

**Investigative Report Template
For Investigations of Title IX Sexual Harassment
July 1, 2020**

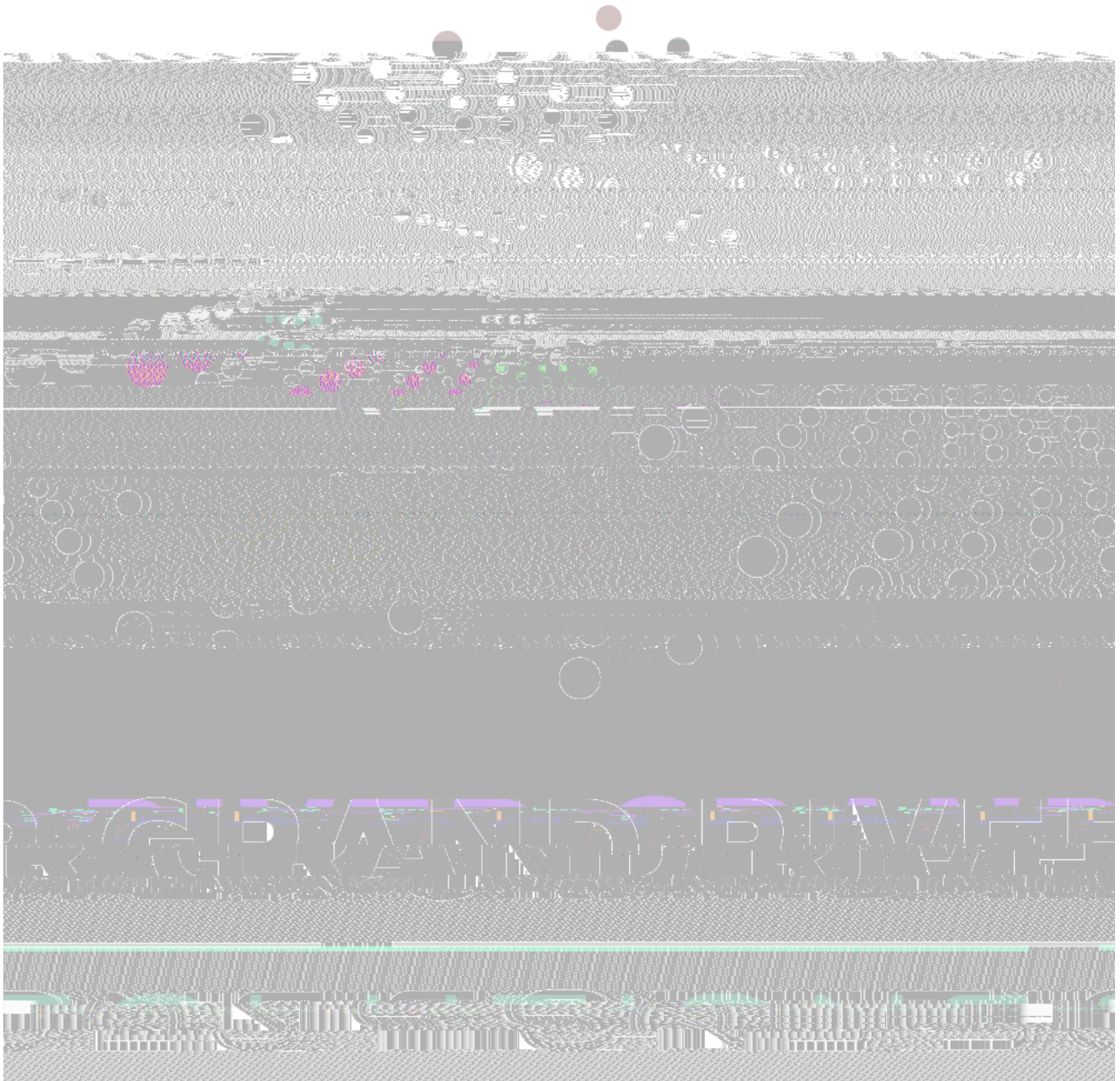
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What is the purpose of the Investigative Report Template?

