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Title IX Investigator Report Writing (Tier 5)

Presented by DSA Associates:

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Report Writing

- Investigation Reports
- The Report Contents
- Putting It All Together
- Case Study



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Adrienne Meador Murray, Vice President, Equity Compliance and Civil Rights Services



In January 2014, Adrienne Meador Murray joined D. Stafford & Associates where she currently serves as the Vice President, Equity Compliance and Civil Rights Services after having been affiliated with D. Stafford & Associates as a part-time Associate since 2012 and the National Association of Clery Compliance Officers & Professionals (NACCOP) where she currently serves as Director of Training and Compliance Activities. Murray began her career in municipal law enforcement as a civilian employee with the City of Richmond Police Department (Virginia). She graduated from the Virginia Commonwealth University Police Training Academy and began her career as a sworn police officer for the University of Richmond (UR) Police Department (Virginia). At UR, Murray progressed through the ranks from a night shift patrol officer to Operations Lieutenant (overseeing criminal investigations, crime prevention and patrol) over the span of a decade before becoming the Chief of Police at Davidson

College in North Carolina. Most recently, Murray served as Chief of Police at Trinity Washington University (in Washington, D.C.).

As the Executive Director, Equity Compliance and Civil Rights Services for DSA, Murray builds on her 17-year career in law enforcement in which she became a nationally recognized expert in the field of best practice postsecondary institutional response to the sexual victimization of college women in the United States and in Canada. She is also a trained civil rights investigator and is well respected throughout the country for her ability to aid institutions in understating how to do best practice criminal and civil rights investigations concurrently. She is well known for her work in having provided support, advocacy and criminal investigative services for victims of sexual assault, stalking and intimate partner violence and is a sought-out speaker and investigator. She has expertise in the construction of best practice law enforcement standard operating procedures and training police officers to respond in best practice and trauma-informed ways to victims of sexual assault and intimate partner violence. In her current role, Murray coordinates curriculum development and instruction for national classes, including basic and advanced sexual misconduct investigation classes; an investigation of dating violence, domestic violence and stalking class; and a Title IX Coordinator/Investigator class offered through D. Stafford & Associates. To date, Murray has trained more than 3,500 criminal and civil rights investigators throughout the U.S.

Drawing on her experiences as a trained criminal and civil rights investigator, Murray also oversees independent investigations of complex sexual misconduct cases; conducts audits of Title IX/VAWA



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Compliance; drafts institutional sexual misconduct policies and procedures; and conducts campus-based trainings pertaining to the resolution of sexual misconduct offenses on college and university campuses. Murray frequently presents at regional and national conferences on topics such as the *Sexual Victimization of College Women*, *Understanding Consent and Incapacitation*, and *Responding to Sexual Assault on Campus: Clery Act and Title IX Implications*. Murray also conducts provincially specific sexual misconduct trainings throughout Canada.

Murray is a graduate of the University of Richmond, where she received her Bachelor's Degree in Applied Studies in Human Resource Management and of New England College, where she received her Master's Degree in Campus Public Safety Administration. Murray is also a graduate of the 235th session of the prestigious FBI National Academy where she was awarded a graduate certificate in Criminal Justice from the University of Virginia. She has authored numerous journal articles.



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Catherine Cocks, M.A.
Director, Student Affairs, Behavioral Threat Assessment and
Independent Investigation Services



Ms. Cocks has been a higher education professional for over thirty years. Her work with D. Stafford & Associates focuses on Title IX investigations and training; assessment of student affairs policies, practices and services; and behavioral threat assessment services. Cathy was the Director of Community Standards for the University of Connecticut for 14 years where she managed the student conduct process, which included managing all Title IX cases involving student respondents and chaired the University's student threat assessment team. Prior to that, she held several positions within Residential Life at the University of Connecticut and Roger Williams University.

She is a faculty member for the Association for Student Conduct Administration's (ASCA) Donald D. Gehring Academy teaching on subjects such as ethics, governance, threat assessment, media relations, and higher education trends. She was an affiliated faculty

member for many years in the University of Connecticut's Higher Education and Student Affairs Master's program teaching "The Law, Ethics, and Decision-Making in Student Affairs."

Cathy has co-authored the "Philosophy of Student Conduct" chapter in the 2nd edition of "Student Conduct Practice" (2020) and was a member of the writing team for CAS Standards' Cross-functional Framework for Identifying and Responding to Behavioral Concerns.

