

#aiTIXAdvInvestigator

FINAL INVESTIGATION REPORT



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AGENDA

- I. Overall discussion of concept for format/elements
- II. Focus on structure of analysis
- III. Point by point format



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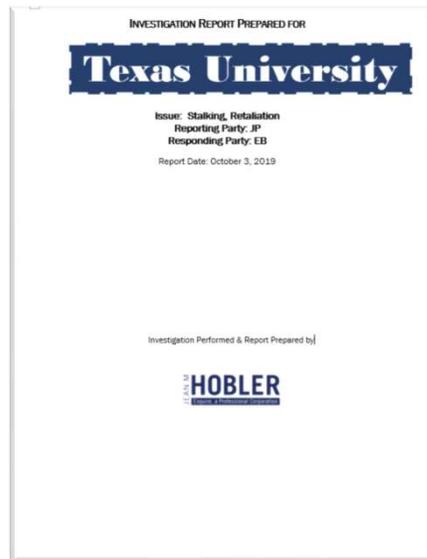
CONCEPT



ai ACADEMIC
IMPRESSIONS 3

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REPORT FORMAT



ai ACADEMIC
IMPRESSIONS 4

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POLL

**What is the longest report
(page length) you've ever
written on an investigation?**

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REPORT FORMAT

- Table of Contents
 - Include all the usual report headings
 - ALSO INCLUDE: contested issues and all corroborating and conflicting information about it
 - Will show you a sample at the end, after we've discussed
 - Easy to create a TOC when you use Styles in Microsoft Word

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REPORT FORMAT

- Executive Summary
- Background
 - General Background
 - Complaint
 - Investigation
 - Evidence Collection
- Evidence
 - Subheadings depend on events in your case
- Analysis
- Report Conclusion*



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REPORT FORMAT

- **Executive Summary**
- Background
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Executive Summary: Example

JH is a female first year student who filed a reporting indicating that SC, a male third year student, made deliberate sexual contact with her without her consent on three occasions. As reported, the first was in JH's dorm room, the second was in a hallway in the STEM building, and the third was at a party in the middle of a group of dancers.

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REPORT FORMAT

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Executive Summary: Example

JH and SC are tenure track professors in the underwater basket-weaving department, which currently has no tenured professors due to faculty retirements. SC is a year ahead of JH in tenure track and is the department chair. JH alleged that SC removed responsibilities from him and changed department policies to his disadvantage in retaliation for a prior report by JH that SC engaged in unprofessional conduct, an allegation that was substantiated in a prior investigation.

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REPORT FORMAT

- Executive Summary
- **Background**
 - **General Background**
 - **Complaint**
 - Investigation
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- Background
 - General Background
 - Who's who in re: the complaint itself (major players, not all witnesses)
 - Complaint
 - Summarize what the complaint said
 - Summarize any related complaints
 - Include timing
 - Investigation (detail coming up)
 - Evidence Collection (detail coming up)

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REPORT FORMAT

- Executive Summary
- **Background**
 - General Background
 - Complaint
 - **Investigation**
 - Evidence Collection
- Evidence
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- Background
 - General Background (covered)
 - Complaint (covered)
 - Investigation
 - Who was interviewed, when, who they are, if they haven't already been introduced
 - Did they provide you any hard evidence (e.g., video, emails, text messages, etc.)?
 - Were interviews recorded? Transcribed?
 - Evidence Collection (detail coming up)

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REPORT FORMAT

- Executive Summary
- **Background**
 - General Background
 - Complaint
 - Investigation
 - **Evidence Collection**
- Evidence
 - Subheadings depend on events in your case
- Analysis

- Background
 - General Background/Complaint/ Investigation (covered)
 - Evidence Collections and References
 - Where is the evidence obtained from different sources?
 - How is it organized?
 - How is it referenced in the report?
 - Audio: (JH [date of interview], 1:41)
 - Memo (JH Memo, at p. 2)
 - Memo (JH Memo, at ¶ 3)
 - Is there a transcript of any recorded audio?
 - Are there memoranda of interviews and, if so, where do they live? When and how were they produced?

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POLL

Where do you put your interview summaries?

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REPORT FORMAT

- Executive Summary
- Background
 - General Background
 - Complaint
 - Investigation
 - Evidence Collection
- Evidence
 - Subheadings depend on events in your case
- Analysis
- Evidence [and Factual Findings]
 - Introductory Material: “Unless otherwise noted, the facts stated herein were reported in material ways consistently among the witnesses and by reference to the evidence. Where, however, a material fact was presented differently by different witnesses, I provide an overview of the evidence obtained, both corroborative of and contradictory to the underlying allegation.”

