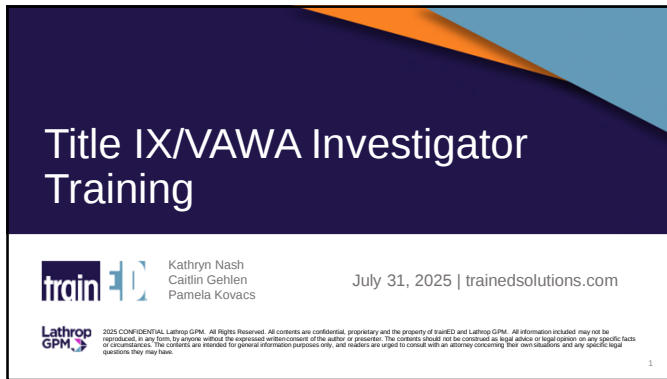




Title IX/VAWA Investigator Training

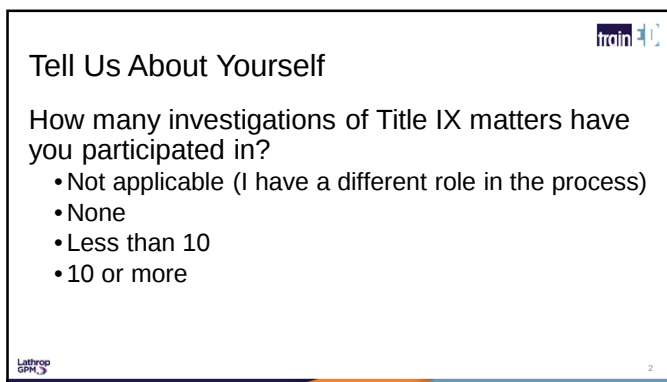

 Kathryn Nash
 Caitlin Gehlen
 Pamela Kovacs

July 31, 2025 | trainedsolutions.com


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Tell Us About Yourself

How many investigations of Title IX matters have you participated in?

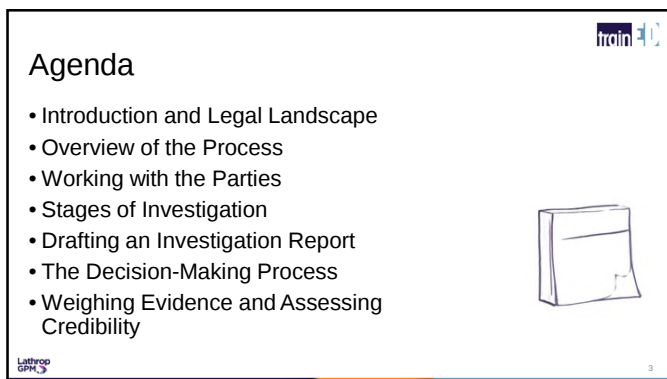
- Not applicable (I have a different role in the process)
- None
- Less than 10
- 10 or more





2

2



Agenda

- Introduction and Legal Landscape
- Overview of the Process
- Working with the Parties
- Stages of Investigation
- Drafting an Investigation Report
- The Decision-Making Process
- Weighing Evidence and Assessing Credibility







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Terminology

- ED = Department of Education
- Recipient = Institutions covered by Title IX
- OCR = Department of Education's Office for Civil Rights
- VAWA = Violence Against Women Reauthorization Act
- FERPA = Family Educational Rights and Privacy Act
- CSA = Campus Security Authority
- Investigation/Grievance Procedures/Complaint Procedures
- Adjudicator/Decision-Maker
- Complainant/Reporting Party/Accuser/Victim/Survivor
- Respondent/Responding Party/Accused/Alleged Perpetrator

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The Legal Landscape



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Session Overview

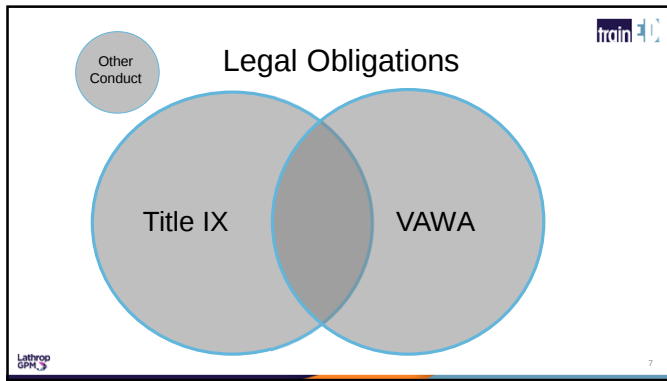
- Title IX
- Clery Act
- Violence Against Women Reauthorization Act
- Defining Sexual Misconduct
- Interaction with Other Laws
- Risks of Non-Compliance
- Training Requirements
- Recordkeeping Requirements



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Title IX

“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 educational program or activity receiving Federal financial assistance”

20 U.S.C. § 1681

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Who Must Comply With Title IX?

- Institutions that receive federal funds
 - Students
 - Employees
 - Third Parties
 - Visitors
 - Vendors

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Discrimination “on the Basis of Sex”



- Includes:
 - Sexual harassment
 - Differential treatment

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When an Institution Must Respond



- Institution has actual knowledge of
- Sexual harassment
- In an education program or activity of the institution
- Against a person in the United States



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When an Institution Must Respond



- Actual knowledge
 - Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or an official who has authority to institute corrective measures on behalf of the institution
 - Notice includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator
 - Vicarious liability and constructive notice are insufficient
 - Standard not met if the only official with actual knowledge is the respondent

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When an Institution Must Respond



- Actual knowledge (cont.)
 - The following does not qualify an individual as having the authority to institute corrective measures
 - Mere ability or obligation to report sexual harassment
 - Ability or obligation to inform a student about how to report
 - Being trained in how to report

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When an Institution Must Respond



- Education program or activity
 - Locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs
 - Includes all incidents of sexual harassment occurring on an institution's campus
 - Also includes off-campus conduct if
 - Occurs as part of the institution's "operations"
 - Institution exercised substantial control over the respondent and the context of alleged sexual harassment
 - Occurs at an off-campus building owned or controlled by a student organization officially recognized by the postsecondary institution (e.g., fraternities and sororities)

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How an Institution Must Respond



- Must respond promptly in a manner that is not deliberately indifferent
- Deliberately indifferent = response is clearly unreasonable in light of the known circumstances
- Follow grievance process outlined in the regulations



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The Legal Landscape

- All schools receiving federal funds must:
 - Publish Notice of Nondiscrimination
 - Designate a Title IX Coordinator
 - Disseminate policy prohibiting sex discrimination
 - Adopt and publish fair and equitable grievance procedures
 - Offer supportive measures to a complainant and respondent
 - Follow a legally compliant grievance process
 - Train individuals with heightened responsibilities
 - Train students and employees




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OCR's Enforcement and Guidance

- OCR's Role:
 - Issue guidance
 - Compliance reviews
 - Resolution agreements





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Clery Act

- Provide accurate, timely, and complete information
- Regarding certain types of crimes/incidents
- Occurring on or adjacent to campus
- To promote campus safety and consumer protection





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Violence Against Women Reauthorization Act (VAWA)

- Extends Clery crimes to include VAWA crimes: domestic violence, dating violence, and stalking
- Requires discipline procedures for addressing sexual assault and VAWA crimes
- Requires education programs to promote awareness
- Codified parts of 2011 Dear Colleague Letter on Title IX



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Defining Sexual Misconduct



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Title IX—Sexual Harassment

- Conduct *on the basis of sex* that satisfies one or more of the following:
 - Quid pro quo
 - Hostile environment
 - Sexual assault and VAWA crimes



Quid Pro Quo

Hostile Environment

Sexual Assault & VAWA Crimes

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Title IX – Sexual Harassment

- Quid pro quo:
 - Employee conditions aid, benefit, or service of the institution on an individual's participation in unwelcome sexual conduct
- Examples:
 - Supervisor conditioning promotion on participation in sexual advance
 - Professor conditioning grade on participation in sexual advance



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Title IX – Sexual Harassment

- Hostile Environment:
 - Unwelcome conduct (on the basis of sex) determined by a reasonable person to be so *severe, pervasive, and objectively offensive* that it effectively denies a person equal access to the institution's education program or activity



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Title IX – Sexual Harassment

- Examples: Multiple incidents of the following conduct may constitute hostile environment sexual harassment
 - Unwelcome sexual flirtations, advances, or propositions
 - Requests for sexual favors
 - Verbal abuse of a sexual nature, obscene language, off-color jokes, sexual innuendo, and gossip about sexual relations
 - The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, photos, emails, or text messages
 - Visual conduct such as leering or making gestures
 - Sexually suggestive comments about an individual's body or body parts, or sexually degrading words to describe an individual

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Title IX – Sexual Harassment

- Examples: Multiple incidents of the following conduct may constitute hostile environment sexual harassment
 - Unwelcome touching of a sexual nature such as patting, caressing, pinching, or brushing against another's body
 - Unwelcome verbal or physical conduct against an individual related to the individual's gender identity or the individual's conformity or failure to conform to gender stereotypes
 - Cyber harassment, including but not limited to disseminating information, photos, or videos of a sexual nature without consent
 - Videotaping or taking photographs of a sexual nature without consent

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Title IX—Sexual Harassment

- Sexual Assault
- VAWA Crimes
 - Dating violence
 - Domestic violence
 - Stalking
- As defined in Clery



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Title IX—Sexual Harassment

- **Sexual Assault:**
 - **Rape:** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

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Title IX—Sexual Harassment

• Sexual Assault:

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **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.

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Consent

- No particular definition of consent with respect to sexual assault is required under Title IX or VAWA

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VAWA Crimes

- **Domestic Violence:** a felony or misdemeanor crime committed by current/former spouse or intimate partner of the victim under domestic or family violence laws of the jurisdiction
- **Dating Violence:** person with whom victim has/had a social relationship of a romantic or intimate nature (determined by reporting party's perspective and length, type, and frequency of interaction)
- **Stalking:** course of conduct directed at a specific person that would cause fear for safety or substantial emotional distress



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Title IX – Sexual Harassment

- Male/Female
- Female/Male
- Female/Female
- Male/Male
- Gender Identity

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Legal Obligations*

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Interaction with Other Laws

- FERPA: Family Educational Rights and Privacy Act
 - Limits disclosure of student education records
 - Several exceptions permit disclosure
 - In Title IX cases, exception permits school to disclose to both parties all directly related evidence, all information in the investigation report and attachments that goes to the decision-maker, and statement of, and rationale for, the final results of any disciplinary proceedings or appeals, including sanctions and whether remedies will be provided
 - Required by Title IX
 - Does not include what the remedies are
 - In cases involving sexual assault/VAWA crime, exception permits school to disclose to the parties any information provided to the decision-makers and the final results of the disciplinary proceedings, including *all* sanctions

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Interaction with Other Laws

- Mandatory reporting laws: state-specific laws requiring school employees to report child abuse
 - Mandatory reporters may include teachers, coaches, administrators, or others who interact with minors or who supervise those who interact with minors
 - Must report if know or reasonably suspect abuse or neglect of a child
 - Report to police or county department



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Risks of Non-Compliance

- OCR enforcement
- Clery Act enforcement
- Lawsuits
 - Private right of action under Title IX, breach of contract, interference with contract, negligence, negligence *per se*, negligent supervision, intentional infliction of emotional distress, defamation, violation of right to due process at public schools, invasion of privacy/violation of confidentiality
- Public relations



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Training Requirements

- Train Title IX Coordinator, investigator, decision-maker, or facilitator of informal resolution process on
 - Definition of sexual harassment
 - Scope of the institution's education program or activity
 - How to conduct investigation and grievance process, including hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
 - Issues related to sexual assault, domestic violence, dating violence, and stalking (annually)
 - How to conduct an investigation and hearing that protects the safety of complainants and promotes accountability (effects of trauma) (annually)
 - Institution's policies and procedures

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Training Requirements

- Investigators must also receive training on
 - Issues of relevance to create an investigative report that fairly summarizes relevant evidence
- Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications
- Training materials must be publicly available on institution's website

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Recordkeeping Requirements

- Title IX – for 7 years, must maintain:
 - Investigation and adjudication records
 - Training materials for investigators, decision-makers, coordinators, and persons designated to facilitate informal resolution process
 - Any actions taken (including supportive measures) in response to a report of sexual harassment

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Recordkeeping Requirements

- Examples of investigator's records:
 - Communications with parties and other correspondence relating to investigation (including documentation of verbal in-person/phone conversations)
 - Investigator's notes
 - Party and witness statements, if applicable
 - Recordings of interviews or interview notes
 - Other evidence received (text messages, pictures, emails, etc.)
 - Investigation report or summary
 - Start and stop dates of investigation suspension
 - Training records – relating to investigators

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Title IX Regulatory Update

- August 14, 2020: 2020 regulations took effect
- August 1, 2024: 2024 regulations took effect
- Summer 2024: Injunctions issued in 26 states and additional specific schools
- January 9, 2025: Court vacates regulations nationwide
- January 31, 2025*: ED issues Dear Colleague Letter—2020 rules apply



*ED issued an updated letter on February 4, 2025




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Title IX Regulatory Update

- *Defending Women* Executive Order
 - Each Federal agency must apply statutes, regulations, and guidance using the following definitions:
 - "Sex" shall refer to an individual's immutable biological classification as either male or female. "Sex" is not a synonym for and does not include the concept of "gender identity."
 - Rescinded prior Executive Order saying that Title IX's prohibition on sex discrimination included discrimination on the basis of gender identity or sexual orientation
 - Required rescission of inconsistent guidance documents from ED




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Title IX Regulatory Update

- *Keeping Men Out of Women's Sports* Executive Order
 - Establishes a policy to rescind all funds from education programs that "deprive women and girls of fair athletic opportunities"
 - Orders ED to prioritize enforcement actions against educational institutions allowing transgender women to compete in women's sports
 - Orders ED to update regulations and policy guidance by clearly specifying and clarifying that women's sports are reserved for women



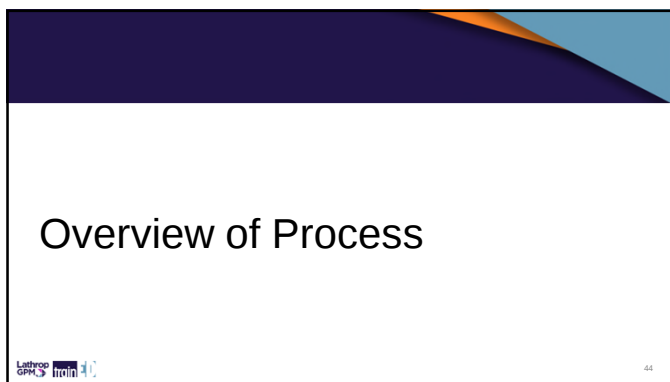



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Case Study

- A junior marketing student, Chloe Christenson works a few evenings a week in the library. One evening Sarah, the librarian, overhears Chloe telling a friend that one of her professors is making her uncomfortable by communicating personal information with her, texting her and engaging with her on social media, and even inviting her to spend time with him outside of school.
- Does Sarah have an obligation to report this information?
- If Sarah is not sure, what should she do?

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Responding to a Report

- Title IX:
 - Institution has actual knowledge of
 - Sexual harassment (as defined by regulations)
 - In an education program or activity of the institution
 - Against a person in the United States
- VAWA:
 - Allegations of sexual assault, domestic violence, dating violence, or stalking
 - Applies regardless of location of alleged conduct (on or off campus; in or out of the education program of activity; in or out of the U.S.)

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Responding to a Report

- Response must treat complainant and respondent equitably by:
 - Providing written explanation of rights and options to complainants of sexual assault or VAWA crime
 - Offering supportive measures to a complainant (with or without formal complaint)
 - Following a grievance process that complies with the applicable regulations before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent

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Responding to a Report

- Title IX Coordinator must promptly contact complainant (with or without formal complaint)
 - Inform complainant of the availability of supportive measures with or without the filing of a formal complaint
 - Consider complainant's wishes with respect to supportive measures
 - Explain the process for filing a formal complaint
 - Notify complainant of right to report to law enforcement and offer help with report (VAWA)
 - Provide complainant with written notice of rights (VAWA)



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Responding to a Report—Supportive Measures

- Offered to complainant and respondent
- Must be non-disciplinary, non-punitive
- Must be without fee or charge to the complainant or respondent
- Available before or after the filing of a formal complaint or where no formal complaint is filed
- Designed to restore or preserve equal access to recipient's education program or activity without unreasonably burdening the other party
- Including measures designed to protect safety of all parties or the educational environment, or deter sexual harassment
- Must maintain as confidential as long as confidentiality does not impair ability of the institution to provide measures

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Responding to a Report—Supportive Measures

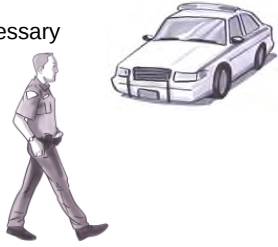
- Examples
 - Mutual restrictions on contact between the parties
 - Change academic or extracurricular activities, living, transportation, dining, and working situations
 - Access to resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, legal assistance, visa and immigration assistance, campus escort services, increased security, and student financial aid
- If school does not offer these services, enter into MOU with local victim services provider, if possible

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Responding to a Report

- Other obligations:
 - Notify campus security, if necessary
 - Clery report, if necessary



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Responding to a Report

- Report vs. Formal Complaint
 - Report
 - Initiates obligation to respond, including offering supportive measures
 - Complainant's identity may be kept confidential from respondent
 - Formal complaint
 - Initiates grievance process
 - Cannot be filed anonymously
 - Requires complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the complaint
 - Title IX Coordinator can sign a complaint
 - Grievance process requires that complainant's identity be disclosed to respondent, if known

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Formal Grievance Process

- The process the school uses to resolve sexual harassment complaints. This includes the fact-gathering investigation and any hearing or decision-making process the school uses to determine:
 - Whether or not the conduct occurred using
 - Preponderance of the evidence standard ("more likely than not") or
 - Clear and convincing evidence standard ("highly probable"); and
 - If the conduct occurred, what actions the school will take to eliminate the hostile environment, prevent its recurrence, and remedy its effects, which may include:
 - Imposing sanctions on the respondent;
 - Providing remedies for the complainant; and
 - Addressing the campus community

