

## INTERMEDIATE INVESTIGATOR TRAINING

Conducting Investigations with the Decision Maker in Mind

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## MEET YOUR FACILITATOR



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## 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

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## AGENDA

- Understanding What: Regulatory Requirements - What Investigators Should Know
- Understanding Why: Purpose, objective, and goal for your investigation
- Understanding Where: Preparing and planning your investigation
- Understanding How: Executing a compliant, thorough, unbiased, and fair investigation
- Understanding Who: Building your report with the Decision-Maker in mind

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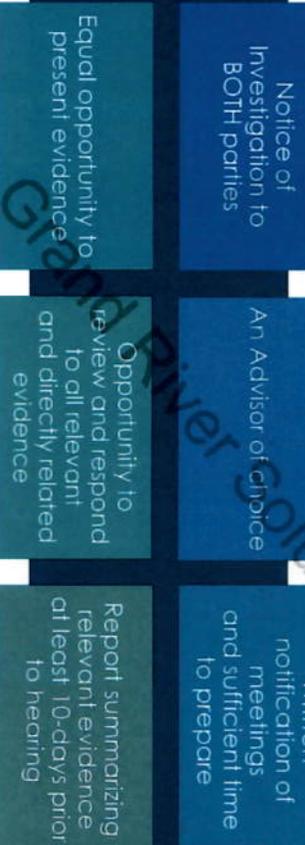
## UNDERSTANDING WHAT:

### Regulatory Requirements - What Investigators Should Know

01

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## PROCEDURAL REQUIREMENTS FOR TITLE IX & NON-TITLE IX SEXUAL HARASSMENT INVESTIGATIONS



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## THE REGULATIONS

- The 2020 Regulations are back in effect.
- Make sure that you have the correct policy version, which should be specified from the outset by the Coordinator in the investigation notices.
- When in doubt, check with your counsel about any legal updates in your state.

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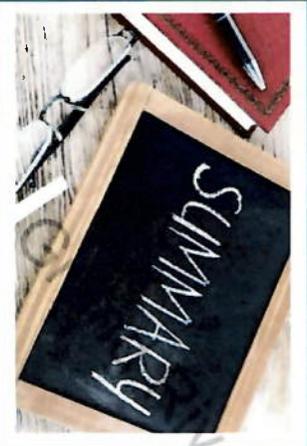
## THE TITLE IX COORDINATOR (OR DESIGNEE) PREPARES THE NOTICE

- Sufficiency of Detail – The Who, What, When, Where
  - The Applicable Policy and Procedure
  - Presumption that Respondent is Not Responsible
  - Right to Advisor
  - Right to Review Evidence
  - Any Prohibition against Knowingly Making False Statements
- TIPS: It's a good practice to include a section on the prohibition of retaliatory conduct against other participants in the process, in connection to the participation.

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## REPORT AND EVIDENCE FILE

Summary of the Evidence



Compilation of all Evidence



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## "RELEVANT EVIDENCE" AND "DIRECTLY RELATED"



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## RELEVANT EVIDENCE

The Department declines to define "relevant", indicating that the term "should be interpreted using [its] plain and ordinary meaning."

See, e.g. Federal Rule of Evidence 401 Test for 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."

## DIRECTLY-RELATED EVIDENCE

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

Directly-related evidence includes:

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

# EVIDENCE THAT IS "NOT RELEVANT"

## Sexual History

- Complainant's sexual predisposition or sexual history, with two exceptions:
  - Offered to prove someone other than Respondent committed act, or
  - Offered to prove consent

## Privileged

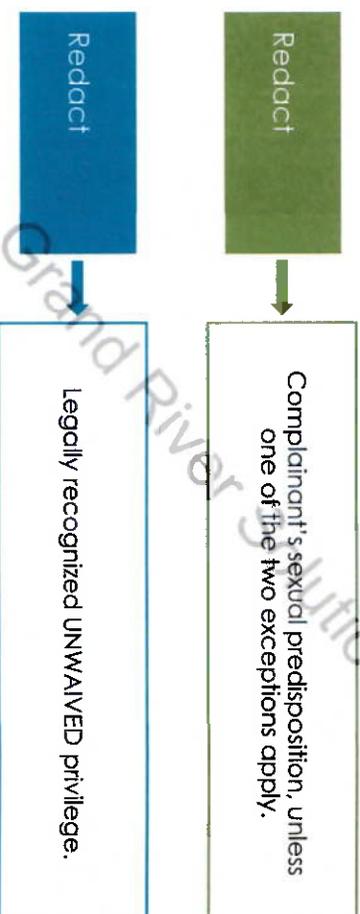
- Legally recognized unwaived privilege
- Written release required, or parties holding said privilege provides the privileged information

## Note

- Not included in the final complaint or evidence
- Not to be mentioned in the summary investigation report
- Not relied upon for the analysis

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# WHEN ARE REDACTIONS APPROPRIATE?



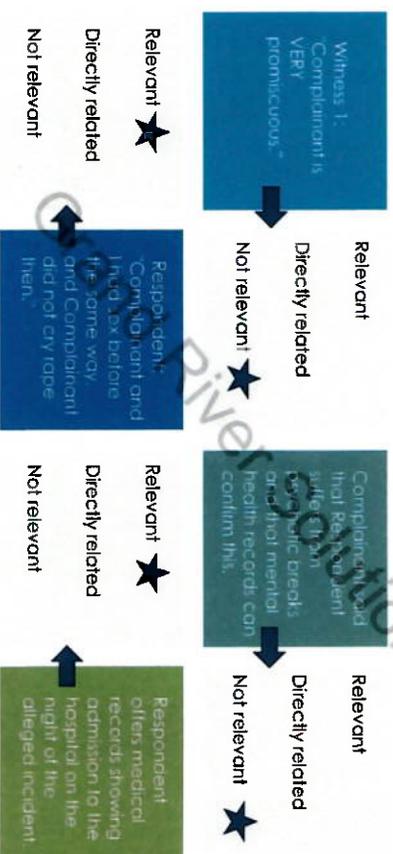
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# OTHER REDACTION CONSIDERATIONS

- Embarrassing or explicit information
  - Should not redact
- Non-University contact information (addresses, phone, etc.)
  - Okay to redact for privacy
- Anonymizing report
  - Consider if this is necessary, you must provide witness key.
- Other considerations
  - Medical documents, birthdates, ID numbers, etc.

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# TEST YOUR KNOWLEDGE



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## TO REDACT OR NOT REDACT?

Witness 1: "Complainant is VERY promiscuous."

- Redact ★
- Do not redact
- Partially redact

Respondent's screenshot of text messages of Complainant sending nude photos.

