- 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

Purpose of Investigation

- ① Let the reader know if you are a decision maker or a fact gatherer.
- ② Let the reader know what the next steps will be.



REPORT STRUCTURE

Allegations

1. State the allegations as they have been provided in the Notice. Cut and paste them directly from the Notice.



REPORT STRUCTURE

Applicable Policy



- This language should mirror the language in the policy or procedures.
- Cut and paste the relevant policy definition, including corresponding section numbers or letters and definitions.

REPORT STRUCTURE

Procedural History

Include the most important points in the procedural timeline. These events include:

- When date the formal complaint was received
- When the notice of allegations was sent
- When and how the report came to you
- Whether any supportive measures were put in place that impacted both parties
- When amended notices were sent
- Document all delays in the process and the reasons for the delay



REPORT STRUCTURE

Investigation Methodology

- List those witnesses who were interviewed
- List witnesses who were identified, but not interviewed
- Simple List
- Detailed List



EXAMPLE OF A DETAILED LIST

Witness Name	Witness identified by:	Information offered
John Doe	Complainant	Mr. Doe is the Reporting Party's best friend. He was with the Reporting Party the night of the reported incident.
Jane Doe	Investigators	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.

EXAMPLE OF A DETAILED LIST

Witness Name	Witness identified by:	Information offered
Sarah Smith	Complainant	Witness declined to be interviewed
Casey Smith	Investigators	Witness was non-responsive to several requests for an interview
Ben Jones	Respondent	Contact information provided was inaccurate. All attempts to locate this witness were unsuccessful.

REPORT STRUCTURE

Documents Collected



- The 2024 Title IX regulations require that all relevant and not otherwise impermissible evidence be shared equally with the parties.
- In this section, list the Evidence or Refer to Appendices

WRITING THE REPORT: DEVELOPING THE CONTENT

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REPORT STRUCTURE

Summary of Evidence

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.



REPORT STRUCTURE

Review of Evidence

In this section, summarize the evidence review process, including how long the parties had to view the evidence, and whether they provided a written response.

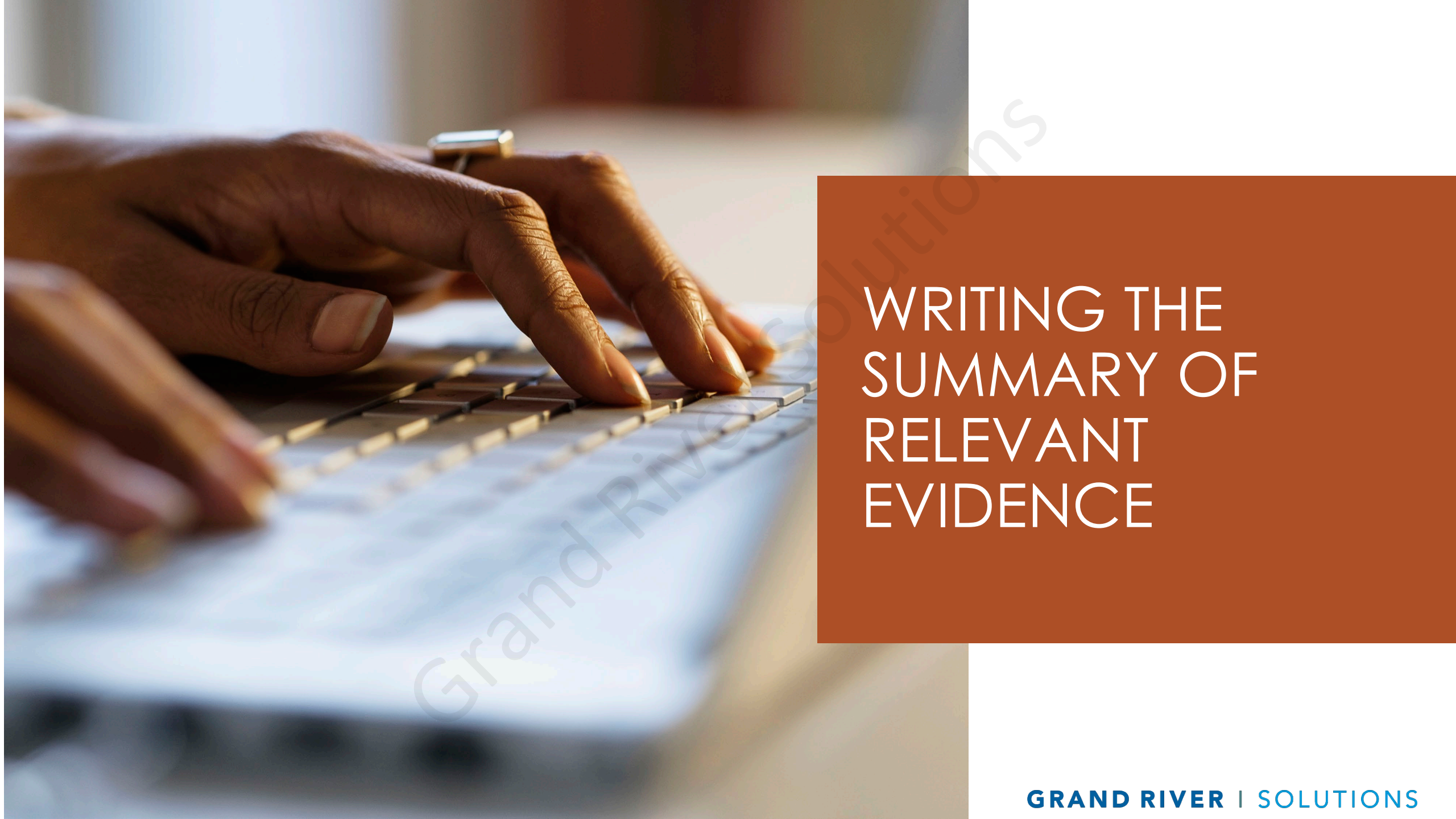


REPORT STRUCTURE

Undisputed and Disputed Facts

In this section, summarize the facts that are agreed on by the parties and the facts that are contested for the decision-maker.





WRITING THE SUMMARY OF RELEVANT EVIDENCE

IDENTIFY THE RELEVANT FACTS FOR INCLUSION IN THE REPORT.



Any information that is relevant to the elements of the prohibited conduct alleged.



