REPORT WRITING WORKSHOP

NAME

September 2025

GRAND RIVER | SOLUTIONS

MEET YOUR FACILITATOR

Collin Baer

Collin Baer is a Senior Solutions Specialist at Grand River Solutions. He brings 22 years of experience conducting workplace investigations and providing professional services in higher education, for state governments, and for private corporations. Collin has worked exclusively in the higher education space since 2018, conducting harassment, discrimination, retaliation, and sexual misconduct investigations; in addition to frequently providing training in these areas.

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 investigation 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 Investigation Report and Record
- Writing the Report: Developing the Content
- Developing an Investigation File and Report

THE REGULATORY REQUIREMENTS

01

ESSENTIAL STEPS OF AN INVESTIGATION

- Formal Complaint and Notice of Allegations
- Interviews
- Evidence Collection
- Evidence Review
- Additional Evidence Collection/Follow-Up Interviews
- The Investigation Report and Final Investigation Record

THE PRODUCTS OF EACH STEP OF THE INVESTIGATION

- **Notice of Allegations:** A document the 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 Investigation Report and Final Investigation File**

REPORT AND EVIDENCE FILE

Summary of the Evidence

Compilation of the Evidence

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

THE INVESTIGATION 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 directly related to the allegations in the formal complaint. This includes evidence that Investigator deems relevant and evidence that the Investigator does not deem relevant.

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.*

DIRECTLY RELATED EVIDENCE

- Regulations do not define "Directly Related" Evidence.
- Preamble states it should be interpreted using its plain and ordinary meaning.
- Term is broader than:
  - "all relevant evidence" as otherwise used in Title IX regulations, and
  - "any information that will be used during informal and formal disciplinary meetings and hearings" as used in Clery Act

- Includes evidence upon which the school does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source.

RELEVANT EVIDENCE

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.
- Including 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 investigation report is relevant and should be given more weight.

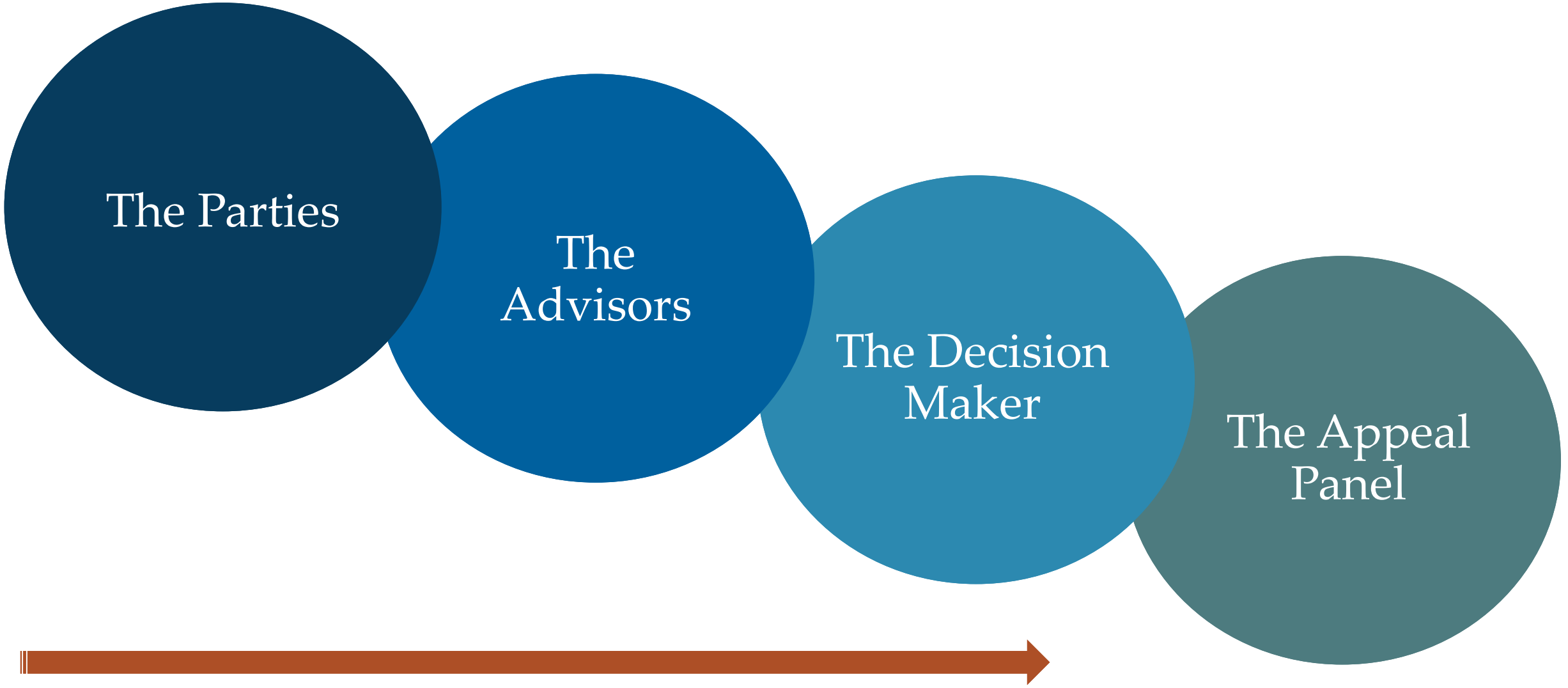
Investigators will have to balance discretionary decisions not to summarize certain evidence in report against:

