



Title IX Investigator & Decision-Maker Training Series

Session 3: Evidence Synthesis & Investigation Reports

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Content Advisory

The content and discussion in this training will necessarily engage with sex-based harassment, discrimination, and violence and associated sensitive topics that can evoke strong emotional responses.

Examples may be offered that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.



Welcome Back!

Today, we are shifting from gathering information to using it.

In Sessions 1 and 2, we focused on:

- understanding Title IX process and policy
- conducting interviews
- gathering and organizing evidence

Today's focus is:

- making sense of information
- organizing it clearly
- presenting it in a way that supports decision-making



Where This Fits in the Process

The investigation report sits between:

- the investigation
- the hearing and determination

Your report becomes the primary tool that decision-makers rely on to understand the case.



The Core Shift

Up to this point, your role as investigators has been:

- asking questions
- gathering information
- documenting responses

Now your role becomes:

- organizing information
- identifying what matters
- presenting evidence clearly and neutrally



Anchor Principle

If you find yourself:

- deciding what happened
- drawing conclusions
- advocating for one version of events

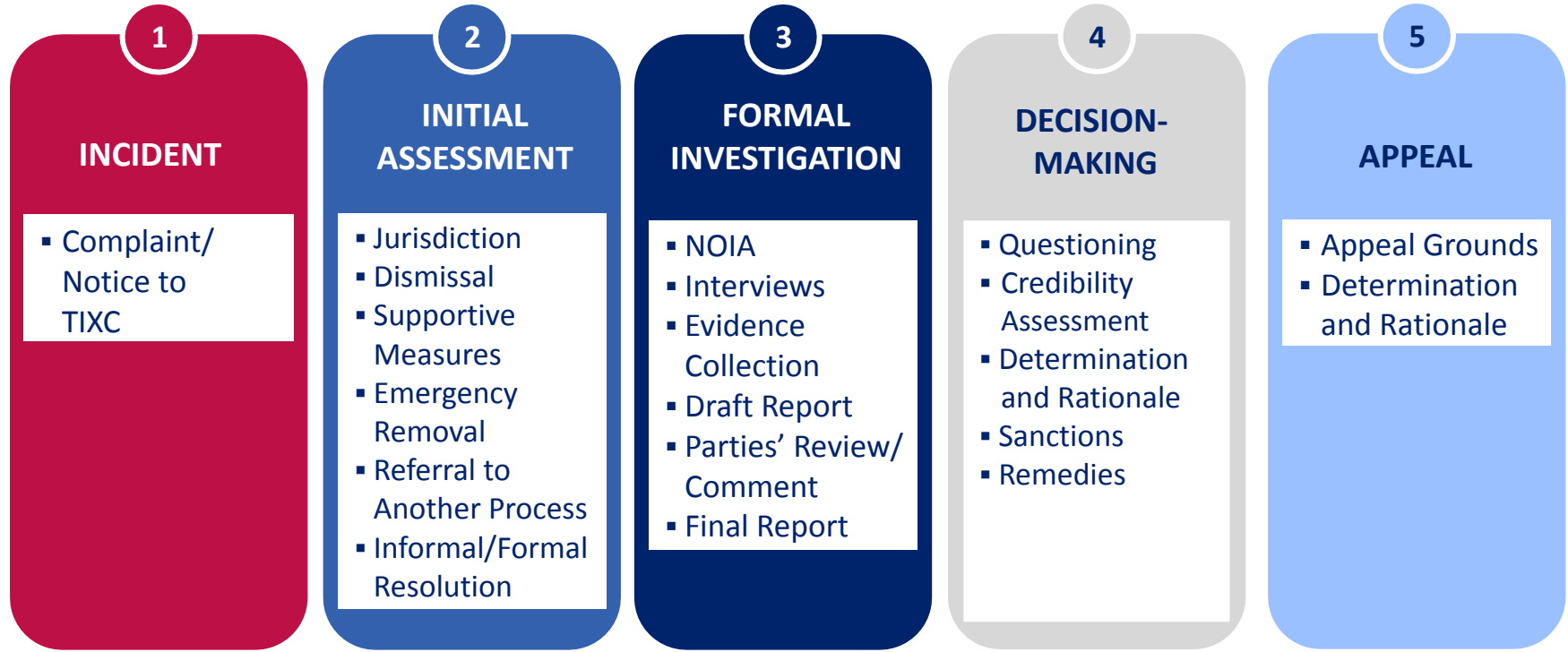
You have moved outside of the investigator role.



