

Title IX Essentials for Michigan Institutions

Session 3: Investigation Essentials: Report Writing

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Your Presenters



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Disclaimers...

- We are not giving you legal advice.
- Consult counsel regarding specific institutions and practices.
- Ask questions and participation is welcome!
- Yes, you will get the slides (and you should post them!)
- The Title IX Regulations and the Clery Act require specific training, this series will cover some, but not ALL of the required training. Make sure you have completed **all** required training.

Series Overview

- Session 1: Conducting effective intakes and implementing supportive measures
- Session 2: Investigation Essentials: Interview techniques
- Session 3: Investigation Essentials: Report writing
- Session 4: Michigan-specific Title IX essentials and current events

Today's Agenda

- Legal Foundations for the Investigation Report
- Tips for Organizing Relevant Information
- Tips for a Comprehensive Report
- Q&A

Themes

- Transparent
- Equitable
- Accessible
- Neutral

34 CFR 106.45(b)(5)(vi) - Evidence Review

- Parties must have an equal opportunity to inspect and review any evidence "that is directly related to the allegations"
 - Including evidence the recipient does not intend to rely upon
 - Including Inculpatory and exculpatory evidence
- Goal: So that the parties can meaningfully respond to the evidence "prior to the conclusion of the investigation"
- Must have 10 days to inspect and review and submit a written response

34 CFR 106.45 (b)(5)(vii) - Investigative Report

- Create an Investigative Report that fairly summarizes Relevant Evidence

Then,

- Provide to the parties 10 days prior to a hearing for their review and written response

And what does it mean to "summarize"

- Text messages
- Police reports
- Surveillance videos /Key card swipe records
- Medical records
- Interviews

Summarizing an interview

- Chronological narrative
- Topic sentences / headings
- "Direct quotes"
- "I don't know" and "I don't remember"
- Summarizing inconsistencies
- Show how the information came out (e.g., "when asked")
- "Complainant stated ..." or general statement of source?
- Embedding evidence? Citations to Appendix?

What to Include In the Report

- The Story of the Investigation

- How and when the case was reported.
- When the Formal Complaint was signed.
- Step by step procedure including: Notice, dates of interviews, etc.
 - Any procedural anomalies that need to be explained? Dismissals? Appeals?
- Description of evidence collected.
- Description of what evidence was not collected and WHY.

- The Story of the Underlying Case

- Summary of the conduct reported
- Summary of Complainant's account
- Summary of Respondent's account
- Summary of witnesses' accounts
- Summary of evidence collected

Sample Language

Witness Non-Participation

- The Investigator contacted Wes Williams (“Williams”) on October 1, October 7, and October 14, 2025, to request an interview. Williams responded on October 15, 2025, declining participation. Williams explained, “This incident happened three years ago, I have very little memory of the exact interaction and do not want to participate.”
- The Investigator contacted Wendy Washington (“Washington”) on November 5 and November 15, 2025, by email and on November 20, 2025 via the phone number provided by Complainant. As of the date of this report, Washington has not responded to the investigator’s request for an interview.

Witness Not Relevant

- Respondent requested that the Investigator interview his childhood best friend, William Worthington (“Worthington”). On December 1, 2025, the Investigator asked Respondent what information Worthington would provide that was relevant to the investigation. Respondent said he did not speak to Worthington about the investigation, but Worthington “kn[ew] Respondent better than anyone, and could speak to Respondent's character.” The Investigator declined to interview Worthington as Worthington did not have personal knowledge of the reported conduct and did not have information that would speak to credibility, consistency, or plausibility.

Sample Language 2

- Party didn't provide promised evidence.
- During the investigation, Complainant reported they had a video of Respondent pouring Complainant three shots of Fireball and of Respondent "forcing [Complainant] to take the shot even though [Complainant] was clearly intoxicated." The Investigator asked Complainant to provide that evidence during the investigation. As of the date of this report, the Investigator has not received the video.

Organizing the report: suggested sections

- Background
- Allegations from complaint
- Relevant policy provisions in place at time conduct occurred
- Procedural steps
- Table of parties and witnesses
- Table of evidence collected
- Roadmap
- Summaries of party interviews
- Summaries of witness interviews

OR

- Chronological synthesis of all evidence collected
- Party responses to evidence review
- Some form of investigator synthesis
- Appendices/Exhibits (including irrelevant evidence)

Investigation report structure—Option 1

Summary of party interviews

The investigator interviewed both parties via Zoom. Complainant's advisor, Sal Price, was present for their interview.