Information that the Investigator believes the Decision Maker should consider or rely upon when making their final determination of responsibility. This includes:



Information that is relevant to an assessment of the evidence:

- Credibility
- Reliability
- Authenticity



Helpful contextual information

- History between the parties
- Post-incident behavior

THE REPORT SHOULD STAND ON ITS OWN



S Simple and Easy to Comprehend

T Transparent/Clear

A Accurate

N Neutral/Unbiased

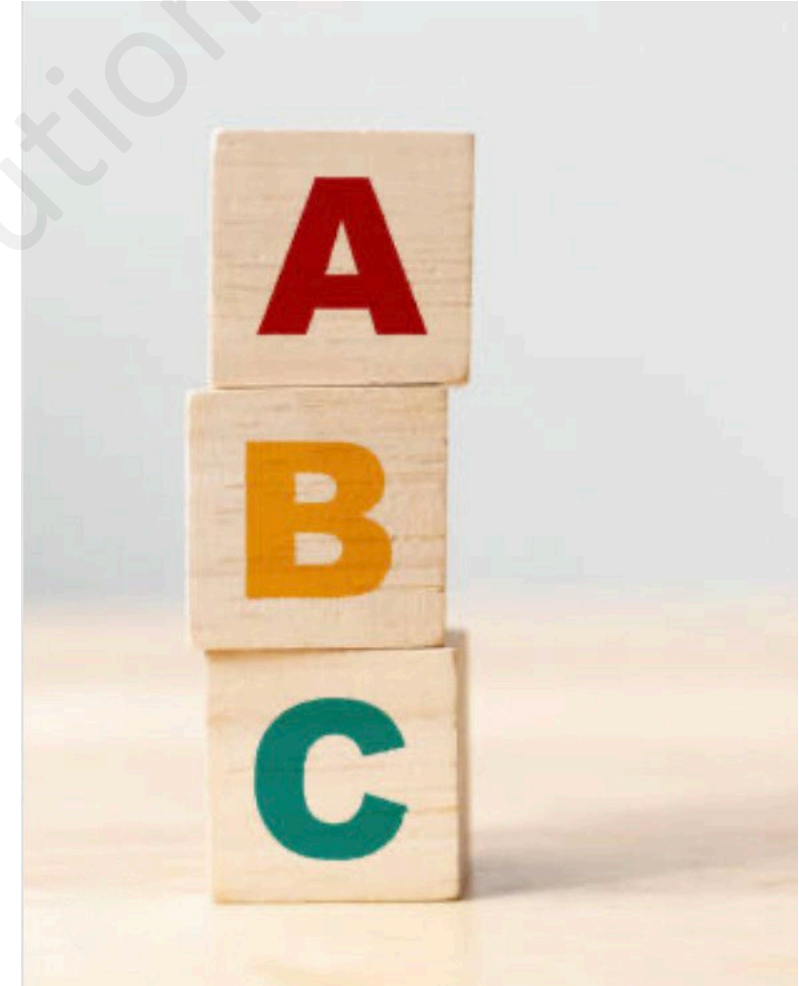
D Draws Attention to Significant Evidence and Issues



Start Writing a Report That
Will STAND on its Own

SIMPLICITY

- Reports should be written so that they are accessible to all readers, irrespective of their familiarity with the subject matter, or the institutions policies and the law.
 - Use plain language
 - Be concise
 - Avoid repetition
 - Consider including a section on facts in dispute/not in dispute
 - Avoid or define technical language/acronyms/slang



CHOOSING SIMPLE LANGUAGE

Complex Language

“Adjudicated” -->

“Preponderance of the Evidence” -->

“Respondent articulated” -->

“Prima Facie Assessment” -->

“The allegation was substantiated” -->

“Pursuant to the policy” -->

“Digital Penetration” -->

Simple Language

“Decided/Determined”

“More likely than not”

“Respondent stated”

“Plain assessment/on its face assessment”

“The allegation was proven/supported by”

“As stated in the policy”

“Inserted their finger into...”

TRANSPARENT AND CLEAR

- Outline the report to enhance transparency and clarity.
- Summarize information chronologically.
- Clearly define language used in the report, such as:
 - **Opinions**
 - **Quantitative language**
 - **Slang/acronyms**
- Provide clear descriptions of reported acts.
- Use consistent language.



CLARIFYING LANGUAGE

Unclear Language

“Complainant reported that Respondent forced her to perform oral sex”

“SANE/RA/UPD”

“Witness 1 reported that Respondent was angry”

“Complainant stated that Respondent touched them down there”

Clear Language

“Complainant reported that Respondent forced her to put her mouth on his penis”

“Sexual Assault Nurse Examiner/Resident Assistant/University Police”

“Witness 1 reported that he believed that Respondent was angry because Witness 1 observed Respondent yelling, slamming his fists on the wall, and that the ‘veins in his neck were popping out.’”

“Complainant stated that Respondent touched them, “down there”. When asked to define 'down there,' Complainant stated, 'my penis.'”

OR

“Complainant stated that Respondent touched their 'penis.’”

WHERE DEEPER CLARITY IS OFTEN NEEDED, BUT NOT INCLUDED

Dive Deeper When

Testimony about contact with a person's vagina.

Testimony about penetration.

Testimony that clothing was removed.

Testimony that an event or an act had an impact on them?

Opinions are offered

Include clarity about the following:

Was the contact with the vagina or vulva?

What was penetrated?

What was used to penetrate?

What kind of clothing?

How was it removed?

What was the specific impact?

Include facts that form the basis for the opinion



ACCURACY IS ESSENTIAL

- Be precise and accurate in how you identify folks.
 - Use their preferred names and pronouns.
- Be accurate and precise when citing or referring to policy language.
 - Be sure to cite from the applicable policy/procedures.
- Accurately state the allegations as set forth in formal complaint.
- When summarizing the evidence, do so accurately without editorial or opinion.
 - Use quotations often and appropriately.
- Always cite to the investigation file.

Every statement in an interview summary should make clear that it was the interviewee who made that statement:

- Not: Complainant first saw Respondent near the fountain in the middle of the quad.
- Instead "Complainant stated that she first saw Respondent near the fountain in the middle of the quad."
- Not: Witness 3 told Complainant that Respondent was creepy.
- Instead: "Complainant stated that Witness 3 told him that Witness 3 believed Respondent was 'creepy.'"

Use interviewee's words and put in quotes if it is their word.

- Not "Witness 3 was really out of it and drunk."
- Instead; "Witness 4 stated that Witness 3 was 'really out of it' and 'drunk,' which she described as . . ."

