



Investigative Reports

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Presentation Norms

- **Questions don't have to be saved until the end.**
- We are free to discuss **hypothetical and/or generic** examples.
- **The OEO does not do DEI work** (and never has) – we are an administrative office to support all individuals affected by discrimination, consistent with state and federal laws like Title IX.
- We will be talking about all forms of discrimination today, including sexual misconduct. **Please take care of yourself** and know what you can safely discuss.
- **I am a mandatory reporter** and must report possible incidents of discrimination or misconduct I become aware of.



Agenda

- Regulatory Requirements
- Report Structure
- **Activity: Review or Create a Template for an Investigative Report**
- Best Practices for Summary of Relevant Evidence



The Investigative Report

This is the **conclusion**
of the investigative
process.

**It is built on the
foundation of the
NOA.**



Regulatory Requirements



§ 106.45

Grievance process for formal complaints of sexual harassment.

Report requirements:

- Ensure that investigators receive training on issues of relevance to **create an investigative report** that fairly summarizes relevant evidence. §106.45(b)(1)(iii).
- Provide parties all “**directly related**” evidence and the opportunity to respond, **prior to the conclusion** of the investigation. 106.45(b)(5)(vi).
- **Prior to the completion of the investigative report**, institutions must provide all evidence and provide 10 days to **submit a written response**, which the investigator will consider **prior to the completion of the investigative report**. 106.45(b)(5)(vi).
- **Create an investigative report that fairly summarizes relevant evidence** and, at least 10 days **prior to a hearing**, send to each party the investigative report for their review and written response. 106.45(b)(5)(vii).

Report Structure

INTRO AND OVERVIEW

JURISDICTION

DESCRIPTION OF INVESTIGATION AND POLICY

LIST OF WITNESSES (INCLUDING PARTIES)

LIST OF EVIDENCE (REFERENCING
ATTACHMENTS)

SUMMARY OF RELEVANT EVIDENCE – THE FACTS

REFERRAL TO DECISION-MAKER (E.G., HEARING)

- This is the General Structure of most Reports.
- Six sections are generally boilerplate; however, **Summary of Relevant Evidence is very case specific.**
- This report will often be the only document that people read so it **must be comprehensive and self-explanatory.**

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- ☐ Policy Title (and link)
- ☐ Identify the Parties
- ☐ Date of Formal Complaint
- ☐ The alleged violation named

Example

Page 2 of USHE Model Investigative Report

Sample Language

The following investigative report summarizes the relevant evidence obtained in an investigation conducted in response to a report that TAYLOR DOE (herein after “Responding Party”) violated certain provisions of the *(Institution’s Name) (Name of Policy)*.

On or about *(date)*, *(Institution’s Name) (student/faculty/staff)* DREW SMITH (herein after “Reporting Party”) filed a Formal Complaint with *(Institution’s Name)* Title IX Coordinator, wherein it is alleged that *(include very brief description of the allegation(s))*.

{NB: Using this naming convention throughout the Report is suggested in order to limit the use of parties’ names and to maintain gender neutral language.}

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- ☐ Describe any connection to a Program or Activity.
- ☐ Cite to the specific policy language.
- ☐ Clarify any relationship to Title IX (e.g., conduct outside the United States).

Example

Page 3 of USHE Model Investigative Report

Jurisdiction

In this section, include a statement of jurisdiction.

Sample Language

The *(College/University)* has jurisdiction to investigate this matter because the Responding Party is a *(institutional identity of the Respondent)* and

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in {institution's} education program or activity, (select one or more):
 - a. Any on-campus premises
 - b. Any off-campus premises that {institution} has substantial control over. This includes buildings or programs controlled by a recognized campus organization.
 - c. Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of {Institution}'s programs and activities over which the {institution} has substantial control.
4. The alleged conduct, if true, would constitute covered sexual harassment.

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- ☐ Procedural history of complaint and investigation with dates.
- ☐ Any necessary context.
- ☐ This can also be handled in the introduction.

Example

Page 4 of USHE Model Investigative Report

Objective of the Investigation and the Investigation Report

Sample Language

This investigation was conducted in accordance with the procedures set forth in (*the Institution's policy*). This investigation focused on a fair and impartial collection of all available evidence including, but not limited to, witness accounts and documents. The Reporting Party and the Responding Party were given opportunities to offer evidence for inspection and review by investigators. Prior to completion and submission of this report, both parties and their advisors were afforded the opportunity to review all evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint. The parties were given (*at least ten days*) to review the evidence and submit a written response for consideration by the investigator(s) prior to the completion of this report. Their responses were considered by the investigators and are included in Appendix (cite)

This report is a summary of all relevant evidence collected and reviewed as a part of the investigation. The final report was provided to the parties on (*date*) and the parties were given (*at least 10 days*) to respond. Their responses are included in Appendix (cite).

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- ☐ Parties and Witnesses named here.
- ☐ If de-identifying students make sure that there is a Witness Key that is referenced and provided separately.