Cathy is a Past President of ASCA. She has also served as a Circuit representative, co-chair of the Public Policy and Legislative Issues Committee, and as a member of the ASCA Expectations of Members Task Force. Cathy has served in a variety of leadership roles in NASPA Region I.

She was the 2015 recipient of ASCA's Donald D. Gehring Award. She is a past recipient of the NASPA Region I Mid-Level Student Affairs Professional Award and the NASPA Region I Continuous Service Award.

She earned her Master's degree in Higher Education Administration from the University of Connecticut and Bachelor's degree in Communications/Media from Fitchburg State University.



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Jennifer Storm, Associate



Jennifer Storm is an international public speaker with over twenty years of experience in non-profit management and governmental relations, combined with a powerful personal story of survival from victimization and addiction. Today with over twenty-five years of active recovery, she has spent her life advocating for victims of crime, having worked on many high-profile cases, including helping victims/survivors of Jerry Sandusky, Bill Cosby, Catholic Clergy victims, and thousands of other cases in her twenty-year-long career as a victim advocate.

Ms. Storm currently serves as the Director of Institutional Compliance, Equity and Title IX at Muhlenberg College in Allentown, PA and has been in that position since 2020. She served over seven years as the Victim Advocate of the Commonwealth of Pennsylvania from 2013-2021 under the leadership and appointments of Governors Wolf and Corbett after being unanimously confirmed by the state Senate. She was responsible for representing the rights and interests of crime victims within the Commonwealth.

She earned a Master's Degree in Organizational Management from University of Phoenix in 2004 and a Bachelor of Science Degree from the Pennsylvania State University in 2002. She has appeared; The Today Show, ABC World News with Diane Sawyer, CBS 48 Hours Live to Tell, The New York Times, People, Parents, Business Week, The Washington Post, LA Times, San Francisco Chronicle, The New Yorker, Cosmopolitan, Marie Claire, Curve Magazine, The Advocate, Time Magazine, Rolling Stone, and E! News online.

Author of six critically acclaimed books on addiction, recovery, and victimization. [Awakening Blackout Girl: A Survivors Guide for Healing from Addiction and Sexual Trauma](#), [Blackout Girl: Tracing my Scars from Addiction and Sexual Assault, Second Edition](#), [Echoes of Penn State: Facing Sexual Trauma](#), [Picking Up the Pieces Without Picking Up: A Guidebook Through Victimization for People in Recovery](#), [Leave the Light On: A Memoir of Recovery and Self-Discovery](#) and [Blackout Girl: Growing Up and Drying Out in America](#).

Jennifer has been an associate with D. Stafford & Associates since 2024, where she serves as an instructor in Title IX, Diversity, Equity and Inclusion and a consultant.

INVESTIGATION CLASS ACRONYMS

- ASR:** Annual Security Report (often used as a reference to the Annual Security Report and/or the Annual Security and Fire Safety Report) that must be published by each institution of higher education.
- CSA:** Campus Security Authority—Individuals on each campus who have been identified by the Department of Education as persons who are required to report crimes that they become aware of to the Reporting Structure at each institution.
- DCL:** Dear Colleague Letter—this is a formal name of the method of communication from the Department of Education to college campuses. It is like naming their official “memo” to campuses.
- FERPA:** Family Educational Rights and Privacy Act—governs the confidentiality of student records.
- FNE:** Forensic Nurse Examiners
- GO:** General Order—some departments describe their operating procedures as general orders
- HEOA:** Higher Education Opportunity Act—the broader law that contains the Clery Act language and the fire safety and missing person language that is in the law but not contained within the “Clery Act” portion of the law.
- HIPAA:** Health Insurance and Privacy and Portability Act—governs privacy of medical records.
- MOU:** Memorandum of Understanding—an official agreement developed between agencies.
- NIBRS:** National Incident-Based Reporting System. 1 of 2 crime reporting systems developed by the FBI, but not the system that you are required to use for Clery Reporting—the only portion of this system that is used for Clery Act purposes are the 4 forcible and 2 non-forcible sex offense definitions.
- OCR:** Office of Civil Rights—the unit of the Department of Education that oversees Title IX Compliance.
- PD:** Police Department
- PS:** Public Safety
- PNG:** Persona-non-Grata—process used by some campuses not keep students from entering certain areas of the campus or the entire campus (administrative process) versus legal bar notice or trespass warning.
- SACC:** Sexual Assault Crisis Center, also known as Women’s Center.
- SANE:** Sexual Assault Nurse Examiner

SART: Sexual Assault Response Team

SOP: Standard Operating Procedures—some departments describe their operating procedures as Standard Operating Procedures. Some call them General Orders, etc...

