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Report Writing Workshop Day 2

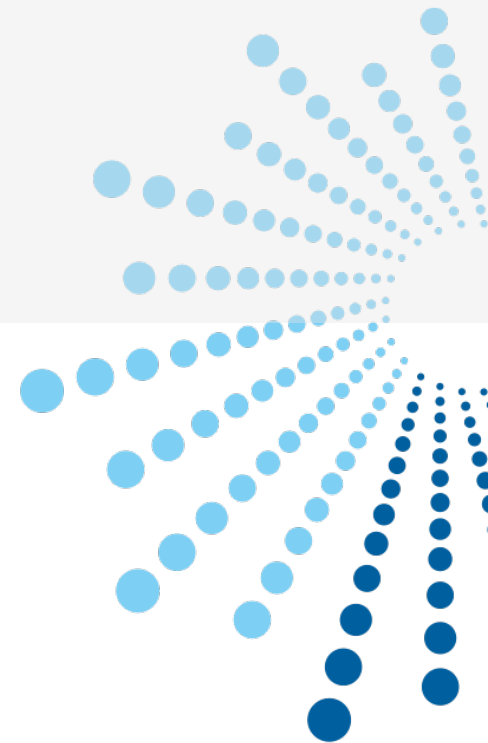
Chantelle Botticelli, J.D.
February 2022



Developing an Evidence File and Report for “The Formal” Hypothetical

04

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Breakout 2

What are the questions that you/the DM must answer?

In your small groups, create an analysis grid.

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Report Out: Break Out 2



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Analysis Grid: List the Elements

Did Drew Engage In Sexual Intercourse with Taylor?	Was Taylor incapacitated and therefore incapable of providing consent?	Did Drew know Taylor was Incapacitated?	Should Drew have known that Taylor was incapacitated?
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Assembling an Investigative Record

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Break Out #3

In your small groups, assemble the investigative record.

Be sure to do the following:

1. Create sections or appendices
2. Include an explanation of each section/appendix
3. Create one or more table of contents
4. Include every item of evidence

Report Out Group 1



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Report Out Group 3



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Appendix A:

Relevant Transcripts

1. Transcript of Complainant's Initial Interview
2. Transcript of Complainant's Follow Up Interview
3. Complainant's Written Response to the Draft Investigative Record
4. Transcript of Respondent's Initial Interview
5. Transcript of Respondent's Follow Up Interview
6. Transcript of Witness 1's Interview
7. Transcript of Witness 1's Follow Up Interview
8. Transcript of Witness 3's Interview
9. Transcript of Witness 3's Follow Up Interview
10. Transcript of Witness 5's Interview



Appendix B

1. Screen Shots of Text Messages Between Complainant and Respondent
2. Screen Shots of Text Messages Between Complainant and Witness 1
3. Screen Shots of Text Messages Between Respondent and Witness 5
4. Screen Shots of Text Messages Between Complainant and Witness 7



Appendix C

1. Transcript of Witness 6's Interview
2. Letter Submitted by Eric Church
3. Transcript of Witness 7's Interview



Appendix D

1. Procedural Timeline

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Appendix E

1. Investigator Abby Plates: Training Materials
2. Investigator Kevin F. Ware: Training Materials





Break Out 4: To Redact or Not to Redact?

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Consider



Is there information that must be redacted from this record?



Is there information that should be redacted from this record?



What is your reasoning for any redactions made?



How will you document the redactions?

Do we redact?

Any reference to Complainant's relationship with Witness 3?

Respondent's description of Complainant hooking up with Witness 3 at the fraternity party during the fall of 2020?

Witness 3's statements about Respondent's prior behaviors?



Should the following statement be redacted?

Witness 3 Statement

The other thing is that, like, Drew has a reputation, um, for... like, I've heard rumors that Drew, like, talks about, "Well, if you get a girl drunk enough, you can pretty much do whatever you want with her." And, um, Paul told me that Drew used to joke around about how they should put extra... they should have a separate punch for women at their parties, that had higher alcohol content so that the girls would get drunker so that the boys could get lucky. And I- I mean, that's basically what Paul told me, um, and so you'd probably want to talk to him about that, but I- I just... like I said, like, I believe her. I don't think she would lie about this and I think that Drew is a scumbag.



Break Out #5

In your small groups, do some editing!

As a team, review small portions of a summary and edit it using the track feature in word. Edit the summary:

1. To simplify it
2. For transparency/clarity
3. Accuracy
4. Neutrality
5. Draw attention to important facts

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Group 1: 5A

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Group 2: 5B

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Group 3: 5C

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Group 4: 5A

Break Out # 6

In your small groups, fill the analysis grid and make a finding!

