

# Sexual Misconduct Investigator Training

---

Policy Overview

Key Players

Policy Definitions

Complaint Process

Investigation Process

Formal Hearing/Appeal Overview

---

# Sexual Misconduct Policy Overview

[CSU Sexual Misconduct Policy](#) is an umbrella policy informed by several policies and federal regulations.

- [Title IX Regulations](#)
  - Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
- [Violence Against Women Act](#)
  - Violence Against Women Act seeks to prevent and respond to domestic violence, sexual assault, dating violence, and stalking.
- [USG Sexual Misconduct Policy](#)
- [USG Human Resources Administrative Practices \(HRAP\)](#)

# Key Players and The Process

---



# Key Players

## Definitions

**Title IX Coordinator/Deputy Title IX Coordinator**

**Reporter**

**Complainant**

**Respondent**

**Confidential Employees**

**Advisor**

**Investigator**

**Hearing Panelist**

**Informal Resolution Facilitator**

**Appeal Officer**

# The Grievance Process

## Steps

- 1. TIXC/DTIXC Receives Report**
  - Reach out to reporter or complainant to discuss supportive measures and resolution options
- 2. Threat Assessment**
  - To determine campus safety and to inform emergency removal or administrative leave
- 3. Formal Complaint**
  - Either from the complainant or signed by the TIXC/DTIXC in the event of campus safety
  - If the complaint does not meet certain standards in accordance with policy, it can be dismissed
- 4. Notice of Allegations and Investigation**
  - Formal written notice to both the complainant and the respondent
  - Includes all charges that will be investigated as well as the names of all parties
- 5. Informal Resolution/Investigation**
  - Either process can be completed after the NOAI
  - Informal Resolution Process must be mutually agreed upon, if either party does not want to take part, the formal investigation will continue
- 6. Review of Report/Directly Related Evidence**
  - Each Party will have an opportunity to review and comment prior to the report being finalized
- 7. Investigation Report Finalized**
- 8. Formal Hearing and Sanctions, if recommended**
- 9. Appeal**

# Policy Definitions

---

# Sexual Misconduct Policy Overview

## Definitions

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such relationship shall be determined based on the totality of the circumstances including, without limitation to: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

**Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the Complainant; by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.



# Sexual Misconduct Policy Overview

## Definitions

**Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (e.g., genitalia, groin, breasts, buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act, which reads, "The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity."

**Nonconsensual Sexual Penetration:** Any penetration of the vagina, anus, or mouth by a penis, object, tongue, finger, or other body part; or contact between the mouth of one person and the genitals or anus of another person. This provision also includes "Rape, Incest, and Statutory Rape" as defined by the Clery Act, which state, "Rape - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent."

# Sexual Misconduct Policy Overview

## Definitions

**Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another for one's own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited. Examples of Sexual Exploitation may include, but are not limited to, the following:

1. Invasion of sexual privacy;
2. Prostituting another individual;
3. Non-consensual photos, video, or audio of sexual activity;
4. Non-consensual distribution of photo, video, or audio of sexual activity, even if the sexual activity or capturing of the activity was consensual;
5. Intentional observation of nonconsenting individuals who are partially undressed, naked, or engaged in sexual acts;
6. Knowingly transmitting an STD or HIV to another individual through sexual activity;
7. Intentionally and inappropriately exposing one's breasts, buttocks, groin, or genitals in non-consensual circumstances; and/or
8. Sexually-based bullying.

# Sexual Misconduct Policy Overview

## Definitions

**Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

**Sexual Harassment (Other than Student on Student):** Unwelcome verbal, nonverbal, or physical conduct, based on sex (including gender stereotypes), that may be any of the following:

1. Implicitly or explicitly a term or condition of employment or status in a course, program, or activity;
2. A basis for employment or educational decisions; or
3. Is sufficiently severe, persistent, or pervasive to interfere with one's work or educational performance creating an intimidating, hostile, or offensive work or learning environment, or interfering with or limiting one's ability to participate in or to benefit from an institutional program or activity.