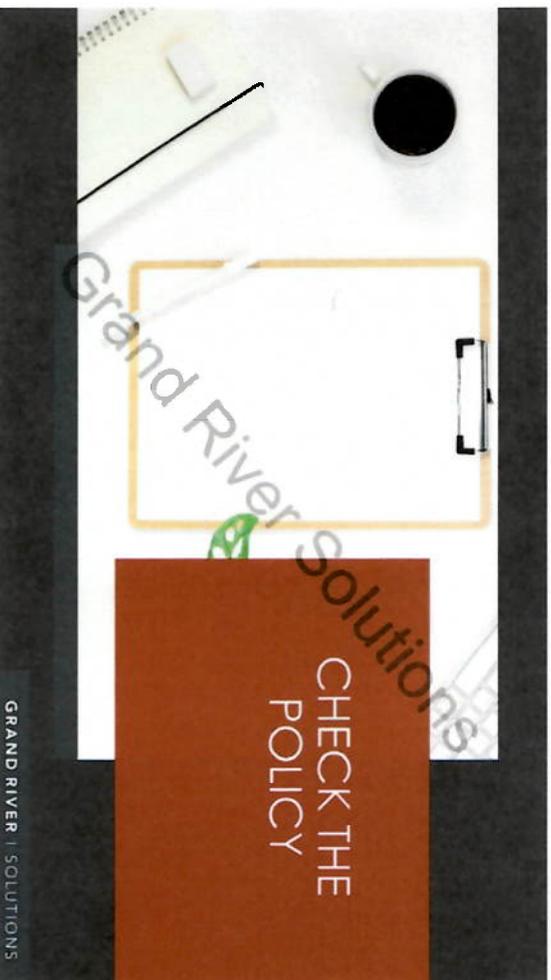
**It depends...**

**BONUS QUESTION!**  
In the scenarios where there is no redaction, what would you say to the party that asks for the information to be redacted?

- Redact
- Do not redact
- Partially redact ★

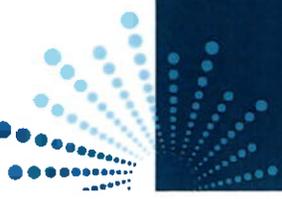
- Do not redact ★
- Partially redact

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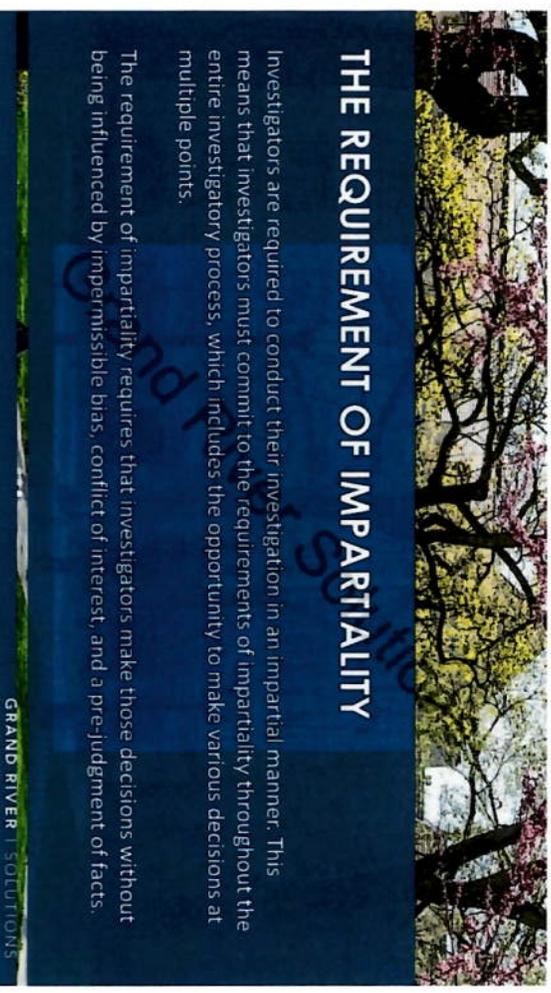
## UNDERSTANDING WHY:

Purpose, Objective, and Goal



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## AVOID PRE-JUDGEMENT OF THE FACTS

Investigators must be free of conflict and bias in order to proceed with an investigation assignment.

This can be accomplished by refraining from passing judgement on individual facts, the allegations, or whether the policy has been violated, until they have had the opportunity to consider ALL of the evidence.

### How do we protect the integrity of the investigation?

- Checking our biases
- Keeping an open mind
- Checking our egos
- Approaching the allegations with neutrality
- Treat both parties equally and provide an equal opportunity to present evidence

**NOTE:** There must be an actual conflict. The burden of proof is always on the person arguing there is a conflict.

## STALKING ALLEGATION - QUESTIONS TO BE ADDRESSED:

Create a chart that you will use throughout your investigation to add information to as it comes in. This will function as a road map for your summary of the evidence and the analysis if applicable.

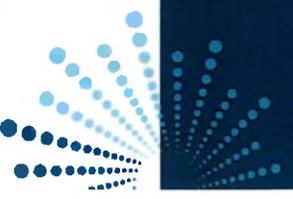


## GOAL: WHAT NEEDS TO BE PROVEN

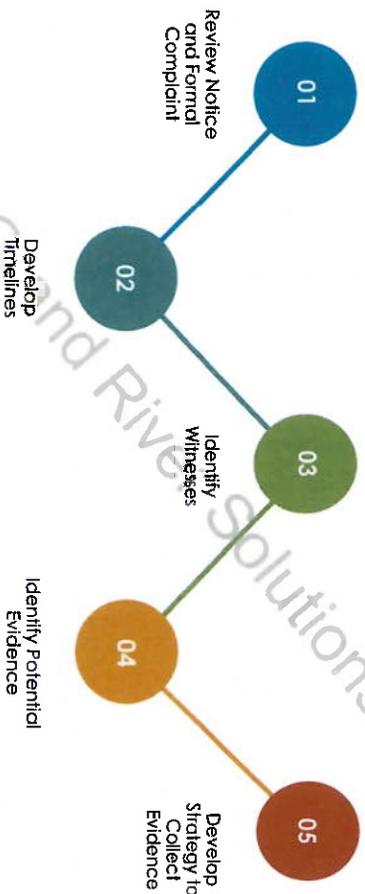
- What will the Decision-Maker be asked to decide?
- What are the elements of each act of prohibited conduct alleged?
- What does the formal complaint allege?
- What material issues do you foresee?
- How prepare to develop an investigative strategy.

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## UNDERSTANDING WHERE: Preparing for the Investigation



## THE PROCESS: DEVELOPING AN INVESTIGATIVE STRATEGY



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## NOTICE OF ALLEGATIONS & FORMAL COMPLAINT BENEFITS OF PREP WORK



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## INVESTIGATION TIMELINE



## PRO TIP - CHECK YOUR CALENDAR, WORK BACK FROM FINAL DEADLINE

- Does your institution have a built-in review process?
- What is the time for evidence review (often 10 days)?
- Request extension when you know you need it.
- If one party gets an extension, they both get it.
- Document delays and regularly check timeline.