What Is An Investigation Report?



Formal Grievance Process Overview



Investigation Overview

10 Steps of Investigations:

1. Receive Notice/Complaint
2. Initial Assessment and Jurisdiction Determination
3. Determine Basis for Investigation
4. Notice of Investigation and Allegations (NOIA)
5. Establish Investigation Strategy
6. Thorough, Reliable, Impartial Investigation
7. **Draft Investigation Report**
8. **TIXC Reviews Draft Report & Evidence**
9. **Parties Review Draft Report & Evidence**
10. **Final Investigation Report**

INCIDENT INVESTIGATION
SUMMARY

Incident Date:

Review Date:

by:

Summary:

Root Causes:

Regulatory Requirement (34 CFR §106.45)

Under the 2020 Title IX regulations, investigators must:

- provide both parties with a fair summary of relevant evidence
- allow parties an opportunity to review and respond
- ensure the process is prompt, equitable, and impartial

The investigation report is a required part of that process.



Purpose of the Investigation Report

The investigation report is designed to:

- summarize relevant evidence
- organize information in a clear and structured way
- identify what is agreed upon and what is disputed
- connect facts to policy elements



Purpose of the Investigation Report (cont.)

The report should:

- help decision-makers understand the evidence
- highlight key issues
- avoid unnecessary detail

The report does NOT:

- determine responsibility
- advocate for a party
- make final conclusions



Report Structure



What You Are Building

By the end of an investigation, your goal is to produce a report that is:

- clear
- organized
- neutral

A strong report allows someone unfamiliar with the case to:

- understand what happened
- identify key issues
- evaluate the evidence



Example Investigation Report Structure (Bradley)

Your reports will generally include:

- Executive Summary
- Procedural History
- Investigation Methodology
- Involved Parties
- *Alleged Violations*
- *Applicable Policies and Definitions*
- *Standard of Evidence*
- Investigation Timeline
- Summary of Incident Activity
- Undisputed Facts
- Disputed Facts
- Party and Witness Summaries
- Credibility Assessment
- Appendices



What These Sections Do

Each section serves a specific purpose:

- **Executive Summary** → overview of the case
- **Procedural History** → documents the process
- **Investigation Methodology** → explains how evidence was gathered
- **Undisputed Facts** → what both parties agree on
- **Disputed Facts** → where accounts differ
- **Credibility Assessment** → highlights reliability issues
- **Appendices** → evidence and official notices



Why Structure Matters

Without structure, reports become:

- long narratives
- difficult to follow
- hard to use in a hearing

With structure, reports:

- separate facts from interpretation
- highlight key issues
- support decision-making



Evidence Synthesis



What Is Evidence Synthesis?

Structure tells us *where* information goes.

Evidence synthesis tells us *how to think about that information*.

Evidence synthesis means:

- organizing information
- identifying patterns
- connecting facts to policy
- clarifying agreement and disagreement



What Synthesis Is NOT

Synthesis is not:

- copying and pasting interviews
- retelling events chronologically
- including everything collected



From Story → Structured Synthesis

👉 This is the single most important shift in report writing.

Weaker approach: “Jordan said... Alex said...”

Stronger approach:

- Both parties agree that...
- The parties differ regarding...
- The evidence reflects...



What Are We Synthesizing? Why Policy Elements Matter

Your analysis must be guided by policy - not by the narrative alone.

Policy definitions include specific elements that must be met.

As investigators, your role is to:

- identify facts that relate to each element
- organize evidence around those elements
- ensure your report helps decision-makers apply policy

👉 If the report is not structured around policy, it will be difficult to use.



be

What Are Policy Elements?

Policy elements are the specific components that must be present for a violation to occur.

They are typically reflected in:

- bullet points within policy definitions
- required conditions (e.g., consent, force, conduct)

👉 Each element is a question your report should help answer.



Example: Consent Policy Elements

Consent is defined as:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.



From Policy → Questions → Report

Example policy element: **Consent**

Investigative questions:

- What words were used?
- What actions were taken?
- Did anything change during the interaction?

Report structure:

- Undisputed facts (what both agree on)
- Disputed facts (where accounts differ)
- Evidence supporting each account

👉 This is how policy drives your report - not the story alone.