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Informal Resolution

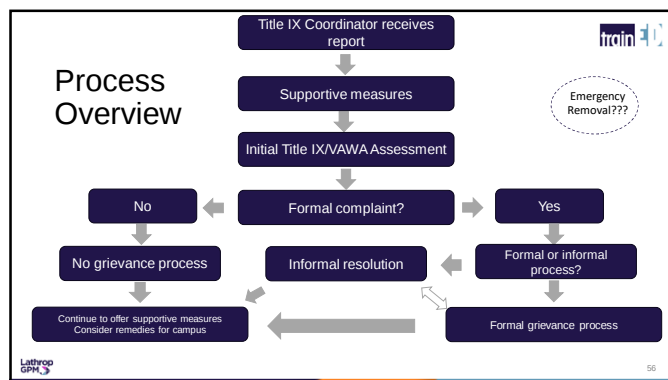
- VAWA: No specific requirements
- Title IX:
 - Any time prior to determination, may facilitate informal resolution process, such as mediation, if
 - Provide parties with detailed written notice
 - Obtain parties' voluntary written consent to informal process
 - May not offer informal resolution unless a formal complaint is filed
 - May not offer or facilitate informal resolution to resolve allegations that an employee sexually harassed a student

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Process Overview



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Role of Investigator in Formal Grievance Process

- Identify factual issues
- Give parties opportunity for input
- Compile investigation materials for decision-makers and parties
- Credibility and/or make recommendations?
 - Can offer recommendations regarding responsibility but ultimate determination must be made by separate adjudicator (Title IX)
- Role does not include:
 - Adjudication of complaint
 - Providing support or advocacy to either party
 - Serving as a confidential resource



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Formal Grievance Process

- Objective evaluation of all relevant evidence
 - Inculpatory and exculpatory evidence
 - Credibility determinations may not be based on status as complainant, respondent, or witness
- No conflicts of interest or bias as Title IX Coordinator, investigator, decision-maker, or facilitator of informal resolution process
 - For or against complainants or respondents generally
 - For or against an individual complainant or respondent
- Presumption of non-responsibility

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Formal Grievance Process: Dual Roles Under Title IX

- Title IX requires independent decision-maker
 - Title IX Coordinator and decision-maker must be different individuals
 - Investigator and decision-maker must be different individuals
- Title IX Coordinator and investigator may offer recommendations regarding findings and/or conclusions on responsibility, but decision-maker has independent obligation to objectively evaluate relevant evidence and cannot simply defer to recommendations
- Title IX Coordinator may act as investigator

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Formal Grievance Process—Other Requirements

- Burden of proof and gathering evidence is on the institution, not on the parties
- May not restrict ability of either party to discuss the allegations or to gather and present relevant evidence

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Formal Grievance Process—Advisors

- Parties have a right to an advisor of their choice
- May be, but not required to be, an attorney
- Advisors have right to receive copies/electronic access to of all directly related evidence (Title IX only)
- Advisors may cross-examine parties and witnesses at live hearing (Title IX only)
- Institution must provide if none (Title IX only)
 - Limited role
- May otherwise limit extent of advisor's participation in the process (must apply equally)

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Formal Grievance Process—Timeframes

- Reasonably prompt timeframes
 - Including timeframes for filing and resolving appeals and informal resolution processes
- Temporary delay or extension of timeframes for good cause, which may include
 - Absence of parties, a party's advisor, or witnesses
 - Concurrent law enforcement activity
 - Need for language assistance or accommodations of disability
- Must provide written notice to parties of the delay or extension and the reason for it
 - ED guidance: also include anticipated length of delay
- Some timeframes are set by the regulations (Title IX)



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Formal Grievance Process

- Any provisions, rules, or practices other than those required by the regulations that an institution adopts as part of its grievance process must apply equally to both parties



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Formal Grievance Process—Dismissal of Formal Complaint

- **Mandatory dismissal under Title IX**
 - Must dismiss formal complaint if alleged conduct
 - even if proved, would not constitute sexual harassment
 - did not occur in the institution's education program or activity or
 - did not occur against a person in the United States
 - Such dismissal does not preclude action under another provision of institution's code of conduct
- **Discretionary dismissal under Title IX**
 - May dismiss formal complaint if at any time during the investigation or hearing
 - complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations, therein
 - respondent is no longer enrolled or employed by the institution or
 - specific circumstances prevent the recipient from gathering sufficient evidence to reach a determination as to the formal complaint or allegations therein

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Formal Grievance Process—Consolidation of Formal Complaints

- **Title IX:** An institution may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the *allegations of sexual harassment arise out of the same facts or circumstances*
- **VAWA:** No specific guidance

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Criminal Process

- Institution's formal grievance procedure is separate from criminal process
- Institution may not dissuade complainant from going to police in cases involving allegations of criminal conduct—should encourage reporting to police
- May temporarily delay for initial police investigation
 - Prior guidance said police evidence-gathering stage typically takes 7-10 days
 - Must resume when notified that police are done gathering evidence
- May not delay for criminal prosecution

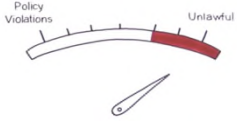
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Differences Between Criminal and Institutional Investigations

- Different standards of proof
 - Probable cause vs. beyond reasonable doubt vs. preponderance of evidence vs. clear and convincing
- Different investigation "powers"
 - Subpoena powers vs. disciplinary actions
- Timing of processes
- Cooperating with law enforcement
 - Memorandum of Understanding
 - Use of police report



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Q & A



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Working with the Parties



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Case Study

When assessing the credibility of the complainant, which of the following might cause you to find the complainant less credible:

1. Complainant heavily redacts report from SANE exam before submitting it as evidence.
2. Complainant tells her teammates at practice the morning following the alleged assault that "nothing happened."
3. Complainant made a prior complaint against his coach three years earlier in an unrelated matter.
4. Complainant's friend had to convince him to report the alleged assault to the Title IX Coordinator.

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Case Study

When assessing the credibility of the respondent, which of the following might cause you to find the respondent less credible:

1. Respondent blocks complainant on her phone and social media platforms after the alleged assault.
2. Respondent answers most questions about the alleged assault by saying, "I don't remember."
3. Respondent does not submit screenshots of text messages they referred to during their interview.
4. Respondent tells you he is transferring.

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Session Overview

- Rape Myths
- Secondary Victimization
- Common Victim Responses
- Neurobiology of Sexual Assault
- How to Serve Impartially
 - Working with complainant
 - Working with respondent



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Rape Myths

Myth	Reality
Rape is primarily sexually motivated	Rape combines elements of power, anger and sexuality
Rapists are usually strangers	Most perpetrators are known to the victim
The victim did something to cause the rape	No behavior warrants being raped; under no circumstances can the victim be blamed
Acquaintance rape is not as traumatic	There are no differences in victim psychological symptoms between acquaintance and stranger rape

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Secondary Victimization

- Secondary victimization:
 - The attitudes, beliefs, and behaviors that victims experience as victim blaming and insensitive
 - It exacerbates their trauma, and it makes them feel like what they're experiencing is a second rape — hence the term "secondary victimization"



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Secondary Victimization

- Examples of behaviors:
 - Discouraging the victim from making the report
 - Telling victim it's not serious enough to pursue
 - Asking about dress, behavior, or what they might have done to provoke the assault
- Psychological impact on victims:
 - Blamed
 - Depressed
 - Anxious
 - Violated
 - Reluctant to seek help



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Common Victim Responses

- Initial denial of incident
- No reporting/delayed reporting
- Maintaining contact with perpetrator
- Fight, flight, or freeze

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Neurobiology of Sexual Assault

The Neurobiology of Sexual Assault

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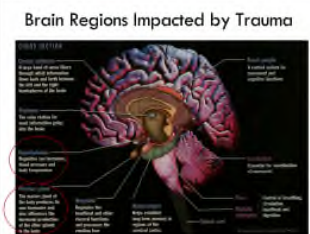
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Neurobiology of Sexual Assault

Brain Regions Impacted by Trauma



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Neurobiology of Sexual Assault

Brain-Body Regions Impacted by Trauma

HPA Axis

Balances body following stress by releasing of various hormones/chemicals

SOURCE: Southwick et al., 2002

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Neurobiology of Sexual Assault

Brain-Body Regions Impacted by Trauma

Catecholamines: Fight or flight response

Cortisol: Energy available

Opioids: Prevent pain

Oxytocin: Promotes good feelings

SOURCE: Southwick et al., 2002

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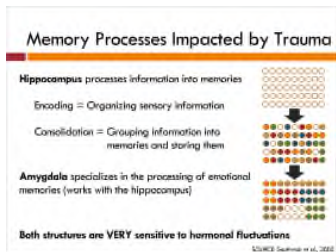
Neurobiology of Sexual Assault

Brain Regions Impacted by Trauma

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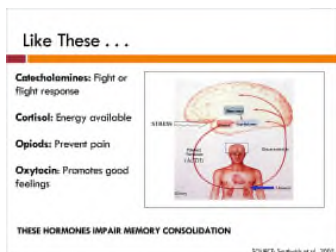
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Neurobiology of Sexual Assault



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Neurobiology of Sexual Assault



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Neurobiology of Sexual Assault



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Neurobiology of Sexual Assault

What Happens During A Sexual Assault

Catecholamines Increase → Impairs rational thought
 Opioids Increase → Causes flat affect
 Corticosteroids Decrease → Reduces energy

SOURCE: Barak, 2003; Southwick et al., 2003

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Neurobiology of Sexual Assault

What Happens During A Sexual Assault

```

    graph LR
      A[Amygdala Detects Threat] --> B[Activates Hypothalamus]
      B --> C[HPA Anti-Fibrinolytic Hormonal Flood]
      C --> D[Can Trigger a Complete "Shut Down" in the Body]
  
```

SOURCE: Barak, 2003; Southwick et al., 2003

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Neurobiology of Sexual Assault

Tonic Immobility (TI)

- AKAs: "Rape-induced paralysis"
- Autonomic (uncontrollable) mammalian response in extremely fearful situations
- Increased breathing, eye closure, paralysis
- 12-50% rape victims experience TI during assault
- TI is ~more common in victims who have been assaulted before (childhood, adolescence, or adult)

SOURCE: Koss et al., 2007; Calhoun et al., 1993; Finkelhor et al., 2005

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Common Behaviors During Assault

- Impaired rational thought
- Flat affect
- Reduced energy
- Flight
- Fight
- Freeze

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Memory

What Happens During A Sexual Assault



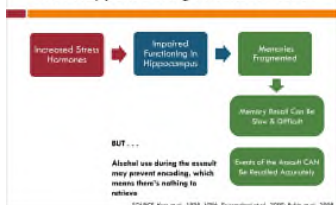
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Memory

What Happens During A Sexual Assault



SOURCE: Koss et al., 1987, 1989; Rescorla et al., 2009; Rude et al., 2008

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Memory

Case Study: Memory Fragmentation

- 25 year-old woman
- Raped by a friend's brother at 4th July party
- Filed police report
- Detective interview was when it all went to hell

"He wouldn't let up, pressing me with question after question after question. Trying to trick me, trying to get me to mess up. I wanted to say, 'hold on, give me a minute to think.' No, he kept coming at me."

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Memory

Case Study: Memory Fragmentation

"We talked it through. And I didn't feel rattled and freaked out. I'm sure I was incoherent and he just let it roll. He was patient."

I felt like I was piecing it together, like a puzzle, we were putting together a puzzle together. And drinking coffee."

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Memory

Case Study: Memory Fragmentation

- L: So, why did you do that? (give her the coffee)
- R: It helps. Not the coffee so much, just the moment to let it all come together in their heads.
- L: What do you mean?
- R: I don't know why it's like that, I've just noticed that over the years. If you give them a few minutes to breathe It starts to make more sense. I don't know why, it just does.



**MEMORY
CONSOLIDATION**
A DOCUMENTED
NEUROBIOLOGICAL CONDITION

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Memory

Case Study: Memory Fragmentation

- Q: Were you worried that if you gave her some time, she'd just make something up?
- R: Nah, not really. I mean, some victims lie, but most don't. Besides, if they're lying, we'll catch 'em at it eventually. I think it's just hard for victims to talk about and we just need to have a little patience.

➔ **MEMORY CONSOLIDATION**
A DOCUMENTED
NEUROBIOLOGICAL CONDITION

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Impact of Trauma on Memory

- Memories accurately stored
- Memory recall slow
- Fragmented account
- Concentration difficult
- Alcohol exception—may impact storage and accuracy of memories



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Sensory Details

- Victims of trauma may be able to recount vivid sensory details, including certain things the victim saw, heard, or smelled during the assault
- These details could provide more information about the incident and may help clarify the victim's memory
- Use open-ended questions
 - What can you recall about what happened?
- May also use sensory-based questions
 - What did you see?
 - What did you hear?
 - What did you smell?
 - What did you taste?
 - What did you touch?

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Impact of Culture

- Cultural background is one of many factors that may impact the way that complainant, respondent, and witnesses react to the incident and present during the investigation interviews
- Different cultural backgrounds will influence individuals in different ways
- Be aware of and sensitive to possible cultural influences
- Incorporate training as appropriate



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Trauma-Informed Approach Gone Wrong

- University of Mississippi lawsuit based in part on its training materials
 - Victims sometimes withhold facts and lie about details
 - Victims lie about anything that casts doubt on their account of the event
 - When complainants withhold exculpatory details or lie to an investigator or the hearing panel, the lies should be considered a side effect of an assault
- A trauma-informed approach should not unfairly favor the complainant or prejudice the decision-maker against the respondent

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Take Away

- Do not automatically draw negative inference based on a behavior that may be a response to trauma
- If an individual exhibits behaviors associated with trauma, it does not automatically mean that individual experienced trauma
- A response consistent or inconsistent with a typical trauma response should not in and of itself be outcome determinative

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Serving Impartially

- Avoid prejudgment of the facts at issue
- Avoid conflicts of interest
- Avoid bias
- Avoid appearing to agree with either party's account



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Serving Impartially

- Set boundaries
 - Make objective role clear up front
 - Not counseling or advocacy services
 - Differentiate from your other roles within institution
 - Know how to respond when coming close to line
 - Point to resources on campus

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Serving Impartially — Working with Complainant

- Slow down
- Make him/her feel comfortable
- Consider timing and locations
- Allow sufficient time for thorough exploration of the issues
- Develop rapport and allow for closure
- Explain process
- Remind the complainant of the ability to ask questions and present information during the entire process

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Serving Impartially — Working with Complainant



- Recognize the impact of trauma on memory
 - Allow the complainant to give a narrative
 - Use open-ended free recall questions
 - Build in an opportunity for follow-up
 - Allow a written narrative if that is more comfortable
- Memory may be impaired by alcohol
- Use “account” or “experience” rather than “story”
- Allow advisor to be present consistent with policy
- Avoid secondary victimization
- Be transparent about how information will be used



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Serving Impartially — Working with Respondent



- Recognize stress involved with being accused of sexual misconduct
 - Respondent may be defensive
 - Respondent may be nervous or uncomfortable
- Explain fair and equitable process
- Do not appear to take sides
- Use impartial language
- Afford same opportunity to provide narrative of experience, to provide physical or other evidence, etc.
- Memory may be impaired by alcohol



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Serving Impartially — Working with Respondent



- Remind the respondent of the ability to ask questions and present information during the entire process
- Ensure the respondent is fully aware of the process and prohibition against retaliation
- Be transparent about how information will be used
- Allow advisor to be present consistent with policy



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Communication

- Identify contact person who will coordinate with multiple departments/people on complainant's/respondent's behalf
- Ensure regular and timely communications to both parties regarding: next steps, expectations, timing, and delays
- Ensure that parties have notice of all meetings
- Document all communications, including phone calls
- Use sensitive and informed tone and content, both to the parties and among team members

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Sources of Information

- NIJ Presentation by Rebecca Campbell
- trainED gratefully acknowledges the U.S. Department of Justice, Office of Justice Programs, and National Institute of Justice for allowing us to reproduce, in part or in whole, the recording of The Neurobiology of Sexual Assault. The opinions, findings, and conclusions or recommendations expressed in this recording are those of the speaker(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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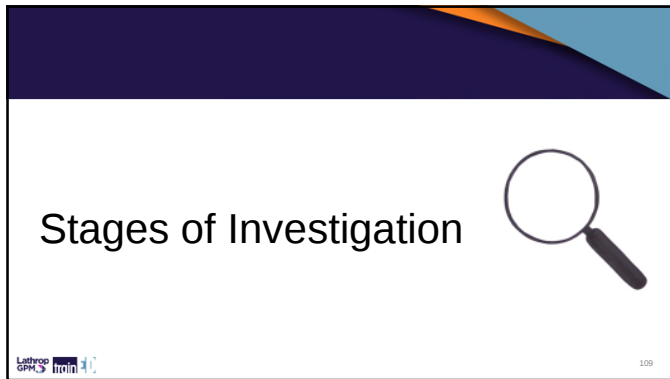
Q & A



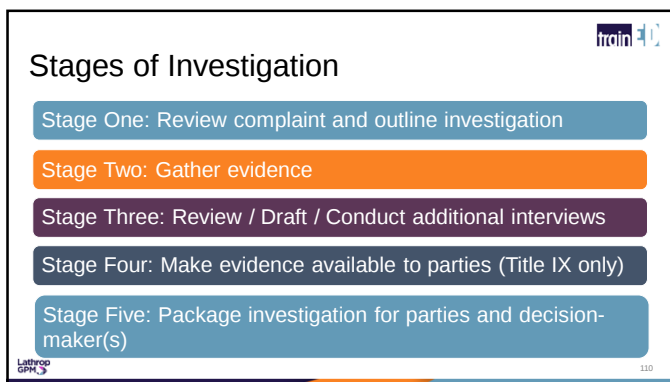
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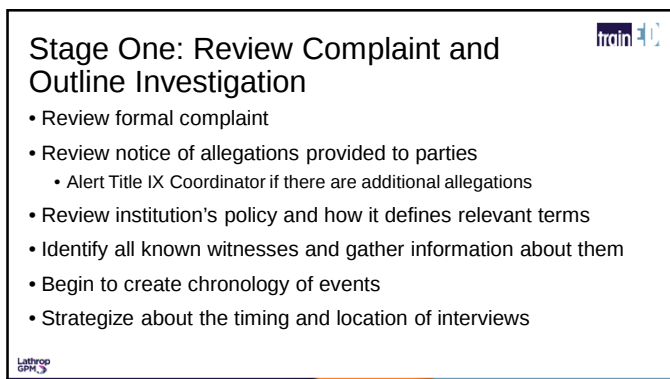
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Notice of Allegations

- Upon formal complaint, provide written notice to known parties, including:
 - Notice of grievance process, including any informal resolution process
 - Notice of the allegations, including sufficient details known at the time and with sufficient time to prepare response before initial interview
 - Identities of the parties involved, if known
 - Conduct allegedly constituting sexual harassment
 - Date and location of the alleged incident, if known



