FINAL INVESTIGATION REPORT

AGENDA

I. Overall discussion of concept for format/elements
II. Focus on structure of analysis
III. Point by point format
CONCEPT

REPORT FORMAT
POLL

What is the longest report (page length) you’ve ever written on an investigation?

REPORT FORMAT

- Table of Contents
  - Include all the usual report headings
  - ALSO INCLUDE: contested issues and all corroborating and conflicting information about it
  - Will show you a sample at the end, after we’ve discussed
  - Easy to create a TOC when you use Styles in Microsoft Word
REPORT FORMAT

- Executive Summary
- Background
  - General Background
  - Complaint
  - Investigation
  - Evidence Collection
- Evidence
  - Subheadings depend on events in your case
- Analysis
- Report Conclusion*

Executive Summary: Example

JH is a female first year student who filed a reporting indicating that SC, a male third year student, made deliberate sexual contact with her without her consent on three occasions. As reported, the first was in JH’s dorm room, the second was in a hallway in the STEM building, and the third was at a party in the middle of a group of dancers.
Executive Summary: Example

JH and SC are tenure track professors in the underwater basket-weaving department, which currently has no tenured professors due to faculty retirements. SC is a year ahead of JH in tenure track and is the department chair. JH alleged that SC removed responsibilities from him and changed department policies to his disadvantage in retaliation for a prior report by JH that SC engaged in unprofessional conduct, an allegation that was substantiated in a prior investigation.
REPORT FORMAT

Executive Summary

Background
- General Background
- Complaint
- Investigation
- Evidence Collection

Evidence
- Subheadings depend on events in your case

Analysis

• Background
  - General Background (covered)
  - Complaint (covered)

• Investigation
  - Who was interviewed, when, who they are, if they haven’t already been introduced
  - Did they provide you any hard evidence (e.g., video, emails, text messages, etc.)?
  - Were interviews recorded? Transcribed?

• Evidence Collection (detail coming up)

REPORT FORMAT

Executive Summary

Background
- General Background/Complaint/Investigation (covered)

Evidence Collections and References
- Where is the evidence obtained from different sources?
- How is it organized?
- How is it referenced in the report?
  - Audio: (JH [date of interview], 1:41)
  - Memo (JH Memo, at p. 2)
  - Memo (JH Memo, at ¶ 3)

- Is there a transcript of any recorded audio?
- Are there memoranda of interviews and, if so, where do they live? When and how were they produced?
Where do you put your interview summaries?

REPORT FORMAT
- Executive Summary
- Background
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  - Complaint
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- Analysis

- Evidence [and Factual Findings]
  - Introductory Material: “Unless otherwise noted, the facts stated herein were reported in material ways consistently among the witnesses and by reference to the evidence. Where, however, a material fact was presented differently by different witnesses, I provide an overview of the evidence obtained, both corroborative of and contradictory to the underlying allegation.”
• Evidence
  – Start from the beginning
    • Chronology or Chronological?
    • Can start with some background if that is relevant.
      – “JH and SC have a shared, 150-person class, but otherwise did not know each other before the first incident reported.”
  – Use subheadings to guide the reader through the events
    • Pre-incident Interactions Between JH and SC
    • The First Reported Incident: Unwanted Touching on X Date

• Evidence
  – Set forth in neutral, narrative form
  – Acknowledge conflicts in the varying accounts
    • “JH stated that she and SC had never met before the first incident.”
    • “By contrast, SC indicates he and JH sat next to each other in their shared class and regularly chatted before and after class. On one occasion a week before the reported incident, SC said he and JH got coffee at Insight Roasters.”
REPORT FORMAT

- Executive Summary
- Background
  - General Background
  - Complaint
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- Evidence
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- Analysis
- Report Conclusion

WRITE LIKE A LAWYER

- Executive Summary
- Background
  - General Background
  - Complaint
  - Investigation
  - Evidence Collection
- Evidence
  - Subheadings depend on events in your case
- Analysis
- IRAC (law school)
- IRF (Title IX Investigation Report)
  - Issue
  - Rule
  - Facts relating to Issue & Specific Rule by Element
    - Where all versions of events materially agree, NBD
    - Where they diverge, address contradictory and corroborative evidence
• What is the rule in this case?
  – Stalking is the repeated following, watching or harassing of 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. [Cite to policy.]
WRITE LIKE A LAWYER

- Executive Summary
- Background
  - General Background
  - Complaint
  - Investigation
  - Evidence Collection
- Evidence
  - Subheadings depend on events in your case
- Analysis

- How do the facts in this case relate to the rule in this case?
  - Stalking is the repeated following, watching or harassing of a specific person...
    - Facts supporting or contradicting this, with references to evidence
  - ...that would cause a reasonable person to (a) fear for their safety or the safety of others, or (b) suffer substantial emotional distress.
    - Facts supporting or contradicting this

SIDE NOTE

Don’t make your reader search out key information. If a piece of tangible evidence is key, put it right in the report.
**EXAMPLE**

Bart stated that he had a great deal of respect for women and would never have engaged with, or even spoken about, a woman in a disrespectful manner. A witness provided a handwritten note from Bart, which states:

> But we might get it ourselves. I think we are unanimous that any girls we can beg to stay there are welcomed with open... Anyway

**EXAMPLE**

Jane alleged that Eliza doctored a photograph taken while on vacation to make Jane appear haggard and unwell, using that photograph on social media to malign Jane. A copy of the social media post photograph provided by a witness is on the left, below, and the original photograph, retrieved from Jane’s phone is on the right, below.
REPORT FORMAT

• Executive Summary
• Background
  − General Background
  − Complaint
  − Investigation
  − Evidence Collection
• Evidence
  − Subheadings depend on events in your case
• Analysis

• Analysis Structure in Report
  − Issue (e.g., stalking)
    • Rule overview
      − Rule, first element
        » Facts relating to Rule, first element
      − Rule, second element
        » Facts relating to Rule, second element

RESOURCE

Mock Incident Report