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

THE PURPOSE OF THE REPORT

- To ensure that the recipient gives the parties meaningful opportunity to understand what evidence the investigator has collected and believes is relevant,
- To allow the parties opportunity to advance their own interests for consideration by the decision-maker.
- To give the parties (and advisors who are providing assistance and advice to the parties) adequate time to review, assess, and respond to the investigation report in order to fairly prepare for the live hearing or submit arguments to a decision-maker where a hearing is not required or otherwise provided.
- To allow the decision maker to adequately prepare for the live hearing, where one is conducted.
- To reduce the likelihood of bias in the final outcome by providing the parties and the decision maker(s) an opportunity to identify and explore potential bias by the investigator
- See 85 Fed. Reg. 30309 (May 19, 2020).

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 IRRELEVANT 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.”

IRRELEVANT INFORMATION:

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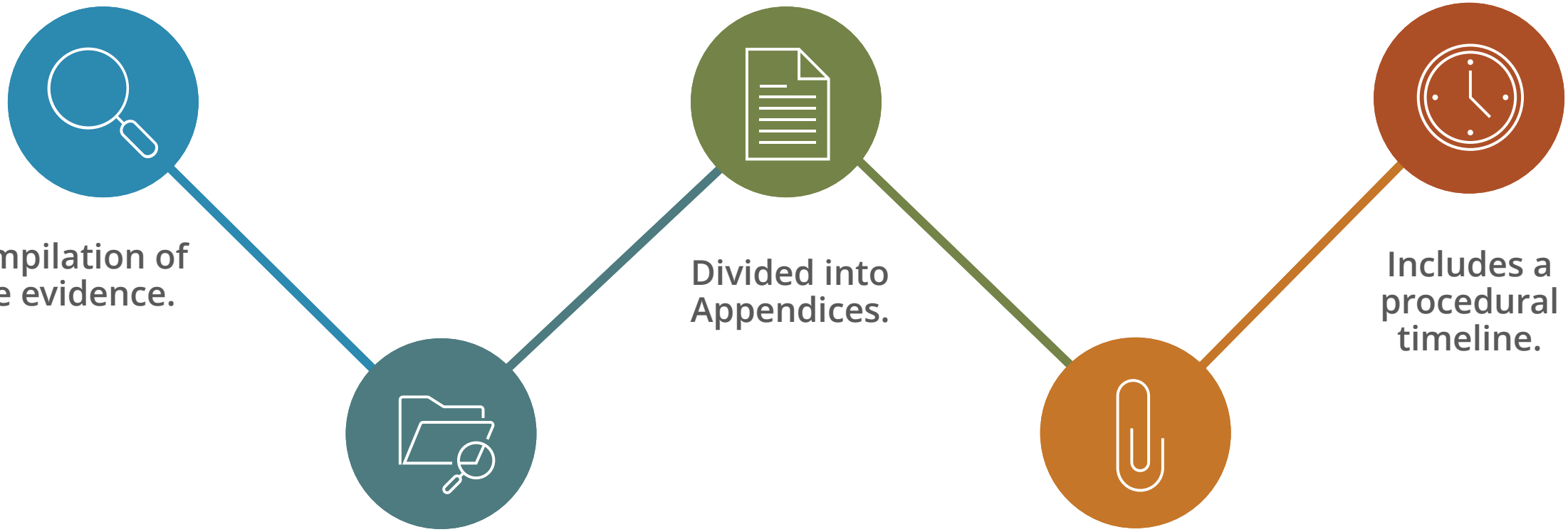
STRUCTURE OF THE INVESTIGATION FILE AND REPORT

02

THE EVIDENCE FILE



Compilation of the evidence.

Organized intentionally and consistently.

Divided into Appendices.

Is attached to the report.

As one PDF?
Several PDFs?
Folders?