Example

Page 5 - 6 of USHE Model Investigative Report

Sample Language (Simple Case)

The following witnesses were interviewed:

1. Reporting Party
2. Responding Party
3. John Doe
4. Jane Doe
5. Janet Roe

The following witnesses were identified, but were not interviewed:

- a. Joe Smith
 - a. Mr. Smith was identified as a witness by the reporting party. Mr. Smith did not respond to attempts made by investigators to schedule an investigative interview.
- b. Jane Smith
 - a. Dr. Smith was identified by the investigators as a potential witness during the investigation. Dr. Smith declined to participate in an investigative interview.

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HEARING)

- ☐ List of evidence (feel free to use bullet points or a list)
- ☐ Chronological order or order as used in the Report.
- ☐ *Format suggestion:*
“August 4, 2025, Final Written Warning (Exhibit 7)”

Example

Page 8 of USHE Model Investigative Report

Sample Language

All relevant evidence collected during the course of the investigation is attached hereto in Appendix A. Evidence deemed irrelevant by the investigator, but that is directly related to the allegations in the formal complaint is included in Appendix B. Appendix C contains a document detailing the procedural steps taken in this matter from the receipt of the formal complaint to the submission of this report. All Appendices and the evidence therein has been shared with the parties and their advisors. The parties have had equal opportunity to review and submit written comments in response to the evidence. The written responses of the parties are included in Appendix A.

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In this section, include a summary of all relevant evidence. This section can be organized in several ways. It is important that, however organized, **the evidence is summarized clearly and accurately, and without opinion or bias.** In this section, the writer should cite the evidence and information in the Appendices.

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- ☐ Explicitly state the outcome(s).
- ☐ Next procedural steps and policy citation.
- ☐ Be very clear about appeal process and timelines.

Activity: Report Template

Do you have an Investigative Report Template? Will you be using USHE's as a starting point?

Does your template have these sections? What, if anything, could be improved in your template?

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Summary Deep Dive

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The Foundation for Summary of Relevant Evidence

Reminder: The Generic Structure for an NOA

[COMPLAINANT] alleges that on or around [DATE & LOCATION] you engaged in [DISCRIMINATION AND/OR HARASSMENT VIOLATION] in violation of [TITLE IX POLICY]. The specific allegations against you are as follows:

1. Specific allegation (example: Quid Pro Quo)
 - Identities of the Parties
 - Conduct allegedly constituting sexual harassment
 - Date and location of the alleged incident
2. ...

We will use the NOA as a starting point and **expand** it into a clear and concise summary of the evidence.

Evidence By Allegation

NOA Outline

[COMPLAINANT] alleges that on or around [DATE & LOCATION] you engaged in [DISCRIMINATION AND/OR HARASSMENT VIOLATION] in violation of [TITLE IX POLICY]. The specific allegations against you are as follows:

1. **Specific allegation (example: quid pro quo)**
2. **Specific allegation (example: severe, pervasive, and objectively offensive)**
3. ...

Investigative Report Outline

ALLEGATION 1

- Complainant claims ...
- Respondent claims ...
- Witnesses claim ...
- Evidence shows ...

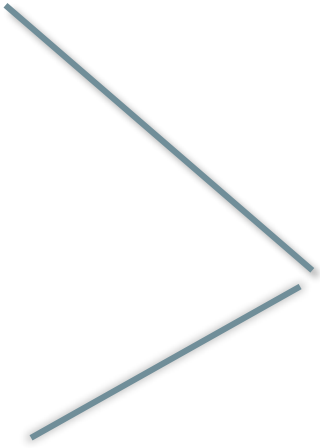
Within the Allegation

ALLEGATION 1

- **Complainant claims ...**
- Respondent claims ...
- Witnesses state ...
- Evidence shows ...

ALLEGATION 2

- **Complainant claims ...**
- Respondent claims ...
- Witnesses state ...
- Evidence shows ...



These sections are from the original Notice of Allegations, while the rest is determined through the investigation.

Evidence By Allegation

NOA Outline

[COMPLAINANT] alleges that on or around [DATE & LOCATION] you engaged in [DISCRIMINATION AND/OR HARASSMENT VIOLATION] in violation of [TITLE IX POLICY]. The specific allegations against you are as follows:

1. **Specific allegation (example: quid pro quo)**
2. **Specific allegation (example: severe, pervasive, and objectively offensive)**
3. ...

Investigative Report Outline

ALLEGATION 1

- Complainant claims ...
- Respondent claims ...
- Witnesses state ...
- Evidence shows ...

ALLEGATION 2

- Complainant claims ...
- Respondent claims ...
- Witnesses claim ...
- Evidence shows ...

...

Example

Pages 8-9 of USHE Model Investigative Report

Summary of the Relevant Evidence

In this section, include a summary of all relevant evidence. This section can be organized in several ways. It is important that, however organized, the evidence is summarized clearly and accurately, and without opinion or bias. In this section, the writer should cite the evidence and information in the Appendices.