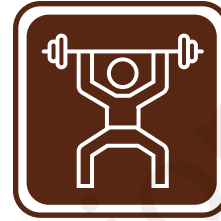
No conclusory words

- Not "the stalking started"
- Instead; "Complainant stated that the conduct she identified as stalking started in January."
- In some states, particularly California, attorneys litigating these cases will argue that use of a conclusory term means the investigator is agreeing that the conduct did occur. It's a huge nuisance to be a deponent in those cases

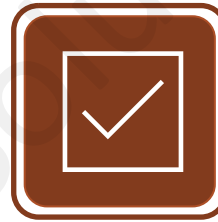
COMMIT TO USING NEUTRAL LANGUAGE

Non-Neutral/Biased	Neutral Alternatives
"Claimed/Alleged"	"Reported/Stated"
"According to X"	"X reported/X stated"
"Story/Version of Events"	"Account/Reported Recollection of Events"
"Had Sex with/Engaged in"	Simply describe what occurred
"Changed their Account/Story/Version of Events"	"When initially interviewed Respondent stated X. In a subsequent interview Respondent stated Y"

DRAW ATTENTION TO SPECIFIC EVIDENCE THROUGH INTENTIONAL PRESENTATION OF INFORMATION IN THE REPORT



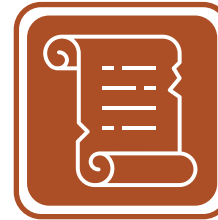
Evidence that the Investigator believes should be afforded significant weight.



Evidence related to assessment of credibility, reliability, and authenticity.

Consistencies
Inconsistencies
Corroborative evidence
Omissions

Statements that include or that are lacking in significant details



Explanations that provide a better understanding of certain items of evidence or lack of evidence.



If it feels important, emphasize it in the report.

HOW MIGHT YOU INCLUDE THE FOLLOWING RELEVANT INFORMATION IN THE SUMMARY OF RELEVANT EVIDENCE SECTION OF THE REPORT?

1. Excerpt from the transcript of Sara's interview located in Appendix A at page 34:
 - Sara: "But then [Sabrina] sent me his nudes or something like that, and this weird nude video. And I told her that it was weird that she sent me his nudes, TMI, but she didn't really seem to care that much."
2. Screenshot of the text message exchange, described above, submitted by Sara and located in Appendix B, page 67.

OPTION A

Sara stated that over text Sabrina shared nude images of Ethan and when she told her it was "TMI" as in too much information, Sabrina did not care. Screenshots of this exchange were provided by Sara and are included in Appendix B. See, Appendix A, p.34 and Appendix B, p. 67.

OPTION B

Sara stated that Sabrina texted her nude images of Ethan and when she told her it was "TMI" as in too much information, Sabrina did not care. See Appendix A, p.34. Sara provided screenshots of this exchange, which read as follows:

Sabrina: Like look how good he looks in this photo he sent me [attached photo and video]

Sara: Wtf is that Ethan?

Sabrina: Yesss now you know who vanman is

Sara: Girl I did not need to see his nudes

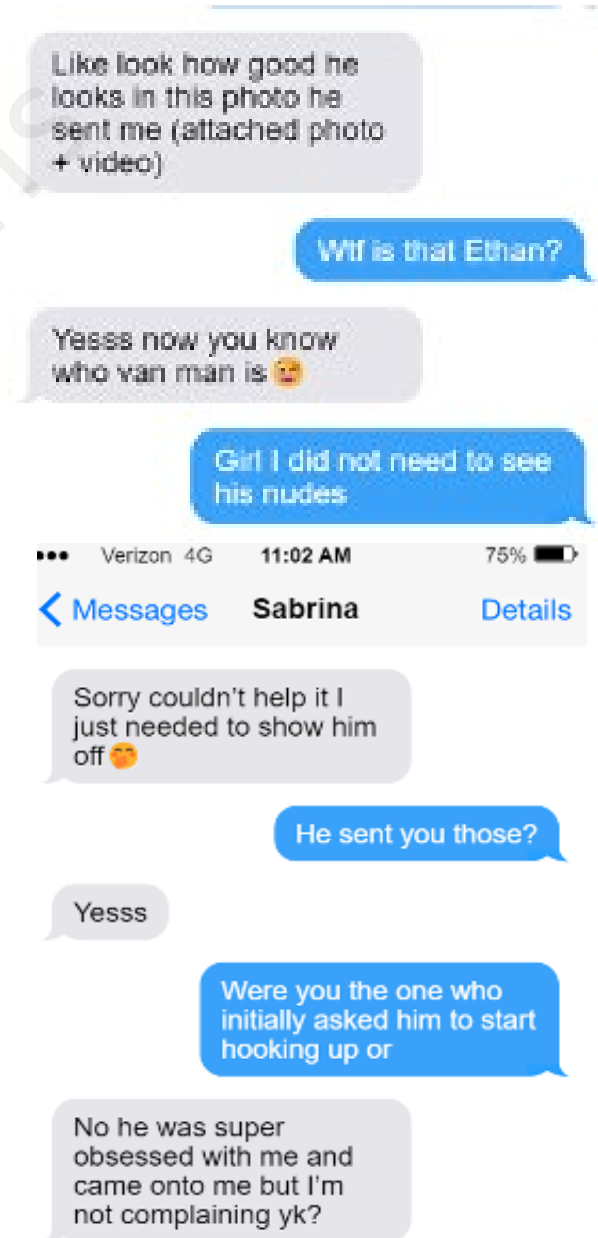
Sabrina: Sorry couldn't help it I just needed to show him off

Appendix B, p. 67.

OPTION C

Sara stated that Sabrina shared "nude" images and told her they were of Ethan. See Appendix A, p.34. Sara provided the following screenshots of this exchange:

Appendix, p. 67.



WHEN YOUR INVESTIGATION REVEALS A FACT THAT WAS NOT SHARED BY A PARTY OR WITNESS, THE INVESTIGATOR SHOULD HAVE EXPLORED THE REASON FOR THE OMISSION. THE FINAL REPORT SHOULD DOCUMENT THE EXPLORATION AND ACCURATELY DESCRIBE THE EXPLANATION PROVIDED.

“Surveillance video from Clinton Hall depicted that at approximately two a.m. Witness A entered the room in which Complainant reports that she was assaulted. Witness A left ten minutes later. Complainant failed to share that Witness A had been in the room with her.”