SWA: Senior Women's Administrator (Athletics)

TWN: Timely Warning Notice

UCR: Uniformed Crime Report. This is 1 of 2 crime statistics reporting systems developed by the FBI. Institutions are required to use UCR Standards for counting and classifying crimes for reporting the Clery statistics.

VAWA: Violence Against Women Act



TITLE IX

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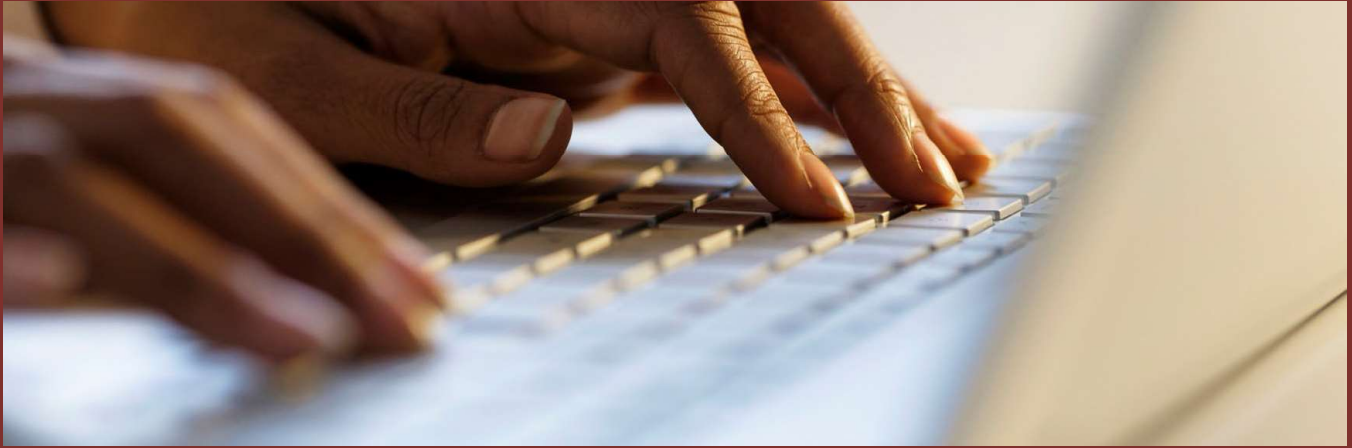
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To receive a certificate, attendees must attend the majority of the class and have paid class invoice in full. This applies to both in-person classes and virtual classes. We understand that attendees may need to miss class for a legitimate reason for longer periods of time or may need to leave the room during a class for a few minutes to take a phone call or attend to other business. If an attendee misses a significant amount of the class (depending on the length of the class) or they miss an attendance poll, they will not be issued a certificate of completion for the class.