CSU also prohibits unwelcome conduct determined by a Reasonable Person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to a CSU education program or activity in violation of Title IX.

# Sexual Misconduct Policy Overview

## Definitions

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to fear for their safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition:

1. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with person's property.
2. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

# Investigation Process

---



# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## **After the Title IX Coordinator Receives a Formal Complaint:**

- Assess the complaint- policy/jurisdiction
- Identify Investigators- assess for potential bias
- Official Start Date- timeliness requirement
- Meet with both complainant and respondent
  - Explain Process and Rights, if this has not been done already

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## Notice of Allegations and Investigation

- Sent by the TIXC/DTIXC to both the complainant and respondent
- Investigators are copied on this written notice
- Sent via CSU email
- Outlines allegations, specific date(s), time(s) locations, the name of the complainant and respondent and the policy that will be investigated.
- Outlines the rights of both parties- advisor, review and inspect evidence, choice to participate/not participate
  - If the complainant decides not to participate, this limits the investigation
- This serves as a "roadmap" in the investigation

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

EXAMPLE

**Informal Resolution/Investigation**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

Dear Mr. Daniel Hardman,

This letter serves as notice that the University will conduct an investigation of a complaint according to the CSU Sexual Misconduct Policy and the Student Code of Conduct, links to which are included for your review. This complaint is being initiated by the Title IX Coordinator based on the university incident report and the police report in regard to the incident that occurred on December 25, 2018 in Clearview Hall Room 101. The incident report and police report are attached to this correspondence. The Complainant in this case is Mr. Sean Cahill.

This investigation shall be conducted impartially, without bias, and promptly, and your cooperation is appreciated. The CSU Student Handbook can be found here: <https://www.columbusstate.edu/student-life/docs/student-handbooks/2022-2023-student-handbook.pdf>; a complete listing of all CSU policies and procedures, can be found in the General Counsel website at: <https://legalaffairs.columbusstate.edu/>; a complete listing of all USG policies and procedures, can be found in the Board of Regents Policy website at: <https://www.usg.edu/policymanual/>.

The Sexual Misconduct Policy (<https://www.columbusstate.edu/legal-affairs/docs/sexual-misconduct-policy.pdf>) and the Student Code of Conduct (<https://www.columbusstate.edu/student-life/docs/student-handbooks/2022-2023-student-handbook.pdf> - beginning on page 59) apply to this complaint, and this matter will proceed under the Sexual Misconduct Policy procedures as a joint investigation with the Student Code of Conduct.

Within the Sexual Misconduct Policy and Title IX regulations, respondents are presumed not responsible for any alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance procedure.

I am assigning this investigation to Ms. Rachel Zane and Ms. Donna Paulson. Ms. Zane and Ms. Paulson, who are cc'd on this correspondence, will contact you to schedule an interview to start this investigation. If you choose, you may also respond in writing to the investigators in lieu of an interview, or you may choose not to participate.

If this proceeds to a hearing, I will inform you who the Hearing Officer and Hearing Panelists will be at that time.



# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

EXAMPLE

**Informal Resolution/Investigation**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

Please understand that **presently no one has been charged with any Columbus State University policy violations.** Any such determination would only be made after the completion of the investigation. The **possible Sexual Misconduct charges** that will be investigated and could be brought in this case are:

1. **Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (e.g., genitalia, groin, breasts, buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act, which reads, "The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity."

2. **Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

In addition, **the following Student Code of Conduct charges** that will be investigated and could be brought in this case are:

1. **Disorderly Conduct e.** No person shall interfere with, or fail to cooperate with, any properly identified University faculty or staff personnel
2. **Disorderly Conduct h.** No person shall exhibit behavior that is irresponsible or dangerous to the well-being or safety of self or any member or visitor of the University community
3. **Assault/Fighting a.** No person shall assault any member of, or visitor to, the University community by verbal or physical intimidation.
4. **Assault/Fighting b.** No person shall use physical force towards any member of or visitor to the University community that includes, but is not limited to, striking, shoving, or restraining.