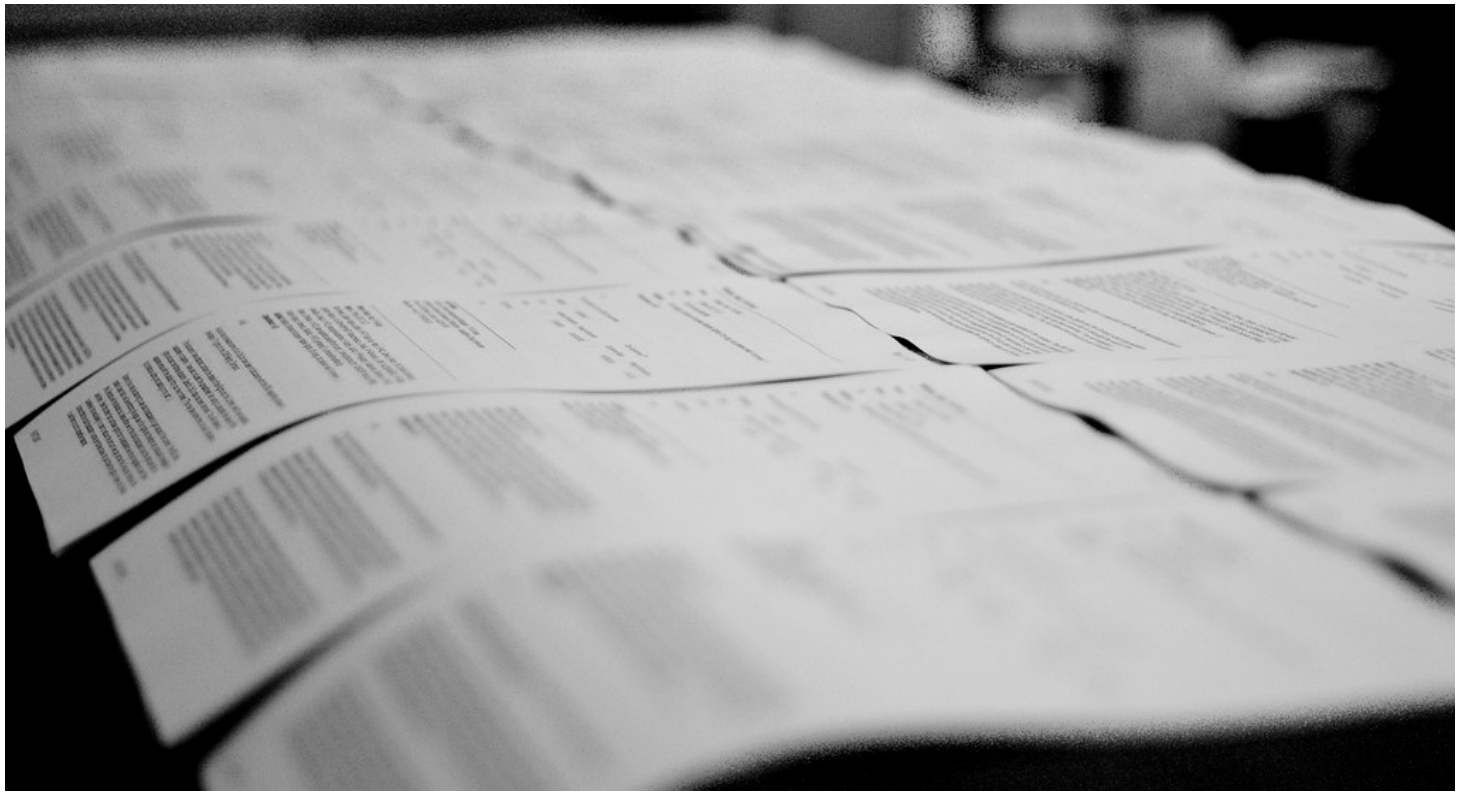
Includes a procedural timeline.

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 documentary evidence that the investigator has determined is not relevant, but is directly related to the allegations in the formal complaint.
- Appendix D
  - Contains all institutional documents that relate to the procedural history from the filing of the formal complaint until the submission of the final investigation file and report.
- Appendix E
  - 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
  - o Interviews
  - o Documents
- Review of Evidence
- Undisputed and Disputed Facts

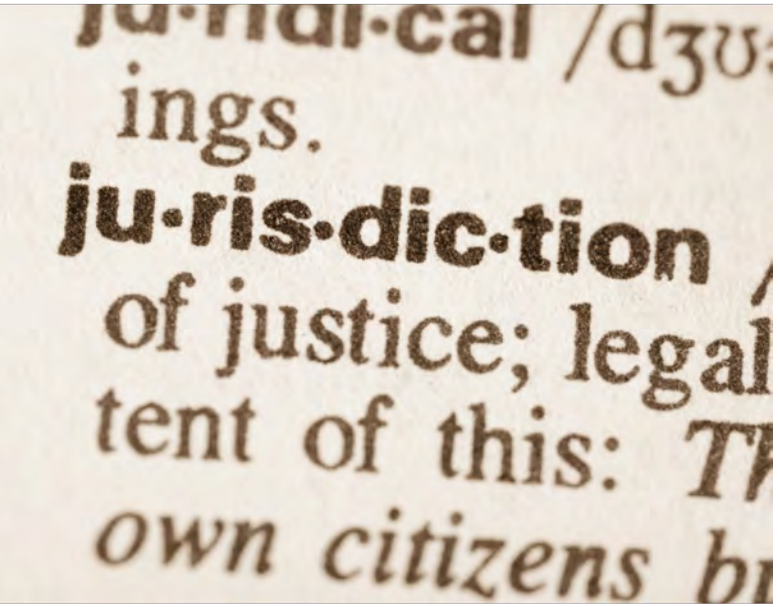
QUESTIONS ABOUT THE REPORT TEMPLATE?

REPORT STRUCTURE: *OVERVIEW*

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. State that they have been properly trained
3. List trainings or cite documents in the record that detail Investigators' prior training.

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 the institution's policy/procedures

REPORT STRUCTURE: *WITNESS LIST*

- List those witnesses that were interviewed
- List witnesses that 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.

ANOTHER 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: *EVIDENCE COLLECTED*

- The 2020 Title IX regulations require that <u>all</u> 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

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.