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## PRO-TIP: WITNESS AND EVIDENCE TABLE

Witness / Evidence	Offered by:	Relevancy	Outreaches
John Doe	Complainant	Complainant best friend. He was with the Respondent the night of the reported incident.	
Jane Doe	Respondent	Respondent's roommate. It is believed that she saw the Complainant leave the Respondent's residence immediately following the reported incident.	
<b>Text communication between parties on date of incident</b>	<b>Complainant</b>	<b>Text related to the incident immediately following the interaction.</b>	

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### UNDERSTANDING HOW:

Executing a Thorough, Unbiased, Fair, & Compliant Investigation



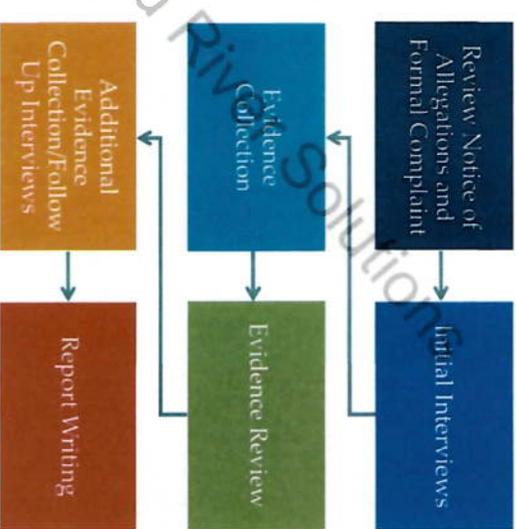
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## PRO TIP: BUILD YOUR REPORT EARLY

- Overview of the investigation
- Statement of jurisdiction
- Identity of investigators
- Objective of the investigation and investigative report
- Prohibited conduct alleged

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## ESSENTIAL STEPS OF AN INVESTIGATION



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## INITIAL INTERVIEWS

### PARTY OUTREACH



The 2020 regulations require written notification of meetings and sufficient time to prepare.

- No specific definition of "sufficient time"

Best Practices:

- Use your best judgement on how much time you provide parties to prepare
- Document your attempts to reach parties
- Be consistent with your approach, irrespective of the party's role
- Include three available dates and times and request alternatives

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## COMPONENTS TO WITNESS OUTREACHES



What should be included in your Investigator's outreach to Witnesses?

- Investigator introduction
- Invitation to meet
- Information regarding the investigatory process
- Their rights
- "Need to know"
- Institutions Policies and Procedures

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## COMPONENTS TO PARTY OUTREACH



What should be included in your Investigator's outreach to parties?

Key components

- Investigator introduction
- Invitation to meet
- Information regarding the investigatory process
- Rights to an advisor of choice
- No-Retaliation Policy
- Institutions Policies and Procedures

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## WHAT TO DO WITH A NON-RESPONSIVE PARTICIPANT?

### PARTY

- Various modes of outreach
- Three attempts
- Keep party informed of investigation
- Maintain open line of communication

### WITNESSES

- Various modes of outreach
- Three attempts
- Confirm nonparticipation
- Maintain open line of communication

## ADVISOR OF CHOICE DURING THE INVESTIGATION

- Can be anyone, including attorney or witness.
- Institutions cannot place restrictions on **WHO** can serve
- Institutions can create rules and guidelines for advisors
- No specific training required

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## CHALLENGING ADVISORS

- Remain professional and matter-of-fact
- Cite to the Policy and, if applicable, the written advisor agreement
- Set expectations early with Party and Advisor – For both Investigation and Hearing
- Avoid debates – Appeal is the proper avenue to object
- You can follow up after meeting if unsure about any questions



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## COMMON ELEMENTS OF AN ADVISOR AGREEMENT

1. Explain their role
2. Provide rules/guidelines of engagement
3. Define confidentiality and the expectation of privacy
4. Warn about and potential consequences for unauthorized conduct



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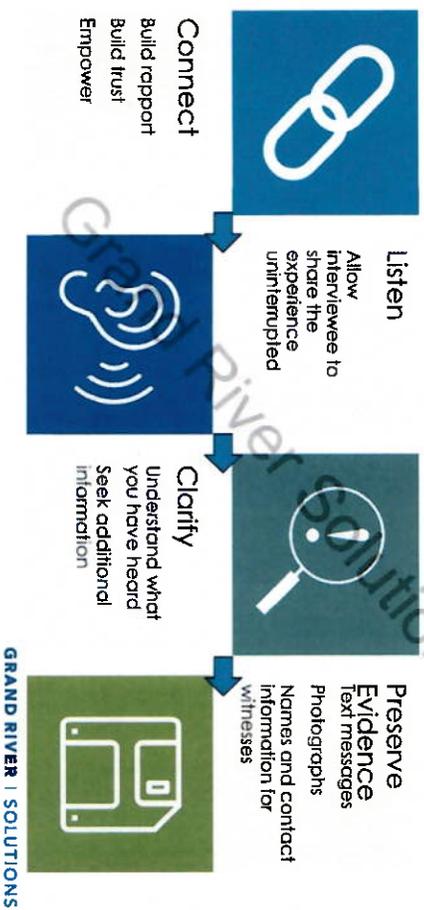
## INTERVIEWS



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## INTERVIEW OBJECTIVES



PREPARE YOUR QUESTIONS

But be prepared for flexibility in the interview...



## SETTING CLEAR EXPECTATIONS

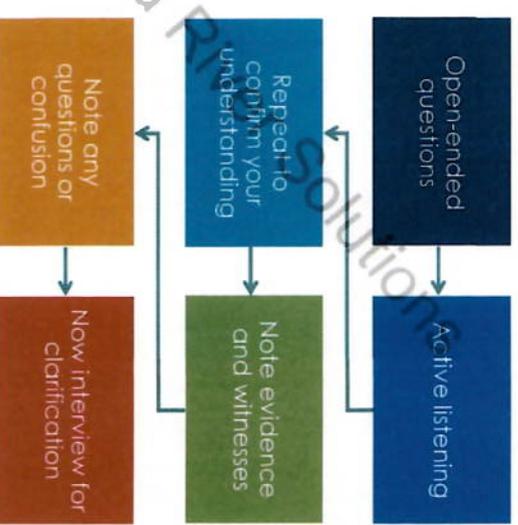
- What they should expect of you:
- Neutrality
  - Active listening
  - Privacy
  - Interview memorialization method
  - Consideration of the sensitive nature of content
  - Patience, respect, and appreciation
  - Ongoing line of communication

- What you expect of them:
- Honesty
  - Permission to ask questions or clarifications
  - Authentic responses
  - No retaliatory conduct

Is there anything you would add?