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

EXAMPLE

**Informal Resolution/Investigation**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

The **broad range of sanctions**, as outlined in the Student Handbook on page 85, includes:

1. Expulsion;
2. Suspension for an identified time frame or until satisfaction of certain conditions or both;
3. Temporary or permanent separation of the parties (e.g., change in classes, reassignment of residence, no contact orders, limiting geography of where parties can go on campus) with additional sanctions for violating no-contact orders;
4. Required participation in sensitivity training/awareness education programs;
5. Required participation in alcohol and other drug awareness and abuse prevention programs;
6. Counseling or mentoring;
7. Volunteering/community service;
8. Loss of institutional privileges;
9. Delays in obtaining administrative services and benefits from the institution (e.g., holding transcripts, delaying registration, graduation, diplomas);
10. Additional academic requirements relating to scholarly work or research;
11. Financial restitution; or
12. Any other discretionary sanctions directly related to the violation or conduct.

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

EXAMPLE

**Informal Resolution/Investigation**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

You are able to have an advisor of your choice. CSU has a pool of individuals who have volunteered their time and attended training to serve as advisors in these matters; if you would like a university trained advisor, please let me know. You also have the right to inspect and to review any evidence gathered in this matter.

Further, individuals are prohibited from knowingly making false statements or knowingly submitting false information to a system or institution official. Any person found to have knowingly submitted false complaints, accusations, or statements, including during a hearing, in violation of university and system policies shall be subject to appropriate disciplinary action (up to and including expulsion) and adjudicated under the appropriate institutional process.

Lastly, anyone who has made a report or complaint, provided information, assisted, participated or refused to participate in any manner in the Sexual Misconduct Process, shall not be subjected to retaliation. Anyone who believes that they have been subjected to retaliation should immediately contact the Title IX Coordinator or their designee. Any person found to have engaged in retaliation in violation of the Sexual Misconduct Policy or other university or system policies shall be subject to disciplinary action.

Please remember that Columbus State University has a wealth of resources available for students. If there is something else that we can do to assist you, please let me know. If you think you would benefit from speaking with a therapist or counselor, please contact the Student Counseling Center at 706-507-8740.

If you have any questions or concerns about this matter, please do not hesitate to contact me at 706-507-8757 or via email at [secoy\\_sarah@columbusstate.edu](mailto:secoy_sarah@columbusstate.edu).



Quiz Time

# The Investigation Process

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

Review of Report/Directly Related Evidence

Investigation Report Finalized

Formal Hearing and Sanctions, if recommended

Appeal

## Informal Resolution

- This can be completed in lieu of a formal investigation, in most (not all) cases.
- Not completed by the assigned investigator
  - The TIXC/DTIXC will assign a separate person to complete this process
- Could delay or eliminate the investigation
- Similar to a mediation

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**BEFORE INTERVIEWS**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## Planning for Interviews:

- Familiarize yourself with the file, reports, and evidence already in hand
- Verify that you are able to remain impartial
  - If there is an element that prevents you from being impartial or there is a conflict of interest, contact the TIXC immediately.
- Create a plan with your co-investigator
  - In-person or virtual interviews?
  - Who is taking notes and who is the primary person asking questions
  - Who is taking the lead on scheduling interviews
  - Who is taking the lead on gathering/storing evidence
  - Who is taking the lead on writing the investigation report
- Based on what you know, what questions do you have for the parties
- Who should you interview, and in what order
  - Do you need to collect and look at evidence first?
- Begin setting up interviews

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**ROADBLOCKS**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## Possible Roadblocks to Consider:

- **Coordinating Schedules**
  - Teams Booking Link
- **Uncooperative/Unresponsive parties or witnesses**
- **Advisors**
- **Other delays, school holidays, or our other work responsibilities**