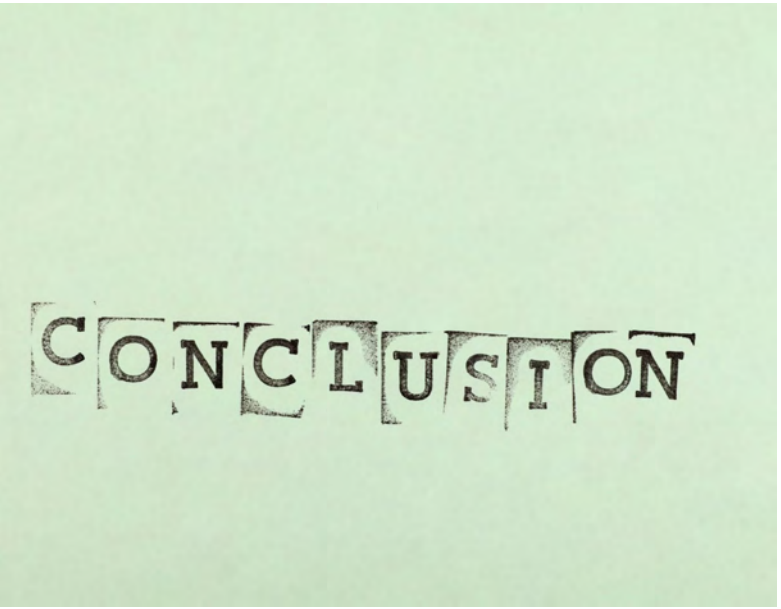
REPORT STRUCTURE: *REVIEW OF EVIDENCE*

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.

REPORT STRUCTURE: *CONCLUSION/NEXT STEPS*



In this section, summarize next steps in the process, including any procedural pre-requisites for moving the matter forward to a hearing.

WRITING THE REPORT: DEVELOPING THE CONTENT

03

GET THE EASY STUFF OUT OF THE WAY

- Overview of the Investigation
- Statement of Jurisdiction
- Objective of the Investigation and the Investigation Report
- Identity of Investigators
- Prohibited Conduct Alleged
- Witnesses
- Evidence Collected
- Summary of Evidence
- Conclusion

WRITING THE SUMMARY OF RELEVANT EVIDENCE

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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?

SEXUAL CONTACT (*REPLACED FONDLING*) — THE INTENTIONAL TOUCHING OF THE CLOTHED OR UNCLOTHED BODY PARTS WITHOUT CONSENT OF THE VICTIM FOR THE PURPOSE OF SEXUAL DEGRADATION, SEXUAL GRATIFICATION, OR SEXUAL HUMILIATION. THE FORCED TOUCHING BY THE VICTIM OF THE ACTOR'S CLOTHED OR UNCLOTHED BODY PARTS, WITHOUT CONSENT OF THE VICTIM FOR THE PURPOSE OF SEXUAL DEGRADATION, SEXUAL GRATIFICATION, OR SEXUAL HUMILIATION.

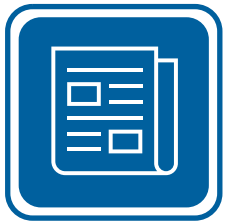
1. Did Respondent touch the Complainant's body parts or force Complainant to touch Respondent's body parts?
2. For the purposes of sexual gratification, sexual degradation, or sexual humiliation?
3. Without Complainant's consent?

Analysis Grid: List the Elements

Did R touch the body parts of C or did R force C to touch R's body parts??	For the purpose of sexual gratification, sexual degradation, or sexual humiliation?	Without C's consent?
N/A	N/A	N/A

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

GET ORGANIZED

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

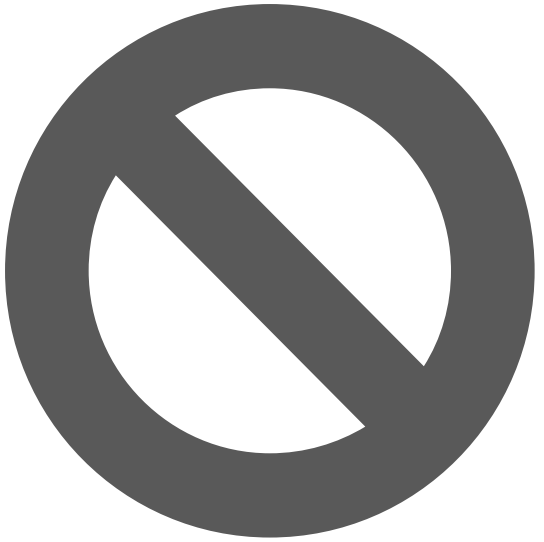
ANALYSIS GRID:

List All the Material Facts Relevant to Each Question

Touching of the private body parts of another person	For the purpose of sexual gratification	Without consent due to lack of capacity
• Complainant's Account • Respondent's Account • Witness 1's Account • Text messages between Complainant and Respondent • SnapChat DM between Respondent and Witness 2	• Respondent's Account • SnapChat DM between Respondent and Witness 2	• Complainant's Account • Respondent's Account • Witness 1's Account • Witness 3's Account • Photograph of Complainant • Video of Complainant • Text messages between Complainant and Witness 4 • Witness 4's Account

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

- Irrelevant Information, including:
  - Prior sexual history of Complainant
  - 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



The analysis grid can serve as a guide as you start to write your summary of relevant evidence.

Touching of the private body parts of another person	For the purpose of sexual gratification	Without consent due to lack of capacity
• Complainant's Account • Respondent's Account • Witness 1's Account • Text messages between Complainant and Respondent • SnapChat DM between Respondent and Witness 2	• Respondent's Account • SnapChat DM between Respondent and Witness 2	• Complainant's Account • Respondent's Account • Witness 1's Account • Witness 3's Account • Photograph of Complainant • Video of Complainant • Text messages between Complainant and Witness 4 • Witness 4's Account

BREAKOUT 2

WHAT ARE THE QUESTIONS THAT YOU/THE DM MUST ANSWER?