## LISTEN

Interviews should elicit/encourage a narrative



## CLARIFICATION

### Ask questions that:

- Come from a place of curiosity
- Seek understanding
- Elicit deeper details
- Address information not mentioned during the narrative

### Avoid questions that:

- Interrogate
- Blame
- Imply doubt or disbelief
- Lead

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## PRESERVE EVIDENCE

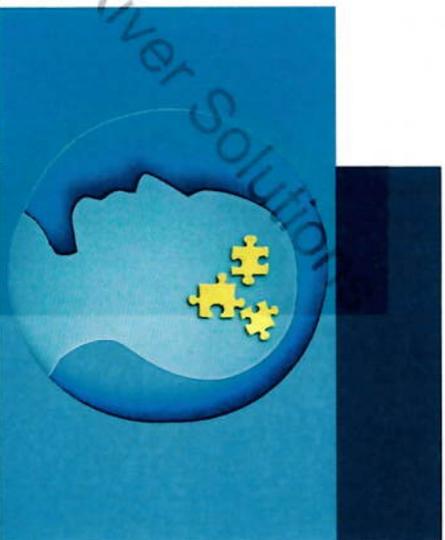


When deciding what evidence to request of the interviewees, take these steps with intentionality:

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## THINK AHEAD TO THE HEARING...

- If a party asks for a witness or evidence at the investigation, they will likely renew the request at the hearing if the information is not gathered.
- Hearing Officer's first question will be: "Why wasn't this gathered in the investigation?"
- Clearly document why the information could not be gathered or why you decided against gathering it.



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## ACTIVITY: EVIDENCE COLLECTION

### WHAT TO DO IF...

No follow through on evidence:

- Reminders
- Follow-ups (three attempts)
- Close the loop
- Track and document all attempts

Data dump:

- Consider the source
- Gratitude
- Seek clarification on relevance
- Consider potential extension to review

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## AT THE CONCLUSION OF THE INTERVIEW

-  Explain the review process
  -  Confirm next steps in the investigation process
  -  Review support, privacy, and retaliation
  -  Keep lines of communication open
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## ADDITIONAL TIPS FOR WITNESSES

-  Balancing party privacy with the need to ask specific questions
-  Balancing transparency about the how information will be shared with encouragement to participate
-  Gathering information to assist decision maker's need in evaluating reliability

## AFTER THE INTERVIEW: ACTIONS

- Memorialize the interview in writing: Interview Notes/ Summary transcript
  - Provide opportunity for the party or witness to review, if permitted
  - Provide opportunity for a response
  - Incorporate the response
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## FOLLOW UP INTERVIEW APPROACH

-  01 Explain the purpose of the follow-up
-  02 Set the stage for the topics
-  03 Prepare them for "the shift"
-  04 Ask the hard questions

## THE "HARD" QUESTIONS



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## HOW TO ASK THE HARD QUESTIONS

- Lay a foundation for the questions
  - Explain why you are asking it
  - Share the evidence that you are asking about, or that you are seeking a response to
- Be deliberate and mindful in your questions
  - "Can you tell me what you were thinking when..."
  - "Help me understand what you were feeling when..."
  - "Are you able to tell me more about..."

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### Which question is better?

When prompted, select which question is better of the options

- Details of sexual contact
- Inconsistent behavior/evidence
- Specifics about garments
- Alcohol/drug consumption
- Lack of memory

### ACTIVITY: POLL TIME

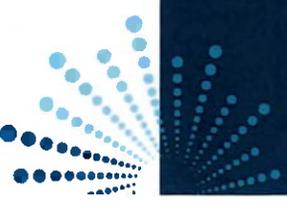
**HINT:**  
There won't always be a "wrong" answer...

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## UNDERSTANDING WHO:

Review of Evidence and Report Writing with the Decision-Maker in Mind



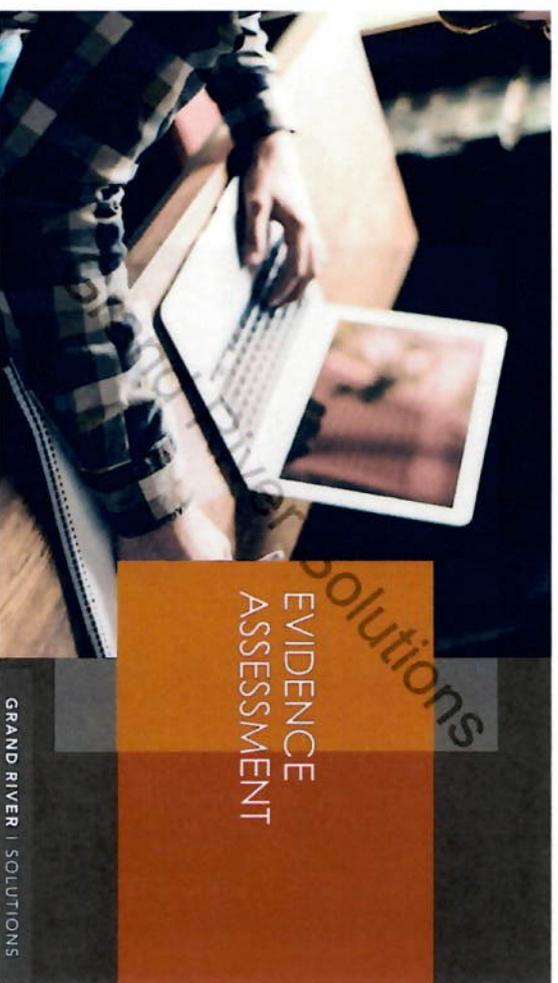
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## REVIEW OF EVIDENCE BROAD STROKES

Parties must be given an opportunity to present evidence in support of their position. There are two opportunities in any hearing case: first, after interviews and evidence has been collected, and second, ahead of the hearing.

- Share all relevant (and directly related) evidence
- Ten days for parties to respond to the evidence
- Clear categorization of evidence assessment
- Organized
- Secure and private
- Expectations for the review process and care of the evidence
- Incorporation of responses/additional evidence and finalization of investigative file

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## EVALUATING EVIDENCE

- Is it relevant?
- Is it authentic?
- Is it credible and/or reliable?
- How much weight should it be given, if any?

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## AUTHENTICITY



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# CREDIBILITY AND RELIABILITY

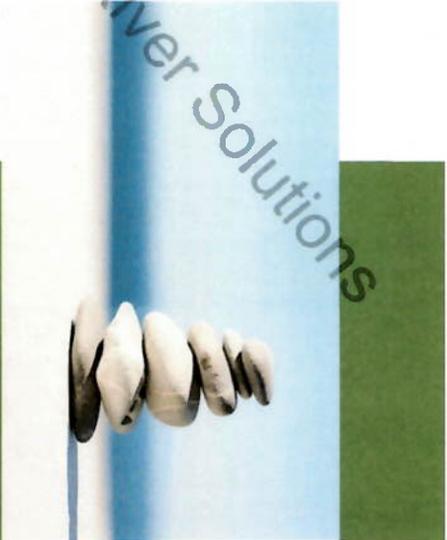
There is no formula for assessing credibility and reliability

NOTE: Keep in mind evidence and witnesses can be credible, but not reliable

- Opportunity to view
- Ability to recall
- Motive to fabricate
- Plausibility
- Consistency (Internal and external)
- Background, experience, and training
- Coaching or bias

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# CREDIBILITY AND RELIABILITY ASSESSMENTS OF THE PARTIES AND WITNESSES



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# WEIGHING THE EVIDENCE



**Direct**  
Based on personal knowledge or observation and that, if true, proves a fact without inference or presumption.