Identifying Agreement and Dispute

Strong reports clearly identify:

- what both parties agree on
- where accounts differ
- what evidence supports each version



Mini Practice

- The parties agree that consensual kissing initially occurred
- The Complainant reports that the interaction escalated beyond their comfort level
- The Respondent reports that the interaction remained consensual

What, if any, are the:

- Undisputed facts?
- Disputed facts?



Example: From Interview to Report Language

Interview-style information:

“Jordan said they were okay with kissing at first but became uncomfortable when Alex continued and did not stop.”

Weaker report version:

“Jordan said they became uncomfortable when things escalated.”

Stronger report version:

- The parties agree that consensual kissing initially occurred
- The Complainant reports that the interaction escalated beyond their comfort level
- The Respondent reports that the interaction remained consensual



Sample Report Excerpt - Undisputed Facts

Undisputed Facts:

- The Complainant and Respondent attended the same social gathering on March 3 (Appendix G p. 3, Appendix H p. 5)
- The parties engaged in consensual kissing in a private room (Appendix G. p. 11, Appendix H p. 7)
- No other individuals were present during the interaction (Appendix G p. 11, Appendix H p. 9)



Sample Report Excerpt - Disputed Facts

Disputed Facts:

- The Complainant reports that the Respondent continued physical contact after they indicated discomfort (Appendix G p. 10)
- The Respondent reports that all physical contact was consensual and mutually initiated (Appendix H p. 12)



Evidence Buckets

In Title IX investigations, evidence generally falls into three categories:

- **Relevant** evidence
 - used in analysis and relied upon in the report
- **Directly related** evidence
 - reviewed and shared with parties but not relied upon
- **Irrelevant** information
 - not included in the report

👉 Not all information collected belongs in your analysis.



Relevant Evidence

Relevant evidence:

- helps prove or disprove a policy element
- directly informs decision-making
- is included in the report's analysis

Examples:

- statements about what occurred during the interaction
- evidence related to consent or boundaries
- corroborating or conflicting witness accounts



Directly Related Evidence

Directly related evidence:

- is connected to the situation
- is shared with parties for transparency
- is not relied upon in analysis

Examples:

- broader relationship history not tied to the allegation
- contextual information without clear connection to policy elements
- background details that do not affect the determination



Why This Distinction Matters

Failing to distinguish these categories can lead to:

- overly long reports
- inclusion of irrelevant detail
- difficulty identifying key issues

👉 Clarity in evidence leads to clarity in decision-making.



Mini Practice: Where Does This Go?

The Complainant described feeling stressed earlier in the day due to a disagreement with a roommate.

Relevant, Directly Related, or Irrelevant?



Avoiding Scope Creep

During investigations, parties may share:

- extensive relationship history
- unrelated conflicts
- personal background information

Your role is to:

- **focus on conduct relevant to the allegation**
- **distinguish context from material evidence**

Scope creep can lead to:

- longer, less clear reports
- inclusion of irrelevant detail
- difficulty identifying key issues

👉 Not everything shared belongs in the report.



When to Contact the Title IX Coordinator

Investigators should contact the Title IX Coordinator if:

- new information suggests additional or different allegations
- conduct may fall outside the scope of the original NOIA
- new parties are identified
- significant safety concerns arise

Do not:

- independently expand the scope of the investigation
- add allegations without consultation



Writing Clearly & Neutrally



Writing for Your Audience (Decision-makers)

Decision-makers rely on your report to:

- understand the evidence quickly
- identify key issues
- evaluate competing accounts

Your writing should:

- reduce confusion
- highlight what matters
- make comparison easy



Neutral Language

Use:

- “The evidence reflects...”
- “The accounts differ...”
- “There is conflicting information regarding...”

Avoid:

- “clearly”
- “obviously”
- “this proves”



Be Specific

Instead of:

- “inappropriate touching”

Use:

- “touching of the breast”
- “kissing of the neck”



Stay Within Your Role

Your writing should:

- describe
- organize
- clarify

Not:

- conclude
- judge
- advocate



Weaker vs. Stronger Report Writing



Why We're Doing This

Small differences in wording can:

- change the tone of the report
- introduce bias
- make information harder to understand
- blur the investigator's role

This section's goal is to make these differences visible.