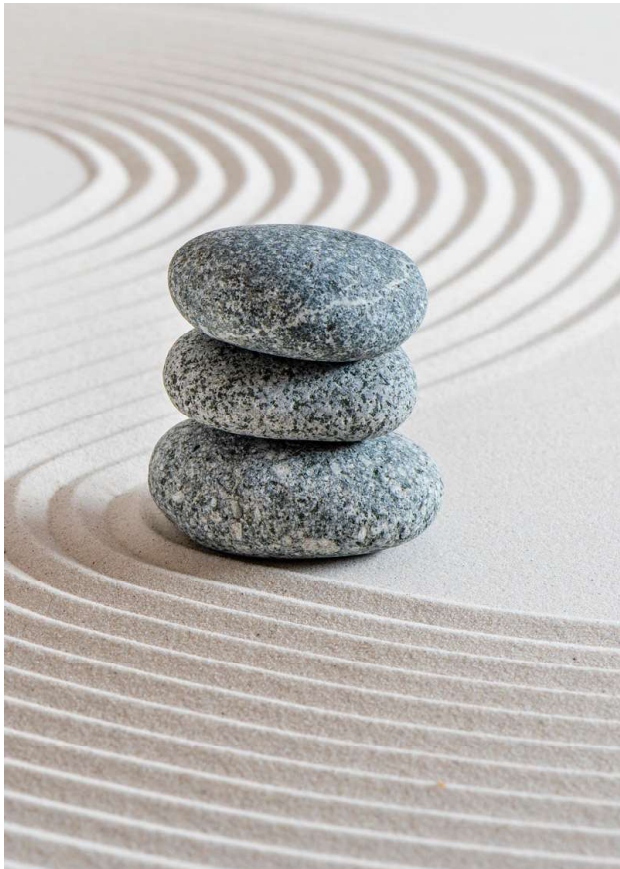
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The criteria for receiving a certificate is determined based on missed class time and participation in the Attendance Polls that will be launched throughout each day of class. Attendance polls are left up for approximately 5 minutes and the instructor notifies the attendees that a poll is being launched to ensure that everyone who is present can respond to the poll. If an attendee is unable to respond to the attendance poll, the attendee would need to **immediately post "I am here"** in the chat feature within the Zoom platform. That way we can give the attendee credit for being in attendance for that specific poll. Notifying us after the attendance poll has been closed will not allow us to give the attendee credit for being in class during the poll.

Some of our classes may qualify for credit toward a Master's Degree at New England College (and regardless if you decide to seek credit or not, accreditation requirements mandate that we follow the same standards for all class attendees), so we have strict attendance standards that we follow for issuance of a certificate. For DSA & NACCOP, issuance of a Certificate of Completion is verification of attendance.



REPORT WRITING



AGENDA

- Investigation Reports
- The Report Contents
- Putting It All Together
- Case Study



“Drive for show, putt
for dough.”