- First, list the relevant evidence related to each question.
- Second, assess the authenticity, credibility, and reliability of each item of evidence to determine what items of evidence you will rely upon when making and explaining your finding/recommended finding.
- Third, determine the weight you will give to each item of evidence upon which you intend to rely.
- Next, apply the standard of proof and make a finding as to each element of the formal complaint.
- Finally, make a finding of responsibility



Did Drew Engage in a Sexual Act with Taylor?	Was Taylor incapacitated and therefore incapable of providing consent?	Did Drew know Taylor was Incapacitated?	Should Drew have known that Taylor was incapacitated?
<ul style="list-style-type: none"> ➤ Undisputed ➤ Complainant's testimony ➤ Respondent's testimony 			
<ul style="list-style-type: none"> ➤ It is more likely than not that Drew engaged in sexual intercourse with Taylor 			

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Be kind to yourself
for the work you've
done already in
good faith.

Compare yourself to
yourself yesterday
instead of
comparing yourself
to others.

Writing good reports
is a constantly
evolving process.
Don't expect
perfection.

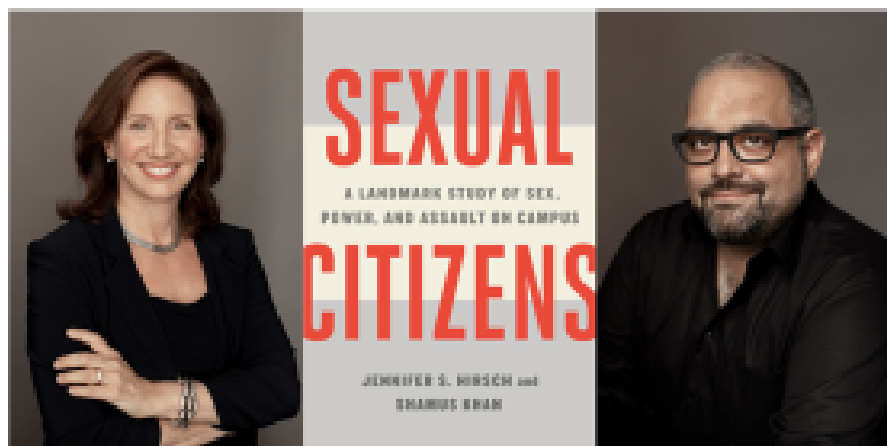
Don't worry about
where your skills are
today, just keep
getting better.

You have the tools.
You can do it!



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Save the Date!



Sexual Citizens SPACE Toolkit: A Discussion with the Authors

Hosted by Grand River

May 31, 2022, 2 PM Eastern

Register here!



Upcoming Trainings

Clery Act Training: Higher Education Act Campus Safety Obligations

May 10, 12, 17 & 19, 2022, noon eastern

June 8 & 9, 2022, noon eastern

From One Title IX Coordinator to Another

September 6 & 7, 2022, noon Eastern

Decision Makers: Conducting Fair, Equitable, and Compliant Title IX Hearings

October 25 & 26, 2022, noon Eastern

Title IX Investigative Report Writing Workshop

Classes in April, August, and November

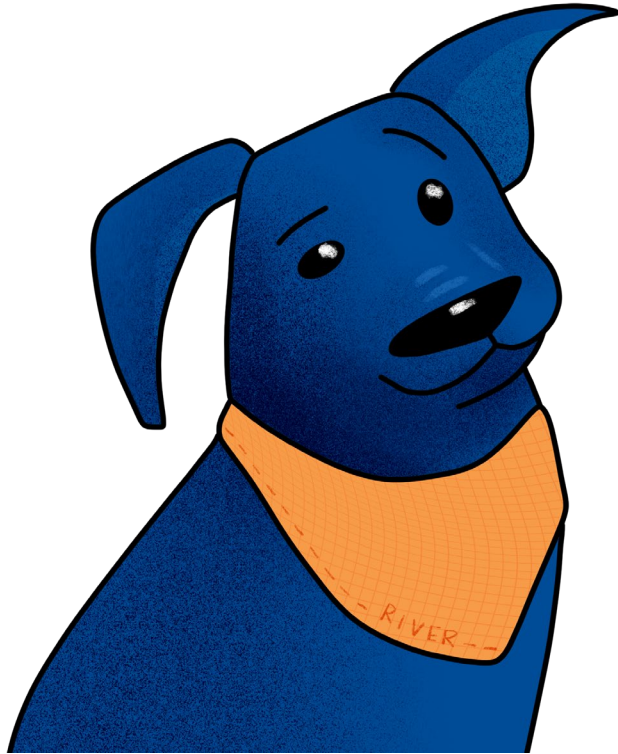
Conducting Fair, Thorough, and Trauma-Informed Sexual Violence Investigations

Classes in August and October

Driving Down the 493: A Deep Dive into a California Law and Its Overlap with Title IX

June 24, 2022 noon Pacific

Questions?



Leave Us Feedback:



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