“Surveillance video from Clinton Hall depicted that at approximately two a.m. Witness A entered the room in which Complainant reports that she was assaulted. Witness A left the room ten minutes later. In a follow up interview with Complainant, they were asked why they did not report Witness A’s presence in the room. Complainant responded by stating that they have no recollection of Witness A being in the room.”

MAKE IT SIMPLE

Commit to using plain language:

Instead of this:

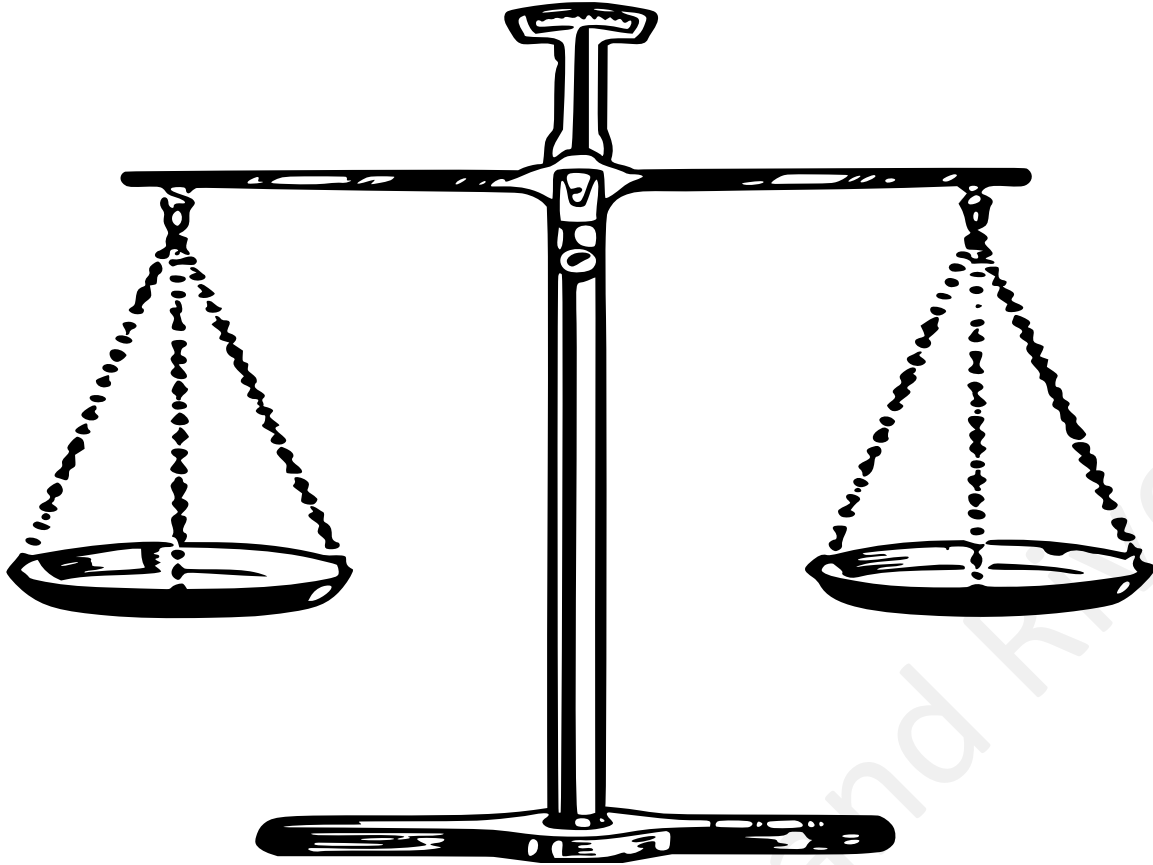
"The SANE's report indicated that Complainant presented to the ED with erythema around his left eye."

"Following this investigation, a hearing panel will convene to adjudicate this complaint using a preponderance of the evidence standard."

Consider this:

"Complainant reported that he went to the hospital and was treated in the emergency department by a sexual assault nurse examiner. In her report, the sexual assault nurse examiner noted that Complainant had redness around his left eye."

"When this investigation is complete, a hearing will be held. During that hearing three decision makers will consider testimony and other evidence. Following the hearing, the decision makers will decide whether the evidence supports a finding that it is more likely than not that Respondent engaged in the prohibited conduct alleged in the formal complaint."



Neutrality

“Sabrina claimed her phone was broken and she could not access her old texts or images.”

"When asked about her text correspondence with Sara and Ethan, Sabrina stated that she could no longer access the information because it was in her old phone, which was broken"



**A few final, but
important, points...**

THE INVESTIGATOR SHOULD NOT BE PRESENT IN THE REPORT.

- The Investigator should not be present in the report.
- For example, it should never say. “I then asked why Respondent believed they had consent to kiss complainant”
- Instead, “When asked why they believed they had consent to kiss Complainant, Respondent stated....”



**ACCURATELY SUMMARIZE THE
FOLLOWING STATEMENT:**

“I was standing outside of the library when I saw Amanda and Mike standing by the fountain arguing. Amanda started walking away and Mike grabbed her by the arm and yanked her back really hard. She kind of yelped, which was surprising cause it didn’t look like it hurt. Maybe she yelped because she was scared. I really don’t know. Anyway, Mike was really angry. His face was all red and he was yelling in her face, and like spitting all over it. Amanda turned her face away and Mike grabbed her by the chin and made her face him. She started flailing and trying to get away and that’s when he backhanded her across the face. I’ve known Mike for a long time and I’ve never seen him hurt a fly. Amanda must have really done something to make him mad. I actually heard she cheated on him with his best friend, Kyle, which is kinda fucked up.”



“I was standing outside of the library when I saw Amanda and Mike standing by the fountain arguing. Amanda started walking away and Mike grabbed her by the arm and yanked her back really hard. She kind of yelped, which was surprising cause it didn’t look like it hurt. Maybe she yelped because she was scared. I really don’t know. Anyway, Mike was really angry. His face was all red and he was yelling in her face, and like spitting all over it. Amanda turned her face away and Mike grabbed her by the chin and made her face him. She started flailing and trying to get away and that’s when he backhanded her across the face. I’ve known Mike for a long time and I’ve never seen him hurt a fly. Amanda must have really done something to make him mad. I actually heard she cheated on him with his best friend, Kyle, which is kinda fucked up.”

