

Confidential Investigation Report Template

To:

From:

Date:

RE: Complainant Name
Respondent Name

I. Introduction and Executive Summary

- A. Who, what, where, when, and how Institution proceeded.
- B. Statement about fair and impartial investigation.

Sample language:

On September 14, 2020, the College's Title IX Coordinator, Jane Smith, received a formal complaint of sexual assault from Ellen Black. In her complaint, Ms. Black alleges that Jack Jones sexually assaulted her in her campus dorm room on September 10, 2020.

On September 15, 2020, the College's Title IX Investigator, Eliza Campbell, initiated an investigation into the allegation. The investigation was conducted in a fair and unbiased manner and concluded on October 2, 2020. This report summarizes relevant information, both inculpatory and exculpatory, obtained over the course of the investigation.

In the course of the investigation, Ms. Campbell conducted interviews of Ellen Black, Jack Jones, Karen Jefferson, Luke Monaghan, Susan Stewart, and Rick Wilson. Ms. Campbell also reviewed text messages provided by the parties and Ms. Stewart as well as security camera video provided by campus security.

II. Parties

- A. Complainant, complainant affiliation with Institution
- B. Respondent, respondent affiliation with Institution

Sample language:

Ellen Black is a 19 year old female who matriculated at the College in August 2019 and is currently enrolled in courses for the fall 2020 semester. Ms. Black is a resident of Sebago Hall.

Jack Jones is a 19 year old male who matriculated at the College in August 2020 and is currently enrolled in courses for the fall 2020 semester. Mr. Jones is a resident of Granite Hall.

III. Procedural History

- A. Include date of Formal Complaint, and include copy in Appendix.
- B. Include jurisdictional analysis and describe how each requirement is met by the evidence:
 - i. Location;
 - ii. Education Program or Activity;
 - iii. Substantial Control over Respondent and Context; and
 - iv. Conduct met the Title IX definition (as set forth in Policy 202 and Procedure 202.2) for sexual harassment (quid pro quo by an MCCS employee; unwelcome conduct on the basis of sex that was severe, pervasive and objectively offensive; sexual assault; dating or domestic violence or stalking).
- C. Include required notices and supportive measures offered.
- D. Include whether Informal Resolution was attempted.
- E. Investigation Timeline:
 - i. Date of each notice sent;
 - ii. Date of each interview;
 - iii. Date evidence was provided to the parties and advisors for review;
 - iv. Draft report was sent to parties and advisors for review; and
 - v. Date final report was sent to Title IX Coordinator.

IV. Alleged Violation(s)

Includes what conduct, what specific policy violation for each incident. Include definitions for the policy violations, if applicable.

A. Allegation 1

The alleged [conduct] occurred on [date] in [location]. Allegation 1, if proven, is a violation of MCCS Policy _____, Section _____, which provides that an act of [conduct] is a violation of the Policy. Section ___ of the Policy defines [conduct] as: [include definition from the policy].

B. Allegation 2 (if multiple allegations)

Same format as above.

V. **Standard of Evidence**

Include the College's standard of evidence.

Sample language:

The College applies the preponderance of the evidence standard in making determinations of responsibility for alleged misconduct. Under this standard, a finding of responsibility means that the evidence demonstrates that it is more likely than not that the conduct occurred.

VI. **Interview with Complainant**

Include the date(s), time(s), location(s), whether Complainant was accompanied and by whom. Provide detailed summary of interview.

- A. The initial interview of the Complainant took place on ___ at _____ on the _____ campus. Complainant was accompanied by her advisor, _____ . Include description of relationship between Complainant and advisor, e.g. attorney, parent or other family member, friend, instructor, etc. Include same interview for follow up interviews.
- B. Interview Summary. Provide a factual, straightforward summary of the relevant information provided by the Complainant. Identify the interview during which the information was provided, e.g. initial interview, first follow up interview, second follow up interview, etc.

VII. **Evidence/Materials Supplied by Complainant**

Speak to each piece of evidence, what it is, and what element of the allegation it supports/refutes/relevance to the investigation. Include in Appendix.

Sample language:

- A. Text Messages b/n Ms. Black and Mr. Jones

Ms. Jones and Ms. Black exchanged 17 text messages on September 11, 2020. These messages are relevant to the issue of consent. The messages are attached as Exhibit ____.

- B. Text Messages b/n Ms. Black and Ms. Jefferson

Ms. Jones and Ms. Jefferson exchanged 4 text messages on September 12, 2020. These messages are relevant to the issue of the nature of the sexual conduct engaged in by Ms. Jones and Mr. The messages are attached as Exhibit ___.

C. Security Camera Videos- Oceanview Hall

Campus security provided two September 10, 2020 videos from the College's security cameras in Oceanview Hall. The first video is 5 minutes in length and shows Ms. Black and Mr. Jones entering the lobby of Oceanview Hall together at 1:15 a.m., stopping to talk with RA Rick Wilson, and then proceeding to the stairs. This video is relevant to capacity to consent. The second video is 2 minutes in length and shows Ms. Black and Mr. Jones entering the Oceanview lobby at 10:20 a.m. and exiting the building together. These videos are relevant because they support/refute Complainant's/Respondent's version of events. These videos are attached as Exhibits ___ and ___.

D. Security Camera Video- Mountainview Dining Commons

Campus security provided a September 10, 2020 video from the security camera at Mountainview Dining Commons. The video is 22 minutes in length and shows Ms. Black and Mr. Jones entering the dining hall together, moving throughout the food service area, sitting together while they ate, and then exiting separately. This video is relevant because it refutes/supports Complainant's/Respondent's version of events. It is attached as Exhibit ___.

Continue as necessary to include all evidence.

VIII. Interview(s) with Complainant Witnesses

Include the date, time, and location of interview. Provide detailed interview summary and list and describe each piece of physical evidence provided.

- A. The interview with _____ took place on _____ at _____ on the _____ campus.
- B. Interview Summary
- C. Evidence -same format as above
- D. Repeat sequence for each of Complainant's witnesses.

IX. Interview with Respondent

Same format as for Complainant.

X. Evidence/Materials Supplied by Respondent

Same format as for Complainant.

XI. Interview(s) with Respondent Witnesses

Same process as for Complainant Witnesses

XII. Additional Relevant Information

Include a summary of any other interviews, and include a list of individuals who were identified as potential witnesses, but not interviewed, and the rationale for not interviewing them.

A. For those interviewed, follow same sequence as described above for other witnesses.

B. For those not interviewed: The following individuals were identified but not interviewed.

i. Name

1. Recommended for an interview by
2. Not interviewed because

ii. Name

1. Recommended for an interview by
2. Not interviewed because

XIII. Additional Evidence Gathered by Investigator

Address each piece of additional relevant evidence, where it came from, what it is, and which element of the allegation it supports or refutes. Include in Appendix.

XIV. Summary of Relevant Facts and Evidence

Summarize facts and evidence relevant to the allegations. Proceed element by element of the alleged misconduct (using the applicable definition as a guide) and the facts/evidence that support and refute each element.

Do not make any type of determination/finding, including credibility determinations and findings of responsibility. That role is reserved for the decision maker.

Investigator Signature

Date

Appendix