Common Patterns in Weaker Reports

Weaker investigation reports often:

- retell events in chronological order without analysis
- include unnecessary or irrelevant detail
- blur the line between fact and interpretation
- use vague or imprecise language
- suggest conclusions rather than organizing evidence



Common Patterns in Stronger Reports

Stronger reports, by contrast:

- organize information by issue
- clearly distinguish agreement and dispute
- focus on relevant evidence
- use precise and neutral language
- support decision-makers without deciding for them



Example 1: Storytelling vs. Synthesis



Weaker Example: Storytelling

Jordan stated that they met Alex at a party and talked for a while. Jordan said Alex seemed friendly and they were flirting. Alex suggested going somewhere quieter, and Jordan agreed. They went back to a room and sat on the bed. Jordan said Alex began kissing them, which they were initially okay with, but that the interaction escalated and made them uncomfortable. Jordan stated that they did not know how to respond and that the interaction continued.

What's not working here?



Stronger Example: Synthesis

Undisputed facts:

- Both parties agree they met at a party and went to a private room together
- Both parties agree that consensual kissing initially occurred

Disputed facts:

- The parties differ regarding the progression of sexual contact:
 - The Complainant reports that the interaction escalated beyond their comfort level
 - The Respondent reports that the interaction remained consensual



remained

Why the Stronger Version Works

The stronger version:

- removes unnecessary narrative detail
- focuses on material facts
- clearly separates agreement and dispute
- organizes information in a way that supports analysis

👉 This is what evidence synthesis looks like in practice.



Example 2: Conclusion vs. Neutrality



Weaker Example: Overreaching

The Respondent was clearly not telling the truth and changed their story multiple times. The Complainant was much more consistent and believable, which shows that the Respondent is responsible for the conduct.

What's not working here?



Stronger Example: Neutral Credibility Language

- The Respondent's account differed across interviews regarding the timing of events
- The Complainant's account remained consistent regarding the sequence of events
- There is conflicting testimony regarding whether consent was present
- These differences are noted for the decision-makers' consideration



Why the Stronger Version Works

The stronger version:

- identifies inconsistencies without assigning meaning to them
- avoids conclusions about responsibility
- keeps the investigator within their role
- allows decision-makers to evaluate credibility independently



Example 3: Irrelevant Detail vs. Relevant Focus



Weaker Example: Over-Inclusion

The Complainant reported feeling uncomfortable during the escalation of physical contact. The Complainant also described their academic schedule, friendships, and general stress levels at the time of the incident. They also noted that they had a disagreement with a roommate earlier that day and had been feeling overwhelmed.

What's not working here?



Stronger Example: Relevant Focus

The Complainant reported feeling uncomfortable during the escalation of physical contact.

(Because no additional contextual information is relevant to the alleged conduct.)



Why the Stronger Version Works

The stronger version:

- focuses on information that relates to the allegation
- removes background that does not inform policy elements
- keeps the report concise and usable



Example 4: Vague vs. Specific Language



Weaker Example: Vague Language

The Respondent engaged in inappropriate touching that made the Complainant uncomfortable.

What's not working here?



Stronger Example: Specific Language

The Complainant reported that the Respondent touched their breast over clothing and later under clothing without verbal consent.



Why the Stronger Version Works

The stronger version:

- clearly describes the conduct
- avoids ambiguity
- allows decision-makers to apply policy definitions



Credibility



What Credibility Means in This Context (Investigation)

Credibility involves evaluating:

- consistency within a person's account
- consistency across sources
- whether evidence corroborates or contradicts statements

Credibility is not:

- deciding who is telling the truth
- determining responsibility



Your Role in Credibility

As an investigator, your role is to:

- identify patterns in the evidence
- note consistencies and inconsistencies
- document corroboration or lack thereof

Decision-makers are responsible for:

- weighing credibility
- making findings
- applying the standard of evidence



Credibility Boundaries

Avoid language that:

- labels a party as truthful or untruthful
- suggests a conclusion
- assigns meaning to inconsistencies

Instead, focus on:

- describing what the evidence shows
- identifying differences in accounts
- presenting information clearly



Closing



Key Takeaways

- organize information - do not retell the story
- focus on relevant evidence
- clearly identify agreement and dispute
- maintain neutrality in writing
- support decision-makers without deciding for them



Title IX Resources



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Office of Title IX Compliance