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**EVIDENCE**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## Direct Evidence Considerations:

- **Multiple Sources**
  - Police Reports- Multiple Jurisdictions
  - Internal Incident Reports- TIXC will have access
  - On Campus- Video Surveillance- UPD
  - Text Messages, Phone History, Direct Messages, Social Media
    - Always attempt to collect from both parties to determine whether it has been altered
  - Emails- UITS
  - Photographs
  - Medical Records (ONLY WITH WRITTEN CONSENT)
  - Witnesses of the event in question
- **Illegal or Illicit Evidence**
  - Photos of minors should NEVER be shared, Contact UPD Immediately
- **Preserving Evidence**
  - Evidence at risk of being lost



# The Investigation Process

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

INTERVIEWS

Review of Report/Directly Related Evidence

Investigation Report

Formal Hearing and Sanctions, if recommended

Appeal

## During an Interview

- Always start by introducing yourself and your role
- Try to establish rapport with the parties
  - Remind them that you are not the person that will decide whether there is a finding in the case
  - Reminder of Amnesty Policy (Drugs and Alcohol)
- Share the scope of the interview and anything that you want to share about your interview style
- Share your contact information and your preferred method (email, office phone, ect.)
- If there will be any known delays (vacations, conferences) be sure to share that with the parties in advance.
- Remind them about their right to have an advisor and the role of an advisor during the investigation
- Burden of proof is on the institution, so don't leave questions unasked.
  - This is another plug to have your questions written out in advance.

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**INTERVIEW TIPS**

**Review of Report/Directly Related Evidence**

**Investigation Report Finalized**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## Interview Tips

**Background questions:**

- **Tell me about your relationship with the other party?**
- **How long have you known them?**
- **Has your relationship changed at any time?**
- **Describe your relationship?**

**Narrative:**

- **Tell me what happened?**

**Targeted Questions:**

- **These are any questions that fill in the gaps**

**Identify Follow-Up Areas:**

- **Other Witnesses, Obtaining Evidence, Anything Else?**

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**INTERVIEW TIPS**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## **Interview Tips**

- **Your goal is to obtain information, not share information**
- **Begin with open-ended questions**
- **Choose your language to avoid bias (victim, alleged)**
- **Do not use stereotypes**
- **Avoid words that assign blame**
- **When finishing the interview- follow up with their next steps**
- **Remind all parties to avoid behaviors that could be portrayed as retaliation**
- **Finalize your interview notes immediately after your interview**

## **Don't Ask:**

- **About obtaining medical records**
- **About prior sexual history**
- **About legally privileged information (attorney, mental health practitioner)**

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**THE UNEXPECTED**

**Review of Report/Directly Related Evidence**

**Investigation Report**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## **Expect the Unexpected:**

- **Interview Expectations**
  - **Advisor Decorum**
- **Unresponsive Parties**
  - **Phone Call followed by at least 2 email/written correspondence follow-ups**
  - **Keep records of all reach out attempts**
- **Need to Pause the Investigation**
  - **If there is a criminal investigation**
    - We will not pause until the criminal investigation is complete, but this could slow us down if there is information that could be released in a reasonable timeframe
  - **Is a Party in a Mental Health Institute, Hospital or Jail**
    - This could slow the process, or may need to pause- consult with TIXC/DTIXC



# Case Studies

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**Review Information**

**Investigation Report/Directly Related Evidence**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## You Already...

- **Interviewed Complainant**
- **Interviewed Respondent**
- **Interviewed All Witnesses**
- **Gathered Evidence**

## Now What?

- **Meet with your co-investigator and look at your notes, evidence, etc**
- **Look at the events chronologically, are there any unanswered questions or gaps of information?**
- **Do you need to schedule any follow-up interviews?**
- **Is there any other information that would help the decision-maker reach a reliable determination?**