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REPORT FORMAT

- Executive Summary
- Background
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 - Complaint
 - Investigation
 - Evidence Collection
- Evidence
 - Subheadings depend on events in your case
- Analysis
- Report Conclusion

- Evidence
 - Start from the beginning
 - Chronology or Chronological?
 - Can start with some background if that is relevant.
 - “JH and SC have a shared, 150-person class, but otherwise did not know each other before the first incident reported.”
 - Use subheadings to guide the reader through the events
 - Pre-incident Interactions Between JH and SC
 - The First Reported Incident: Unwanted Touching on X Date



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- Analysis
- Report Conclusion

- Evidence
 - Set forth in neutral, narrative form
 - Acknowledge conflicts in the varying accounts
 - “JH stated that she and SC had never met before the first incident.”
 - “By contrast, SC indicates he and JH sat next to each other in their shared class and regularly chatted before and after class. On one occasion a week before the reported incident, SC said he and JH got coffee at Insight Roasters.”



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REPORT FORMAT

- Executive Summary
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 - Subheadings depend on events in your case
- Analysis
- Report Conclusion

• Analysis

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WRITE LIKE A LAWYER

- Executive Summary
- Background
 - General Background
 - Complaint
 - Investigation
 - Evidence Collection
- Evidence
 - Subheadings depend on events in your case
- Analysis

- IRAC (law school)
- IRF (Title IX Investigation Report)
 - Issue
 - Rule
 - Facts relating to Issue & Specific Rule by Element
 - Where all versions of events materially agree, NBD
 - Where they diverge, address contradictory and corroborative evidence

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WRITE LIKE A LAWYER

- Executive Summary
 - Background
 - General Background
 - Complaint
 - Investigation
 - Evidence Collection
 - Evidence
 - Subheadings depend on events in your case
 - Analysis
- What is the Issue in this case?
 - Did JB stalk EB?

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WRITE LIKE A LAWYER

- Executive Summary
 - Background
 - General Background
 - Complaint
 - Investigation
 - Evidence Collection
 - Evidence
 - Subheadings depend on events in your case
 - Analysis
- What is the rule in this case?
 - Stalking is the repeated following, watching or harassing of a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others, or (b) suffer substantial emotional distress. [Cite to policy.]

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WRITE LIKE A LAWYER

- Executive Summary
- Background
 - General Background
 - Complaint
 - Investigation
 - Evidence Collection
- Evidence
 - Subheadings depend on events in your case
- Analysis

- How do the facts in this case relate to the rule in this case?
 - Stalking is the repeated following, watching or harassing of a specific person...
 - Facts supporting or contradicting this, with references to evidence
 - ...that would cause a reasonable person to (a) fear for their safety or the safety of others, or (b) suffer substantial emotional distress.
 - Facts supporting or contradicting this

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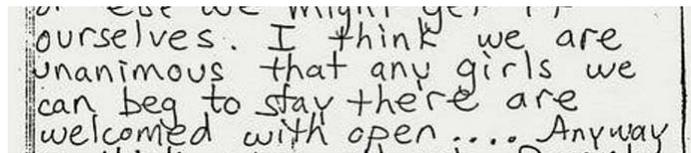
SIDE NOTE

Don't make your reader search out key information. If a piece of tangible evidence is key, put it right in the report.

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EXAMPLE

Bart stated that he had a great deal of respect for women and would never have engaged with, or even spoken about, a woman in a disrespectful manner. A witness provided a handwritten note from Bart, which states:



... ourselves. I think we are unanimous that any girls we can beg to stay there are welcomed with open ... Anyway

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EXAMPLE

Jane alleged that Eliza doctored a photograph taken while on vacation to make Jane appear haggard and unwell, using that photograph on social media to malign Jane. A copy of the social media post photograph provided by a witness is on the left, below, and the original photograph, retrieved from Jane's phone is on the right, below.



(cite to evidence.)

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REPORT FORMAT

- Executive Summary
 - Background
 - General Background
 - Complaint
 - Investigation
 - Evidence Collection
 - Evidence
 - Subheadings depend on events in your case
 - Analysis
- Analysis Structure in Report
 - Issue (e.g., stalking)
 - Rule overview
 - Rule, first element
 - » Facts relating to Rule, first element
 - Rule, second element
 - » Facts relating to Rule, second element

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RESOURCE

Mock Incident Report

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QUESTIONS