SUMMARY:

Witness A reported that he was standing outside of the library when he saw Complainant and Respondent standing “by the fountain arguing.” Witness A reported that Complainant began “walking away” and Respondent “grabbed” her by the arm and “yanked her back really hard.” Witness A stated that Complainant “kind of yelped.” Witness A stated that Respondent was “really angry.” Witness A described Respondent’s face as, “all red.” Witness A stated that Respondent was “yelling in [Complainant’s] face” and “spitting all over it.” Witness A reported that Complainant “turned her face away” and Respondent “grabbed [Complainant] by the chin and made her face him.” Witness A stated that Complainant began “flailing and trying to get away.” Witness A stated that it was at this point that he observed Respondent “backhand” Complainant “across the face.”

Choose an
organizational outline for
the summary of facts.



SINGLE INCIDENT ALLEGATIONS: PERSON CENTERED APPROACH



1. Complainant's Account

- a. The parties' prior relationship
- b. The events immediately prior to the alleged prohibited conduct
- c. The incident of alleged prohibited conduct
- d. The events following the alleged prohibited conduct

2. Respondent's Account

- a. The parties' prior relationship
- b. The events immediately prior to the alleged prohibited conduct
- c. The incident of alleged prohibited conduct
- d. The events following the alleged prohibited conduct

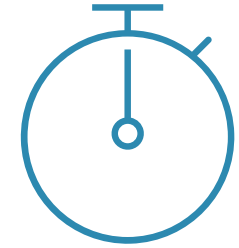
3. Witness 1's accounts

- a. Witness 1's observations of the parties' prior relationship
- b. The events immediately prior to the alleged prohibited conduct
- c. The incident of alleged prohibited conduct
- d. The events following the alleged prohibited conduct

4. Witness 2's account

- a. Repeat above format

SINGLE INCIDENT ALLEGATIONS: EVENT CENTERED APPROACH



1. History between the Parties

1. *The Reporting Party's Account*
2. *The Responding Party's Account*
3. *Witness A's Account*

2. The Hours Leading up to the Reported Incident

1. *The Reporting Party's Account*
2. *The Responding Party's Account*
3. *Witness B's Account*
4. *Witness C's Account*

3. The Reported Incident

1. *The Reporting Party's Account*
2. *The Responding Party's Account*

4. After the Reported Incident

1. *The Reporting Party's Account*
2. *The Responding Party's Account*
3. *Witness A's Account*
4. *Witness D's Account*

MULTIPLE INCIDENTS

Incident A (incident centered)

- Overview of the alleged incident
- Undisputed facts
- Reporting Parties Account
- Respondent Parties Account
- Witness Accounts

Incident B

- Overview of the alleged incident
- Undisputed Facts
- Reporting Parties Account
- Respondent Parties Account
- Witness Accounts

Incident C

- Overview of the alleged incident
- Undisputed Facts
- Reporting Parties Account
- Respondent Parties Account
- Witness Accounts

Complainants Account (person centered)

- Prior History between the parties

- Incident A

- Incident B

- Incident C

- Time between last incident and report

Respondent's Account

- Prior History between the parties

- Incident A

- Incident B

- Incident C

- Time between last incident and report

Witness Accounts

- Prior History between the parties

- Incident A

- Incident B

- Incident C

- Time between last incident and report

A well-organized evidence file will assist with this step.



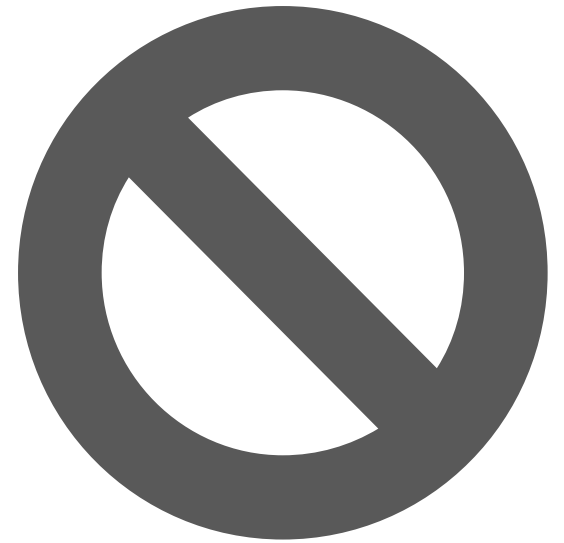
ALLEGATION GRID:

List All the Material Facts Relevant to Each Allegation

Sexual harassment	Stalking	Invasion of Sexual Privacy
<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Text messages between Sara and Sabrina• Image of Ethan• Ethan's Grades	<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Letter from Erin• Image of Ethan• Image of Sabrina	<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Image of Ethan• Image of Sabrina

THE FOLLOWING INFORMATION IS USUALLY NOT RELEVANT AND SHOULD BE OMITTED FROM REPORTS:

- Irrelevant Information, including:
 - Complainant's sexual interests or prior sexual conduct
 - Information protected by a legally recognized and un-waived privilege
- The Investigator's Opinions
- Speculation and conjecture
- Character evidence
- Party and witness opinions that are unsupported by fact



ALLEGATION GRID:

Eliminate irrelevant information from your grid

Sexual harassment	Stalking	Invasion of Sexual Privacy
<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Text messages between Sara and Sabrina• Image of Ethan	<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Letter from Melissa• Image of Ethan• Image of Sabrina	<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Image of Ethan• Image of Sabrina

ALLEGATION GRID:

Eliminate irrelevant information from your grid

Sexual harassment	Stalking	Invasion of Sexual Privacy
<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Text messages between Sara and Sabrina• Image of Ethan	<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Letter from Melissa• Image of Ethan• Image of Sabrina	<ul style="list-style-type: none">• Ethan's Account• Sabrina's Account• Sara's Account• Jeremiah's Account• Image of Ethan• Image of Sabrina

START BY IDENTIFYING THE QUESTIONS THAT YOU OR THE DECISION MAKER WILL BE CHARGED WITH ANSWERING:

What are we being asked to decide?

What does the formal complaint allege?

What are the elements of each act of prohibited conduct alleged?

FONDLING: IS THE TOUCHING OF THE PRIVATE BODY PARTS OF ANOTHER PERSON FOR THE PURPOSE OF SEXUAL GRATIFICATION, WITHOUT THE CONSENT OF THE VICTIM.

1. Did Respondent touch the Complainant's private body parts?
2. For the purposes of sexual gratification?
3. Without Complainant's consent?