IN YOUR SMALL GROUPS, CREATE AN ANALYSIS GRID.

REPORT OUT: BREAKOUT 2

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?
N/A	N/A	N/A	N/A

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?
N/A	N/A	N/A

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?
N/A	N/A	N/A

THE REPORT SHOULD STAND ON ITS OWN

S Simple and Easy to Comprehend

T Transparent/Clear

A Accurate

N Neutral/Unbiased

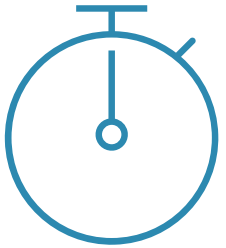
D Draws Attention to Significant Evidence and Issues

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

FOR DAY TWO

Read the mock charging documents and the mock evidence

Be prepared to engage in breakout activities 2-5.

REPORT WRITING WORKSHOP DAY TWO

Collin Baer

November 2023

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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	Clear Language
"Complainant reported that Respondent forced her to perform oral sex"	"Complainant reported that Respondent forced her to put her mouth on his penis"
"SANE/RA/UPD"	"Sexual Assault Nurse Examiner/Resident Assistant/University Police"
"Witness 1 reported that Respondent was angry"	"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"	"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	Include Clarity about the Following
Testimony about contact with a person's vagina.	Was the contact with the vagina or vulva?
Testimony about penetration.	What was penetrated? What was used to penetrate?
Testimony that clothing was removed.	What kind of clothing? How was it removed?
Testimony that an event or an act had an impact on them?	What was the specific impact?
Opinions are offered	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:

Instead of: Complainant first saw Respondent near the fountain in the middle of the quad.

Write: “Complainant stated that she first saw Respondent near the fountain in the middle of the quad.”

Instead of: Witness 3 told Complainant that Respondent was creepy.

Write: “Complainant stated that Witness 3 told him that Witness 3 believed Respondent was ‘creepy.’”

USE INTERVIEWEE'S WORDS AND USE QUOTATION MARKS

Instead of: "Witness 3 was really out of it and drunk."

Write: "Witness 4 stated that Witness 3 was 'really out of it' and 'drunk,' which she described as . . . "

AVOID CONCLUSORY WORDS

Instead of: “the stalking started”

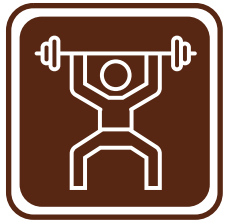
Write: “Complainant stated that the conduct she identified as stalking started in January.”

Note: 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

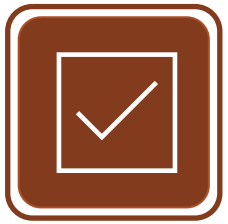
COMMIT TO USING NEUTRAL LANGUAGE

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"

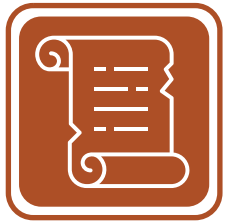
DRAW ATTENTION TO SPECIFIC EVIDENCE THROUGH INTENTIONAL PRESENTATION OF INFORMATION IN THE REPORT



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 FROM THE IF IN THE SUMMARY OF RELEVANT EVIDENCE SECTION OF THE REPORT?

1. Excerpt from the transcript of Complainant's initial interview located in Appendix A at page 34:
    - Complainant: "The next day he tried to talk to me. He sent me a bunch of text messages asking to see me. He said he was 'sorry' for hitting me and for raping me. I basically told him I didn't want to hear it and I called him an asshole. We've not communicated since.
2. Screenshot of the text message exchange, described above, submitted by Complainant and located in Appendix B, page 67.

OPTION A

Complainant reported that the next day, she engaged in a text message exchange with Respondent. Complainant stated that in this exchange, Respondent told her that he was sorry for hitting her and for raping her. Screenshots of this exchange were provided by Complainant and are included in Appendix B. See, Appendix A, p.34 and Appendix B, p. 67.

OPTION B

Complainant reported that the next day, she engaged in a text message exchange with Respondent. Complainant stated that in this exchange, Respondent told her that he was sorry for hitting her and for raping her. See Appendix A, p.34. Complainant provided screenshots of this exchange, which read as follows:

Complainant: I don't care what u say. U know I didn't want it and you did it anyway.

Respondent: I'm sorry I hurt u. You know I don't hit. I was so drunk. IDK what to say to make it better. Can I see u?

Complainant: What could you say? U raped me, asshole.