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Notice of Allegations

- Upon formal complaint, provide written notice to both parties, including statements that:
 - Respondent is presumed not responsible
 - Determination of responsibility is made at conclusion of grievance process
 - Right to advisor of choice who may be but is not required to be an attorney
 - Parties may inspect and review evidence as *permitted in sexual misconduct policy*
 - Inform parties of any policy provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process
- Provide notice of *additional* allegations about the complainant or respondent that arise during process

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Stage One: Review Complaint and Outline Investigation

- Prepare script of opening remarks
 - Explain your role in the grievance process
 - Provide general explanation of reason for interview—gathering facts
 - Explain possible uses of party's/witness's statements
 - If applicable, explain cross-examination
 - If applicable, inform party/witness of recording and its use
 - Advise party and advisor on advisor's limited role
 - Explain the need to ask difficult, detailed questions
 - Ask party/witness not to read into questions
 - Tell party/witness he or she can ask for a break during the interview

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Stage One: Review Complaint and Outline Investigation



- Prepare script of opening remarks (cont.)
 - Explain that timelines and order of events may not be clear
 - Tell the party/witness to feel free to ask why a question is asked (investigators: be prepared to answer)
 - Instruct *witness* regarding confidentiality (gag orders on parties are not permissible)
 - Assure/warn party/witness regarding policy prohibiting retaliation
 - If applicable, advise party/witness on alcohol or other policy waiver
 - If video/phone interview, confirm no one else is in the room
 - Obtain commitment to tell the truth

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Stage One: Review Complaint and Outline Investigation



- Prepare script of closing remarks
 - Ask if there is anything else the party/witness wants you to know
 - Ask if there is anything the party/witness thought you would ask about that you have not yet discussed
 - Give parties opportunity to suggest witnesses, evidence, and questions to ask the other party
 - Find out what information those witnesses/evidence/questions will provide
 - Give witnesses opportunity to suggest other witnesses and evidence
 - Find out what information those witnesses/evidence will provide
 - Remind party/witness regarding need to preserve evidence

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Stage One: Review Complaint and Outline Investigation



- Prepare script of closing remarks (cont.)
 - If applicable, explain that an additional interview may be necessary at a later date
 - Advise that party/witness may reach out to you with additional information
 - Reminder regarding policy prohibiting retaliation
 - Remind *witness* of instructions regarding confidentiality
 - Must not restrict the ability of either party to discuss the allegations under investigation
 - Explain to party that questions related to process or resources should be directed to the Title IX Coordinator or Deputy Coordinator

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Stage One: Review Complaint and Outline Investigation

- Identify ultimate questions that will need to be decided
- Develop checklist for key questions—examples:
 - Elements of each potential violation
 - Consent to each act
 - Impact of alcohol
- Create list of topics for witness interviews (not questions)
- Avoid investigative techniques and approaches that apply sex stereotypes or generalizations

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Stage One: Review Complaint and Outline Investigation

- Gather and review available evidence
- Know the setting(s) of the events
- Determine whether witness interviews will be recorded
- Stay flexible

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Case Study: Chloe/Dr. Graham

- On May 27, 2025, Chloe Christenson signed a formal complaint against her professor, Dr. George Graham.

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Case Study: Chloe/Dr. Graham

• Chloe's formal complaint states:

- I am a junior majoring in marketing and I worked as a teaching assistant for Dr. George Graham this past semester. I enjoyed Dr. Graham as a professor in the past but this last semester, Dr. Graham has been making me uncomfortable. Since the beginning of the semester, he texts me like all the time, even using Snapchat sometimes, and he just asks me a lot about my personal life, like who I was dating, what I did on the weekend. One time he asked me to take care of his dog while he was out of town, which I was fine with, but then he sent me a creepy message, saying I should come around more often. He would invite me to do things outside of school. One time he said we should try a new restaurant together. One time he asked if he could go for a walk with me. He was really nice by helping me get an internship but also I feel like it was just a way to get closer to me. He said something about me owing him. He responded to a picture of me in a swimsuit on Snapchat while I was on spring break and he commented on one of my Instagram videos about which outfit I should wear.

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Case Study: Chloe/Dr. Graham

• Chloe's formal complaint states (cont.):

- Things just progressed throughout the semester, like he used weird emojis and I always wondered if he was trying to hint at inappropriate stuff. He talked to me about his marital problems. Then at the end of the semester, he hugged me and even rubbed my back during the hug. He also gave me gifts a couple of times. One of the gifts was just some candy and he gave me the other gift at the end of the semester when he hugged me. The candy wasn't that big of a deal, though it was weird to me that he knew what kind of candy was my favorite. When he gave me the journal, he included a note with a picture of himself, and that was super creepy. I'm really stressed out about coming back to school in the fall and having to see him.

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Case Study: Chloe/Dr. Graham

• What potential policy violation does Chloe's complaint raise?

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Case Study: Chloe/Dr. Graham

Excerpt of Notice of Allegations

On May 27, 2025, a formal complaint of alleged sexual misconduct was submitted by Chloe Christenson to the Title IX Coordinator alleging conduct by Dr. George Graham.

Chloe alleges that Dr. Graham engaged in unwelcome conduct on the basis of sex in the form of the following:

- On multiple dates between February through May 2025, Dr. Graham communicated to Chloe via electronic communication, including communicating to Chloe about personal matters.
- On multiple dates between February through May 2025, Dr. Graham selected Chloe for certain opportunities for the purpose of getting close to her, including referring her for an internship.
- On multiple occasions between February through May 2025, Dr. Graham invited Chloe to spend time with him outside of school.
- On April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham engaged in physical contact with Chloe.
- On or about March 18, 2025 and April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham gave Chloe gifts.

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Case Study: Chloe/Dr. Graham

- Begin preparing outline for interview with the parties.
- Identify evidence to gather and potential people to interview.

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Stage Two: Gather Evidence

- Types of evidence:
 - Witness interviews
 - Physical evidence
 - Text messages/emails/photos
 - Social media
 - Police report
 - Medical examination – **Caution!**
 - Student/personnel records
 - Surveillance video

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Stage Two: Gather Evidence—Notice of Meetings



- Title IX: Written notice to the party whose participation is invited or expected of the
 - Date
 - Time
 - Location
 - Participants
 - Purpose
- of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate
- VAWA: Timely notice to the other party of meetings that are part of the disciplinary process



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Stage Two: Gather Evidence—Interview Parties and Witnesses



- Strongly recommend audio recording interviews
 - Reduces risk of misinterpretation by investigator
 - Facilitates sharing of relevant evidence from interview
 - Accurate record in case of dispute



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Stage Two: Gather Evidence—Initial Party Interviews



- Purpose is to provide each party with an opportunity to share their account
- Do not ask party to respond to or rebut other party's or witness's accounts
- Ask limited follow-up questions to clarify party's own account
- When in doubt, don't ask
- Make sure approach and tone is similar for each party

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Stage Two: Gather Evidence—
Witness Interviews

- Purpose is to gather relevant information from each witness without providing more information than necessary
- “Do you know why you were asked to come speak with me today?”
 - “Highway” or “Scenic Route” interview?
- If Scenic Route, use “funnel” approach
- If Highway interview, download everything they “know” about relevant events



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Stage Two: Gather Evidence—
Witness Interviews

- Scenic Route: Funnel Approach
 - Start broadly; avoid leading questions
 - “I understand you live in Smith Hall; did you observe anything out of the ordinary in the last few weeks?”
 - “Tell me about your courses this semester. Did anything unusual happen in your classes in February?”
 - Decide whether to ask more detailed questions
 - More reliable responses and less rumor mill



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Stage Two: Gather Evidence—
Interview Parties & Witnesses

- Create chronology of events
- Identify the who, what, where, when, and how
 - If don't know names, figure out other identifiable information
 - If helpful, consider drawing a map/diagram
 - If exact times aren't known, what events were going on to help fix a time
 - Avoid “why” questions
- Close “chapters” by recapping events
- Distinguish between personal knowledge and hearsay



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Stage Two: Gather Evidence—
Interview Parties & Witnesses

- Ask about evidence (text messages, photos, emails)
 - Expect that the parties and witnesses may be talking to each other during the complaint process—ask for these communications later in the process
- Ask witnesses to forward information immediately
- Don't share information unless necessary
- Don't focus on writing exhaustive notes
- Let witness do most talking ("What happened next?")
- Don't avoid questions because answers seem too obvious or too personal



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Stage Two: Gather Evidence—
Interview Parties & Witnesses

- Do not inquire into impermissible evidence
 - Complainant's sexual behavior or predisposition are not relevant, *unless*:
 - Such questions and evidence are offered to prove someone other than respondent committed the alleged conduct or
 - The questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent



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Stage Two: Gather Evidence—
Interview Parties & Witnesses

- Do not inquire into impermissible evidence (cont.)
 - Privileged information
 - Do not require, allow, rely upon, otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless person holding such privilege has waived the privilege
 - Treatment records
 - Institution cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the school obtains that party's voluntary, written consent to do so.



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Stage Two: Gather Evidence— Interview Parties & Witnesses

- Prepare a summary/draft report immediately following each interview
 - Assists investigator in identifying:
 - Whether the Notice of Allegations needs to be amended
 - Follow-up questions for that party/witness
 - Additional evidence that needs to be obtained from that party/witness
 - Other individuals to interview
 - Questions for follow-up interviews with other party and witnesses
 - Distributes workload throughout the process
 - Allows Title IX Coordinator to provide meaningful supervision and feedback throughout the investigation

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Stage Two: Gather Evidence— Interview Parties—Advisors

- Advisors, particularly attorney advisors, have become increasingly common participants
- Tips for addressing disruptive advisors:
 - Signed advisor agreements
 - Be prepared to enforce the agreement parameters
 - Set the ground rules at the outset (e.g., "potted plant")
 - Don't engage with the advisor; only address the party (even in response to the advisor's statements)
 - Hold the party responsible for the advisor's actions
 - Don't be afraid to consider pausing the process if the advisor continues to be disruptive
 - Be consistent

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Case Study: Interview Chloe

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Case Study: Chloe/Dr. Graham

- During your interview with Chloe, she tells you the following information:
 - In late February, Dr. Graham told her about his marital problems and said it meant a lot that he could be real with her. He touched her hand while making the comment.
 - Dr. Graham commented on her hair and clothes, multiple times in March.
 - During one of the Marketing 101 classes, Dr. Graham used her as an example for a project about self-marketing. He made comments about her physical appearance and invited students to do so as well.
 - Sometime in early May, Dr. Graham invited her to drive with him to an out-of-town speaking engagement.
 - On April fool's day, Dr. Graham sent her a Snapchat message insisting that he take her out to dinner to celebrate the internship that she had gotten.
- What do you do with this information?


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Case Study: Chloe/Dr. Graham

Excerpt of Amended Notice of Allegations

On May 27, 2025, a formal complaint of alleged sexual misconduct was submitted by Chloe Christenson to the Title IX Coordinator alleging conduct by Dr. George Graham.

Chloe alleges that Dr. Graham engaged in unwelcome conduct on the basis of sex in the form of the following:

- On multiple dates between February through May 2025, Dr. Graham communicated to Chloe via electronic communication, including communicating to Chloe about personal matters.
- On multiple dates between March through May 2025, at various locations on campus, including in Dr. Graham's office and Mason Lecture Hall, Dr. Graham made verbal comments toward Chloe, including specifically on March 20, 2025, during the Marketing 101 course, Dr. Graham made comments and invited students to make comments about Chloe's physical appearance.
- On multiple dates between February through May 2025, Dr. Graham selected Chloe for certain opportunities for the purpose of getting close to her, including referring her for an internship.
- On multiple occasions between February through May 2025, Dr. Graham invited Chloe to spend time with him outside of school.
- On February 25, 2025, at an off-campus coffee shop, Dr. Graham engaged in physical contact with Chloe and communicated with her about personal matters.
- On April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham engaged in physical contact with Chloe.
- On or about March 18, 2025 and April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham gave Chloe gifts.


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Case Study: Chloe/Dr. Graham

- When you interviewed Chloe, she suggested her friend, Marcy, as a witness. After her interview, Chloe emails you the following:
 - "I know I said you should talk to Marcy but I would really prefer if you don't involve her in this investigation. Marcy is also a TA and the professor she works for is friends with Dr. Graham. I'm worried Marcy is going to face backlash if she is involved in this."


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Case Study: Zach/Aubrey

- You are also conducting an investigation regarding a complaint of sexual assault brought by Zach against Aubrey.
- You have interviewed Zach and were scheduled to interview Aubrey on Monday, but she canceled last minute. You reschedule the interview with Aubrey for Friday, but she was late to the interview and then needed to leave early, so you could not complete her interview. When you email Aubrey to schedule a time to complete her initial interview, she tells you that it will have to wait another week because she has midterms.
- How do you respond?

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Case Study: Interview Dr. Graham

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Case Study: Chloe/Dr. Graham

- You ask Dr. Graham if he made comments about Chloe in his Marketing 101 class. He asks you how the content of his class is relevant to the investigation. He also says that you have no authority to investigate allegations related to the content of his classes.
- What do you do next?

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Case Study: Erin/Wendy

- There is another complaint resolution process ongoing involving Erin Erickson's complaint against Wendy Winters. Erin alleged that on January 15, 2025, in Erin's dorm room, Erin and Wendy were making out, which Erin was okay with, but then Wendy started to take off Erin's clothes by unfastening her bra and moving her shirt so that Erin's breasts were exposed. Erin says that she told Wendy that she was okay with just kissing, but eventually Wendy got her shirt off. Erin says that she could also feel Wendy messing with the zipper on Erin's pants.
- What policy violation is alleged in Erin's complaint?
- What other definitions will be important to the investigation?

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Stage Three: Review/Draft/ Conduct Additional Interviews

- Continue to draft report
- Assess what more needs to be done
 - Additional witnesses necessary or duplicative?
 - New facts or allegations that require additional interviews?
- Ensure notice of allegations is up to date; inform Title IX Coordinator of any new allegations
 - Also inform Title IX Coordinator of any allegations unrelated to your investigation
- Check timeframe for investigation and assess need for a notice of delay

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Stage Three: Follow-Up Interviews

- Purpose of follow-up interviews with the parties
 - Gather any missing information from each party's account
 - Provide each party an opportunity to respond to the other party's factual account, including any specific allegations and defenses to those allegations
- Preparing for follow-up interviews with the parties
 - Complete draft report prior to conducting follow-up interviews
 - Identify gaps in each party's account
 - Ensure that the accounts have addressed each allegation of a policy violation (including all elements of alleged policy violations)
 - Identify differences between the parties' accounts and between each party's account and witness accounts
 - Outline questions for follow-up interviews

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Stage Three: Review/Draft/ Conduct Additional Interviews



- Set close of evidence date and notify parties
- Finalize draft of investigation report
- Update Title IX Coordinator
 - Ensure parties have received notice of all allegations
 - Confirm process and timing for sharing evidence (if any)
 - Title IX: Send hard copy or electronic format of directly related evidence
 - VAWA: Access to evidence that will be shared with the decision-maker
 - When in doubt, err on side of following Title IX process

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Stage Four: Provide Evidence to Parties to Review and Respond*



- *Prior to completion of investigation report, must provide equal opportunity to inspect and review any evidence obtained that is directly related to the allegations*
 - Includes evidence upon which the institution does not intend to rely in reaching a determination and inculpatory or exculpatory evidence whether obtained from a party or other source
- Must send to party and party's advisor in hard copy or electronic format
 - May use a file sharing platform that restricts downloading or copying
 - May prohibit photographing/copying
 - May require signing a non-disclosure agreement
 - May not limit time for review (besides the 10 days)
 - May not require supervision
- Party must be given at least 10 days to submit a written response
- Investigator must consider that written response before completing investigation report
- Must make all that evidence available at any hearing

*Title IX Only

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Stage Four: Provide Evidence to Parties to Review and Respond*



- Types of evidence that must be provided to parties:
 - Documents collected from the parties
 - Text messages
 - Emails
 - Social media posts and messages
 - Photos and videos
 - Other evidence
 - Police reports
 - Security footage
 - WiFi access point records
 - Party and witness interviews

*Title IX Only

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Stage Four: Provide Evidence to Parties to Review and Respond*



- Sexual history = include if directly related
 - Protections related to complainant's prior sexual history do not apply at this stage
 - Still analyze whether such evidence is "directly related to the allegations"
- Privileged information = only with waiver of privilege
- Treatment records = only with written consent

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Stage Four: Provide Evidence to Parties to Review and Respond*



- May permit or require the investigator to redact information that is not directly related to the allegations (or that is otherwise barred from use under the final regulations)
 - Redactions are limited to information not directly related or that is otherwise specifically barred
 - May not redact other information, such as confidential, sensitive, or prejudicial information, if it is directly related to the allegations

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Case Study: Chloe/Dr. Graham



- Should include the following as part of the directly related evidence:
 - Chloe's statement that Marcy told her, "Don't you remember the rumors about Dr. Graham from freshman year? One of his former students ended up filing some sort of report about him or something." Chloe told the investigator that she had "totally forgot" about that until Marcy reminded her.
 - The following statement from Dr. Graham: "Kids these days are so sensitive. I try to meet my students where they are, which is why I text them and interact with them on social media, but this generation likes to twist even the most well-intended actions into something offensive. I thought Chloe was different."

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Case Study: Chloe/Dr. Graham

- Should include the following as part of the directly related evidence:
 - The following statements from Noah:
 - I heard that Chloe and Dr. Graham were close, but it didn't really surprise me. I for sure thought it was weird, but honestly, he isn't the only professor in the Marketing Department that is like that with his TA.
 - I don't know, I just get a different vibe from a couple of the professors in the Marketing Department. Many of them have TAs and they just seem overly familiar with them – like, putting their arm around their shoulders or standing really close to them when they are talking to them. I have classes in other departments that have TAs but the professors don't act like that with them.

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Stage Four: Provide Evidence to Parties to Review and Respond*

- Maintain records of any information withheld and the rationale for doing so
- Investigator and Title IX Coordinator should both be involved in determination of what is directly related

*Title IX Only

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Stage Four: Provide Evidence to Parties to Review and Respond*

- Ensuring privacy
 - May use platform that restricts downloading/copying
 - May require parties and advisors to:
 - Use the evidence (and investigation report) only for purposes of the grievance process and
 - Require them not to further disseminate or disclose these materials
 - May use a non-disclosure agreement
 - May use digital encryption or other practices to address privacy concerns (e.g., watermarks)

*Title IX Only

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Case Study: Danielle/Sam

- In a different investigation of Danielle's complaint of sexual assault against Sam, Danielle tells you that she is having trouble getting a copy of her records from her SANE exam from the hospital. She does not mention the records again during the investigation. You issue close of evidence and Danielle does not submit the records. Three days into the review period for the directly related evidence, Danielle tells you that she finally received the records from her SANE exam and that she wants to submit them as evidence in the investigation.
- What do you do next?