Analysis Grid: List the Elements

Did R touch the private body parts of C?	For the purpose of sexual gratification?	Without C's consent (due to lack of capacity)?

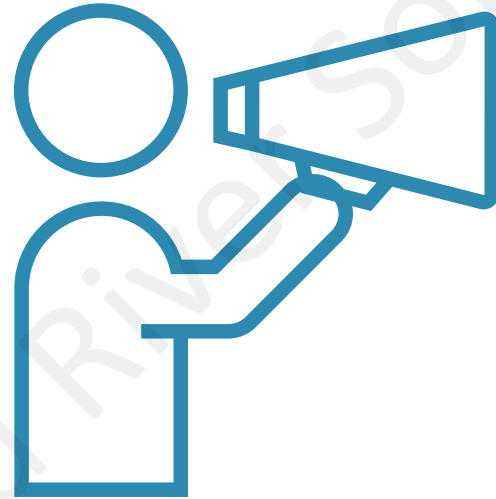
BREAK OUT ACTIVITY #2

In your small groups,

1. Select a scribe
2. Using the fact pattern, identify the questions that will be asked of the Decision Maker based on the allegations in the Formal Complaint and Notice of Allegations by filling in the Analysis Grids, which have been provided for Break Out Activity #2



BREAKOUT ACTIVITY 2 REPORT OUT



ANALYSIS GRID: LIST THE ELEMENTS

Sexual Harassment

Was is sex-based conduct?	Was the conduct unwelcome to the Complainant?	Was the conduct severe, persistent, or pervasive enough to limit Complainant's participation in the educational program?	Would a reasonable person find the conduct intimidating or offensive?

ANALYSIS GRID: LIST THE ELEMENTS

Stalking

Was there repeated conducted directed at the complainant?	Was it of a sexual, romantic, or other sex-based nature or motivation?	Would it cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress?

ANALYSIS GRID: LIST THE ELEMENTS

Invasion of Sexual Privacy

Did Respondent make a photograph depicting nudity or a credible impersonation?	Was it made without Complainant's consent?	Did Complainant have a reasonable expectation of privacy?

DETERMINING CREDIBILITY AND RELIABILITY

Remember: There is No
Formula!



SUFFICIENCY OF DETAIL AND SPECIFICITY

Is the level of detail provided by the person reasonable and indicative of a genuine personal experience by the person?



INTERNAL CONSISTENCY/CONSISTENCY OVER TIME

- Did the person share the same version of events in all settings, including interviews, in written and/or verbal statements and between documentary evidence?
- Are there any discrepancies or contradictions?
- Is there a sufficient explanation for any discrepancies?



CONSISTENCY WITH OTHER EVIDENCE OR TESTIMONY



- Is the testimony or evidence consistent with the other evidence?
- Is the testimony or evidence inconsistent with the other evidence?
- Is there a sufficient explanation for any inconsistencies?

CORROBORATION

- Is there witness testimony (either by witnesses or people who saw the person soon after the alleged incident, or people who discussed the incidents with the person around the time they occurred) or documentary or physical evidence that corroborates the person's testimony?
- Is there witness testimony or documentary and/or physical evidence that are inconsistent with statements made during the interview or does not provide corroboration to the person's version of events?



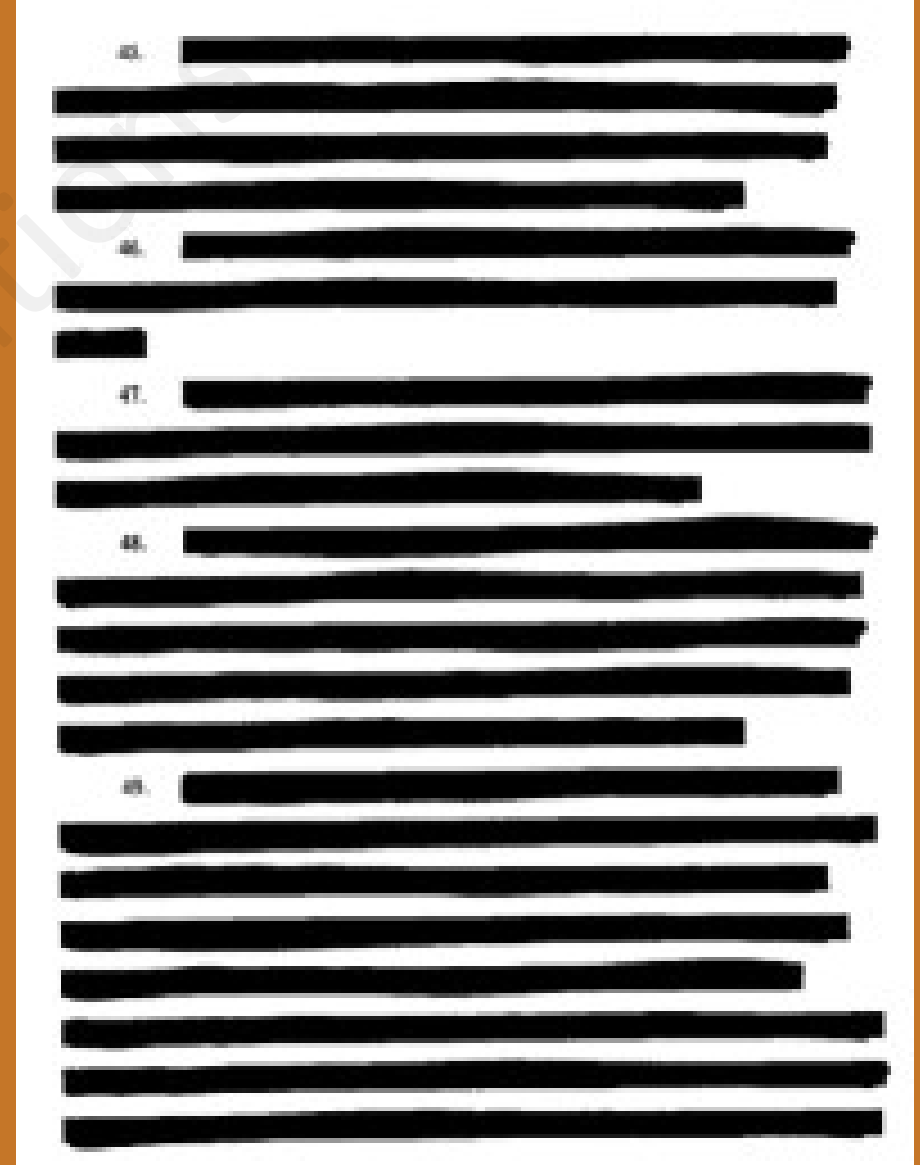
INHERENT PLAUSIBILITY



- Is the testimony believable on its face?
- Does it make sense?
- Could it have occurred?
- Does it make sense that this person knows this information?
 - What was their opportunity to view?