In a case involving one allegation, the report might be organized as follows:

- 1) History between the Parties
 - a) *The Reporting Party's Account*
 - b) *The Responding Party's Account*
 - c) *Witness A's Account*
- 2) The Hours Leading up to the Reported Incident
 - a) *The Reporting Party's Account*
 - b) *The Responding Party's Account*
 - c) *Witness B's Account*
 - d) *Witness C's Account*
- 3) The Reported Incident
 - a) *The Reporting Party's Account*
 - b) *The Responding Party's Account*
- 4) After the Reported Incident

Example

Multiple Violations in NOA

Rachel Doe alleges that between April 28, 2026, and June 15, 2026, you engaged in Non-Consensual Sexual Contact and Sexual Harassment in violation of Utah School of Mining's Sexual Harassment Policy 4-300. The specific allegations against you are as follows:

1. You engaged in Non-Consensual Sexual Contact on June 8, 2026, in the Geological Studies student lounge, when you grabbed Doe's buttocks and hip with your hand or hands.
2. You engaged in Sexual Harassment between April 28, 2026, and June 15, 2026, when you engaged in the following conduct:
 - a. On April 28, 2026, you sent Doe a private message via Blackboard, stating that you would like to take her on a date and see her "in fewer clothes" that she wears to class.
 - b. On or around May 3, 2025, you approached Doe outside the Earth Sciences Building and told her that her leggings showed you "everything" you needed to know about how her workout routine. When Doe told you to stop speaking, you told her that she was the one who "wore those" for "everyone to see."
 - c. You engaged in the conduct described in Allegation #1 above.

Allegation 1: Non-Consensual Contact

Investigative Report Outline

1. Complainant claims:

- You engaged in Non-Consensual Sexual Contact on June 8, 2026, in the Geological Studies student lounge, when you grabbed Doe's buttocks and hip with your hand or hands.

2. Respondent claims:

3. Witnesses claim:

4. Evidence shows:



Example

Multiple Violations in NOA

Rachel Doe alleges that between April 28, 2026, and June 15, 2026, you engaged in Non-Consensual Sexual Contact and Sexual Harassment in violation of Utah School of Mining's Sexual Harassment Policy 4-300. The specific allegations against you are as follows:

1. You engaged in Non-Consensual Sexual Contact on June 8, 2026, in the Geological Studies student lounge, when you grabbed Doe's buttocks and hip with your hand or hands.
2. You engaged in Sexual Harassment between April 28, 2026, and June 15, 2026, when you engaged in the following conduct:
 - a. On April 28, 2026, you sent Doe a private message via Blackboard, stating that you would like to take her on a date and see her "in fewer clothes" that she wears to class.
 - b. On or around May 3, 2025, you approached Doe outside the Earth Sciences Building and told her that her leggings showed you "everything" you needed to know about how her workout routine. When Doe told you to stop speaking, you told her that she was the one who "wore those" for "everyone to see."
 - c. You engaged in the conduct described in Allegation #1 above.



Allegation 2: Sexual Harassment

Investigative Report Outline

- a. On April 28, 2026, you sent Doe a private message via Blackboard, stating that you would like to take her on a date and see her “in fewer clothes” that she wears to class.
- b. On or around May 3, 2025, you approached Doe outside the Earth Sciences Building and told her that her leggings showed you “everything” you needed to know about how her workout routine. When Doe told you to stop speaking, you told her that she was the one who “wore those” for “everyone to see.”
- c. You engaged in the conduct described in Allegation #1 above.

ALLEGATION 2.a.

- Complainant claims ...
- Respondent claims ...
- Witnesses claim ...
- Evidence shows ...

ALLEGATION 2.b.

- Complainant claims ...
- Respondent claims ...
- Witnesses claim ...
- Evidence shows ...

Example

Page 9 of USHE Model Investigative Report

Alternatively, in a case with multiple alleged incidents, you may want to break it up by incident. For example, it may look like this:

January 1, 2021 incident

The parties agree that they agreed to meet at 100 Main Street for a party. They further agreed that they eventually went upstairs to a vacant bedroom and that once inside, they engaged in consensual kissing. Both parties reported that the oral sex occurred; the Reporting Party says that it occurred without their affirmative consent. The Responding Party states that it occurred with both parties giving affirmative consent:

*The Reporting Party's Account
(summary)*

*The Responding Party's Account
(summary)*

*John Doe's Account:
Summary*

January 15th incident

The parties agree that they met at the Reporting Party's residence to discuss what occurred on January 1, 2021. They disagree about...

*The Reporting Party's Account
(summary)*

*The Responding Party's Account
(summary)*

John Doe's Account:

Closing

- What more do I need to do to ensure I have an NOA and Investigative Report template prepared for my institution?
- Is there anything unclear or confusing about the requirements for NOAs and Investigative Reports? Do you have questions on best practice?



THANK YOU!