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Case Study: Danielle/Sam

- During the period for review of the directly related evidence, Sam's attorney advisor emails you and asks why you didn't interview Sam's roommate, Alex. During his interview, Sam said that he told Alex that Danielle was mad at him but that he didn't give him any more details. When you gave Sam the opportunity to suggest witnesses, Sam suggested three friends but did not suggest Alex.
- What are your next steps?

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Stage Four: Provide Evidence to Parties to Review and Respond*

- Steps following parties' review:
 - Review parties' responses
 - Consult with Title IX Coordinator to decide whether any additional action is needed
 - Investigator should consider parties' viewpoints about whether the evidence directly related to the allegations is relevant and therefore whether to include it in the investigation report
 - May provide a copy of each party's written response to the other party, but that is not required

*Title IX Only

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Case Study: Chloe/Dr. Graham

- Chloe did not provide a response to the directly related evidence.
- Dr. Graham includes the following statements in his response to the directly related evidence:
 - In response to Chloe's discussion of my support of her social media and the self-branding project in my Marketing 101 course, I would like to emphasize that as a marketing professor I want to prepare my students for the industry, and a key piece of the industry is social media. Students must be able to show they are social media savvy and that they are able to self-brand properly on their own social media. The marketing industry continues to evolve, and I want my students to be a step ahead and to be able to acquire jobs they desire. My classroom projects and my real world application of personal branding and social media are critical for helping the students prepare for careers in marketing and to help them stand out to employers.

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Case Study: Chloe/Dr. Graham

- Dr. Graham includes the following statements in his response to the directly related evidence (cont.):
 - Additionally, Chloe submitted some text strands showing me saying I care about her – what is wrong with a professor caring about their students! As I stated in my interview with the investigator, I think it would be beneficial, as part of the investigation, to speak with other faculty members. I guarantee that you would see that all our professors work closely with their TAs and care for them as colleagues and mentors. Also, I cannot be the only professor that has ever used a student for a class demonstration. I believe other professors, particularly marketing professors, could speak to how this kind of exercise would be useful for teaching and how I have the right to include it as part of the coursework.

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Stage Five: Package Investigation for Parties and Decision-Makers

- Complete investigation report
- Provide access (VAWA) or hard copy/electronic format (Title IX) to parties, and parties' advisors
 - At least 10 days prior to hearing (Title IX)
 - Allow parties to submit written responses (Title IX)
- Review parties' responses
- Consult with Title IX Coordinator to decide whether any additional action is needed
- Provide report, attachments/evidence, and if applicable, parties' written responses to adjudicator(s)

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Title IX Coordinator Role During Complaint Process

- Determine which process applies
- Oversee process to ensure compliance with policy and designated time frames
- Ensure advisor agreements are signed (if any)
- Ongoing check-ins with the parties
 - Supportive measures
 - Notice of delays?
 - Notice of meetings?
- Stay in touch with investigator to discuss case
- Ensure parties receive adequate notice of any new allegations
- Ensure non-disclosure agreements are signed by parties and advisors (if any)

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Title IX Coordinator Role During Complaint Process (cont.)

- Review directly related evidence before it is provided to the parties (Title IX)
- Review working drafts of investigation report
- Review party responses to DRE and report (and any rebuttals)
 - Redact impermissible content
 - Evaluate whether further investigation is necessary
- Review notice of determination before finalized
- Review appeal to determine whether permissible ground is stated?
- Review appeal decision before finalized

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Q & A



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Drafting an Investigation Report

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Session Overview

- Legal Requirements
- Relevancy Issues
- Purpose
- Preparation
- Elements of the Report
- Role of the Title IX Coordinator
- Case Study



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Legal Requirements

Other Conduct

Title IX

VAWA

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Legal Requirements

- Must create investigative report that fairly summarizes **relevant** evidence (Title IX)
- Investigator cannot adjudicate (Title IX)
- Parties must be provided:
 - VAWA: information used in the decision-making process – access required
 - Title IX:
 - Investigation report – must send hard copy or electronic format to parties and advisors
 - May use a file sharing platform that restricts downloading or copying
 - May prohibit photographing/copying
 - May require signing a non-disclosure agreement
 - May not limit time for review
 - May not require supervision
 - Opportunity to submit written response

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Relevancy Issues

- Always consider relevance:
 - Expert reports?
 - Character evidence?
 - Lie detector test results?
 - Prior violation by respondent?
 - Allegations of similar misconduct?
- The investigation report should not include any information about the complainant's sexual history that does not meet an exception

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Case Study: Chloe/Dr. Graham

- Should you include the following in the investigation report:
 - The following statement from Dr. Graham:
 - Kids these days are so sensitive. I try to meet my students where they are, which is why I text them and interact with them on social media, but this generation likes to twist even the most well-intended actions into something offensive. I thought Chloe was different.

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Case Study: Chloe/Dr. Graham

- Should you include the following in the investigation report:
 - The following statements from Noah:
 - I heard that Chloe and Dr. Graham were close, but it didn't really surprise me. I for sure thought it was weird, but honestly, he isn't the only professor in the Marketing Department that is like that with his TA.
 - I don't know, I just get a different vibe from a couple of the professors in the Marketing Department. Many of them have TAs and they just seem overly familiar with them – like, putting their arm around their shoulders or standing really close to them when they are talking to them. I have classes in other departments that have TAs but the professors don't act like that with them.

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Purpose

- Know the purpose of your investigation and report under your institution's policies
 - Provide a summary of your investigation
 - Allow parties to submit a response (Title IX)
 - Allow adjudicators to prepare for hearing and/or make a decision
 - Determine whether you are weighing in on credibility
 - Determine whether the adjudicator(s) want you to provide a recommendation

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Preparation

- Prepare for report drafting during your investigation by—
 - Staying organized
 - Taking good notes and/or recording interviews
 - Review recordings, notes, and evidence to assess whether you need more information
 - Think about how you will summarize the facts in your report to help assess whether you've gathered all of the evidence you need
 - Drafting the report as you conduct your investigation
 - Identify information that is not directly related
 - Identify information that is directly related but not relevant
 - Identify information that is directly related and relevant

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Elements of the Report

- Introduction
- Summary of allegations/complaint(s)
- Documents/evidence reviewed
- Witnesses interviewed
- Interview methodology
- Summary of relevant evidence by allegation



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Elements of the Report

- Introduction
 - State the reason for your investigation
 - Date of complaint(s)
 - Date of notice(s) of allegations
 - Your appointment as investigator
 - Refer to policy/procedures
 - Purpose of report
 - Scope of your role (e.g., fact gatherer only vs. also decisionmaker)
 - Date of close of evidence
 - Date parties were provided with copies of directly related evidence (Title IX)
 - Date parties submitted responses (if any) to directly related evidence (Title IX)

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Elements of the Report

- Summary of allegations/complaint(s)
 - Include allegations from original complaint and those gathered during interviews; consider whether to differentiate between the two
 - Check notice(s) of allegations for consistency



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Elements of the Report

- Include a list of evidence reviewed and attachments
 - Policies
 - Written complaints
 - Notices of allegations
 - Text messages
 - Social media screen shots
 - Emails from parties and witnesses to investigator
 - Other written documentation
 - Physical evidence
 - Parties' responses to "directly related evidence" (Title IX)



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Elements of the Report

- Interview methodology
 - List of witnesses
 - Dates of interviews
 - Location
 - Individuals present—e.g., advisors
 - Recorded or not recorded
 - Reasoning for choice of whom to interview (and not interview)



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Elements of the Report

- Interview methodology (cont.)
 - General questions asked by investigator
 - General approach used in interviews
 - Statements made by investigator
 - Information shared with or withheld from witnesses



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Elements of the Report

- Summary of relevant evidence by allegation
 - Separate out each allegation
 - Give account from each party/witness
 - Describe other evidence supporting or refuting allegation
 - Include facts that may impact a credibility finding
 - Exclude facts that are not relevant
- Weigh in on credibility if that's part of your role
 - Adjudicator must make the ultimate determination (Title IX)


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Case Study: Investigation Report

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Case Study: Chloe/Dr. Graham

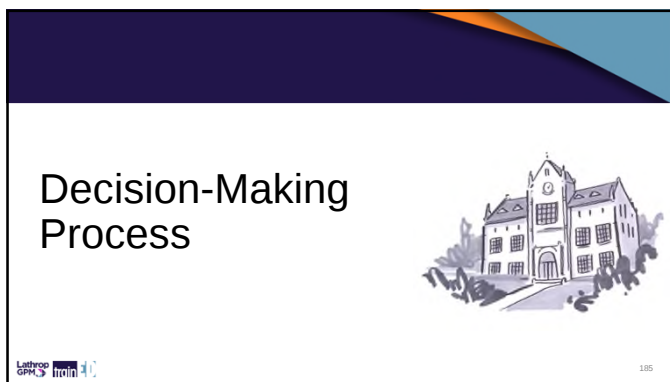
- Chloe did not submit a response to the investigation report.
- Dr. Graham includes the following statement in his response to the investigation report:
 - In response to Marcy claiming I am a "creep," I want to note that several of my students have provided thoughtful and positive feedback. I would love to have some of them speak on my behalf, but unfortunately that was not permitted in this process.
 - Also, after reading the directly related evidence and the entirety of the report, I am saddened to learn (for the first time) that Chloe felt this way about me. I never intended anyone to feel uncomfortable. My comments and such were always meant to be friendly and inviting, never anything inappropriate.


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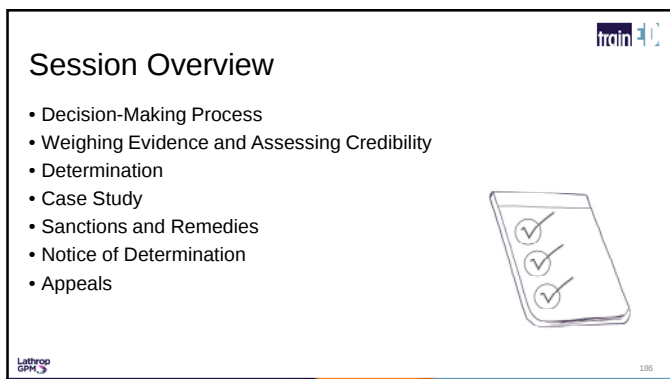
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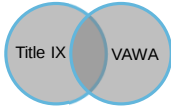
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Decision-Making Process

- Must be prompt, fair and impartial
 - Timely completion
 - Timely notice of meetings
 - Consistent with policies
 - Conducted by officials with training and without conflict/bias



A Venn diagram with two overlapping circles. The left circle is labeled 'Title IX' and the right circle is labeled 'VAWA'. The overlapping area in the center is shaded light blue.

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Decision-Making Process

- Objective evaluation of all relevant evidence
 - Inculpatory and exculpatory evidence
 - Credibility determinations may not be based on status as complainant, respondent, or witness
- Presumption of non-responsibility

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Decision-Making Process

- What evidence will the decision-maker(s) consider?
 - Investigation report and attachments
 - Parties' response statements
 - Recordings or transcripts of interviews
 - Live hearing (required under Title IX)
- NOTE: Whatever information is provided to the decision-maker(s) must be shared with the parties
 - Title IX or VAWA

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Live Hearing

- General requirements under Title IX
 - Must provide live hearing
 - Permit each party's advisor to ask the other party and witnesses "all relevant questions and follow-up questions"
 - If party does not have advisor, institution must provide one for cross-examination

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Hearing—Relevancy Determinations

- Decision-maker may hear arguments regarding relevancy of a question on the spot or may tell parties to reserve arguments for appeal (incorrect relevancy determination could be an alleged procedural error on appeal)
- Must allow question if relevant, even if misleading or assumes facts not in evidence
- Can establish rule that duplicative questions are not relevant
- Exclude questions with caution

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Hearing—Cross-Examination

- Party or witness who does not appear at the hearing
 - Decision-maker(s) may still rely on previous statements from party/witness who is absent or refuses to answer one or more questions
 - Refusing to answer a question(s) or appear at the hearing may be considered in determining how much weight to give party's/witness's account or the credibility of their account
 - Decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions

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Hearing—Cross-Examination

- School also cannot coerce unwilling participant
 - Be careful with any requirement that a student or employee cooperate with grievance process
 - Discipline for not attending hearing may constitute retaliation

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Hearing—Other Procedural Rules

- May establish additional rules that apply equally to both parties
 - Cross-examination must be respectful, non-abusive, not intimidating
 - Limit evidence at hearing to evidence that was gathered or presented as part of the investigation (or otherwise prior to the hearing)
 - Whether investigator may be called as a witness
 - Process for making objections to the relevance of questions and evidence
- Other procedures at the hearing
 - Opening statements by parties or advisors
 - Closing statements by parties or advisors
- Reasonable time limitations on hearings

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Hearing—Other Procedural Rules

- Some procedural rules are prohibited
 - Cannot prohibit a party from conferring with his or her advisor during the hearing
 - Cannot prohibit character evidence, lie detector test results, evidence that is unduly prejudicial, or evidence of prior bad acts
 - Decision-maker may determine how much weight to give such evidence, as long as applied equally to both parties

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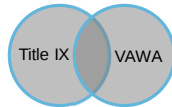
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Investigator Role in Decision-Making Process



- If role is investigator only (and not adjudicator), role in adjudication should be limited
 - May be asked to review parties' responses to investigation report
 - Avoid communication with adjudicators, if at all possible (outside of the hearing process)
 - If communication with adjudicators outside of the hearing process is necessary, work with Title IX Coordinator to provide the parties with access to additional information
 - May be called as witness at hearing?



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Case Study: Chloe/Dr. Graham



- The hearing panel heard from the parties and all of the witnesses in the investigation report. Their testimony was generally consistent with the accounts they provided to the investigator and no additional information was provided, except for the following:
 - Dr. Eileen Einerson, a professor in the Marketing Department, states that it is common for professors in the department to communicate with their students via text and to engage with students on social media. She explains that since social media is such a significant marketing tool, professors need to train and observe students on it.

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Case Study: Chloe/Dr. Graham



- Hearing summary (cont.)
 - Isaac Isaacson stated that he served as Dr. Graham's TA during the fall 2020 semester. When asked by Dr. Graham's advisor about his relationship with Dr. Graham, Isaac stated, "Normal professor-TA relationship. We would connect via Zoom at least once a week and he would assign me work to do for class preparation, grading, or research." When asked by Dr. Graham's advisor whether they ever communicated via text, Isaac stated, "Yeah, we would text each other with quick questions, stuff like that." When asked by the Hearing Officer if he and Dr. Graham ever met in person outside of school, Isaac stated, "No, that was in the middle of COVID, so there were no in-person meetings at all." When asked by the Hearing Officer whether Dr. Graham communicated with him via social media, Isaac stated, "I don't think so. Not that I can remember." When asked by the Hearing Officer if he had ever received a gift from Dr. Graham, Isaac stated, "Not that I can remember. If he did, it wasn't anything that stands out to me."

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Weighing Evidence and Assessing Credibility

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Evidentiary Issues



- Always consider relevance and weight of evidence
- Types of evidence
 - Statements from parties and witnesses contained in investigation report
 - Live testimony and cross-examination
 - Character evidence
 - Physical evidence (texts, video, security access information, etc.)
 - Medical information (including mental health records)
 - Only with waiver/consent
 - Consider need for expert guidance in understanding and interpreting information
 - Polygraph/lie detector test results

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Evidentiary Issues



- Prior bad acts/pattern evidence:
 - Allegation v. policy violation
 - Determine relevance and weight of evidence
 - May be relevant in fact-finding *and/or* sanction determination
 - Consider timing and process for requesting and providing access to the decisionmaker and the parties (Title IX vs. VAWA)

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Weighing Evidence / Assessing Credibility

- Is information the witness provided accurate based on other evidence?
- How did the witness learn the facts?
- How well did he or she recall facts?
- How forthcoming was the witness?
- Did the witness seem honest and sincere? (*caution*)
- What are the possible motives for being less than truthful?
- What is the witness's relationship to the complainant and respondent?
- Are there other factors that bear on the believability of the witness?



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Dealing with Inculpatory & Exculpatory Evidence

- Consider all relevant evidence provided
 - Do not cherry-pick evidence that supports your conclusion
 - Do not ignore contrary evidence
- If evidence supporting both conclusions exists:
 - Is some evidence stronger than other evidence? If so, why?
 - Do you find one party more credible than the other party? If so, why?
 - If a witness's statement is contrary to your conclusion, why do you not believe the witness?