# The Investigation Process

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

Review Information

Investigation Report/Directly Related Evidence

Formal Hearing and Sanctions, if recommended

Appeal

## Investigation Report Overview

- TIXC will provide a report shell that will provide an outline for the report
- Summarize all relevant evidence, including interviews
  - Is it applicable to prove/disprove the policy violation
- Determine Credibility
  - Inherent Plausibility
  - Demeanor
  - Motive to Falsify
  - Corroborations
- Sufficient information to support a charge or not support a charge
  - Multiple policies investigated = multiple outcomes
  - Not all or nothing
- Recommendation to move forward to a hearing, if necessary

# The Investigation Process

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

Review Information

Investigation Report/Directly Related Evidence

Formal Hearing and Sanctions, if recommended

Appeal

## Directly Related Evidence

- Required to share with all parties
- Written statements from parties, notes or recordings from interviews, any other evidence that is collected in the investigation process
- Parties will be given 10 days to review and submit written response (will come later)



# The Investigation Process

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

Review Information

Investigation Report/Directly Related Evidence

Formal Hearing and Sanctions, if recommended

Appeal

February XX, 2022

Personal and Confidential

## Alleged Conduct Violations

**Investigators:** Ms. Rachel Zane and Ms. Donna Paulson

**Date of Incident:** December 25, 2022

**Start of Investigation:** December 28, 2022

**Maxient Case Number:** 2022-9999

### I. Executive Summary

On December 2, 2022, Columbus State University undergraduate student Mr. Sean Cahill reported to a Resident Assistant an alleged possible violation of the Columbus State University Sexual Misconduct and Student Conduct Policy. The Resident Assistant immediately contacted University Police, who were already in route to Clearview Hall in regards to another complaint which was later identified as the same Respondent, Mr. Daniel Hardman. According to the University Police and Columbus State incident reports that were sent to the Title IX Coordinator, Sarah Secoy, there are three identified complainants, Mr. Sean Cahill (Complainant 1), Ms. Samantha Wheeler (Complainant 2), and Ms. Sheila Sazs (Complainant 3). There is also an unidentified complainant (Complainant 4) referenced in the University Police Report as well.

All incidents occurred on the evening of December 25, 2022, which is why they are being consolidated to one investigation. The complaint has been signed by the Title IX Coordinator, Sarah Secoy, on behalf of the University in lieu of a formal complaint from the complainants.

**Explanation of the Allegations:** The alleged violations occurred on December 25, 2022. According to Complainant 1, while in the lobby of Clearview Hall, the Respondent grabbed the face and buttocks of Complainant 1. According to the University Police Reports, the Respondent knocked and forced entry into the apartments of both Complainant 2 and Complainant 3, and proceeded to touch the breasts and genitals of both Complainant 2 and Complainant 3. Also included in the University Police Report, the Respondent appeared to have an altered mental state, and was presumed to be under the influence drugs. The Respondent was uncooperative, did not obey the commands of University Police Officers and physically assaulted an officer. (This is an overview, so feel free to change this as appropriate based on your interviews.)

The investigation into these allegations began on December 28, 2022, and was completed in a manner appropriate in light of the circumstances of the case. The investigation included interviews with the Complainant, Respondent, and witnesses. These interviews were supplemented by the gathering of evidence as appropriate and available.

After a thorough review of the information gathered during the investigation, the investigators have determined that there is (in)sufficient evidence to support a charge for violation of the sexual misconduct policy for nonconsensual sexual contact and sexual harassment to warrant further consideration of discipline. Additionally, investigators have determined that there is (in)sufficient evidence to support charges for violation of the Student Code of Conduct for Drugs a., Disorderly conduct e., Disorderly Conduct h., Assault/Fighting a., and Assault Fighting b. to warrant further consideration of discipline.