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3



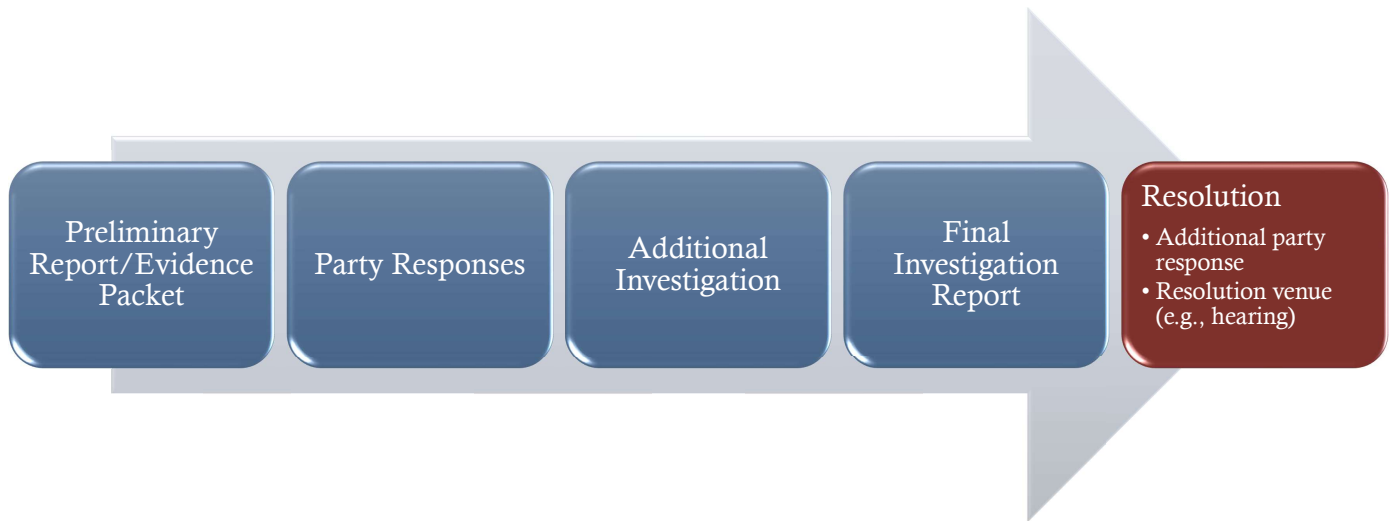
INVESTIGATION REPORTS



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4

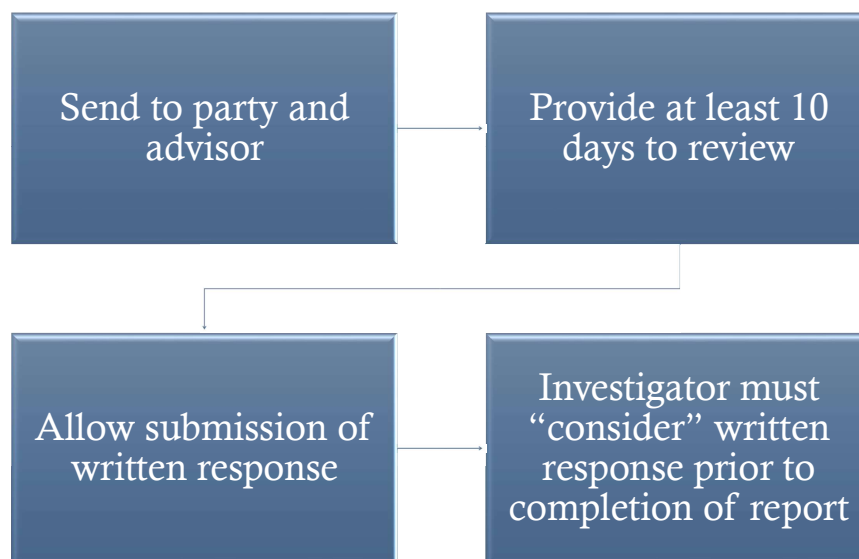
REPORT WRITING STAGES



PRELIMINARY REPORT



TITLE IX INSPECT AND REVIEW STAGE



INSPECT & REVIEW OPTIONS



Individual
Files



Evidence
Packet



Preliminary
Report

THE FINAL REPORT



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9

TITLE IX FINAL INVESTIGATION REPORT

Summarizes the
relevant evidence

The parties and
advisors receive the
report at least ten
days before a hearing

The parties can
submit a written
response for the
hearing



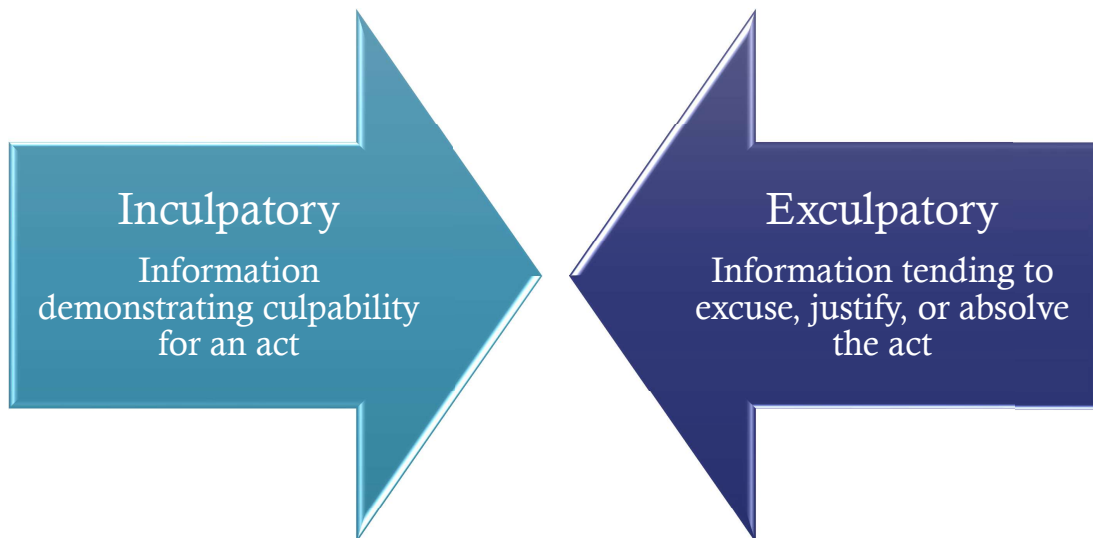
What does it mean to
accurately summarize
the evidence?