MATERIAL OMISSION

- Did the person omit material information?
- If so, what?
 - e.g., submitted partial text messages, or omitted text messages that could be perceived as unfavorable
- Is there a reasonable reason for the material omission?



MOTIVE TO FALSIFY

- Did the person have a reason to be untruthful other than the general desire to be believed, or to prevail?
- Did the witness openly volunteer information that is prejudicial to their interests or the Party?
- If so, does the declaration against interest bolster their credibility?
- Does the person have an articulable bias, interest or other motive? [e.g. an employee received a poor performance review, so she falsified a claim of sexual harassment against her boss].
- Alternatively, does the person have little personal gain in the outcome?
- What are the relationships between the parties?

PAST RECORD

- Is there a history of similar behavior in the past?
 - e.g., a supervisor had previous complaints of sexual misconduct
- If so, this might impact whether a statement should be believed.
 - For example, a respondent who states they never knew that a certain behavior was wrong, yet was written up for that same behavior, the history of similar past behavior makes the respondent's statement less believable and less reliable.

ABILITY TO RECOLLECT EVENTS

- What is the extent the person was able to perceive, recollect or communicate the version of events?
 - e.g., the person reported they were intoxicated, or the person reported they were sleeping



FOR DAY TWO



Read the mock charging documents and the mock evidence



Be prepared to engage in breakout activities 3-5.



REPORT WRITING WORKSHOP DAY TWO

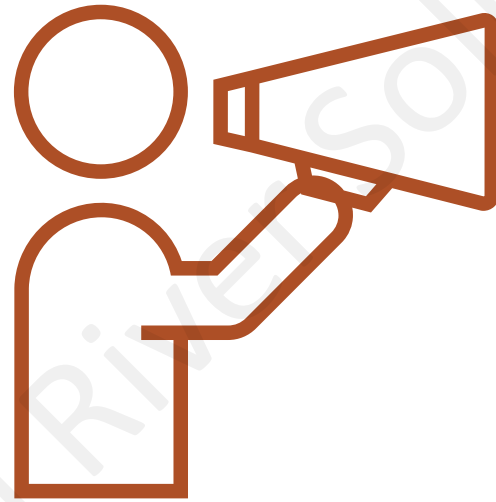
BREAK OUT ACTIVITY #3

In your small groups,

1. Select a scribe
2. Using the mock materials and the guidance in your Grand River University template fill in the first five sections of your investigative report, which have been provided for Break Out Activity #3



BREAKOUT ACTIVITY 3 REPORT OUT



INTRODUCTION:

On August 5, 2024, Ethan Blazer (“Complainant”) filed a formal complaint alleging that Sabrina Stevens (“Respondent”) may have violated Grand River University’s Title IX/ Sexual Misconduct Policy (“Policy”) by engaging in Sexual Harassment, Stalking, and Invasion of Sexual Privacy. On August 5, 2024, the parties were notified that Jane Doe (“Investigator”) was asked to investigate this matter in accordance with Title IX/ Sexual Misconduct Policy.

PURPOSE OF THE INVESTIGATION:

The purpose of this investigation is to gather relevant evidence about the allegations, and identify undisputed facts and disputed facts, so that a decision-maker identified by Grand River University may determine the facts of the matter, including whether the institution's policy was violated. This investigation presents the information gathered but does not draw any conclusions regarding the information gathered.

ALLEGATIONS:

As stated in the Notice of Investigation and Allegations:

- Between approximately June 10, 2024, and July 12, 2024, Respondent monitored Complainant's social media and took unauthorized photographs of Complainant and Complainant's apartment.
- On or about July 12, 2024, Respondent created a "nudified" image of Complainant (an image of Complainant's head upon a different person's nude body) without Complainant's consent.
- On or about July 12, 2024, Respondent shared the purported nude image of Complainant with other students without his permission.

APPLICABLE POLICY:

DEFINITIONS:

Grand River University's Title IX/ Sexual Misconduct Policy Definitions:

Sexual Harassment: Unwelcome sexual or other sex-based conduct is sufficiently severe, persistent, or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs or activities of the University, and creates an environment that a reasonable person would find to be intimidating or offensive. (Section 3.a).

Sexual conduct is conduct that includes sexual or romantic advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. (Section 3.a).

Stalking: Repeated conduct directed at a Complainant (for example, following, monitoring, observing, surveilling, threatening, communicating or interfering with property), of a sexual, romantic or other sex-based nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress. (Section 3.e).

Invasion of Sexual Privacy:

- a. Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- b. Without a person's consent, making or attempting to make photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material, depicting that person's nudity or sexual acts or a "credible impersonation" of that person, in a place where that person has a reasonable expectation of privacy; Credible impersonation means to knowingly and without consent impersonate someone such that another pupil would reasonably believe, or has reasonably believed, that the person was or is the student who was impersonated; or
- c. Using depictions of nudity or sexual activity to extort something of value from a person. (Section 3.f).

PROCEDURAL HISTORY:

- On August 5, 2024, Complainant filed a formal complaint with the Title IX Coordinator.
- On August 5, 2024, the Title IX Coordinator emailed Notices of Allegations and Investigation to the parties.
- On August 6, 2024, the Title IX Coordinator issued No Contact Orders to the parties.
- Between August 8, 2024, and August 15, 2024, the Investigator interviewed the parties and witnesses.
- On August 26, 2024, the Investigator submitted the evidence gathered in the investigation to the parties for inspection and review.
- On September 10, 2024, Complainant provided her response to the evidence.
- On September 10, 2024, Respondent provided her response to the evidence.

BREAK OUT ACTIVITY #4

In your small groups,

1. Select a scribe
2. Use the mock materials and the guidance in your Grand River University template to fill in the following sections of your investigative report, which has been labeled for Break Out Activity #4:
 - a. Investigation Methodology
 - b. Witnesses
 - c. Documents

* When you have completed the task, your scribe should be prepared to report out.



BREAKOUT ACTIVITY 4 REPORT OUT



INVESTIGATION METHODOLOGY:

The following interviews were conducted and materials gathered as part of this investigation.