**Corroborating**  
Differs from but strengthens or confirms what other evidence shows.



**Circumstantial**  
Based on inference and not on personal knowledge.

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# CONSIDERATIONS ABOUT CREDIBILITY AND RELIABILITY

- Sufficiency of details and specificity
- Internal consistencies
- Consistency with evidence or testimony
- Corroboration
- Inherent plausibility
- Material omission
- Motive to falsify
- Past record
- Ability to recollect events

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## CREDIBILITY/RELIABILITY ANALYSIS

1. Determine the material facts – focus only on material facts.
2. Determine which material facts are:
  - a. Undisputed – consistent, detailed and plausible, and/or agreed upon by the parties
  - b. Disputed – unsupported by documentary or other evidence, or are facts about which an element of doubt remains
3. State clearly which facts are accepted, and which are rejected, and state the reasons why.

### Example:

"While Jack maintained that he never kissed Marcy and went home early, several witnesses corroborated that he was at the party until 3 a.m. In addition, a photo was submitted by a witness showing Jack kissing Marcy. Therefore, Jack's version of events cannot be credited as being more likely than not to be true."

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## ADDITIONAL CONSIDERATIONS



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## REPORT WRITING



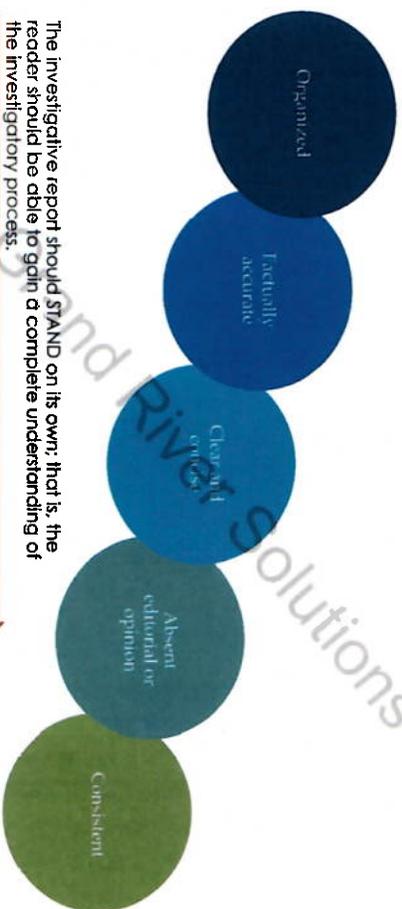
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## IMPORTANCE OF WRITING A SOLID REPORT

- Beyond ensuring the investigative report is compliant with regulations, a solid report also:
- Allows for future recollection if needed
  - Signals complaint was taken seriously
  - Ensures the investigation was fair, impartial, and thorough
  - Protects you and your institution in case of litigation and limits liability

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## ESSENTIAL ELEMENTS OF A REPORT



The investigative report should **STAND** on its own; that is, the reader should be able to gain a complete understanding of the investigatory process.

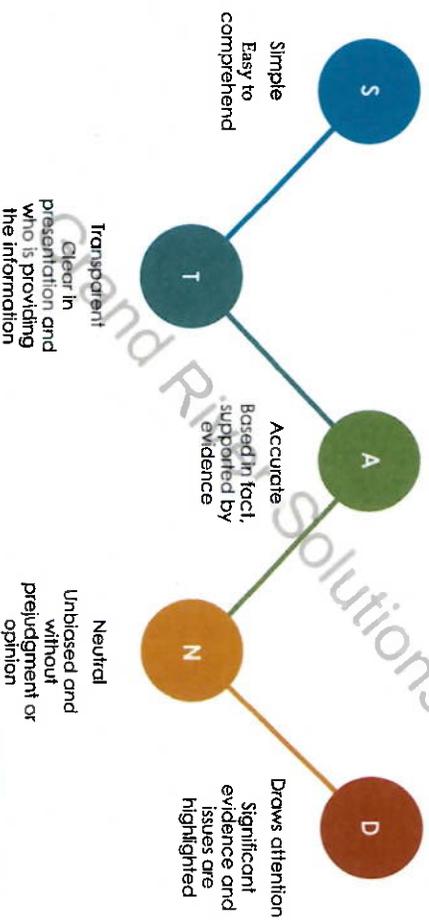
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## CONTENT CREATION FOR SUMMARY OF EVIDENCE



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## THE REPORT SHOULD STAND ON ITS OWN



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## STAND - S

### Simple

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
- Avoid inserting yourself (the investigator) into the report



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## STAND - T

### Transparent

- Summarize information chronologically
- Clearly define language used in the report
- Note what is opinion
- Use quantitative language
- Avoid or define slang/acronyms
- Provide clear descriptions of reported acts
- Use consistent language

### Question Further:

- Testimony about contact with a person's vagina
- Testimony about penetration
- Testimony that clothing was removed
- Testimony about event or act impact
- Testimony includes opinions

## STAND - A

### Accurate

- Identify of participants (pronouns; title, etc.)
- Citing and referring to the policy language
- Allegations as set forth in the formal complaint
- Quotations and absent your editorials and opinions
- Citing to the investigation file

## STAND – ACCURATE ACTIVITY

What is wrong with the following and how should you edit it?

### Who's speaking?

- Complainant first saw Respondent near the fountain in the middle of the quad
- Witness 3 told Complainant that Respondent was creepy

### Quotations:

- Witness 3 was really cut off if Respondent drunk

### No conclusory words:

- The stalking started...
- The Respondent was angry/

## STAND - N

### Neutral

Not Neutral/ Biased Statements:

- "Claimed/Alleged"
- "According to X"
- "Story/Version of Events"
- "Had Sex with/Engaged in"
- "Changed their Account/Story/Version of Events"
- "Apparently/supposedly"
- "Somehow"
- "Witness A lied..."
- "For some reason, Complainant can't remember"
- "Respondent refused to provide [evidence]"

## STAND - D

### Draw attention

Reporting facts without interpretation does not mean only describing evidence in words. Draw attention to specific evidence through intentional presentation of information in the report.