The Title IX Final Rules, issued May 19, 2020, mandate that all Title IX recipients follow a specific procedure for investigating formal complaints of sexual harassment covered under Title IX, including sexual violence. The Title IX Grievance Process is developed and enforced according to the Institution's obligations under the U.S. Department of Education's Final Title IX Rule of May 19, 2020 (you may view the Final Rule at <http://bit.ly/TitleIXReg>). This investigative process must include an opportunity for the parties to present and review relevant evidence, and requires that recipients create an investigative report that the parties may review before the hearing. While many institutions already perform many of the steps described here and provide investigative reports, the Final Rules impose specific requirements that may need to be built into your current process.

How is the Template organized?

This Template provides a step-by-step analysis of the procedures that must be followed when investigating Title IX-covered sexual harassment. It also outlines sample language that institutions may use when drafting the investigative report.



3. The conduct is alleged to have occurred in {institution's} education program or activity, (select one or more):
 - a. Any on-campus premises
 - b. Any off-campus premises that {institution} has substantial control over. This includes buildings or programs controlled by a recognized campus organization.
 - c. Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of {Institution}'s programs and activities over which the {institution} has substantial control.
4. The alleged conduct, if true, would constitute covered sexual harassment.

Investigators

Identify the Investigators.

Sample Language

The _____ has assigned the following individuals to investigate the report:

-
-

Person 1 has received training in conducting the investigation and writing this report, as required by law and regulation. Specifically [TRAINING and DATE]

Person 2 has received training in conducting the investigation and writing this report, as required by law and regulation. Specifically [TRAINING and DATE]

Objective of the Investigation and the Investigation Report

Sample Language

This investigation was conducted in accordance with the procedures set forth in (_____). This investigation focused on a fair and impartial collection of all available evidence including, but not limited to, witness accounts and documents. The Reporting Party and the Responding Party were given opportunities to offer evidence

for inspection and review by investigators. Prior to completion and submission of this report, both parties and their advisors were afforded the opportunity to review all evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. The parties were given () to review the evidence and submit a written response for consideration by the investigator(s) prior to the completion of this report. Their responses were considered by the investigators and are included in Appendix (cite)

This report is a summary of all relevant evidence collected and reviewed as a part of the investigation. The final report was provided to the parties on () and the parties were given () to respond. Their responses are included in Appendix (cite).

Prohibited Conduct Alleged:

List all allegations of prohibited conduct in the formal complaint along with the policy definitions. Use a clear numbering system such as Allegation I., II., etc. so that allegations and responses can be easily reviewed together.

Witnesses:

In this section, list all witnesses offered by the parties and identified during the course of the investigation. Designate which witnesses were interviewed. For those witnesses that were not interviewed, set forth the reasons that an interview was not conducted, and if applicable, all attempts made to conduct the interview.

For more complex cases, consider adding more information about each witness in this section. For example, consider including who/how the witness was identified, the witness's relationship to the parties, and a brief explanation of why they are a witness.

Pursuant to the final regulations, if a witness does not participate in the hearing, their statements and other evidence attributed to them (text messages, etc.) may have to be excluded from consideration by the decision maker. If you believe that a particular witness is not going to participate in the hearing, you should NOT exclude that witness and the evidence obtained from them during the investigation from the investigation report. It is the responsibility of the decision maker to exclude the evidence related to that witness from consideration when making their final determination.

Sample Language (Simple Case)