Respondent chose not to have an advisor present for their interview. Prior to the parties' interviews, the investigator advised each party of the following: investigator neutrality, that information shared with the investigator was not confidential and would be shared with the other party and included in the investigation report, and the of University's prohibition on retaliation.

The information summarized in the sections below is presented from the perspective the party interviewed.

A. Complainant

Complainant is a first-year student studying chemistry. Complainant first met Respondent in chemistry lab.

Complainant described first meeting Respondent at a party at a house on 9th Street. Complainant attended the party with their friend, Lior.

B. Respondent

Respondent is a first-year student studying physics. Respondent was in chemistry lab with Complainant but did not interact with them there.

Respondent arrived at the 9th Street party around 11:00 p.m., after watching a baseball game at the stadium.

Investigation report structure—Option 1

Summary of witness interviews

The investigator interviewed all witnesses via Zoom. Prior to each witness interview, the investigator advised each witness of the following: investigator neutrality, that information shared with the investigator was not confidential and would be shared with the parties and included in the investigation report, and of the University's prohibition on retaliation.

The information summarized in the sections below is presented from the perspective of the witness interviewed.

A. Witness 1

Witness 1 is Complainant's roommate. Witness 1 does not know Respondent.

Witness 1 was present in Complainant's dorm room when Complainant returned from Respondent's apartment. Witness 1 could tell that Complainant looked disheveled and had been crying.

B. Witness 2

Witness 2 is Respondent's boyfriend. Witness 2 does not know Complainant.

Witness 2 attended the same party where Complainant and Respondent first interacted. Witness 2 saw the parties "grinding" on the dance floor.

Investigation report structure—Option 2

Synthesis of evidence gathered

A. Initial Meeting and Interactions Between Parties

The parties met at the 9th Street party, where they danced together and did four shots of tequila together. (C. Trans., p. 4; R. Trans., p. 2). While Complainant had also consumed alcohol prior to the party, Respondent was unaware they had done so. (C Trans., p. 9; R. Trans., p. 5). Witness 2 saw the parties "grinding," but they were concerned because they felt Complainant was hunched over and unable to stand up due to intoxication. (W2 Trans., p. 2)

B. Parties Leave 9th Street Apartment

The parties left the 9th Street apartment in an Uber. (C. Trans., p. 11; R. Trans., p. 9). According to Complainant, Respondent insisted on getting in the Uber with them to make sure they got home okay. (C. Trans., p. 12). According to Respondent, Complainant was scared to take an Uber alone and begged Respondent to come with them. (R. Trans., p. 10).

Some options for investigator synthesis

- Timeline of events
- Disputed/undisputed facts
- Annotated description of each item of evidence and what claim it relates to

Editing Checklist

- Spelling (run spell checker or have a colleague proofread).
- Review for run-on sentences and long/ run-on paragraphs.
- Revise sentences that sound conclusory.
 - e.g., "Jack ran into Complainant on purpose." versus "Complainant reported Jack ran into Complainant on purpose."
- Review for vague/confusing pronoun usage
 - e.g. "He said that he said a slur" versus "Complainant said that Jack used a slur"
- Confirm same font/font size/font color.
- Confirm same indentation styles
 - i.e., no indent or .5 indent – not both
- Confirm same justification throughout
 - Either left aligned or justified—not both
- Confirm consistent identification of parties/witnesses (Complainant not the Complainant; Wesley Williams v. Williams v. Wesley v. Wes v. Dr. Williams v. Professor Williams).
- Are there any footnotes or explanations needed to ensure clarity for the reader?
- If you have used a template:
 - Have you confirmed language in the template applies to your case?
 - Have you updated that language?
 - Have you removed all references to parties and witnesses from the original case?
- Double check that quotes are accurate (policy, evidence, etc.)
- Is all evidence provided accounted for? If not, why?
- Is every witness suggested/mentioned accounted for? If not, why?

Questions & Answers

Up Next

- Session 4: Michigan-specific Title IX essentials and current events – March 27, 2026
- Register: [Title IX Essentials for Michigan Institutions: Lessons Learned and Practical Guidance for Practitioners | Bricker Graydon Wyatt LLP](#)