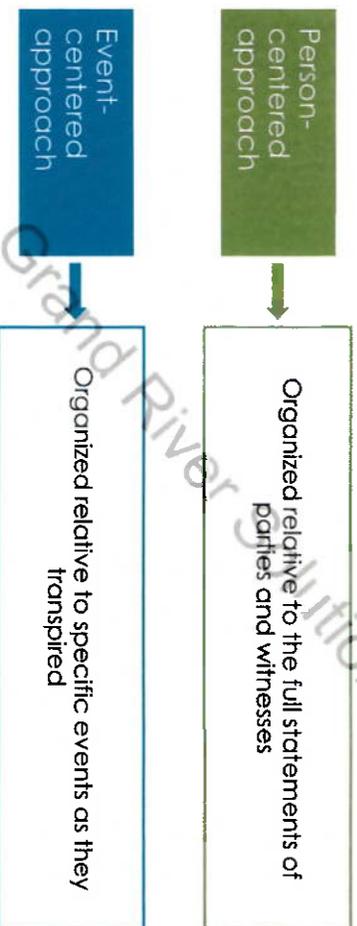
- Draw attention to Evidence that you believe should be afforded weight.
- Evidence related to assessments of credibility, reliability, and authenticity.
- Explanations that provide a clear understanding of certain items of evidence or the lack thereof.

**If it feels important, emphasize it in your report!**

## ORGANIZATION OF THE SUMMARY OF EVIDENCE



## ORGANIZATIONAL APPROACHES



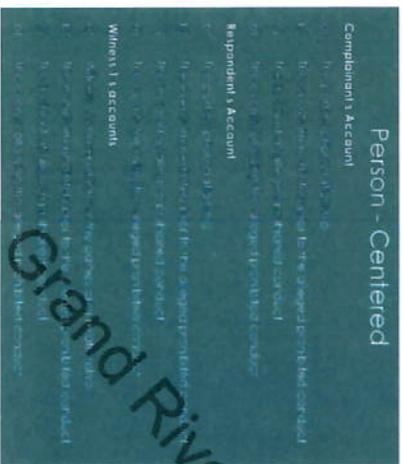
## WHICH ORGANIZATIONAL APPROACH WOULD YOU USE?

### Office Issues

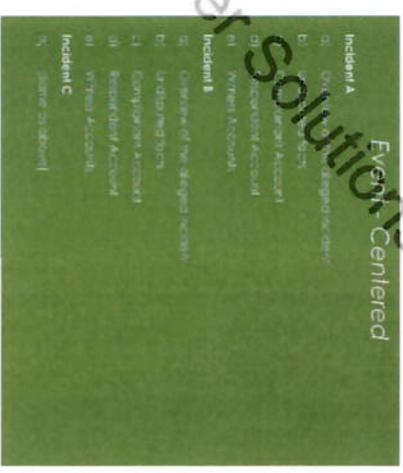
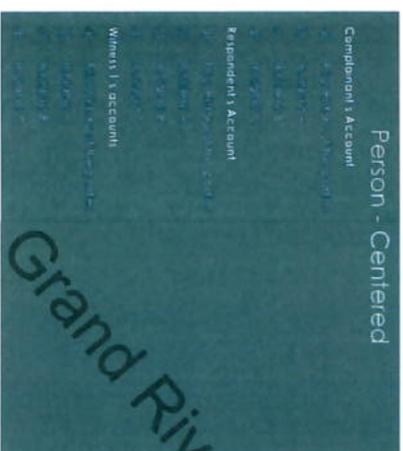
Complainant alleged that Respondent, Complainant's direct report, makes comments about Complainant's management practices. Specifically, Complainant stated that Respondent often tells other employees that Complainant is "not qualified and was only hired because of Complainant's 'so called disability.'" Complainant said Respondent told witnesses that Complainant, "doesn't even need accommodations." Complainant describes hearing this from Witness A, Witness B, Witness C, and Witness D.

Respondent denies making such comments about Complainant, stating that all the Witnesses (A, B, C, and D) are "close to" Complainant and have "the same political views." Respondent provides four additional witnesses to the conversations Respondent had regarding Complainant – Witness 1, Witness 2, and Witness 3.

## ORGANIZATIONAL APPROACHES – SINGLE INCIDENT



## ORGANIZATIONAL APPROACHES – MULTIPLE INCIDENTS



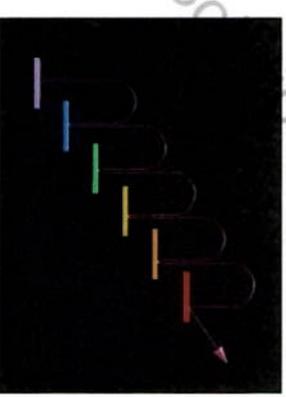
## KEY ELEMENTS FOR HEARING OFFICER INITIAL REVIEW

- Jurisdiction
- Procedural Steps
- Policy Name/Correct Version
- Standard of Proof
- Material Disputed/Undisputed Facts
  - Specific Charges
  - Summary of Factual Allegation(s)
  - Policy Section Charged with Definition(s)

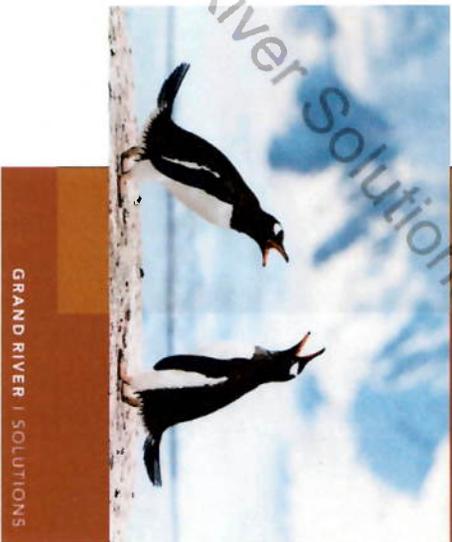


## PROCEDURAL STEPS

- What does the policy require?
- Examples:
  - Initial Disclosure
  - Formal Complaint
  - Investigation Notices (and any amended)
  - Interview Dates
  - Preliminary Report/Review of Evidence
  - Final Report
  - Any Responses/New Evidence

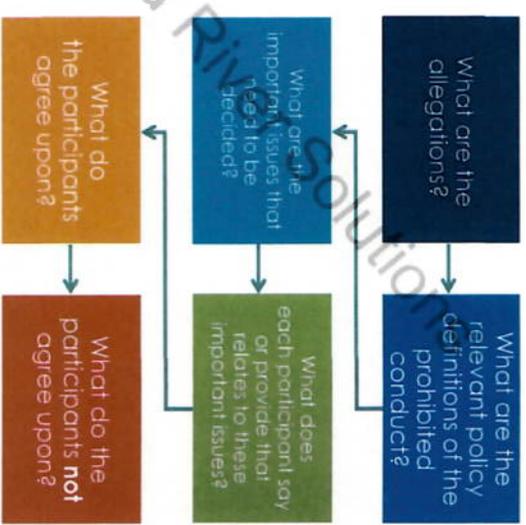


## UNDISPUTED AND DISPUTED FACTS



## UNDISPUTED/ DISPUTED FACTS

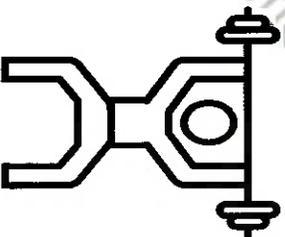
When developing this section, ask yourself these questions:



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## AVOID HEAVY LIFTING FOR THE HEARING OFFICER

- For hearing cases, the Officer or Panel should ideally only need to clarify.
- As you prepare report, consider what a decision-maker would need to reach a conclusion.
- Are there any gaps? Unresolved questions?
- Have the parties been asked about significant differences between their accounts and other evidence?