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Determination

- Finding re: policy violation
 - Sexual contact/harassment
 - Consent/unwelcomed
- Sanctions
- Remedies
- Written Notice



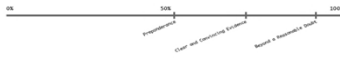
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Determination—Finding

- Standard of proof
 - "Preponderance of the evidence" or "clear and convincing" (not "beyond a reasonable doubt")
 - Use same standard of proof for all formal complaints of sexual harassment
 - Burden is on the school to gather sufficient evidence to reach a fair, impartial determination
 - Presumption of non-responsibility that would need to be overcome
 - Decision-maker(s) must ultimately decide whether it was more likely than not that a policy violation has occurred (preponderance) or whether it is highly probable that a policy violation has occurred (clear and convincing)



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Determination—Finding

- Preponderance:
 - Must decide either that:
 - There was sufficient evidence to determine that it was "more likely than not" that the respondent violated the institution's sexual misconduct policy OR
 - There was insufficient evidence to determine that it was "more likely than not" that the respondent violated the institution's sexual misconduct policy
- Clear and convincing:
 - Must decide either that:
 - There was sufficient evidence to determine that it was "highly probable" that the respondent violated the institution's sexual misconduct policy OR
 - There was insufficient evidence to determine that it was "highly probable" that the respondent violated the institution's sexual misconduct policy

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Determination—Sanctions and Remedies

- Consider who will decide the sanctions and how
 - Consider limited role of Title IX Coordinator
- Any information provided to individual(s) who determine sanctions must also be provided to the parties
- Policy must list *all* possible sanctions and describe the range of remedies
- The list of sanctions must be specific, including the type and length of suspensions and any requirements that must be met for reinstatement



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Determination—Sanctions and Remedies

- Must treat complainants and respondents equitably by
 - Providing remedies to a complainant where a determination of responsibility for sexual harassment has been made
 - Remedies must be designed to restore or preserve equal access to the institution's education program or activity
 - May include the same individualized services as "supportive measures"
 - Do not need to be "non-disciplinary" or "non-punitive" and do not need to avoid burdening the respondent
 - Following grievance process that complies with regulations before imposing disciplinary sanctions or other actions that are not supportive measures
- Consider remedies for broader student population

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Case Study: Make a Determination

Chloe's Complaint Against Dr. Graham

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Notice of Determination

- Identification of the allegations potentially constituting sexual harassment
- Procedural steps since complaint
 - Notices to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, hearings held
- Findings of fact
- Conclusion regarding application of code of conduct to the facts
- Statement of and rationale for the result as to each allegation
 - Determination of responsibility
 - Any disciplinary sanctions imposed on respondent
 - Whether remedies will be provided to complainant
- Appeal information
- Simultaneous delivery to the parties
- Becomes final either the date the parties receive the written determination of the appeal or the date on which an appeal would no longer be timely

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Appeals Under Title IX

- Must be offered to both parties
 - From a determination regarding responsibility
 - From a recipient's dismissal of a formal complaint or any allegations therein
- Required bases:
 - Procedural irregularity that affected the outcome of the matter;
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;
 - May offer an appeal equally to both parties on additional bases

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Appeals Under Title IX

- Requirements
 - Notify other party in writing when an appeal is filed
 - Appeal officer is different than Title IX Coordinator, investigator and decision-maker at hearing
 - No conflict of interest or bias
 - Give both parties reasonable, equal opportunity to submit written statement in support of, or challenging, the outcome
 - Written decision describing result of appeal and rationale
 - Simultaneous delivery of result to parties

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Appeals Under VAWA

- Not required, but if offered, must do so equally
- Transparency, equality, notice requirements from main process will apply to appeals
- Examples include:
 - Right to advisor
 - Notice of meetings
 - Access to information used by appeals panel/individual
 - Simultaneous notice of outcome

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Q & A





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Upcoming Trainings

- **Trainings for individuals with heightened responsibility:**
 - September 9, 2025 - Conducting a Live Hearing Under Title IX/VAWA
 - September 11, 2025 - Title IX/VAWA Appeal Officer Training
 - September 24, 2025 - Trauma-Informed Training for First Responders, Confidential Resources, and Campus Security



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On Demand Trainings

- **Available on-demand:**
 - Annual Training for New Title IX Coordinators and Deputy Coordinators
 - Annual Training for Advanced Title IX Coordinators and Deputy Coordinators
 - Title IX/VAWA Investigator Training
 - Conducting a Live Hearing Under Title IX/VAWA
 - Title IX/VAWA Appeal Officer Training
 - Trauma-Informed Training for First Responders, Confidential Resources, and Campus Security
 - Non-Hearing Adjudicator Training
 - Informal Resolution Training
 - Supplemental Decisionmaker Training on Live Hearings
 - Conducting a Grievance Process Under the 2020 Final Title IX Regulations
 - Title IX Update: 2020 Final Regulations



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2025 Title IX/VAWA Investigator Training

Handout 1

Formal Complaint

On May 27, 2025, Chloe Christenson made a complaint of sexual harassment against Dr. George Graham.

Sexual Harassment Formal Complaint Form

COMPLAINANT NAME: Chloe Christenson

DATE OF ALLEGED POLICY VIOLATION: Spring semester 2025

DATE OF COMPLAINT: May 27, 2025

RESPONDENT NAME: Dr. George Graham

ALLEGATIONS:

I am a junior majoring in marketing and I worked as a teaching assistant for Dr. George Graham this past semester. I enjoyed Dr. Graham as a professor in the past but this last semester, Dr. Graham has been making me uncomfortable. Since the beginning of the semester, he texts me like all the time, even using Snapchat sometimes, and he just asks me a lot about my personal life, like who I was dating, what I did on the weekend. One time he asked me to take care of his dog while he was out of town, which I was fine with, but then he sent me a creepy message, saying I should come around more often. He would invite me to do things outside of school. One time he said we should try a new restaurant together. One time he asked if he could go for a walk with me. He was really nice by helping me get an internship but also I feel like it was just a way to get closer to me. He said something about me owing him. He responded to a picture of me in a swimsuit on Snapchat while I was on spring break and he commented on one of my Instagram videos about which outfit I should wear. Things just progressed throughout the semester, like he used weird emojis and I always wondered if he was trying to hint at inappropriate stuff. He talked to me about his marital problems. Then at the end of the semester, he hugged me and even rubbed my back during the hug. He also gave me gifts a couple of times. One of the gifts was just some candy and he gave me the other gift at the end of the semester when he hugged me. The candy wasn't that big of a deal, though it was weird to me that he knew what kind of candy was my favorite. When he gave me the journal, he included a note with a picture of himself, and that was super creepy. I'm really stressed out about coming back to school in the fall and having to see him.

I understand that by signing this formal complaint, I am seeking to initiate the formal grievance process and/or informal resolution process in regards to the above allegations and am requesting that the University investigate the allegations.

X *Chloe Christensen*

2025 Title IX/VAWA Investigator Training

Handout 2

Excerpt of Notice of Allegations

On May 27, 2025, a formal complaint of alleged sexual misconduct was submitted by Chloe Christenson to the Title IX Coordinator alleging conduct by Dr. George Graham.

Chloe alleges that Dr. Graham engaged in unwelcome conduct on the basis of sex in the form of the following:

- On multiple dates between February through May 2025, Dr. Graham communicated to Chloe via electronic communication, including communicating to Chloe about personal matters.
- On multiple dates between February through May 2025, Dr. Graham selected Chloe for certain opportunities for the purpose of getting close to her, including referring her for an internship.
- On multiple occasions between February through May 2025, Dr. Graham invited Chloe to spend time with him outside of school.
- On April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham engaged in physical contact with Chloe.
- On or about March 18, 2025 and April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham gave Chloe gifts.

2025 Title IX/VAWA Investigator Training

Handout 3

Excerpt of Amended Notice of Allegations

On May 27, 2025, a formal complaint of alleged sexual misconduct was submitted by Chloe Christenson to the Title IX Coordinator alleging conduct by Dr. George Graham.

Chloe alleges that Dr. Graham engaged in unwelcome conduct on the basis of sex in the form of the following:

- On multiple dates between February through May 2025, Dr. Graham communicated to Chloe via electronic communication, including communicating to Chloe about personal matters.
- **On multiple dates between March through May 2025, at various locations on campus, including in Dr. Graham's office and Mason Lecture Hall, Dr. Graham made verbal comments toward Chloe, including specifically on March 20, 2025, during the Marketing 101 course, Dr. Graham made comments and invited students to make comments about Chloe's physical appearance.**
- On multiple dates between February through May 2025, Dr. Graham selected Chloe for certain opportunities for the purpose of getting close to her, including referring her for an internship.
- On multiple occasions between February through May 2025, Dr. Graham invited Chloe to spend time with him outside of school.
- **On February 25, 2025, at an off-campus coffee shop, Dr. Graham engaged in physical contact with Chloe and communicated with her about personal matters.**
- On April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham engaged in physical contact with Chloe.
- On or about March 18, 2025 and April 25, 2025, in Dr. Graham's on-campus office, Dr. Graham gave Chloe gifts.

2025 Title IX/VAWA Investigator Training

Handout 4

Title IX Sexual Harassment

As used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (1) in the University's education program or activity and (2) against a person in the United States.

- i. ...
- ii. **Title IX Hostile Environment Harassment:** Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment Harassment:

- Sexual flirtations, advances, or propositions;
- Requests for sexual favors;
- Verbal abuse of a sexual nature, obscene language, gender- or sexually-oriented jokes, verbal commentary about an individual's body, sexual innuendo, and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, or objects, or suggestive notes or letters or e-mails or text messages or in a public space;
- Visual conduct such as leering or making gestures;
- Sexually suggestive comments about an individual's body or body parts, or sexual degrading words to describe an individual;
- Unwanted kissing;
- Touching of a sexual nature such as patting, pinching or brushing against another's body;
- Cyber or electronic harassment of a sexual nature.

The circumstances that may be considered when determining whether conduct was so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity include, but are not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct was merely a discourteous, rude, or insensitive statement;
- Whether the speech or conduct deserves the protection of academic freedom.

Non-Title IX Sexual Harassment

While Title IX requires that the alleged conduct meet a certain threshold before it is considered Title IX Sexual Harassment, the University also prohibits unwelcome conduct on the basis of sex (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the University's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the University or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) that did not occur against a person in the United States.¹

As used in this Policy, Non-Title IX Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following definitions.

- i. ...
- ii. **Non-Title IX Hostile Environment Harassment:** Non-Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe or pervasive that it substantially and unreasonably interferes with an individual's employment

¹ Conduct cannot constitute both Title IX Sexual Harassment and Non-Title IX Sexual Harassment. Accordingly, if conduct is determined to be part of a finding of Title IX Sexual Harassment, then that conduct will not be separately analyzed as Non-Title IX Sexual Harassment.

or education, or creates an intimidating, hostile, or offensive employment or educational environment.

Examples of Non-Title IX Hostile Environment Harassment may include the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; (2) does not occur in the University's education program or activity; or (3) does not occur against a person in the United States.

Unwelcome conduct occurs when the individual did not request or invite and regarded it as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that they welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that they object, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

On the Basis of Sex as used in this Policy means when conduct is sexual in nature or is referencing or aimed at a particular sex.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

2025 Title IX/VAWA Investigator Training

Handout 5

Excerpts from Party Statements in Response to the Directly Related Evidence

Excerpt from Dr. Graham's Response to the Directly Related Evidence

In response to Chloe's discussion of my support of her social media and the self-branding project in my Marketing 101 course, I would like to emphasize that as a marketing professor I want to prepare my students for the industry, and a key piece of the industry is social media. Students must be able to show they are social media savvy and that they are able to self-brand properly on their own social media. The marketing industry continues to evolve, and I want my students to be a step ahead and to be able to acquire jobs they desire. My classroom projects and my real world application of personal branding and social media are critical for helping the students prepare for careers in marketing and to help them stand out to employers.

Additionally, Chloe submitted some text strands showing me saying I care about her – what is wrong with a professor caring about their students! As I stated in my interview with the investigator, I think it would be beneficial, as part of the investigation, to speak with other faculty members. I guarantee that you would see that all our professors work closely with their TAs and care for them as colleagues and mentors. Also, I cannot be the only professor that has ever used a student for a class demonstration. I believe other professors, particularly marketing professors, could speak to how this kind of exercise would be useful for teaching and how I have the right to include it as part of the coursework.

2025 Title IX/VAWA Investigator Training

Handout 6

Investigation Report Excerpt:

Background

Chloe is a junior at the College and has attended the College since August 2022. Dr. George Graham has served as a full-time professor in the College Marketing Department since 2020. Both parties stated that they first met in January 2023 when Chloe was a student in Dr. Graham's Marketing 101 course.

Both parties stated that they would often interact in group settings during that first semester. Both parties stated that Chloe would attend group office hours typically twice a month. Dr. Graham stated that Chloe was an active class participant and received strong grades in the course. Chloe stated that she enjoyed Dr. Graham as a professor and that it was because of Dr. Graham that she decided to declare as a marketing major.

Both parties stated that beginning in August 2024, Chloe took Dr. Graham's seminar course. Both parties stated that as part of the seminar course, each student had weekly one-on-one meetings with Dr. Graham for the last two months of the semester to discuss their paper. Dr. Graham stated that Chloe was "very open" and shared about her personal life. Dr. Graham stated, "I think understanding a little bit about each of my seminar students' personal life goals is helpful in helping students think through their career aspirations." Both parties stated that in one of their final meetings of the fall semester, Dr. Graham asked Chloe if she would consider serving as his TA for the spring semester and that Chloe said yes.

Both parties stated that in January 2025 Chloe and Dr. Graham met to discuss what the TA position would entail, including the time commitment and some of Dr. Graham's ongoing projects that Chloe would be assisting with. When asked about Chloe's typical responsibilities as his TA, Dr. Graham stated, "She helped grade assignments, completed some research for my current papers, and would occasionally assist in teaching the class." When asked to describe what her assistance with teaching would look like, Dr. Graham stated, "Sometimes, if I was away for a conference or something, she would lead the class as I would, but when I was there, she may lead small groups or help individual students."

Both parties stated that in that January meeting they exchanged phone numbers. Chloe stated, "Honestly, I felt a little weird about giving a professor my number and I was like, 'why can't we just communicate through email?'" When asked if she asked Dr. Graham, "why can't we communicate through email?" Chloe stated, "I didn't say that out loud, I just thought that in my head. At that point, I just felt like I needed to make a good impression as his TA, and I was worried that not sharing my number would make things weird with Dr. Graham." Dr. Graham

stated that he exchanged phone numbers with all his past and present TAs, and “I feel like calling and texting is just easier than email. Kids are more accessible on their phone. Students typically struggle with checking their email.”

When asked if they communicated through other methods, Chloe stated, “Early on, maybe sometime in late January, I got a notification that Dr. Graham had added me on Snapchat. I added him back, not thinking much of it. I barely post on my story and I figured we would never use it. We didn’t communicate on Snapchat right away, but he used it later on in the semester, for sure.” When asked if he communicated with Chloe through other methods besides calling and texting, Dr. Graham stated, “After we exchanged phone numbers in January, I added her on Snapchat. So when I added Chloe’s phone number in my contacts it must have caused the app to suggest her. I went ahead and added her. It’s not a big deal. I’ve had other TAs on Snapchat before, both male and female students.” When asked who were his TAs in recent years, Dr. Graham stated, “Last year was Josie and the year before that it was Kayla.” When asked if he’s ever had male TAs, Dr. Graham stated, “Well my very first TA here at the College was a male student. His name was Isaac. I could get his last name if you need it.”

Chloe stated, “Initially, throughout like all of January, there wasn’t necessarily anything wrong, it was just like he would call or text me once or twice a week. And most of the time the conversation would be about my TA stuff, but also every once in a while he would ask about other stuff. I mean, after our seminar last semester, I was used to that, it was normal to talk about my family or whatever. It didn’t exactly bother me until later when the other stuff happened.” When asked what she was referencing when she said “he would ask about other stuff,” Chloe stated, “Oh, just like my family or, for a lot of the semester I was stressing about finding an internship, so we would talk about that too, maybe weekend plans, that kind of stuff. Honestly, I didn’t even think much of the personal stuff until he started asking like who I was dating or whatever. Or if I told him I had a date coming up, he would ask how it went and stuff. Not necessarily in detail, just like where we went to eat or if I thought there would be a second date or something like that.”

When asked how often he would communicate with Chloe at the beginning of the spring semester, Dr. Graham stated, “Like with all of my previous TAs, I would connect with Chloe once or twice a week to touch base on the current projects Chloe was working on for me.” When asked if they spoke about Chloe’s personal life, Dr. Graham stated, “Well sure, just in the course of conversation, we would talk about anything. It was just natural conversation to talk about weekend plans or just any life stuff.” When asked if he spoke with Chloe about her dating life, Dr. Graham stated, “I don’t know if I would say I spoke to her about her dating life, but there was once or twice where she mentioned she had a date and I asked her how it went.”

Witness Accounts

Marcy stated that she was a student in Dr. Graham’s Marketing 101 course in Spring 2023 and is currently a junior majoring in accounting at the College. Marcy stated that she met Chloe their

freshman year and became friends “almost immediately.” Marcy stated that she did not notice anything “unusual” about Chloe and Dr. Graham’s interactions during their Marketing 101 course. Marcy stated, “I feel like stuff started getting weird when Chloe became his TA. Like, I’m a TA too for one of the accounting professors here, and they definitely don’t talk to me as much as Dr. Graham talked to Chloe.” When asked how often Dr. Graham was communicating with Chloe, Marcy stated, “Well I don’t really know how often, but it seemed like he was always texting or calling her.”

Noah stated that he was a student in Dr. Graham’s Marketing 101 course in Spring 2025 and that Chloe served as the TA for the course. Noah stated, “I heard that Chloe and Dr. Graham were close, but it didn’t really surprise me. I for sure thought it was weird, but honestly, he isn’t the only professor in the Marketing Department that is like that with his TA.” When asked what he meant by “like that with his TA,” Noah stated, “I don’t know, I just get a different vibe from a couple of the professors in the Marketing Department. Many of them have TAs and they just seem overly familiar with them – like, putting their arm around their shoulders or standing really close to them when they are talking to them. I have classes in other departments that have TAs but the professors don’t act like that with them.”

Chloe’s Allegation of Sexual Harassment

The Parties’ Text and Phone Communication in February 2025

The Parties’ Communication in Early February

Chloe’s Account

Chloe stated that in February 2025, Dr. Graham began to ask more personal questions. Chloe stated, “At first, I didn’t mind all the personal questions. It was casual, like once he asked if I liked dogs and he told me about his golden retriever, Duke. Also, in that conversation I told him about my pets growing up and stuff like that.” Chloe stated, “Shortly after we had that conversation he asked if I could go to his house while he was gone for a conference for a couple days. I think it was like just Tuesday to Wednesday, kind of thing. He asked if I could just go over there each morning and night and let Duke out in the yard to run around for a little bit and go to the bathroom or whatever.” When asked how she responded to Dr. Graham, Chloe stated, “Oh, yeah, I said yes. I went over there, I think once Tuesday night and once Wednesday morning, and each time I was there, I just texted him a picture of Duke and a message letting Dr. Graham know that I was taking Duke for a walk and he was all taken care of. It wasn’t a big deal at all.” When asked when she went over to his house, Chloe stated, “It was sometime in early February.” When asked how Dr. Graham responded to her message, Chloe stated, “He said something like, he looks happy. You’ll have to come again sometime.” Chloe provided the following screenshot of this text exchange:



When asked if she was okay with going to Dr. Graham's house when he was not there to let Duke out, Chloe stated, "I was fine with it at first. I mean, I love dogs. But that message kinda weirded me out like he was inviting me to come hang out at his house with him."

Chloe stated, "But by later on it got to the point where every week he was asking about my weekend plans. It made me a bit uncomfortable since obviously I don't need to be telling my professor every time I'm getting drinks or going out with friends." Chloe stated, "One time, I can't remember the day, but I mentioned I was going to FAC – Friday after Class – at Peggy's because of their great happy hour and he said that sounded fun. And then I said something about how I was interested in trying this new place that also supposedly had a good happy hour. Then he was like, 'Oh yeah I heard about that place opening. Maybe we could go together and check it out sometime.'" When asked how she responded, Chloe stated, "I thought he was kind of joking. It was weird, but I just laughed it off." When asked if this was an in-person conversation, Chloe stated, "No, it was over the phone. Probably on one of his Friday check-ins."