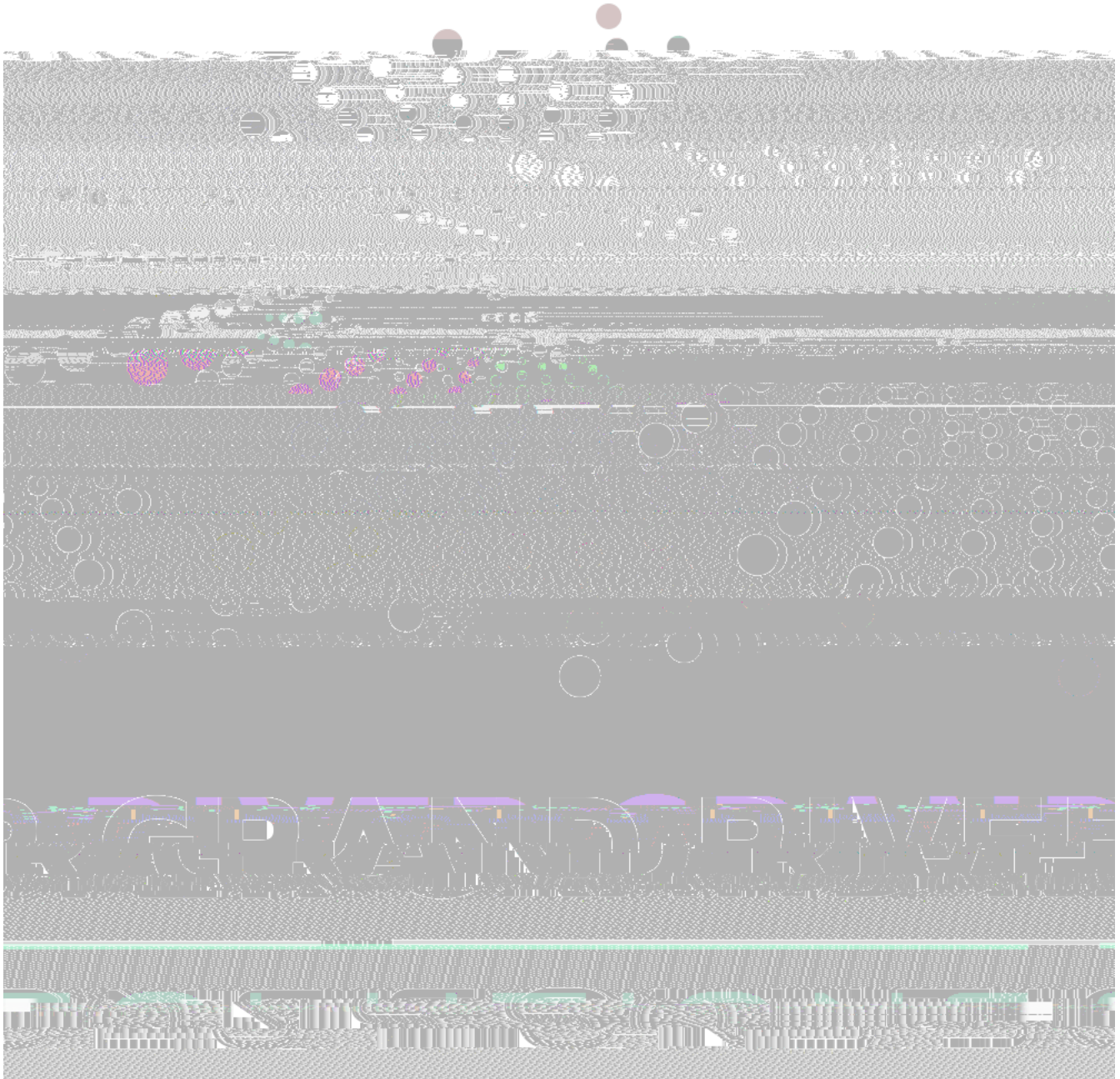
The following witnesses were interviewed:

1. Reporting Party
2. Responding Party
3. John Doe
4. Jane Doe
5. Janet Roe

The following witnesses were identified, but were not interviewed:

- a. Joe Smith
- a.

have information relevant to the allegations. The Reporting Party declined to sign a release that would allow Dr. Smith to submit to an