## MOCK INVESTIGATION ACTIVITY



# THE ALLEGATIONS

The Notice of Allegations:

Complainant has alleged that Respondent engaged in conduct that, if true, violates Grand River University's Sexual Misconduct Policy for stalking. Specifically, it has been alleged that, after Complainant told Respondent to stop contacting her, Respondent:

1. Approached Complainant on campus on [date]
2. Sent Complainant at least twenty unwelcome Snap Chat messages on [date], including a threatening statement; and
3. Entered Complainant's dormitory room without permission on [date] and took personal items.

# PROHIBITED CONDUCT DEFINED

Per Grand River University's Sexual Misconduct Policy, Stalking is defined as: Engaging in a course of conduct directed at 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.

Course of conduct is defined as: Two or more acts, including in person, by or through others regarding a specific person, or by electronic means.

## MATERIAL ISSUES TO BE DETERMINED RECALL THE POLICY DEFINITION OF THE PROHIBITED CONDUCT

Did Respondent engage in a course of conduct?

Fear of Safety?

Was the conduct directed at Complainant?

Substantial Emotional Distress?

## MERGING THE POLICY DEFINITION WITH THE MATERIAL ISSUES

Course of conduct

Fear of safety

Directed at specific person

Substantial emotional distress

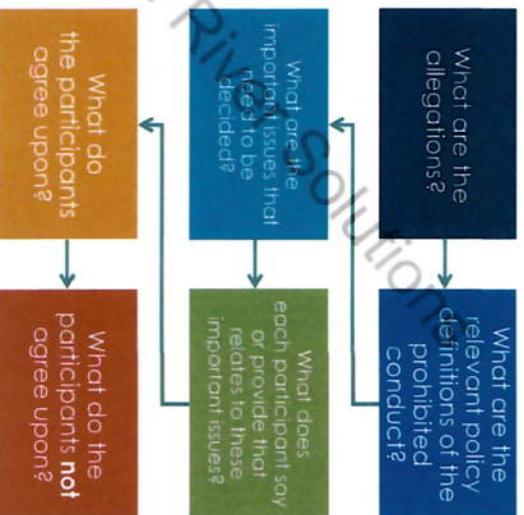
- Approaching on campus?
- Snap Chat messages?
- Entering dormitory and taking items?

- Would the conduct cause a reasonable person to fear for their or others safety?
- Did Complainant experience that fear?

- Would the conduct cause a reasonable person to suffer substantial emotional distress?
- Did Complainant suffer substantial emotional distress?

## UNDISPUTED/ DISPUTED ACTIVITY

Let's try it!



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### BREAKOUT ACTIVITY: DISCUSSION: DISPUTED

- Who ended the relationship
- Whether Complainant told Respondent to cease contact
- Whether Respondent walked toward Complainant and called her name at classroom
- How many Snap Chat messages Parties exchanged
- The language of one specific message
- Whether Complainant responded
- Whether Complainant asked Respondent to call her after Snap Chat messages
- Whether Respondent entered Complainant's room and took items

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### BREAKOUT ACTIVITY: DISCUSSION: UNDISPUTED

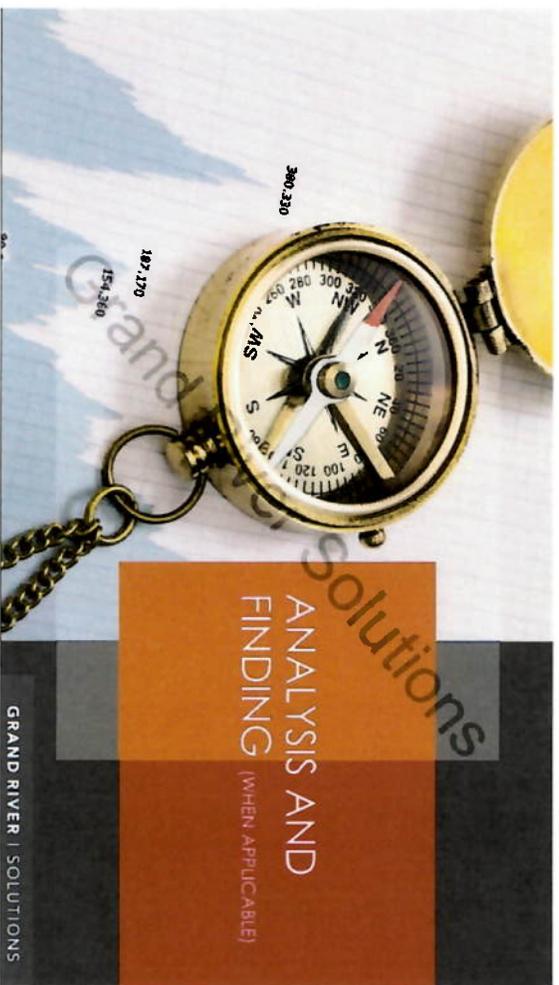
- Parties were in a dating relationship
- Relationship recently ended, albeit exact date is in dispute
- Respondent was outside Complainant's classroom
- Respondent sent Complainant some Snap Chat messages
- Respondent called Complainant after Snap Chat messages
- Complainant blocked Respondent
- Respondent was in Complainant's dormitory building the day of the final alleged incident

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## UNDISPUTED AND DISPUTED OVERVIEW

- The key takeaway about the undisputed/disputed section of your report:
  - Refer to the allegations and the relevant policy definition of the prohibited conduct.
  - Focus on the relevant and material information as they relate to the allegations and prohibited conduct definition.
  - Not every statement in the summary of evidence will be referred to in the undisputed/disputed section BUT every statement in the undisputed/disputed section, must have been referred to in the summary.
- This is why it is important to stay organized throughout your investigation and actively work on the road map you created when you were initially assigned the case.

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## ANALYSIS AND FINDING (WHEN APPLICABLE)

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## EVIDENTIARY STANDARD PREPONDERANCE OF THE EVIDENCE

Responsible -  
"More likely than not..."

There was sufficient, reliable, credible evidence to support a finding, by a preponderance of the evidence, that the policy was violated.

Not responsible -  
"Insufficient evidence..."

There was insufficient reliable and credible evidence to support a finding, by a preponderance of the evidence, that the policy was violated.

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## FINDINGS OF FACT

What is your finding?

### A finding of fact is:

- The decision whether events, actions, or conduct occurred, or a piece of evidence is what it purports to be, is credible, and reliable.
- Based on available evidence and information.
- Determined by a preponderance of evidence standard.
- Determined by the fact finder(s).

