Report Writing

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Disclaimer

• This training is intended to provide assistance to individuals tasked with working on reports to the OEI and is not intended as legal advice.

• Reading the materials without the context provided in the live training may provide different understanding of the materials.

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Report Writing

• Planning for success
  • As you investigate, how are you keeping notes (this may be made easier by the recordings, so you can go back and listen).
  • How do you have other evidence catalogued and prepared as it is collected to attach as exhibits or quotes?
  • What can you prepare as you go along to make this an easier process?
  • What is the goal to writing the report?
    • It should contain all the necessary information to ensure that you can rely on this as the record of the decision down the road.
Report Basics

• Introduction
  • Ensure that you are providing
• Facts Gathered
• Analysis of the Facts Gathered
What should the report contain?

- How to identify the parties/witnesses
- Timeline
- A statement of the allegations
- Jurisdiction
- Standard of Proof
- Information Gathered
- Analysis/Findings
Parties and Witnesses

• It is helpful to not use names, but to use Complainant, Respondent, Witness 1, Witness 2, etc.

• Ensure that you are using consistent language across all individuals as you write.
Timelines

• What information about the process needs to be included?
• What information is needed about the allegations that are presented?
Statement of the allegations investigated

• What was contained in the Complaint?
• Was there sufficient notice of everything you gathered?
  • Before issuance of the report is the time to amend the complaint if needed.
Jurisdiction

• What were the relationships with the University?
• How do you have control over the parties?
Standard of Proof (and standard language!)

The University employs the preponderance of the evidence standard to evaluate allegations of sexual assault and harassment. This standard requires that the decision makers determine that the alleged policy violations were more likely to have occurred than not to have occurred. It is also known as the 50 percent plus a feather standard of proof.
Information Gathered

• Provide written statement of all information gathered.
• Caution on language use:

  • Alleged, reported, stated are all neutral. Most of the time.
  • Stay as neutral third party investigator, do not utilize this section to analyze or impose judgment on the statements provided. You will do that later (for certain cases).
Credibility

• Why is a party credible.
  • If you are considering factors for a complainant, respondent, or witness, make sure that you also make considerations of similar factors
  • Use of language about consistency of statements.
  • Looking for reasonable consistency of statements, corroboration, demeanor, addressing uncooperative/non-response, logical consistency.

• Statement of weight being given to the testimony.
  • Supported from above with the why!
    • Witness made statements consistent other information gathered, and therefore reasonable weight will be given to their testimony.
    • Witness' statements were inconsistent with other information gathered related to X and Y, however, witness made statements consistent related to Z. Therefore, Witness is considered generally credible and reasonable weight will be given to their testimony.
Analysis

• What facts are you basing your decision on?
• Why do these facts show what you are basing the decision on?
• Do you have everything that you are basing your decision on in the report of finding or exhibits and appendices?
Sexual Harassment Definition

• ISU Policy States:
Sexual Harassment, as an umbrella category, includes offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex that satisfies one or more of the following:

a. Quid Pro Quo defined as an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct; and/or

b. Sexual Harassment defined as unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive, that it effectively denies a person equal access to the University’s education program or activity
Disability Discrimination Definition

• ISU Policy States:

Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual’s educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.
Questions and Discussion

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