Dr. Graham's Account

When asked if he ever talked to Chloe about her personal life, Dr. Graham stated, "Yes. I've already shared a couple of examples with you. I don't remember the specifics of every conversation. I know we talked about her job search a lot, she was really stressed about it." When asked if he shared about his personal life with Chloe, Dr. Graham stated, "We got close over time. I talked to her about my dog, Duke, my family a little bit, stuff like that." When asked

what he would say about his dog, Dr. Graham stated, “Nothing specific comes to mind. She shared how she loved dogs and how she had a golden retriever when she was a kid. I asked her once to let Duke out when I was out of town for a day for a conference speaking event. I think that was in early February.” When asked if he communicated with Chloe while he was out of town at his conference, Dr. Graham stated, “Yes, each time she went over to the house, she would text me a picture of Duke and let me know how he was doing.”² When asked how he responded to those messages, Dr. Graham stated, “I probably just said ‘thanks’ or would like the message.” When provided an opportunity to respond to the screenshot of the text exchange provided by Chloe in which Dr. Graham responded to a photo of Duke by saying, “He looks happy, maybe you’ll have to come around more often,” Dr. Graham stated, “I don’t remember saying that, but I know I didn’t mean anything inappropriate by it.”

When provided an opportunity to respond to Chloe’s account about Dr. Graham suggesting they go to the new restaurant/bar, Dr. Graham stated, “Yeah, that sounds familiar, I think she mentioned that she was getting drinks with her friends and I said something that we could grab drinks sometime after our Marketing 101 course. I did this with some of my former TAs and they seemed to appreciate having a professor they could connect with.” When asked how Chloe responded to his suggestion, Dr. Graham stated, “She maybe said, ‘yeah that would be fun sometime,’ or something like that but we didn’t end up ever getting drinks together.”

The Parties’ Communication on February 14 and 15

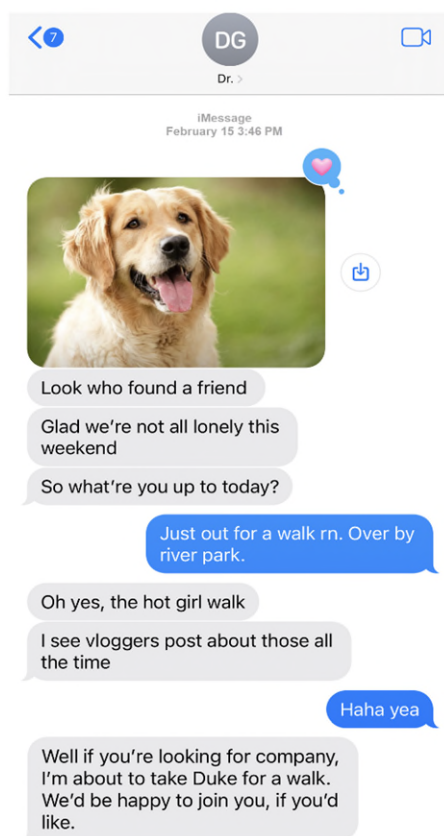
Chloe’s Account

Chloe stated that February 14 (“Valentine’s Day”) “stuck out” in her memory as a time where Dr. Graham made “a weird comment.” Chloe stated, “Dr. Graham talked to me so many times, they all kind of blur together but, one thing, I do remember is Valentine’s Day. It was a Friday, and Dr. Graham usually would call on Fridays and we would talk through how my week went and my work for next week. Sometimes, I guess kind of often, he would also ask about my weekend plans.” Chloe stated, “So, yeah, he called me the morning of Valentine’s Day and asked what I was doing that weekend. I said ‘not much,’ and then he kind of laughed and was like, ‘Oh sure, I bet that’s not true. I find it hard to believe someone like you doesn’t have a date’ or something like that.” Chloe stated, “He kept going, saying something about his wife, I don’t remember exactly what it was but something like, ‘Brittany has been in a mood lately. It will probably just end up being me and Duke falling asleep to basketball again.’” When asked who Brittany was, Chloe stated, “His wife. I knew he was married, like it might have been in his bio or something, but he had never talked to me about his wife before like that.” When asked how she responded to Dr. Graham’s statement, Chloe stated, “I kind of just half-laughed and was like, ‘Well golden retrievers do make good company so that doesn’t sound too bad.’ I was trying to make it less

² Attachment A: Text exchange between Chloe and Dr. Graham on February 4, 2025 at 8:34 p.m., provided by Chloe.

weird.” When asked what happened next, Chloe stated, “I think I just changed the topic to the upcoming midterms exams or something like that.”

Chloe stated that the next day, Saturday, Dr. Graham texted her. Chloe stated, “I remember that before that, before Valentine’s Day, he had never texted or called me on the weekend before. But that was kind of the start of it.” Chloe stated, “It was kind of weird, like yes, because it was on the weekend, but honestly more so just the stuff he was saying. Here, let me pull it up. Oh right, so he sent me a picture of his dog and was like, ‘Look who found a friend,’ that’s how it started.” Following her initial interview, Chloe provided screenshots of the text conversation from February 15, 2025 starting at 3:46 p.m.³:



When asked if the conversation continued after the last shown text in the screenshot, Chloe stated, “I didn’t respond to that last message. I don’t know, it was just kind of weird, and I certainly didn’t actually want to go on a walk with him but I didn’t want to make it awkward. It’s

³ Attachment B: Text exchange between Chloe and Dr. Graham on February 15, 2025 at 3:46 p.m., provided by Chloe.

not like I could just stop working with him and a reference letter down the road would be nice. So I just didn't respond. I told him that next week that I must've missed his text."

Dr. Graham's Account

When asked if there was a day of the week he would typically do a check in call with Chloe, Dr. Graham stated that it was usually Friday morning. When asked if he could recall any specific Friday morning conversation, Dr. Graham stated, "not really."

When asked in a follow-up interview if he spoke with Chloe on Friday, February 14, Dr. Graham stated, "Probably, I typically checked in with her on Fridays." When asked to describe the conversation on February 14, Dr. Graham stated, "I don't recall the specifics. Maybe I asked her what she was doing that weekend, see if she had any special plans." When asked if he ever spoke with Chloe about his wife, Dr. Graham stated, "I maybe mentioned her at times, but I don't recall discussing Brittany extensively with Chloe."

When provided an opportunity to respond to this portion of Chloe's account regarding their February 14 conversation, Dr. Graham stated, "I did not say, 'I find it hard to believe someone like you doesn't have a date' but maybe I said that thing about Brittany and basketball, it sounds like something I would say."

When asked if he ever talked to Chloe on the weekend, Dr. Graham stated, "not regularly, maybe like just a picture of my dog or something."

When asked in a follow-up interview if he ever asked Chloe to hang out with him outside of school, Dr. Graham stated, "She loved my dog, Duke, and I think once I suggested we take Duke for a walk or something. She didn't end up coming though."

When provided an opportunity to respond to the portion of Chloe's account regarding their text conversation on February 15, Dr. Graham stated, "I guess I did send those messages, but she's taking it way out of context. She had told me months ago that she was kind of an influencer on TikTok for videos about her day. I was just trying to encourage her self-marketing, which is really important in the industry. Also, I, in no way, intended it to be 'weird.'"

The Parties' Interactions on February 24 and 25

Chloe's Account

Chloe stated, "I feel like stuff just progressed after that Valentine's Day weekend, like he just kept talking to me more, commenting on my hair or clothes, or like inviting me to do stuff outside of school. It was like he would try to make it about school but that was just a cover for spending time it with me. I didn't see it at first but over time it just got weird." When asked what

he would invite to her outside of school beyond the previously mentioned restaurant/bar and dog walk, Chloe stated, “There was one time, maybe sometime toward the end of February, he messaged asking to get coffee to discuss the upcoming class that I would be covering for him. The Valentine’s Day thing was still kind of stuck in my head, but I agreed to go because it was about school, and I did have a few questions about the class I was covering.” Chloe provided screenshots of a text exchange from February 24, 2025 at 5:47 p.m.⁴:



When asked to describe what happened the next day when they got coffee, Chloe stated, “I mean it was kind of just normal. We talked about preparing for the class, he bought me coffee. I mean it’s not like it was the first time we were together alone since I was TA. He did mention something about him and his wife thinking about separating, that was weird. I kind of forgot about that, but now that I’m looking back, that was definitely out of place. Like he was talking about being out of town for his conference, but his wife wouldn’t be traveling with him this time and started kind of getting into it.” When asked what she meant by “getting into it,” Chloe stated, “He just said that they have been growing distant, something about living separate lives and that they are probably going to do a trial separation.” When asked what her response was, Chloe stated, “I think I just kind of nodded. I really didn’t know what to say. But then he switched topics, just said, ‘Oh well, life keeps moving on,’ or something like that.”

⁴ Attachment C: Text exchange between Chloe and Dr. Graham on February 24, 2025, provided by Chloe.

Chloe stated, “Oh my gosh, I just remembered, at that point he kind of grabbed my hand. Yeah I totally forgot about that.” When asked to further describe Dr. Graham grabbing her hand, Chloe stated, “So, before he changed topics, I said something like, ‘I’m sorry, that must be really hard.’ Then, I guess he didn’t really grab my hand, but he rested his hand on mine and said something like, ‘Thanks. It means a lot that I can be real with you.’” When asked how long he rested his hand on top of hers, Chloe stated, “It was there for like less than five seconds because I moved my hand away.” When asked how she felt about Dr. Graham placing his hand on hers, Chloe stated, “It was so awkward, especially him talking about his problems with his wife. I brushed it off at the time, but now looking back, I should’ve realized early on he was weird.”

Dr. Graham’s Account

When asked about spending time with Chloe outside of school, Dr. Graham stated, “One time we got coffee. Chloe was about to cover a class for me, and I suggested we get coffee at this coffee shop just off campus called Chats to discuss the class. She didn’t seem to have any issues with meeting up outside of school. Again, it wasn’t like I hadn’t met with other TAs to get coffee before.” When asked how the idea of getting coffee came up, Dr. Graham stated, “I texted her and she said yes.”

When asked to describe their coffee meetup, Dr. Graham stated, “We just talked about the class she was covering, the conference I was speaking at, stuff like that.” When asked if they talked about either of their personal lives during their coffee meetup, Dr. Graham stated, “I mentioned that my wife wouldn’t be attending the conference with me. I mentioned that because previously Brittany had traveled with me and that’s when Chloe had to let my dog out, but she wouldn’t need to do that since Brittany was staying back at the house.” When asked how Chloe responded to him talking about his wife, Dr. Graham stated, “She didn’t really respond any specific type of way. Like it was just mentioned in passing, it was not a full blown conversation.”

When asked in a follow-up interview, if they touched during the coffee meet up, Dr. Graham stated, “Touched? No, I don’t think so. I don’t recall hugging or anything like that.”

When provided an opportunity to respond to Chloe’s account that Dr. Graham told her that his wife would not be going to the conference with him and that they were going to do a trial separation, Dr. Graham stated, “I was just explaining why Brittany wasn’t going with me.” When provided an opportunity to respond to Chloe’s account that Dr. Graham placed his hand on top of hers and said “It means a lot that I can be real with you,” Dr. Graham stated, “I don’t specifically remember that, but I do express myself with my hands, so I could see myself briefly touching her hand to emphasize my point, but it certainly wouldn’t have been anything sexual and I don’t think there’s anything wrong with saying that it is nice to be able to be real with someone.”

The Parties' and Witnesses' Communication in March 2025

The Parties' Communication in Early March

Chloe's Account

Chloe stated, "The texting and calling just continued like normal after the coffee thing. I just wanted everything to be normal. So I would talk to him about TA stuff, my internship, things like that. And I was like fine talking about my family and stuff." When asked if she initiated any text conversations with Dr. Graham, Chloe stated, "I mean not usually, but maybe, I guess probably about internship stuff since I was stressed and he was helping me navigate the process, like looking for open positions. Nothing else specifically comes to mind."

When asked about her earlier statement that Dr. Graham would comment about her hair and clothes, Chloe stated, "Yeah, like I started kind of noticing it in March. It was always when I would do something out of my normal. Like one day I curled my hair, which I don't normally do, and when he saw me, he was like, 'new hairstyle is looking good' or something cringy like that." When asked how the comment made her feel, Chloe stated, "I don't know, I guess, like I said, cringy. Just kind of awkward. But again I didn't want to make a big deal about it." When asked if there were other comments Dr. Graham made about her appearance, Chloe stated, "Well, it wasn't like every time I saw him, it would just kind of happen throughout, like the whole semester. But there was another time shortly after that hair thing, maybe it was our last class before spring break. I had a big presentation in one my other classes earlier that day so I had dressed up, like in a dress, which again is not my normal, and when I walked into Dr. Graham's class, he was like, 'Looking sharp, Chloe.'" When asked how that comment made her feel, Chloe stated, "Similar to the hair. Like in the moment I thought it was weird but didn't feel like it was a big enough deal to be say anything to him. But now, like in combination with everything else, it does make me uncomfortable that he was paying attention enough to notice when something was different."

Dr. Graham's Account

When asked to describe his and Chloe's interactions after the coffee interaction, Dr. Graham stated, "The were normal. Nothing changed. I don't know why anything would have changed. We kept doing our weekly check-ins and working on projects together." When asked if they spoke about anything else in the couple weeks following the coffee interaction, Dr. Graham stated, "I can't say for sure but probably the other things we usually would talk about. Like her internship search or maybe her family, major things going on in our lives." When asked if he assisted Chloe in her internship search, Dr. Graham stated, "Yeah. Chloe was such a deserving student, and her work ethic really shined through her TA work. So yes, I told her early on in the semester that I would love to assist her in helping find an internship." Dr. Graham stated, "I think it is important for you to know that I wasn't the one to initiate all of the text messages. There were several times when Chloe would text me to tell me something about her family or

ask for restaurant recommendations and things like that.”⁵ When asked if he could provide a copy of those messages, Dr. Graham said that “My phone is set up to automatically delete messages after a month to save storage space, so I don’t have those messages.”

When asked if he would ever comment about Chloe’s appearance, Dr. Graham stated, “Nothing specifically comes to mind.” When asked in a follow-up interview if he ever commented about Chloe’s hair, Dr. Graham stated, “Maybe when she got it cut or styled it differently. Like she almost always wore it up in a ponytail, so if she did something different I maybe would say like, ‘Nice hair.’” When asked if ever commented about Chloe’s clothing, Dr. Graham stated, “Again, maybe if there was something different. Like I think once she must have had a presentation for one of her own classes and she dressed up, like in professional attire.” When asked if he knew when that comment was, Dr. Graham stated, “I don’t know for sure, sorry.” Dr. Graham stated, “And I would just like to add, it wasn’t like I said stuff to Chloe regularly, like once or twice, and it wasn’t like I was trying to single her out. I would comment on other students’ hair or outfits or style or whatever if they switched up.” Dr. Graham stated, “I’m a marketing professor. I want students to be mindful of how they present themselves. So if they look professional and put-together, I’m going to point it out.

The Parties’ and Witness’s Communication on March 14

Chloe’s Account

Chloe stated that during the College’s spring break in March, Dr. Graham responded to a photo she posted of herself in a bikini on her Snapchat story. Chloe stated, “Okay, so, another really weird thing that he did was during spring break. So, like I said, he had added me on Snapchat like way back in January and I was like ‘whatever we’re not going to use it.’ Well while I was in Mexico, I posted a Snapchat story with a picture of me in a bikini.” Chloe stated, “Honestly, I would say it was embarrassing to know a professor saw a photo of me in a bikini, but in the moment, I didn’t even realize that Dr. Graham could see the picture. I didn’t think about how we had each other on Snapchat.”

Chloe stated, “It wasn’t until later that night that I remembered that I had added Dr. Graham on Snapchat because I got a Snapchat notification saying George responded to my story. At first, I was literally like ‘who the heck is George’ but then I remembered Dr. Graham and the whole Snapchat thing.” Chloe stated, “I immediately showed the notification to my friend, Marcy, and

⁵ When provided an opportunity to respond to Dr. Graham’s account that there were several times when Chloe would text him to tell him something about her family or ask for restaurant recommendations and things like that, Chloe stated, “So I like I messaged him one time telling him my grandparents were coming because I wanted his advice on restaurants to take them to, something a little higher end than places my friends and I go.” Attachment D: Screenshot of text message exchange between Chloe and Dr. Graham on March 3, 2025, provided by Chloe.

she said the same thing, ‘Who is George? I thought you always keep me in the loop on the guys you’re seeing’ or something like that.” When asked how she responded to Marcy’s question, Chloe stated, “Oh, I just told her it was Dr. Graham and how he had weirdly added me on Snapchat back in January. And she was like, ‘That’s weird,’ or ‘that’s creepy.’” Chloe stated, “So then I opened his Snap and it said like ‘looks like you’re having a good time on spring break’ and then he said something about it looking hot there. Then he sent a picture of his dog and it said something like ‘miss you’ with a heart emoji. And Marcy was like, ‘Oh my gosh, Chloe, you cannot TA for him again, he is being so weird.’” When asked if both the “looks like you’re having a good time” message and the dog message were photo messages, Chloe stated, “No, the first message was just text and the second one was a picture with the ‘miss you’ comment.” When asked how she responded to Marcy’s comment that Dr. Graham was being weird, Chloe stated, “I told her a little bit about some of the other stuff, but mostly I was just trying to downplay the situation and rationalize everything, because I was still going to go back and finish out the semester TA-ing for him. I needed his help getting an internship. So I think in the moment I said something like, ‘I think maybe Dr. Graham is talking about how the dog misses me.’ Although, honestly, it’s still weird because I only saw his dog two times when Dr. Graham was out of town and I walked Duke.” When asked what she meant by “some of the other stuff,” Chloe stated, “Just some of the weird stuff that had happened. I don’t remember exactly what I shared with her. Maybe about the message he sent me when I helped with his dog and the coffee. I’m not sure.”

When asked what she was doing at the point of seeing the notification and showing it to Marcy, Chloe stated, “We were at the AirBnb getting ready to go out that night.” When asked at what point Dr. Graham responded to her Snapchat story with the photo of Duke, Chloe stated, “Probably around 10 p.m. That was the other thing, I feel like the later into the semester it got, the more likely he would be texting me or Snapchatting with me at any point in the day or on the weekend, not just the normal 9-5.” When asked if she responded to Dr. Graham’s Snapchat, Chloe stated, “No, I just ignored it.”

Dr. Graham’s Account

When asked if he would communicate with Chloe outside of calling, Dr. Graham stated, “As the semester progressed, it felt more natural to text her sometimes and we got to know each other better so I would send her Snapchat pictures of my dog, Duke, she loved him.” When asked who would initiate the text and Snapchat conversations, Dr. Graham stated, “Either one of us, sometimes me, sometimes her.” When asked if he ever responded to a Snapchat story that Chloe posted, Dr. Graham stated, “I think I may have once when she posted about spring break.” When how he responded, “I just sent a picture of my dog and said something about Duke missing her.”