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11



EVIDENCE



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12

EVIDENCE THAT MUST BE EXCLUDED



Protected by Privilege

- Unless voluntarily waived



Records Connected to Treatment

- Unless voluntary, written consent



Complainant's Sexual Interests or Prior Sexual Conduct

- Unless offered to prove that someone else committed the conduct or about specific incidents offered to prove consent

THE REPORT CONTENTS



PURPOSE OF THE REPORT

Documentation
of process

Compilation of
relevant
evidence

Summary of
relevant
evidence

DOCUMENTATION OF THE PROCESS



KEEPING TRACK OF THE DATES



- Incident timeline (if relevant)
- Institutional action
 - Actual knowledge
 - Notice of investigation
 - Any temporary delays
 - Key report dates (if there is a preliminary report)

CONFLICT OF INTEREST AND BIAS



Investigator
background



Training



Acknowledge any
relationship to
parties



Opportunity to
request new
investigator

TRAINING



Evidence gathering



Evidence assessment



Equitable process

INVESTIGATIVE METHODOLOGY

- Burden is on the institution to conduct the investigation
- Provide an equal opportunity for the parties to present fact witnesses and relevant evidence
- Identify what evidence is relevant to the allegations and not otherwise impermissible
- Provide each party with an equal opportunity to access the evidence that is relevant to the allegations and not other impermissible

EVIDENCE



Fact Witness list



Evidence submission

COMPLILATION OF THE EVIDENCE



EVIDENCE COLLECTION



OBTAINED EVIDENCE

“[A]ny evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.”

“DIRECTLY RELATED”



“interpreted using their plain and ordinary meaning”



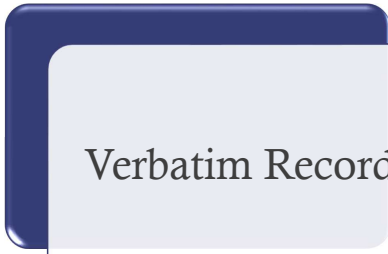
We note that “directly related” in § 106.45(b)(5)(vi) aligns with requirements in FERPA, 20 U.S.C. 1232g(a)(4)(A)(i). (“information directly related to a student.”)



“directly related” may sometimes encompass a broader universe of evidence than evidence that is “relevant.”

CAPTURING INVESTIGATIVE INTERVIEWS

How do you capture the interview in the report?



Verbatim Record



Question/ Answer
format



Reorganization
for clarity



OTHER EVIDENCE

1

Incorporated



Attached



Available

RELEVANT EVIDENCE

1

The evidence does not need to be conclusive

2

Is sufficient if it constitutes a link in the chain

3

Enough if in connection with other evidence, helps *"a little"*



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“FAIRLY SUMMARIZES THE RELEVANT EVIDENCE”

How do you organize?

- Facts in agreement/facts in dispute
 - Disputed and undisputed facts
 - Exculpatory and inculpatory evidence
 - Factual summary
 - Timeline
-