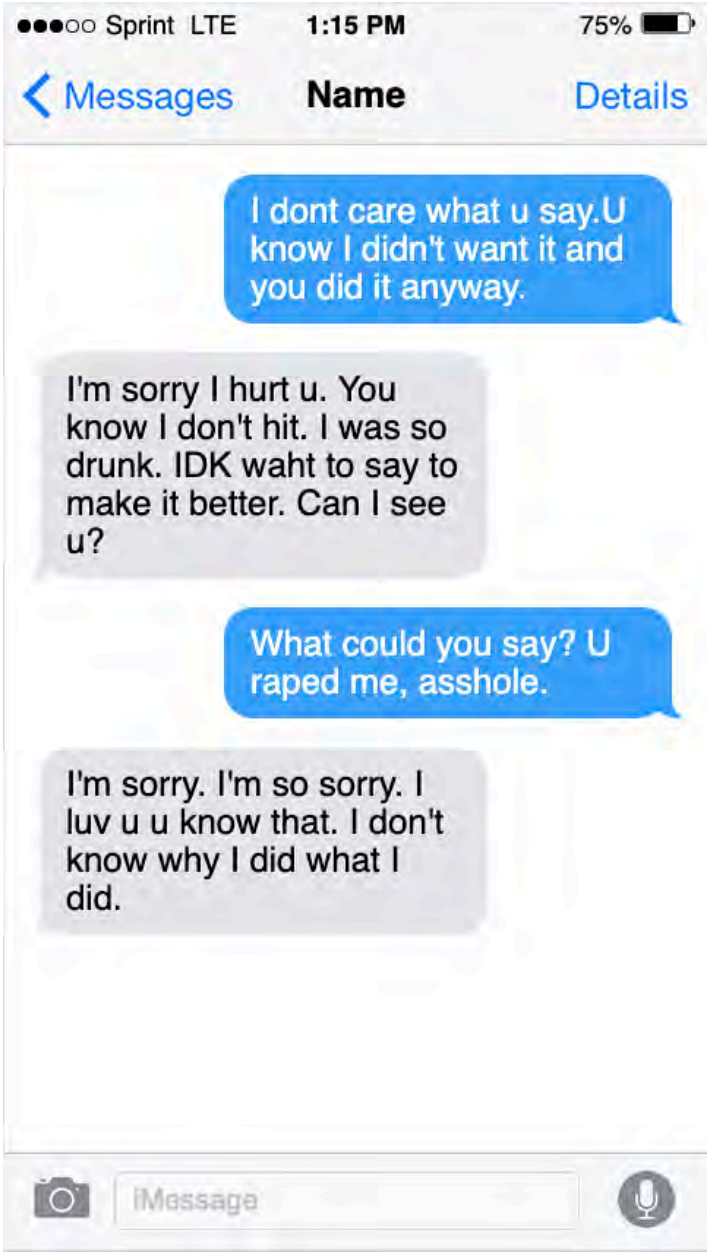
Respondent: I'm sorry. I'm so sorry. I luv u u know that. I don't know why I did what I did.

Appendix B, p. 67.

OPTION C

Complainant reported that the next day, she engaged in a text message exchange with Respondent. Complainant stated that in this exchange, Respondent told her that he was “sorry for hitting he and for raping her.” See Appendix A, p.34. Complainant provided the following screen shots 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 : “The SANE’s report indicated that Complainant presented to the ED with erythema around his left eye.”

Consider: “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.”

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

Consider: "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

WRITING WITH NEUTRALITY

Less neutral

"Complainant claimed that they were face down in the bed with their dress pushed up so that their face was actually laying on the bottom part of their dress. They alleged that someone was having sex with them from behind."

More neutral

"Complainant reported that they were face down in the bed with their dress pushed up so that their face was actually laying on the bottom part of their dress. They stated that someone was penetrating their anus from behind."

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:

SUMMARIZE

“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.”

DEVELOPING AN EVIDENCE FILE AND REPORT

04

ASSEMBLING AN INVESTIGATION RECORD

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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 investigation 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 investigation 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, 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
Photograph of Respondent taking photograph of Complainant, taken July 6, 2024, by Witness 1	Witness 1	B-3
Text messages between Respondent and Witness 2, undated	Witness 2	B-4
Text messages between Respondent and Complainant, undated	Complainant	B-5

DOCUMENTS, PART 2

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	C-1
Notice of Allegations and Investigation dated August 5, 2024	Title IX Coordinator	C-2
No Contact Orders dated August 6, 2024	Title IX Coordinator	C-3
Title IX/ Sexual Misconduct Policy	Title IX Coordinator	C-4

DOCUMENTS, PART 3

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	D-1
Response to Evidence Review	Respondent	D-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,