INTERVIEWS

Appendix A: Interviews

The investigation included interviews with the following people. Their interview summaries are included at Appendix A.

Name	Identified in report as	Interview Date(s)	Relationship to Investigation	Appendix
Ethan Blazer	Complainant	August 8, 2024	Complainant	A-1
Sabrina Stevens	Respondent	August 15, 2024	Respondent	A-2
Jeremiah Cruz	Witness 1	August 10, 2024	Member of the photography group, named by Complainant	A-3
Sara Martini	Witness 2	August 11, 2024	Member of the photography group and friends with Complainant’s girlfriend named by Complainant	A-4

The Investigator did not decline to interview any witnesses offered by either the Complainant or Respondent.

Each person interviewed was provided an opportunity to review and respond to the interview summary following the interview via a secure electronic file sharing system.

Any corrections or comments provided have been incorporated into the text of their statements and are attached to the party or witness’s interview statement in Appendix A.

DOCUMENTS

The following documentary evidence was gathered and reviewed during this investigation.

Appendix B: Relevant Evidence

Information considered relevant is information that might prove or disprove what is alleged.

Description of Item:	Provided By:	Appendix
Purported deep fake nude image of Complainant, undated	Witness 2	B-1
Complainant's grades in the photography class.	Title IX Coordinator	B-2
Photography class syllabus	Complainant	B-3
Photograph of Respondent taking photographs of Complainant, taken June 22, 2024 by Witness 1	Witness 1	B-4
Text messages between Respondent and Witness 2	Witness 2	B-5
Text messages between Respondent and Complainant	Complainant	B-6

DOCUMENTS

Appendix C: Institutional Documents

Documentation from the institution relevant to the investigation:

Description of Item:	Provided By:	Appendix
Formal Complaint dated August 5, 2024	Title IX Coordinator	D-1
Notice of Allegations and Investigation dated August 5, 2024	Title IX Coordinator	D-2
No Contact Orders, August 6, 2024	Title IX Coordinator	D-3
Title IX/ Sexual Misconduct Policy	Title IX Coordinator	D-4

DOCUMENTS

Appendix C: Institutional Documents

Documentation from the institution relevant to the investigation:

Description of Item:	Provided By:	Appendix
Formal Complaint dated August 5, 2024	Title IX Coordinator	D-1
Notice of Allegations and Investigation dated August 5, 2024	Title IX Coordinator	D-2
No Contact Orders, August 6, 2024	Title IX Coordinator	D-3
Title IX/ Sexual Misconduct Policy	Title IX Coordinator	D-4

DOCUMENTS

Appendix D: Evidence Review Responses

Pursuant to the Policy, the parties received ten business days to review the evidence and provide a response.

Description of Item:	Provided By:	Appendix
Response to Evidence Review	Complainant	E-1
Response to Evidence Review	Respondent	E-2

BREAK OUT ACTIVITY #5A

In your small groups,

1. Select a scribe
2. Using the materials labeled for Break Out Activity #5A and the track feature in Word, edit the summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

* When you have completed the task, your scribe should be prepared to report out.



BREAK OUT ACTIVITY #5B

In your small groups,

1. Select a scribe
2. Using the materials labeled for Break Out Activity #5B and the track feature in Word, edit the summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

* When you have completed the task, your scribe should be prepared to report out.



BREAK OUT ACTIVITY #5C

In your small groups,

1. Select a scribe
2. Using the materials labeled for Break Out Activity #5C and the track feature in Word, edit the summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

* When you have completed the task, your scribe should be prepared to report out.



BREAK OUT ACTIVITY #5D

In your small groups,

1. Select a scribe
2. Using the materials labeled for Break Out Activity #5D and the track feature in Word, edit the summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

* When you have completed the task, your scribe should be prepared to report out.



GROUP 1: 5A



GROUP 2: 5B



GROUP 3: 5C



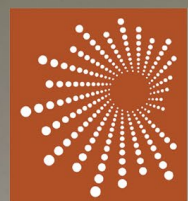
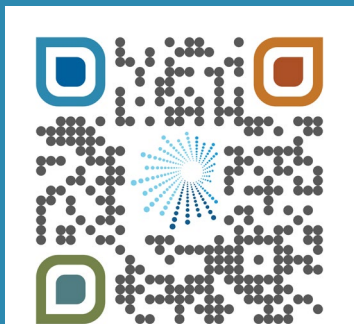
GROUP 4: 5D



- Be kind to yourself for the work you've done already in good faith.
- Compare yourself to yourself yesterday instead of comparing yourself to others.
- Writing good reports is a constantly evolving process. Don't expect perfection.
- Don't worry about where your skills are today, just keep getting better.
- You have the tools. You can do it!



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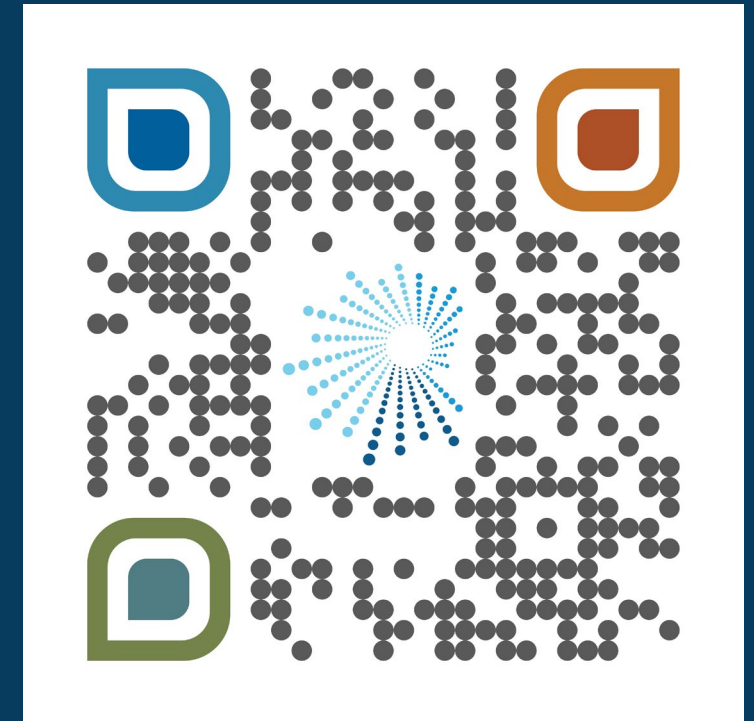


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