Sample Language

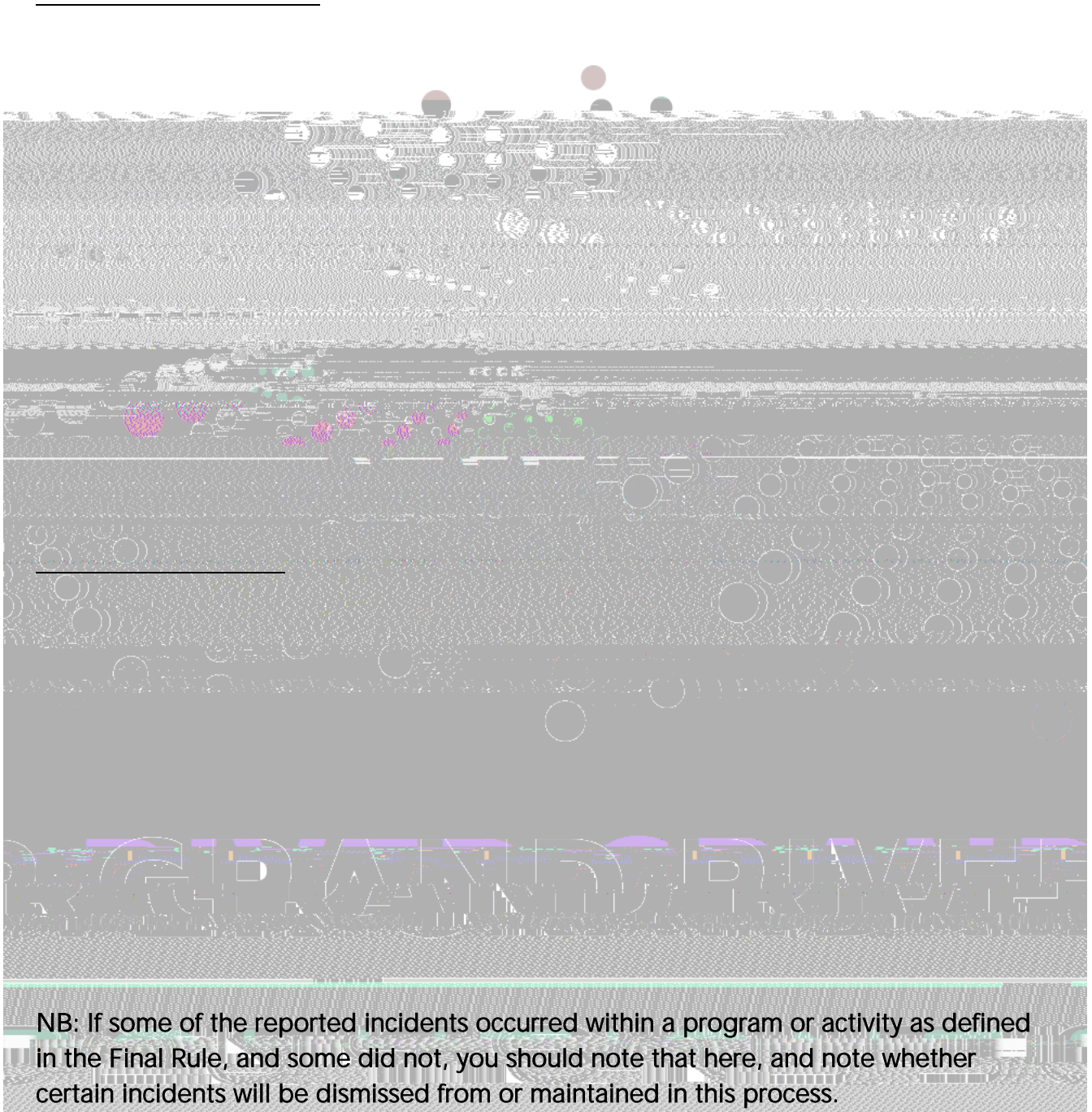
All relevant evidence collected during the course of the investigation is attached hereto in Appendix A. Evidence deemed irrelevant by the investigator, but that is directly related to the allegations in the formal complaint is included in Appendix B. Appendix C contains a document detailing the procedural steps taken in this matter from the receipt of the formal complaint to the submission of this report. All Appendices and the evidence therein has been shared with the parties and their advisors. The parties have had equal opportunity to review and submit written comments in response to the evidence. The written responses of the parties are included in Appendix A.

Summary of the Relevant 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.

In a case involving one allegation, the report might be organized as follows:

Alternatively, in a case with multiple alleged incidents, you may want to break it up by incident. For example, it may look like this:



Procedural Next Steps

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

For example, if the institutional policy permits the Title IX Coordinator to dismiss a formal complaint where specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or its allegations, , this section should summarize the required procedural step and then should include the procedural analysis and conclusion.

Alternatively, if the institutional policy requires that all matters advance to a hearing, this section should summarize that procedural requirement.

Sample Language

Section X of (the policy/procedures) requires that, "Upon completion of the investigation, if specific circumstances prevent the institution from gathering evidence sufficient to reach a determination as to the formal complaint or its allegations, the Title IX Coordinator may dismiss the formal complaint prior to the hearing."

It is the finding of this investigator that there is sufficient evidence to advance the allegation of dating violence to a hearing. However, owing to the unavailability of witnesses and the lack of evidence reasonably obtained through further investigation, there is insufficient evidence to reach a determination as to whether the Respondent engaged in conduct constituting stalking. To be sure, the record is lacking in evidence to support a finding that the Respondent engaged in a course of conduct. Thus, it is advised that the charge of dating violence will be advanced to a hearing, but it is advised that the charge of stalking is dismissed. Any such dismissal will rest in the reasonable discretion of the Title IX Coordinator.

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