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**Review Information**

**Investigation Report/Directly Related Evidence**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## II. Relevant Portions of the Sexual Misconduct Policy and Student Code of Conduct

**Nonconsensual Sexual Contact:** Any physical contact with another person of a sexual nature without the person's consent. It includes but is not limited to the touching of a person's intimate parts (e.g., genitalia, groin, breasts, buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. This provision also includes "Fondling" as defined by the Clery Act, which reads, "The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity."

**Sexual Harassment (Student on Student):** Unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX.

**Disorderly Conduct e.** No person shall interfere with, or fail to cooperate with, any properly identified University faculty or staff personnel

**Disorderly Conduct h.** No person shall exhibit behavior that is irresponsible or dangerous to the well-being or safety of self or any member or visitor of the University community

**Assault/Fighting a.** No person shall assault any member of, or visitor to, the University community by verbal or physical intimidation.

**Assault/Fighting b.** No person shall use physical force towards any member of or visitor to the University community that includes, but is not limited to, striking, shoving, or restraining.

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**Review Information**

**Investigation Report/Directly Related Evidence**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## **III. Summary of Information Obtained from Complainant 1, Mr. Sean Cahill**

Complainant 1 is current CSU undergraduate student and is a Resident Assistant in Clearview Hall. **Complainant 1 stated...**

## **IV. Summary of Information Obtained from Complainant 2, Ms. Samantha Wheeler**

Complainant 2 is a current CSU undergraduate student and is a Resident Assistant in Clearview Hall. **Complainant 2 stated...**

## **V. Summary of Information Obtained from Complainant 3, Ms. Sheila Sazs**

Complainant 3 is a current CSU undergraduate student. **Complainant 3 stated...**

## **VI. Summary of Information Obtained from/about Complainant 4, Unidentified**

**Complainant 4...**

## **VII. Summary of Information Obtained from Respondent, Mr. Daniel Hardman**

The Respondent is a current CSU undergraduate student. **The Respondent stated...**

## **Summary of Information Gathered from Witnesses**

1. Witness 1: Mr. Louis Litt

**Witness 1 is an undergraduate student at Columbus State University.....**

# The Investigation Process

**TIXC/DTIXC Receives Report**

**Threat Assessment**

**Formal Complaint**

**Notice of Allegations and Investigation**

**Informal Resolution/Investigation**

**Review Information**

**Investigation Report/Directly Related Evidence**

**Formal Hearing and Sanctions, if recommended**

**Appeal**

## VI. Analysis

In order to determine whether to charge the Respondent with violating the Sexual Misconduct Policy or Student Code of Conduct, the information gathered must be evaluated based on a preponderance of the evidence standard. This means it must be determined that it is more likely than not that the Respondent's conduct violated the Sexual Misconduct Policy or Student Code of Conduct.

### Nonconsensual Sexual Contact:

Nonconsensual sexual contact requires for it to be shown that the Respondent made physical contact with Complainant 1 and/or Complainant 2 and/or Complainant 3 and/or Complainant 4, of a sexual nature, without the Complainants consent. It includes but is not limited to the touching of a person's intimate parts (e.g., genitalia, groin, breasts, buttocks); touching a person with one's own intimate parts; or forcing a person to touch his or her own or another person's intimate parts. **Complainant/Respondent stated in his/her interview with the investigators....**

### Sexual Harassment (Student on Student):

Sexual Harassment requires for it to be shown that the Respondent made unwelcome verbal, nonverbal, or physical conduct based on sex (including gender stereotypes), determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to participate in or to benefit from an institutional education program or activity in violation of Title IX. **Complainant/Respondent stated in his/her interview with the investigators....**

### Disorderly Conduct e.

Disorderly Conduct e. requires for it to be shown that the Respondent interfered with, or fail to cooperate with, any properly identified University faculty or staff personnel while these persons are in the performance of their duties. **Complainant/Respondent stated in his/her interview with the investigators...or University Police reported...**

### Disorderly Conduct h.

Disorderly Conduct h. required for it to be shown that the Respondent exhibited behavior that is irresponsible or dangerous to the well-being or safety of self or any member or visitor of the University community. **Complainant/Respondent stated in his/her interview with the investigators...or University Police reported...**