When provided an opportunity to respond to the portion of Chloe’s account that he responded to her Snapchat story with a snap that said, “looks like you’re having a good time on spring break” and commented about it looking hot there, Dr. Graham responded, I don’t specifically recall saying that, but I do remember sending her a message.” When provided an opportunity to

respond to the portion of Chloe's account that he also sent a snap that included a picture of Duke and a message that said "miss you" with a heart emoji, Dr. Graham stated, "I do remember sending that, but I thought I said 'Duke misses you' but even still, if I said 'miss you' I was referring to Duke since she had previously taken care of him and we had talked about him multiple times."

Witness Account

Marcy's Account

When asked to describe Dr. Graham, Marcy stated, "I mean, Dr. Graham is nice, but I don't know, he's also kind of creepy." When asked what she meant by "creepy," Marcy stated, "Like this one time while Chloe, me, and some other friends were on spring break in Mexico, Chloe posted a picture of herself in a bikini to her Snapchat story." Marcy stated, "Later that night, Chloe told me that Dr. Graham had responded to her story. She showed it to me. It was a picture of his dog and it said 'miss you' with a heart emoji. And he said something about it looking hot. I honestly was so grossed out by that, but I don't know, Chloe was TA-ing for him so she just kind of brushed it off." When asked if Chloe responded to Dr. Graham's Snapchat, Marcy stated, "I don't think so, I hope not, but I'm not sure." When asked what time Chloe shared the Snapchat message notification with her, Marcy stated, "We were all getting ready to go out. I'm not sure what time it was, maybe like 10 p.m."

When asked if Chloe said anything about Dr. Graham at that point, Marcy stated, "Yes she did. When she showed me the notification, I think I said something like 'that's weird,' and then she kind of mumbled something about how this weird stuff was kind of normal for him. Like how he made some comment to her about not having a date for Valentine's and would talk about problems with his wife and stuff. But, I don't know, I feel like she also said something about he's helping her find an internship and she wants to be nice to him." When asked how she responded to Chloe's statements, Marcy stated, "I told her that I didn't think this was normal and that I thought she needed to be careful and that she shouldn't TA for him again next semester, because he was just being creepy."

The Parties' and Witnesses' Interactions on March 18

Chloe's Account

Chloe stated that in the week after she returned from spring break, she "tried to forget about the beach photo thing." When asked when the next time she interacted with Dr. Graham was, Chloe stated, "It was our first day back of Marketing 101. It was whatever that Tuesday was. Let me see, probably like March 18." Chloe stated, "It was shortly before class was supposed to start. I went to his office to get the midterm exams and Dr. Graham was like, 'Hey Chloe, looking tan, must have gotten some good sun in Mexico.' Just like another weird comment, like I said earlier, it just is progressively more and more. But anyways, he continued by asking if I had fun. I said

‘yeah, it was fun.’” When asked how the conversation continued, Chloe stated, “I asked him how his spring was and then he started getting into it. He like said something about moving out of the house with his wife and into his own apartment and he just spent the week sad and sitting around feeling sorry for himself.” Chloe stated, “Then he said something like, ‘it’s good to have you back,’ and brought up that he had gotten me some white chocolate Reese’s peanut butter cups.” Chloe stated, “Honestly, that was so out of the blue. Like I didn’t ask for them or anything, but what’s really creepy is it’s my favorite candy, but like the white chocolate ones specifically, which I feel like that being someone’s favorite is not normal. I don’t know how he even knew that.” When asked how the conversation made her feel, Chloe stated, “At this point, I was uncomfortable, but I didn’t know what to do, like I needed to keep communicating with him to finish out my TA job for the semester and I was worried that if I said something, he might not help me with my summer internship.”

Chloe stated, “So another thing from that day, after that talk in his office, we went to class and after we finished handing back the midterm exams, Dr. Graham shared with the class that they would start prepping their end-of-semester final projects, focused on self-marketing. He does the same final project every year in Marketing 101, so I knew that this was coming. But what I did not expect was that he would have the class use me as an example and have them comment about me and my appearance and all that.” When asked what she meant by “use me as an example,” Chloe stated, “Dr. Graham wanted the students to brainstorm what the marketing could look like, and he was like, ‘Now class, take Chloe here, she’s a bright, fit, young women, how would you all recommend she market herself to be attractive to marketing agencies, vendors, and the public?’ and the students raised their hands and said stuff like focusing on the health and wellness space and partnerships with fitness influencers, stuff like that.” When asked if she could recall any of the students’ comments specifically, Chloe stated, “There was a student in the front, I believe his name was Noah. Noah was like ‘Especially with how fit she is, Chloe could lean into modeling and highlighting active wear.’ And then Dr. Graham agreed.” When asked how she felt about Dr. Graham using her as a demonstration, Chloe stated, “It was really weird. Like when we did this project when I was a Marketing 101 student, we used some celebrity as the demonstration, not someone standing right there.”

Dr. Graham’s Account

When asked when he first spoke with Chloe after spring break, Dr. Graham stated, “Probably our first class period following spring break, that would have been March 20.” When asked to describe the conversation, Dr. Graham stated, “I don’t remember exactly, I would think just normal stuff like ‘how was your trip?’” When asked in a follow-up interview if he gave Chloe anything during that conversation, Dr. Graham stated, “I mean I had purchased some of her favorite candy to thank her for all the hard work she’d done so far in the semester.” When asked

how he knew what her favorite candy was, Dr. Graham stated, “Oh she had told me at some point. I don’t remember when.”⁶

When provided an opportunity to respond to the portion of Chloe’s account regarding their first conversation after spring break on March 20, Dr. Graham stated, “Yeah I maybe said she was tan, but only because she had that Snapchat story from the beach. I was probably just making a joke about it.” When given an opportunity to respond to Chloe’s account of him talking about moving into his own apartment, Dr. Graham stated, “Yeah, I’m sure that’s true. Honestly, that personal stuff was impacting my mood in other parts of my life, including work. It was a tough time for sure.” Dr. Graham stated, “Also, I don’t think there’s anything wrong with me saying I was glad she was back. A professor can care for the safe travels of their students.”

When asked if ever used Chloe for a class demonstration, Dr. Graham stated, “I’m not exactly sure what you mean by a demonstration. Like I never showed her previous work to the class or something like that. I guess, this is a little bit of a demonstration, but when the class was starting to prepare for their end-of-semester projects on self-marketing, I asked them to brainstorm starting with Chloe.” When asked if he had communicated with Chloe prior to the demonstration, Dr. Graham stated, “No, I figured it would not be a problem since she was already building a TikTok and Instagram following.” When asked what the students said about Chloe as part of the practice exercise, Dr. Graham stated, “They emphasized how fit she is, and how she would work well in health and wellness branding.”

When provided an opportunity to respond to this portion of Chloe’s account regarding Dr. Graham’s use of Chloe for a self-marketing demonstration on March 20, Dr. Graham stated, “I’m not sure why this is even an issue. As a professor, I have every right to decide what content I want to cover in my classes. It is completely inappropriate for you to even be asking me about this given my academic freedom rights. As I said before, self-branding is so important for marketing professionals today, so it is critical that the students are able to practice highlighting personal strengths. In the past I had used a celebrity example but I think students struggle to think outside of how the celebrity has already branded themselves.”

Witness Account

Noah’s Account

When asked if Dr. Graham ever made comments about the appearance of any of the students, Noah stated, “Mostly about his TA, Chloe. Sometimes, I would overhear him say that he liked

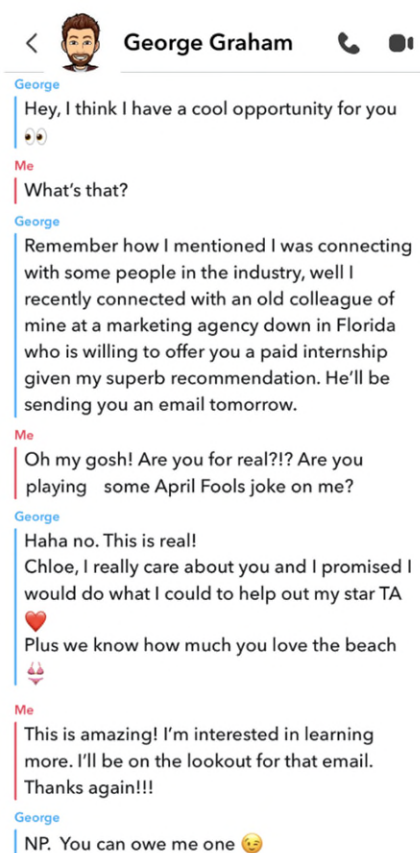
⁶ When provided an opportunity to respond to this portion of Dr. Graham’s account on how he knew her favorite candy, Chloe stated, “Oh yeah, like way back when I took his seminar last year, I told him my favorite candy. But like kind of strange that he remembered it like more than a year later.”

her hair or her outfit or something like that. Also, there was this one time when he was introducing us to our final projects about self-marketing, he used Chloe as a demonstration and mentioned that she was fit, as in a healthy, active person.” When asked to further describe the context of Dr. Graham’s comment, Noah stated, “He asked us to practice by brainstorming marketing ideas for Chloe, and people went straight to health and wellness branding. I think I said something about modeling active wear and Dr. Graham said she had the right figure for that.”

The Parties’ Interactions on April 1

Chloe’s Account

Chloe stated that Dr. Graham helped her get a marketing internship for this summer. Chloe provided the following Snapchat messaging exchange from April 1, 2025 at 11 p.m.⁷:



⁷ Attachment E.

Chloe stated, “I was super excited about the internship opportunity but that ‘you can owe me’ message kind of stuck with me. I was honestly a bit nervous, like did he mean that he was expecting something in return, some kind of gross sexual favor? Like I don’t know, that’s probably a bit dramatic, but I don’t know. Also, this message was again late at night, probably around 11 p.m., so just extra weird. And the bikini reference was super creepy.” When asked how the conversation continued, Chloe stated, “Oh I took a screenshot of the chat to send a picture of it to my friends and family, and I told him that. Then he said something like, I insist on taking you out to dinner one night this week to celebrate.” When asked how she responded to that message, Chloe stated, “I didn’t respond. At that point I was really worried that he was expecting something inappropriate in return for his help. It felt really gross.”

Dr. Graham’s Account

When asked if he used the text chat function on Snapchat to communicate with Chloe, Dr. Graham stated, “Every once in a while. When it made sense.” When asked if ever ended up helping Chloe find an internship, Dr. Graham stated, “Yes. I was about to connect her with an old colleague of mine in Florida. Like I said, I am always happy to help out a deserving student.” When asked when this occurred, Dr. Graham stated, “April 1, I remember that because she thought it was an April Fool’s joke.” When asked in a follow-up interview how he notified Chloe about the internship opportunity with a colleague, Dr. Graham stated, “I think I messaged her on Snapchat, since that was our main form of communication at that point. Then my former colleague sent her an email to follow up.” When asked how Chloe responded to him connecting her with his colleague, Dr. Graham stated, “She was excited of course.” When asked at what point in the day he messaged her, Dr. Graham stated, “I think it was sometime at night. I wasn’t able to connect with my colleague until after the business day, but I wanted to let her know before he reached out the next day and since I didn’t know if he would reach out to her right away in the morning, I just messaged her later that night.” When asked what time he messaged her, Dr. Graham stated, “Maybe 9 or 10 p.m., which isn’t even late for most college students.”

When provided an opportunity to respond to the portion of Chloe’s account regarding Dr. Graham helping Chloe get a summer internship, Dr. Graham stated, “How is this even relevant? There’s nothing wrong with a professor caring about his students! And I was obviously joking about the favor. I feel like the winky face suggests that it is certainly a joke. She was wrong to assume I was implying something else. I would never ever do something like that.” When provided an opportunity to respond to the portion of Chloe’s account that Dr. Graham invited her to dinner, Dr. Graham stated, “I don’t think I insisted, but it’s not like there is anything wrong with a celebration. Again, there was nothing inappropriate about it.”

Witness Accounts

Marcy's Account

Marcy stated, “Even besides the swimsuit spring break thing, it was generally just weird that Dr. Graham was communicating with Chloe through Snapchat at all. Like I know professors think they can be all cool and hip or whatever, but I just don’t understand why he couldn’t just email her like a normal professor. But anyways, yeah, she facetimed me to tell me about the internship. She was really worried that Dr. Graham was expecting something romantic or sexual in return because of some comment he made about her ‘owing’ him and then insisting that she go out to dinner with him.”

Events on Chloe's Social Media on April 11

Chloe's Account

Chloe stated that Dr. Graham liked and commented on her videos on Instagram. Chloe stated, “The next kind of wild thing that happened was after I found out about that internship, I noticed that Dr. Graham had liked⁸ and commented on one of my videos on Instagram.” When asked what she was doing in the video, Chloe stated, “I do these day-in-the-life videos, and I think in this one I was just picking out my ‘going-out’ outfit. Like I had these cool transitions between different outfits and my followers could comment on their favorites. Dr. Graham commented a number and a fire emoji.”⁹ When asked to describe the outfits she was wearing in the video, Chloe stated, “I don’t know, just typical going-to-the-bar stuff, like jeans and a tank top, but it’s just weird because it’s not the kind of stuff I would wear to class or that I would choose for my professors to see.” When asked if Dr. Graham followed her on Instagram, Chloe stated, “I don’t think so. I have a public account so you don’t need to follow me to see my posts.”

Chloe stated, “The following Monday after I noticed the Instagram thing, I asked Dr. Graham after class if we could go back to communicating through emails or texts instead of Snapchat. The thought had crossed my mind earlier, but I just kind of brushed it off but like between the spring break thing, ‘owing him’ for the internship, the dinner thing, the self-marketing project, the Instagram video, it was just getting too weird. I was already talking to another professor, Dr. Owens, about TAing for her next year, because I honestly just was so weirded out by Dr. Graham. I felt like I couldn’t talk to many people about it because I didn’t want them to judge me for sticking around as long as I did. But anyways, Dr. Graham said yes, although he didn’t actually follow through on that.”

⁸ Attachment F: Screenshot of Dr. Graham’s like on Chloe’s Instagram post from April 11, 2025, provided by Chloe.

⁹ Attachment G: Screenshot of Dr. Graham’s comment on Chloe’s Instagram post from April 11, 2025, provided by Chloe.

Dr. Graham's Account

When asked if he had seen any of Chloe's social media posts, Dr. Graham stated, "I didn't follow her or anything like that, but probably since we are in similar locations and she has such a big following, she would pop up on my for-you page on Instagram." When asked if he ever liked or commented on Chloe's social media, Dr. Graham stated, "I don't recall."

When provided an opportunity to respond to the portion of Chloe's account regarding Dr. Graham liking and commenting on her Instagram post, Dr. Graham stated, "I do not remember that specifically, but if it did happen, I'm a marketing professor supporting my student's self-branding, it's part of my job." When provided an opportunity to respond to the screenshot Chloe provided of Dr. Graham liking and commenting on her Instagram post, Dr. Graham stated, "Okay, so I did post that, but again, I don't think there's anything inappropriate about that."

When asked if they continued to communicate on Snapchat, Dr. Graham stated, "Yeah, we did." When asked if Chloe ever expressed concern about communicating on Snapchat, Dr. Graham stated, "One time she asked about switching back to text messaging. She didn't say why, but I was fine going back to text messages instead of Snapchat, although I may have forgotten and kept using Snapchat." When asked when Chloe had asked to switch back to texting, Dr. Graham stated, "Hmm, that was maybe sometime in mid-April."

The Parties' Communication on April 17

Chloe's Account

Chloe stated that Dr. Graham continued to communicate with her on Snapchat and asked her to attend an out-of-town conference with him. Chloe stated,

Literally later that week he Snapchatted me again, asking about taking a trip with him to a speaking event he had during finals week. Again, these messages were later at night, at least after 8 p.m. I told him no, that I wasn't going to go with him. I think I made up some excuse like I needed to study for my exams, which I guess was partly true, but even so, there was no way I was going to sit in a car with him to drive two hours there and back. With the semester ending soon, I did not feel the need to do everything he asked of me anymore, especially this optional thing. At this point, I was just uncomfortable being alone around him.

When asked if she had screenshots of those Snapchats, "No, unfortunately I do not." When asked how Dr. Graham responded to her saying she needed to study, "He was like, 'I'll be lonely on the long drive without you, but I understand, exams are important.'" When asked how that comment made her feel, Chloe stated, "The whole conversation, the invite itself, that comment about being lonely. It all made me feel kind of nauseous actually, like I did not ask for nor want any of this extra attention."

Dr. Graham's Account

When asked if he Snapchatted Chloe again after their conversation about switching back to text messages, Dr. Graham stated, "I think so, because I forgot about her saying that." When asked what he communicated with her about on Snapchat after their mid-April conversation, Dr. Graham stated, "Hmm at that point we had kind of wrapped up most our projects and the coursework was set to finish up there by the end of April. I was speaking at a conference during the finals weeks in the first week of May, I think I invited her to that." When asked where the conference was, Dr. Graham stated, "In Plainsville, about two hours from here. I thought it would be a good opportunity for her, but she said no, that she needed to study for finals, which makes sense, it was kind of last minute." When asked what time he sent these messages, Dr. Graham stated, "Probably sometime in the evening after I had wrapped up for the day."

The Parties' Interactions on April 25

Chloe's Account

Chloe stated that on April 25, Dr. Graham gave her a gift and then hugged her. Chloe stated, "And then he touched me again when we did our final meeting for the semester. I went into his office and he said goodbye and then he hugged me." When asked to further describe the conversation, Chloe stated, "Well first he closed the office door, which made me a kind of nervous but then he was saying thank you and how he was going to miss me and this kind of stuff. I was just trying to get it over with, I said thank you for the TA experience and the internship." Chloe stated, "Also in that conversation, Dr. Graham asked to be his TA again next school year and said he would be lost without me. I really wanted to tell him no right then and there but, with being alone with him there, I felt a little trapped. So I just said I would need to see what my schedule ended up looking like, although I knew there was no way I was going to agree to serve as TA again." When asked how Dr. Graham responded, Chloe stated, "He said something like, 'sounds good,' and to let him know what I figure out and that there would always be a spot for me as his TA." Chloe stated, "Basically after he said that I got up to leave, and then he immediately also stood up and started approaching me, arms open. So I hugged him to get it over with, but Dr. Graham like held me kind of firmly, I guess, more so than I was doing to him that's for sure." Chloe stated, "And also, when he was hugging me, he was like rubbing my back, like in the small of my back." When asked how long they hugged for, Chloe stated, "Maybe like 10 seconds." When asked how long Dr. Graham was rubbing her back for, Chloe stated, "Almost like the whole time we were hugging, maybe eight seconds."

