

The Investigation Process

1. Review formal complaint and intake notes: prepare an investigation outline and approach.
 - a) Review formal complaint and intake notes to plan investigation outline and approach.
 - b) Review relevant policies
 - c) Prepare case contact sheet
 - d) Consult with Coordinator (ongoing)
 - e) List possible evidence
2. Gather evidence:
 - a) We will provide a checklist for the first meeting with each party.
 - b) Meet with reporting party
 - c) Meet with responding party
 - d) Develop statements that accurately reflect the perspective of each party. Having both parties sign their statement.
 - e) Determine other sources of evidence: both parties have an opportunity to suggest witnesses and other evidence.
 - f) Allow each party to review the other party's statement(s)
3. Review Information: what information is still missing? Are there additional sources of information? Do you have additional questions for either party?
 - a) Consult with Coordinator
 - b) Additional fact finding or move towards stage 4
4. Synthesize Written Reports to transfer to adjudication
 - a) Create a summary (chart) of the key evidence. Share key evidence summary with the Coordinator.
 - b) Consult with the Coordinator while aggregating related evidence into a written record (the coordinator will share this with the parties)
 - c) Synthesize a summary of the relevant evidence and share with the coordinator
 - d) Write the Report of the Results of the Investigation (RRI)
The coordinator will share the RRI with the parties.

1. Incident date, time, place, names of respondent and witnesses; Identify key facts: nature of the offenses and impact on parties, review relevant policies
2. Interim safety measures: no contact, expectations, non-disclosure agreement, etc.
3. Identify "chapters" of the report – helps with chronology and context

1. Identify Key Questions: *remember to listen first in first meeting, direct ask in second meeting*
 1. Identify all relevant policy questions (perhaps multiple reported allegations)
 2. What indicates consent and/or nonconsent to each act?
 3. Impact of alcohol?
 4. Written or electronic communication (texts, emails, letters, etc)
2. List available or potential evidence
3. List potential witnesses: Think about who or what else could corroborate this perspective?
4. Review the Advisor role

1. Advisors are not active participants in the inquiry or resolution meetings. Only the reporting / responding party can provide their testimony. Advisors cannot speak on behalf of the reporting / responding party. Advisors cannot ask investigative questions.
2. If there is no question pending, the reporting / responding party may request a break for a time to speak with their advisor.
 - a) Advisors may de-brief with reporting/responding party after the meeting is finished
 - b) Advisors may offer perspective and support but may not coach the party in what to say or what not to say.
3. Advisors should provide a supportive presence to the reporting/responding party.
4. Advisors should update the Team Coordinator if the reporting/responding party raises any issues, questions, or concerns.
5. Failure to meet the expectations for advisors could result in a warning from the safer spaces team, subsequent violations of the advisor expectations may result in the Title IX Coordinator reviewing your role as an advisor to a party.
6. We ask that advisors partner with us in remaining objective and reserving judgement until all facts are reviewed.

Stage One: Outline first interview - Key steps

1. Connect and Develop rapport
2. Introductions and Process Overview
3. Expectations, Parties must tell the truth, Caution against Retaliation
4. For respondent/witnesses: Prepare neutral summary of the report to share (if applicable)
5. Establish Context of Relationships of key parties
6. Develop Questions: See Guidelines for questions
7. Ask party to share other evidence and witnesses with relevant knowledge
8. Give interviewee an opportunity to ask questions or to share relevant information not covered, invite interviewee to contact you later
9. Review next steps and set next meeting and/or determine best contact information.
10. End by thanking interviewee for meeting with you

Stage One: Example Outline for First Interview

1. Connect and Develop rapport: "Where's home for you?" "What's your major?"
2. Introductions and Process Overview:

Evidence-based investigation, recording meeting (if applicable), relevant policies (+amnesty), role of the advisor, possible uses of statements, "I can imagine that this is a stressful situation. You may ask for a break during the meeting." Rights and responsibilities: you are required to tell the truth about what you remember happening.
3. Expectations, Caution against Retaliation: safety measures/no contact rule, parties must tell the truth, etc.
4. For respondent/witnesses: Prepare neutral summary of the report to share (if applicable)
 - a) "As you may already know, we have a problem report regarding interactions between you and [Reporting Party] on Date/Location."
 - b) "This meeting is an opportunity for you to share your perspective about what is going on."
5. Establish Context of Relationships of key parties

"Can you tell me about how/when you met [party]?" "When was the last time you saw each other?" "How would you describe your relationship with them?"

Stage One: Example Outline for First Interview (Cont.)

6. Develop Questions: What do you need to know from this party/interview (review for neutrality)?
 - a) Can you help me understand what is going on from your perspective?
 - b) I understand some issues have arisen between you and [Reporting party], can you tell me more about those?
 - c) How did you come to see [party] on DATE? What happened while you were there? What happened afterwards?
7. Ask party to share other evidence and witnesses with relevant knowledge
 - a) You have an opportunity to suggest witness and other types of evidence. Can you think of anyone?
 - b) Decide if party will pave the way

Steps:

1. Meet with reporting party (Initial Meeting)
- 2.

Explain your role as an investigators

Explain possible uses of the witness statement

Review expectations (caution against retaliation, tell the truth, etc.)

1. Write a draft of your summary statement, then take time to review your report:
 - a) Have you stated the facts and observations, neutrally (no judgements), professionally, and clearly?
 - b) Are there any conclusions? Did you fully support them in the description?
 - c) If necessary, what are other avenues of investigation, are they listed?
 - d) Are there additional sources of information?
 - e) Do you have additional questions for either party?
 - f) Are there any assumptions that you need to clarify?
 - g)

1. Create a summary (chart) of the key evidence. Share key evidence summary with the Coordinator.
2. Consult with the Coordinator while compiling related evidence into a written record (the coordinator will share this with the parties). They have 10 days to submit a written response.
3. Synthesize a summary of the relevant evidence and share with the coordinator. (Which includes parties' response to the written record of related evidence).
4. Use the summary of the relevant evidence to write the Report of the Results of the Investigation (RRI).The coordinator will share the RRI with the parties.

Party and witness Statements

Documents collected from parties (emails, texts, police reports, video footage)

Privileged information- only with signed waiver (treatment records)

Does not include: Protections related to the complainant's prior sexual history (rape shield laws).

Include prejudicial testimony from either party if related to the allegations – even if it is not substantiated or opinion based.

Party and witness statements

Documents collected from parties (emails, texts, police reports, video footage)

Privileged information- only with signed waiver (treatment records)

Includes protections for complainant's prior seW* nEual history (rape shield laws).

Excludes unsubstantiated prejudicial testimony.

Introduction

Case Summary

Timeline of meetings (All investigative meetings – including no shows and delays)

Summary of allegations

Calvin Policies

Party and Witness statements (and response statements)

All other evidence

Evidence Chart or meaningful summary of the facts (variety of formats)

Parties response to “directly related evidence summary”

Note: you can start drafting this report as you conduct your investigation