29

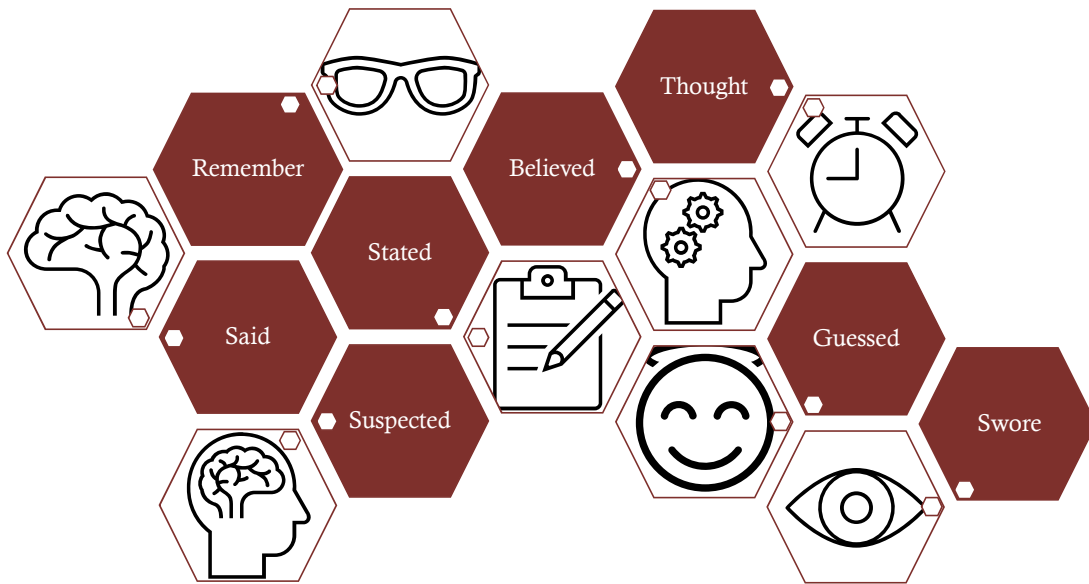
THE BALANCING GAME

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30

NEUTRAL VS. ACCURATE



**Know your audience:
The parties and
decision-makers**

**You are not writing a court brief or
an application for an arrest warrant**

PUTTING IT ALL TOGETHER



COVER PAGE

- Case identifier
 - Title
 - Drafter
 - Reviewer
 - Date
-



SCOPE

- Allegation
 - Policy
 - Notice timeline (or summary)
-

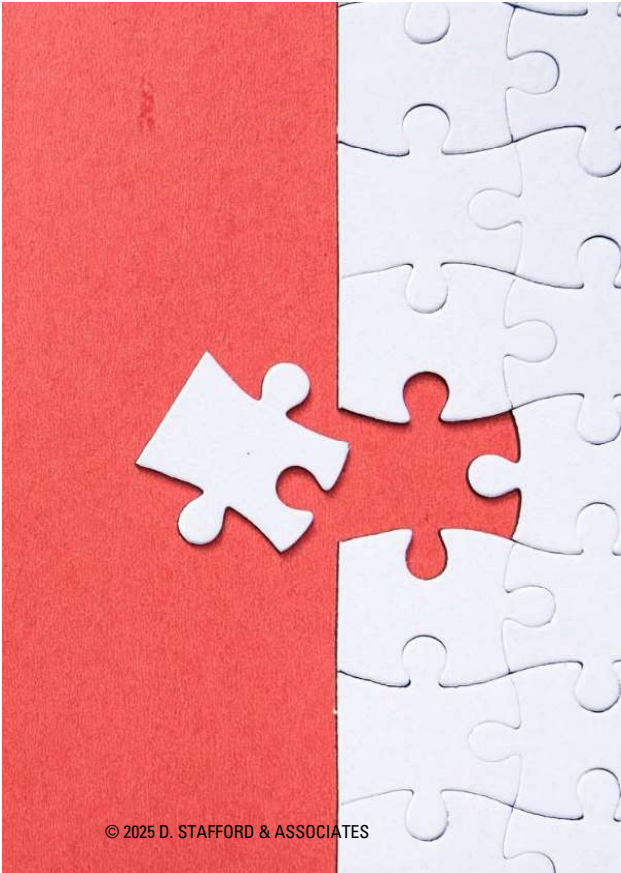
35



METHODOLOGY

- Steps taken
 - Evidence collected
 - Persons interviewed
 - Report versioning
-

36



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SUMMARY OF RELEVANT EVIDENCE

- Context
- The alleged behaviors
- The elements of a prohibited conduct

37

FORMATTING

Page numbers

Line numbers

Footnotes

Capitalization

Punctuation

Titles

Redactions

Legalese/
Disclaimers

Case Study





THANK YOU





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The Alliance is a dedicated affinity group through which Title IX and Equity Professionals, and the practitioners who support and/or supervise them, can benefit from NACCOP's expertise in complying with the Clery Act, Title IX, and other civil rights laws that affect their work.

BENEFITS OF JOINING THE ALLIANCE

- **Access to NACCOP's annual 9 on IX webinar series at no additional cost (a \$710 value)**
 - These 60-minute succinct webinars will offer legal insight and practical guidance on Title IX topics from experts who have served or are currently serving as active practitioners on college and university campuses.
- **Alliance-Exclusive Professional Development Opportunities such as the Title IX & Equity Open House Discussion Series**
 - An Alliance-exclusive virtual open house will be held bi-monthly (every other month, 6 sessions annually) to engage with experts from NACCOP's partner organization, D. Stafford & Associates, as well as other invited guests, to discuss current trends and issues. Each open house will focus on a specific topic for discussion and participants will be encouraged to engage in the conversation.
- **Access to Alliance-Exclusive Whitepapers regarding Title VI, VII, and IX**
- **Connect and collaborate with other Title IX and Equity Professionals via an Alliance-restricted Listserv**
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