

Writing a Title IX Evidence Letter

The following letter shows: (a) a sample letter, (b) bracketed sample language based on regularly used charging decisions and outcomes, and (c) an explanation of why that element is included. The explanation is included in red, and is for educational purposes only. It should not be included in your final letter.

[Date]

Dear Hearing Panel,

This letter sets forth the results of my investigation into allegations that XXX (the “Respondent”) engaged in [briefly describe the charges-unwanted sexual activity, stalking, etc] with XXX (the “Complainant”). **This is a brief summary and introduction as to why you are writing them a letter. It provides the context for what is to come next.**

CHARGE(S) **This is a summary of the charges, so the Respondent knows what the letter is evaluating.**

[Name of charge (ex. Violation of Sexual Misconduct Policy—Sexual Assault)] Attach definition of charge from the Nondiscrimination policy.

[repeat for as many charges as officially charged and provided notice to the respondent]

INVESTIGATIVE BACKGROUND **Here you are briefly describing (1) how the university became aware of the report, (2) whether you spoke to the Complainant about interim measures, victim advocacy, preserving evidence, reporting to the police, and took their statement (3) any interim measures issued, (4) whether you spoke to the Respondent about the process, a respondent support person, and how to abide by the interim measures (if applicable), and their statement, (5) a brief summary of any other witnesses/evidence.**

[Example:

On September 18, 2017, Witness A and Witness B reported to the Valpo Human Resource Services Office (“HR”) that the Respondent sexually assaulted the Complainant on September 13, 2017 (the “Incident”). The same day, HR reported this complaint to the Title IX Coordinator.

I thereafter spoke to the Complainant about the report and shared with her victim advocacy resources in the community and filing a Sexual Violence Incident Report with the Dean of Students Office. I also explained the investigation process and the importance of preserving evidence. I subsequently issued no contact directives to both the Complainant and the Respondent, prohibiting them from contacting each other. I also provided the respondent with information about the investigation process and informed him that he could meet with an impartial advisor not otherwise involved in the investigation.

In the course of investigating the Complainant’s claims, I interviewed both the Complainant and the Respondent multiple times, reviewed the Valpo University Police report, reviewed the Valpo City Police report, viewed text messages between the Complainant and the Respondent, and interviewed Witness A and Witness C. I attempted to interview Witness B, but she did not participate in an interview.]

My summary of these materials is set forth below.

Summary of Interviews

Interview with the Complainant Summarize what was said in your investigative interviews with each party you interviewed. Details that make it into this portion should be relevant to the analysis of the underlying charge. For example, if the underlying charge is student-on-student sexual assault, don't go into detail about how the Complainant really hates the Respondent, even if they talk to you about it for a long time, because it isn't relevant to student-on-student sexual assault.

[Summarize the interview in chronological order. If you complete multiple interviews and get additional information along the same timeline, insert the new details chronologically as well. See redacted example letters.]

Interview with the Respondent Summarize what was said in your investigative interviews with each party you interviewed. Details that make it into this portion should be relevant to the analysis of the underlying charge. For example, if the underlying charge is student-on-student sexual assault, don't go into detail about how the Respondent felt slighted when their professor gave them a lower grade that day, even if they talk to you about it for a long time, because it isn't relevant to student-on-student sexual assault.

[Summarize the interview in chronological order. If you complete multiple interviews and get additional information along the same timeline, insert the new details chronologically as well. See redacted example letters.]

Interview with Witness A Summarize relevant portions of what was said in any investigative interviews with any witnesses. Repeat for as many witnesses as you have.

Summary of Additional Evidence Summarize any relevant portions of additional evidence that was submitted. For example, surveillance footage, key card data, etc. If a party sent you evidence and you did NOT consider it, briefly explain why not. For example, "The Respondent also submitted 40 additional photographs of the Complainant. However, I did not consider this in my investigation because it was not related to whether a sexual assault occurred on the incident date."

[sign-off]

If you have any additional questions regarding this matter, please contact the [include your contact information].

Sincerely,

[signature]

[Printed name]

[Title]

CC: Tressa Jones, Title IX Coordinator