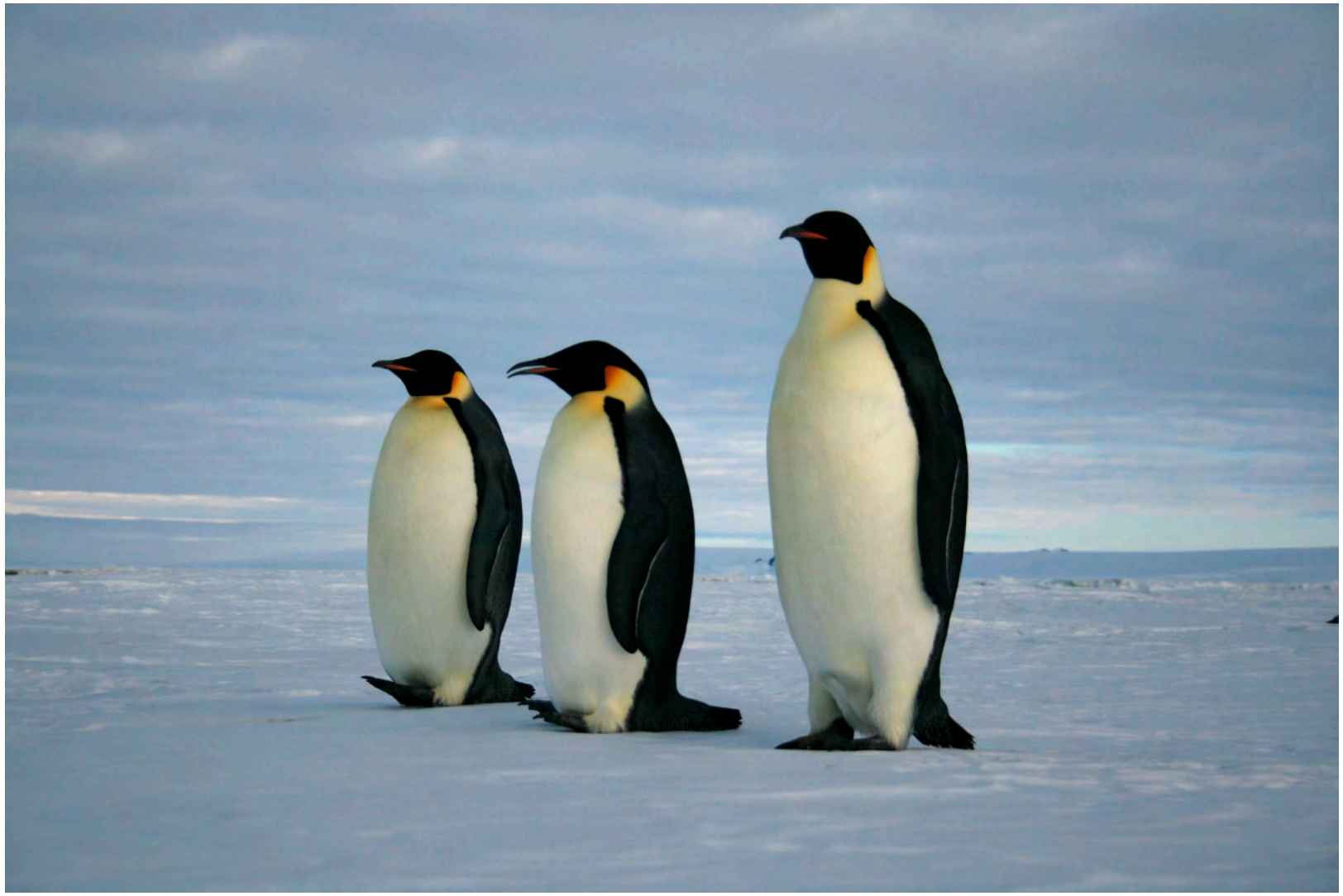
1. Select a scribe
2. Using the materials labeled for Break Out Activity #5D and the track feature in Word, edit the summary to simplify the language, and to enhance clarity, accuracy, and neutrality. Feel free to add information, where appropriate, to draw attention to certain information.

* 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

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

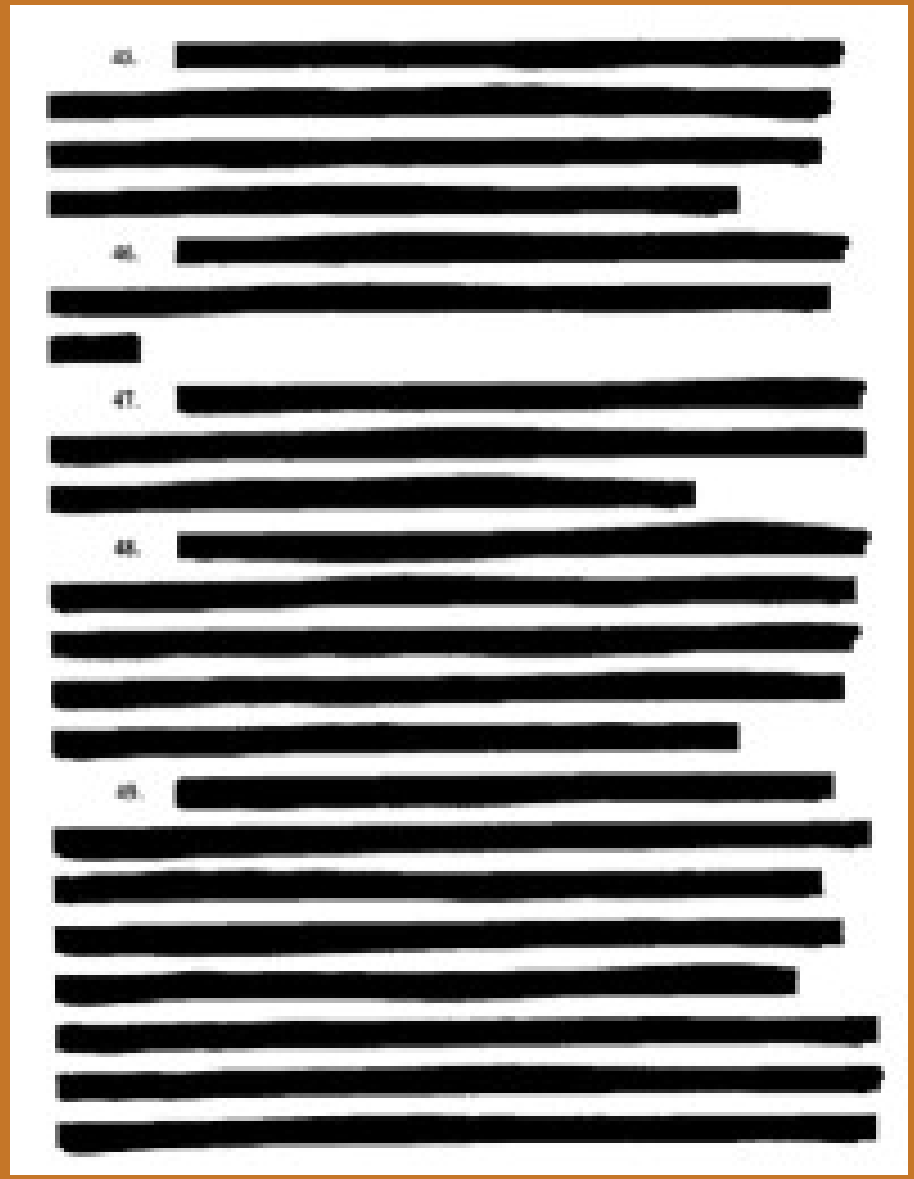
- Is there witness testimony (either by witnesses or people who saw the person soon after the alleged incident, or people who discussed the incidents with the person around the time they occurred) or documentary or physical evidence that corroborates the person's testimony?
- Is there witness testimony 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