### Let's try it:

- Complainant reports that both parties simultaneously ingested two shots of liquor just before the incident.
- Respondent denies ingesting any liquor on the night of the incident.
- Witness 1 produces a video from that night of the incident showing both Complainant and Respondent ingesting two shots of liquor at the same time together.

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## THE RECOMMENDED DETERMINATION

### Key elements:

- Summarize the undisputed material issues.
- Summarize the findings of fact for the disputed issues.
- Address whether the elements of the prohibited conduct policy have or have not been established.
- Conclude with whether the Respondent, by the preponderance of the evidence, violated the prohibited conduct policy.

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"While the evidence supports a finding that it is more likely than not that Respondent touched Complainant's vagina with his hand for the purpose of sexual gratification, there is insufficient evidence to find that Complainant was incapacitated at the time of the incident. The evidence also supports a finding that it was more likely than not, Complainant gave verbal consent to engage in this sexual activity. Thus, Respondent is NOT RESPONSIBLE for the allegation of sexual contact, as set forth in the formal complaint."

### Sample Recommended Determination

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## THINKING AHEAD TO THE APPEAL

- Don't Take it Personally:
  - Allegations of bias may still be listed in the appeal even when you have applied neutral principles
- What you Can Control:
  - *Make every effort to remain neutral and be aware of perception of bias:*
    - e.g., Necessary but neutrally-worded questions

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### Recommended Findings: Pros and Cons

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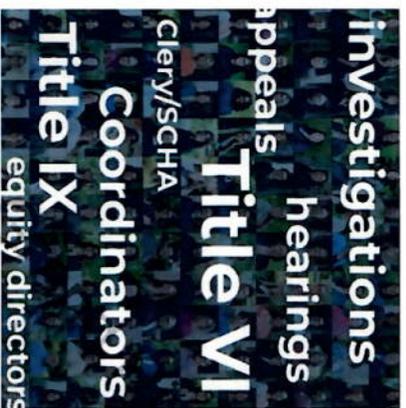
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- EO Director
- Equity Director
- ADA/504 Coordinators and Staff



Delegated Roles



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- ADA/504 Coordinator
- Policy Development & Review
- Training
- Accessibility & Compliance Assessment
- Investigations

**Digital Accessibility**

- Policy Development & Review
- Training
- Consulting
- Investigations

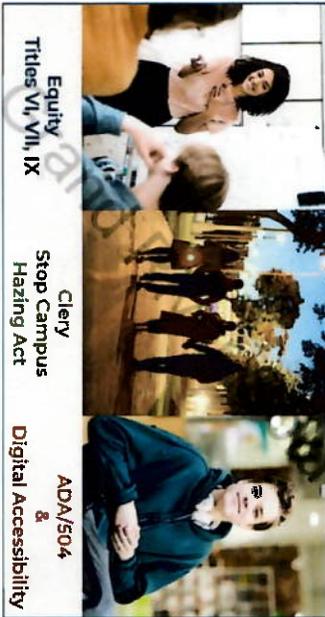


ADA/504 Services

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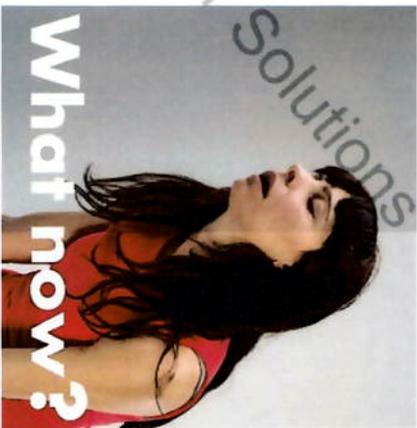
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## QUESTIONS?



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## FACT PATTERN:

Complainant and Respondent are both Grand River University students.

Complainant states that she and Respondent were in a dating relationship for approximately a year. Complainant alleges that, following her decision to end the relationship, Respondent is now stalking her. Complainant states that the relationship ended two months ago. Complainant adds that, initially after the break up, she had a few voluntary conversations in which Respondent asked her to reconsider, and she refused. In a final phone call approximately one month ago, Complainant says that she told Respondent, "my answer is final...Don't contact me anymore." Complainant alleges that, since that conversation, Respondent has continued to contact her against her wishes. More specifically, she describes going to her morning class on Monday morning the week after this final conversation. Complainant says that she saw Respondent standing outside of her classroom. She also says that Respondent walked toward her and called her name, but Complainant quickly went into her classroom to avoid him. She says that Witness 1 observed this. Complainant states that, a week later, she received twenty Snap Chat messages from Respondent in the span of an hour that were increasingly angry in tone. The last message read, "If you think you can get away with ignoring me, you're going to learn the hard way." Complainant says that she no longer has these messages but that she told Witness 2 about them. Complainant says that, when Respondent continued to call Complainant, she blocked his number. Finally, Complainant says she came home yesterday and found that a number of items were missing from her dormitory room, specifically items which Respondent had either given her as a gift or which they had purchased together. Complainant states that she may have left her room unlocked that day and that she believes Respondent entered without permission. Complainant asks that the Investigator review residence hall security footage. She concludes that she has started locking her door at all times and is now concerned for her safety.

Respondent states that he and Complainant dated for eight months and that they mutually ended the relationship about one month ago. Respondent says that they both called and texted each other within the past month and that, while they discussed getting back together, they ultimately agreed that they would remain friends. Respondent denies that Complainant ever told him to stop contacting her. Respondent adds that he and Complainant have been "off and on" in the past but have always gotten back together. He states that, after the current break up, he thought Complainant just wanted him to "fight for her" and prove that he would not give up on the relationship. On the Monday of Complainant's class, Respondent says that he was near Complainant's classroom because he also has a class nearby at that time. However, he denies that he was trying to contact Complainant. At most, he says he might have waved to her as he entered his class own building. Respondent states that he thinks he may have sent Complainant some Snap Chat messages a week later. He states that he does not recall how many messages he sent or the specifics of what they said.

However, he denies that he told Complainant, "If you think you can get away with ignoring me, you're going to learn the hard way," at any time. Respondent states that he did call Complainant again because she asked him to in one Snap Chat message during this period. He says that he no longer has copies of any Snap Chat messages. Respondent states that he realized that Complainant blocked him and stopped trying to contact her at that point. Respondent denies that he entered Complainant's room or took any belongings. He states that he was with Witness 3 most of the day in question. Witness 3 lives in the same building as Complainant. Respondent states that he thinks Complainant may have seen him in her building that day and made up this story about the missing items in order to get him in trouble.

Advanced Investigator Witness & Evidence Table Sample

Witness/Evidence	Offered by:	Relevancy	Outreaches
John Doe	Complainant	 Complainant best friend. He was with the Complainant the night of the reported incident.	
Jane Doe	Investigators	 Respondent roommate. It is believed that she saw the Complainant leave the Respondent's residence immediately following the reported incident.	
Text communication between parties on date of incident	Complainant	 Text related to the incident immediately following the interaction.	

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