### Assault/Fighting a.

Assault/Fighting a. required for it to be shown that the Respondent assaulted a member of, or visitor to, the University community by verbal or physical intimidation. **Complainant/Respondent stated in his/her interview with the investigators....**

### Assault/Fighting b.

Assault/Fighting b. requires for it to be shown that the Respondent used physical force towards any member of or visitor to the University community that includes, but is not limited to, striking, shoving, or restraining. **Complainant/Respondent stated in his/her interview with the investigators...**

# The Investigation Process

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

Review Information

Investigation Report/Directly Related Evidence

Formal Hearing and Sanctions, if recommended

Appeal

## VII. Conclusion

The investigators have examined and considered all the evidence and information gathered during the investigation. After a thorough evaluation of the information as discussed above, the investigators have determined that, there is (in)sufficient evidence to support a charge or to warrant further consideration of discipline. (Here you can outline which charges, if any, that you would recommend.)

## Investigation Timeline

December 25, 2022	Report of possible allegations was reported Residence Life Staff and University Police. Respondent was arrested and taken to the Muscogee County Jail.
December 25, 2022	Report was referred to CSU Title IX Coordinator for review of possible policy violations and threat assessment. After review and consultation with University System of Georgia Title IX Coordinator, an Interim Suspension was delivered to the Respondent at the Muscogee County Jail by University Police Officers, and was also sent via email.
December 25, 2022	Emails were sent to all Complainants with a request for a meeting with the TIXC as well as support services options.
December 25, 2022	TIXC met with Complainant 2, _____.
December 26, 2022	TIXC met with Complainant 1, _____ and Complainant 3, _____.
December 28, 2022	TIXC met with Investigators, and Notice of Investigation was sent to all known Complainants and Respondent via email. Additionally, the Notice of Investigation was also delivered to the Muscogee County Jail via University Police Officer.

## Attachments

Attachment 1	Police Report
Attachment 2	
Attachment 3	

# The Investigation Process

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

Review Information

Investigation Report/Directly Related Evidence

Formal Hearing and Sanctions, if recommended

Appeal

## What Happens After the Investigation Report Is Written?

- Send to the TIXC/DTIXC for review
- Once finalized, the Investigators will sign, and the report will be sent to both the complainant and respondent
- The parties will have 10 days to review and respond to the report, in writing.
- If there are any responses, TIXC and Investigators will communicate to decide what to do with the response.
  - Is this new evidence that should be considered?
  - Is this a new witness that should be interviewed?
  - Is this an incontinency in the evidence that is relevant?
- Once the review period has ended, and no changes are needed, the report is finalized.
- If the report recommended charges, the TIXC will convene a hearing panel to determine responsibility



Quiz Time

# Formal Hearing and Appeal

TIXC/DTIXC Receives Report

Threat Assessment

Formal Complaint

Notice of Allegations and Investigation

Informal Resolution/Investigation

Review Information

Investigation Report/Directly Related Evidence

Formal Hearing and Sanctions, if recommended

Appeal

## Role of the Investigator in the Hearing

- The investigator will be required to attend the hearing and "present" or read that charges.
- The investigator will give a brief summary of the incident.
- The Hearing Panelist, Complainant, or Respondent may ask questions of the investigators
- The investigator will be dismissed and does not stay for the entire hearing.
- The investigator likely will never know the outcome of the hearing.

## Appeal

- Both complainant and respondent have a right to appeal
- There are very specific criteria for appeal
- Appeal must be made in writing and only the records will be reviewed- no additional meetings.



# Additional Information

## In your Cougarview Course Materials

- Full Versions of Policies
- Access to Multiple Scenarios
- Full Version of Investigation Report
- Additional Information about Role of Advisor
- You will retain access to this course, if you need a refresher
- Refresher training is yearly, if you want to continue in this role