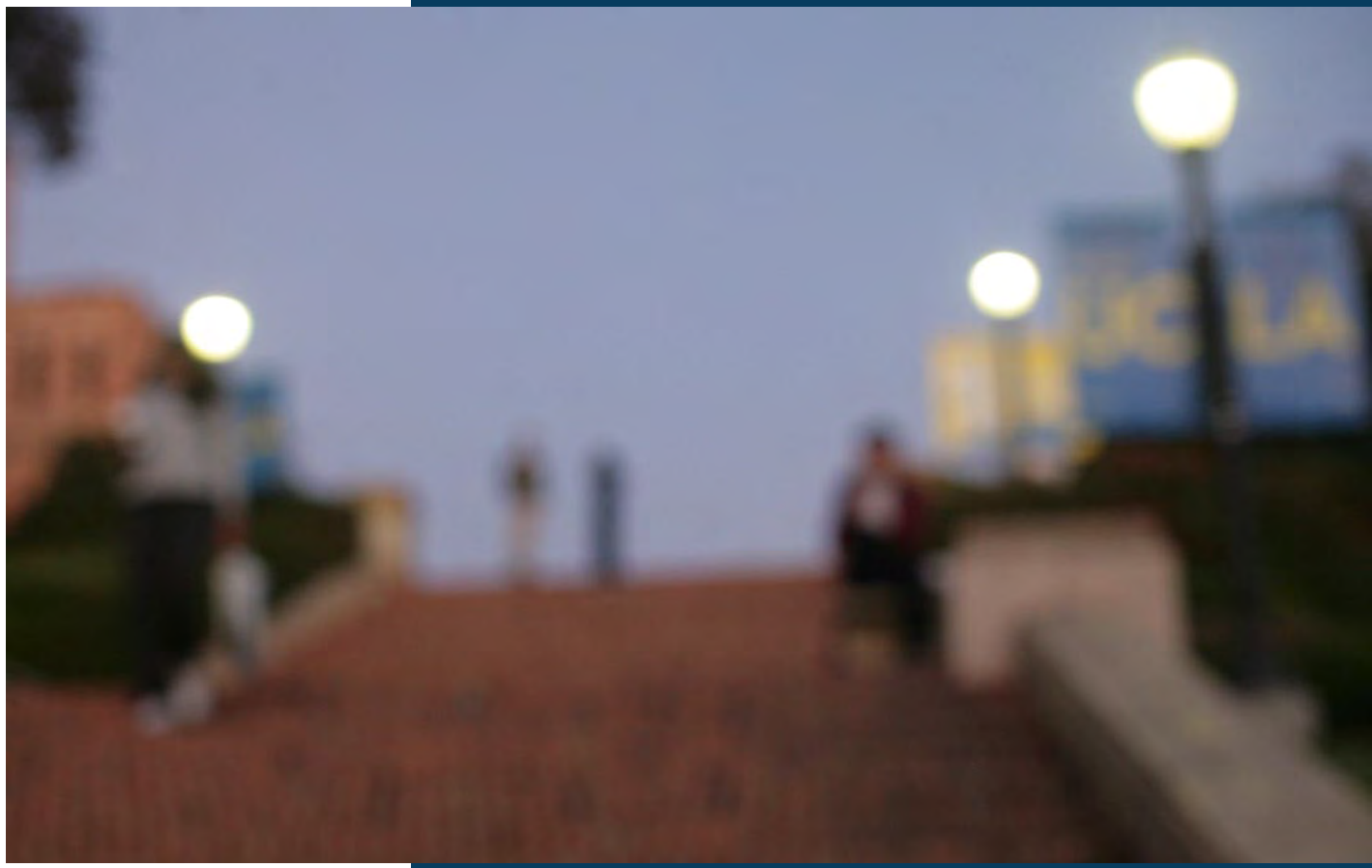
- Did the person have a reason to be untruthful other than the general desire to be believed, or to prevail?
- Did the witness openly volunteer information that is prejudicial to their interests or the Party?
- If so, does the declaration against interest bolster their credibility?
- Does the person 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



PRACTICE MAKES PROGRESS

- 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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