Chloe stated, "After he gave me a hug, he grabbed a package from his desk drawer. He was like, 'A parting gift to remember me while you are in Florida this summer.' It was a journal with a palm tree on the front. Which the journal was nice, but there was this picture of him and Duke tucked inside the front cover. On the back of the photo it said something like 'Have a great time in Florida, we will be thinking about you.' I just threw that away because looking at, honestly even talking about it now, makes me nauseous." When asked to further describe how she felt

about Dr. Graham giving her this gift, Chloe stated, “I was honestly just done with him at that point. I was already in the mind set that I wasn’t going to work with him again next year, and I was going to do everything I could to avoid running into him, so I probably just said, ‘thank you’ to get it over with and left his office.”

Dr. Graham’s Account

When asked if he and Chloe ever hugged, Dr. Graham stated, “I think our last meeting of the semester we hugged. It’s not a big deal, lots of professors hug their students.” When asked to describe that last meeting, Dr. Graham stated, “We just talked about the summer and I asked if she wanted to be my TA again next year. Chloe wasn’t sure since she was talking to some other professors but yeah, other than that, we didn’t talk about anything substantive.”

When asked if he ever gave Chloe a gift, Dr. Graham stated, “In that last meeting of the semester, I gave Chloe a journal. I almost always give my TAs a gift at the end of the year. It’s just a small way of showing my appreciation for all they’ve done for me. But yeah, I gave her a journal, I think it had a palm tree on the front since she was going to Florida for the summer.” When asked if he said anything when he gave her the gift, Dr. Graham stated, “Oh, probably just like ‘thanks for everything’ or something like that.” When asked in a follow-up interview, if he gave her anything else with the journal, Dr. Graham stated, “There was a little card with a picture of Duke, wishing her good luck.”

When provided an opportunity to respond to Chloe’s account that he said, “something to remember me by in Florida,” Dr. Graham stated, “I honestly do not remember, but I could have said that.” When provided an opportunity to respond to Chloe’s account that inside the journal there was a picture of him with Duke and a note that said “Have a great time in Florida, we will be thinking about you,” Dr. Graham said, “Like I said, I remember including a picture of Duke and wishing her luck, but I didn’t say we’d be thinking of her.”

The Parties’ Interactions After April 25

Chloe’s Account

When asked if they interacted again after the April 25 instance in Dr. Graham’s office, Chloe stated, “Not much. I was just tired of him. He snapped me a couple times early in the summer – late May-ish to check up on me. He would just be like ‘Hey, how’s it going?’ or I think one time he asked me about Frankie, his former colleague who helped get me the internship position. I think I responded to that one, just saying that Frankie was already a great mentor and how he would tell old stories about working with Dr. Graham. I don’t think I responded to anything else.” When asked why she decided to stop responding to Dr. Graham, Chloe stated, “It was just too weird, and frankly, inappropriate. I guess the extra time in the summer just got me really thinking about everything. I was thinking about how there was basically no guarantee I could

avoid him next school year. Like the marketing department isn't that big. And then one day I was talking with a friend and I just started rambling about everything going on, everything in my head. It was kind of the first time verbalizing all my thoughts, like about the hug and back rub, the gift, the little comments, how the only other how everything just made me so uncomfortable." When asked how Lana responded, Chloe stated, "She just said that all the stuff, the hug, the gift, the little comments, she was like, "Chloe, that is not okay. You should not feel this anxious about being around a professor. You should talk to the Title IX office, I had friend work with them before, and it was super helpful." When asked when she had this conversation with Lana, "I think it was right around Memorial Day, basically right before I filed with Title IX."

Dr. Graham's Account

When asked if they interacted again after the last meeting in his office, Dr. Graham stated, "I had messaged her to check in on her, see how her internship was going. Eventually she stopped responding. I assumed she got busy, but then I got the Title IX notice, and I was just so confused. I never wanted her to feel uncomfortable or anything like that."

Impact

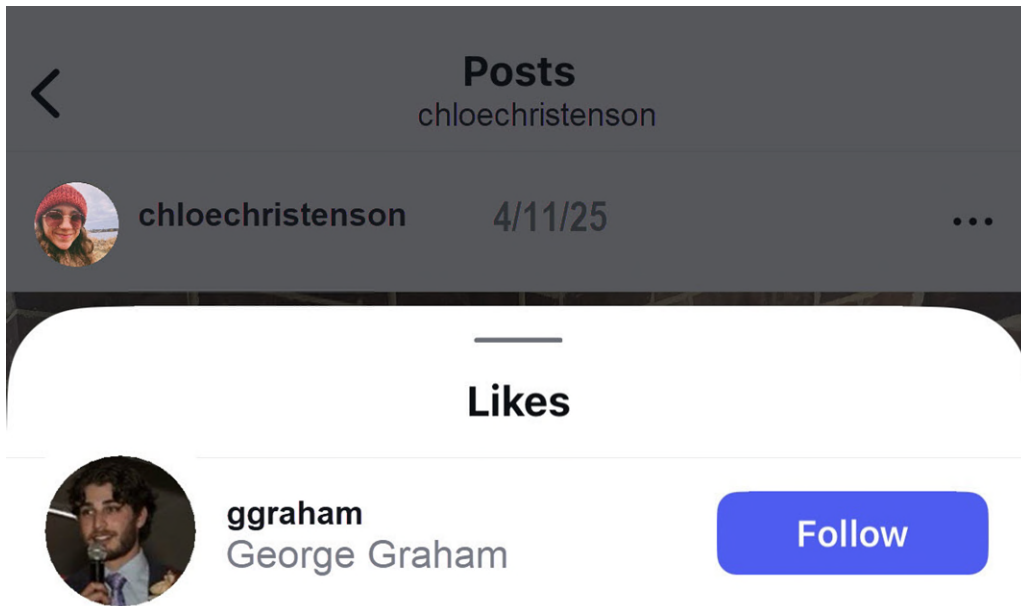
Chloe's Account

Chloe stated, "I wasn't even sure about bringing all this forward but as I thought about returning in the fall and having to see him and potentially interact with him, I was just so uncomfortable and anxious, and with Lana encouraging me to talk to Title IX, it just seemed like it was finally time to do something." Chloe stated, "At least this is all happening over the summer, but I'm not looking forward to seeing him in the fall. Of course, I'm going to try to avoid him, but the college isn't that big, I'll probably end up seeing him again." Chloe stated, "Also, I started thinking like has he even ever had any male TAs, or is he just picking girls because he likes to talk to them all the time? Like the year I was in Marketing 101, his TA was Josie and then last year it was Kayla. I mean, it could be a coincidence but after thinking, I'm starting to wonder if he's just a true creep doing this with all of his female TAs."

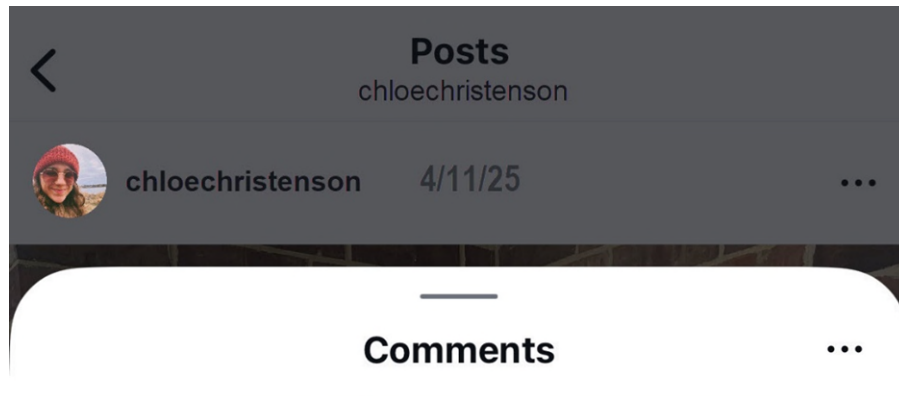
ATTACHMENT D



ATTACHMENT F



ATTACHMENT G



ggraham 11w

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Reply Hide

2025 Title IX/VAWA Investigator Training

Handout 7

Excerpts from Party Statements in Response to the Investigation Report

Excerpt from Dr. Graham's Written Response to the Investigation Report

In response to Marcy claiming I am a “creep,” I want to note that several of my students have provided thoughtful and positive feedback. I would love to have some of them speak on my behalf, but unfortunately that was not permitted in this process.

Also, after reading the directly related evidence and the entirety of the report, I am saddened to learn (for the first time) that Chloe felt this way about me. I never intended anyone to feel uncomfortable. My comments and such were always meant to be friendly and inviting, never anything inappropriate.

2025 Title IX/VAWA Investigator Training

Handout 8

Summary of Hearing

The hearing panel heard from the parties and all of the witnesses in the investigation report. Their testimony was generally consistent with the accounts they provided to the investigator and no additional information was provided, except for the following:

- Dr. Eileen Einerson, a professor in the Marketing Department, states that it is common for professors in the department to communicate with their students via text and to engage with students on social media. She explains that since social media is such a significant marketing tool, professors need to train and observe students on it.
- Isaac Isaacson stated that he served as Dr. Graham's TA during the fall 2020 semester. When asked by Dr. Graham's advisor about his relationship with Dr. Graham, Isaac stated, "Normal professor-TA relationship. We would connect via Zoom at least once a week and he would assign me work to do for class preparation, grading, or research." When asked by Dr. Graham's advisor whether they ever communicated via text, Isaac stated, yeah, we would text each other with quick questions, stuff like that." When asked by the Hearing Officer if he and Dr. Graham ever met in person outside of school, Isaac stated, "No, that was in the middle of COVID, so there were no in-person meetings at all." When asked by the Hearing Officer whether Dr. Graham communicated with him via social media, Isaac stated, "I don't think so. Not that I can remember." When asked by the Hearing Officer if he had ever received a gift from Dr. Graham, Isaac stated, "Not that I can remember. If he did, it wasn't anything that stands out to me."

2025 Title IX/VAWA Investigator Training

Handout 9

Excerpts from Adjudicator Outline

Review Policy definitions in handout #4

For each element, indicate whether there is sufficient evidence (“SE”) or insufficient evidence (“IE”) to determine that it is more likely than not that the element is met. If a question is not applicable, indicate so (“N/A”)

Chloe’s Allegation of Title IX Sexual Harassment—Hostile Environment Harassment and Non-Title IX Sexual Harassment—Hostile Environment Harassment

Chloe alleged that Dr. Graham engaged in unwelcome conduct on the basis of sex in the form of

- sending Chloe a message about coming around more often to his house in early February;
- frequently asking Chloe about her weekend plans in early February;
- suggesting to Chloe that they go to a new restaurant/bar together in early February;
- making comments about Chloe not having a Valentine’s date and about his wife on February 14, 2025;
- sending Chloe a message on February 15, 2025, making a “hot girl walk” comment and offering to join her on her walk;
- inviting Chloe to get coffee on February 24, 2025;
- telling Chloe that he was separating from his wife while they were getting coffee on February 25, 2025;
- putting his hand on Chloe’s hand and saying it means a lot that he can be real with her;
- commenting on Chloe’s hair and clothes;
- responding to Chloe’s post on Snapchat, stating “looks like you’re having a good time on spring break” and something about it looking hot there, and including a picture of his dog with the statement “miss you”;
- making comments about
 - Chloe looking tan,
 - moving out of his house with his wife, and
 - it being good to have her back on March 18;
- giving Chloe white chocolate Reese’s peanut butter cups on March 18;
- using Chloe as an example in a self-marketing demonstration on March 18;
- sending Chloe a Snapchat message on April 1 saying he cared about her, calling her his star TA, mentioning that she loved the beach with a bikini emoji, and saying she can owe him one with a winking face emoji;
- sending Chloe a Snapchat message on April 1 inviting her out to dinner with him;

- liking and commenting on Chloe’s Instagram post on April 11, 2025;
- inviting Chloe to attend an out-of-town conference with him;
- hugging Chloe and rubbing her back on April 25, 2025;
- giving Chloe a gift on April 25, 2025;
- giving Chloe a photo of himself with Duke with a note that said “Have a great time in Florida, we will be thinking about you.”;
- helping Chloe get an internship.
- What conduct occurred:
 - o Did Dr. Graham send Chloe a message about coming around more often to his house in early February?.....SE IE
 - o Did Dr. Graham frequently ask Chloe about her weekend plans in early February?.....SE IE
 - o Did Dr. Graham suggest to Chloe that they go to a new restaurant/bar together in early February?SE IE
 - o Did Dr. Graham make comments about Chloe not having a Valentine’s date and about his wife on February 14, 2025?SE IE
 - o Did Dr. Graham send Chloe a message on February 15, 2025, making a “hot girl walk” comment and offering to join her on her walk?.....SE IE
 - o Did Dr. Graham invite Chloe to get coffee on February 24, 2025?.....SE IE
 - o Did Dr. Graham tell Chloe that he was separating from his wife while they were getting coffee on February 25, 2025?.....SE IE
 - o Did Dr. Graham put his hand on Chloe’s hand and say it means a lot that he can be real with her?SE IE
 - o Did Dr. Graham comment on Chloe’s hair and clothes?SE IE
 - o Did Dr. Graham respond to Chloe’s post on Snapchat stating “looks like you’re having a good time on spring break” and something about it looking hot there, and including a picture of his dog with the statement “miss you”?.....SE IE
 - o Did Dr. Graham make comments about Chloe looking tan, about moving out of his house with his wife, and about it being good to have her back on March 18?SE IE
 - o Did Dr. Graham give Chloe white chocolate Reese’s peanut butter cups on March 18?.....SE IE
 - o Did Dr. Graham use Chloe as an example in a self-marketing demonstration on March 18?SE IE
 - o Did Dr. Graham send Chloe a Snapchat message on April 1 saying he cared about her, calling her his star TA, mentioning

- | | | | | |
|---|--|----|----|--|
| | that she loved the beach with a bikini emoji, and saying she can owe him one with a winking face emoji? | SE | IE | |
| o | Did Dr. Graham send Chloe a Snapchat message on April 1 inviting her out to dinner with him? | SE | IE | |
| o | Did Dr. Graham like and comment on Chloe's Instagram post on April 11, 2025?..... | SE | IE | |
| o | Did Dr. Graham invite Chloe to attend an out-of-town conference with him? | SE | IE | |
| o | Did Dr. Graham hug Chloe and rub her back on April 25, 2025?..... | SE | IE | |
| o | Did Dr. Graham give Chloe a gift on April 25, 2025? | SE | IE | |
| o | Did Dr. Graham give Chloe a photo of himself with Duke with a note that said "Have a great time in Florida, we will be thinking about you."? | SE | IE | |
| o | Did Dr. Graham help Chloe get an internship? | SE | IE | |
-
- Was the conduct you found to have occurred on the basis of sex?

o	Dr. Graham sending Chloe a message about coming around more often to his house in early February?.....	SE	IE	N/A
o	Dr. Graham frequently asking Chloe about her weekend plans in early February?.....	SE	IE	N/A
o	Dr. Graham suggesting to Chloe that they go to a new restaurant/bar together in early February?	SE	IE	N/A
o	Dr. Graham making comments about Chloe not having a Valentine's date and about his wife on February 14, 2025?	SE	IE	N/A
o	Dr. Graham sending Chloe a message on February 15, 2025, making a "hot girl walk" comment and offering to join her on her walk?	SE	IE	N/A
o	Dr. Graham inviting Chloe to get coffee on February 24, 2025?	SE	IE	N/A
o	Dr. Graham telling Chloe that he was separating from his wife while they were getting coffee on February 25, 2025?	SE	IE	N/A
o	Dr. Graham putting his hand on Chloe's hand and saying it means a lot that he can be real with her?.....	SE	IE	N/A
o	Dr. Graham commenting on Chloe's hair and clothes?	SE	IE	N/A
o	Dr. Graham responding to Chloe's post on Snapchat, stating "looks like you're having a good time on spring break" and something about it looking hot there, and including a picture of his dog with the statement "miss you"?.....	SE	IE	N/A

- o Dr. Graham making comments about Chloe looking tan, about moving out of his house with his wife, and about it being good to have her back on March 18?SE IE N/A
 - o Dr. Graham giving Chloe white chocolate Reese's peanut butter cups on March 18?SE IE N/A
 - o Dr. Graham using Chloe as an example in a self-marketing demonstration on March 18?SE IE N/A
 - o Dr. Graham sending Chloe a Snapchat message on April 1 saying he cared about her, calling her his star TA, mentioning that she loved the beach with a bikini emoji, and saying she can owe him one with a winking face emoji?SE IE N/A
 - o Dr. Graham sending Chloe a Snapchat message on April 1 inviting her out to dinner with him?SE IE N/A
 - o Dr. Graham liking and commenting on Chloe's Instagram post on April 11, 2025?SE IE N/A
 - o Dr. Graham inviting Chloe to attend an out-of-town conference with him?SE IE N/A
 - o Dr. Graham hugging Chloe and rubbing her back on April 25, 2025?SE IE N/A
 - o Dr. Graham giving Chloe a gift on April 25, 2025?SE IE N/A
 - o Dr. Graham giving Chloe a photo of himself with Duke with a note that said "Have a great time in Florida, we will be thinking about you."?SE IE N/A
 - o Dr. Graham helping Chloe get an internship?SE IE N/A
- For conduct that was on the basis of sex, was the conduct unwelcome?
 - o Dr. Graham sending Chloe a message about coming around more often to his house in early February?SE IE N/A
 - o Dr. Graham frequently asking Chloe about her weekend plans in early February?SE IE N/A
 - o Dr. Graham suggesting to Chloe that they go to a new restaurant/bar together in early February?SE IE N/A
 - o Dr. Graham making comments about Chloe not having a Valentine's date and about his wife on February 14, 2025?SE IE N/A
 - o Dr. Graham sending Chloe a message on February 15, 2025, making a "hot girl walk" comment and offering to join her on her walk?SE IE N/A

o Dr. Graham inviting Chloe to get coffee on February 24, 2025?	SE	IE	N/A
o Dr. Graham telling Chloe that he was separating from his wife while they were getting coffee on February 25, 2025?	SE	IE	N/A
o Dr. Graham putting his hand on Chloe's hand and saying it means a lot that he can be real with her?.....	SE	IE	N/A
o Dr. Graham commenting on Chloe's hair and clothes?	SE	IE	N/A
o Dr. Graham responding to Chloe's post on Snapchat, stating "looks like you're having a good time on spring break" and something about it looking hot there, and including a picture of his dog with the statement "miss you"?	SE	IE	N/A
o Dr. Graham making comments about Chloe looking tan, about moving out of his house with his wife, and about it being good to have her back on March 18?	SE	IE	N/A
o Dr. Graham giving Chloe white chocolate Reese's peanut butter cups on March 18?	SE	IE	N/A
o Dr. Graham using Chloe as an example in a self-marketing demonstration on March 18?	SE	IE	N/A
o Dr. Graham sending Chloe a Snapchat message on April 1 saying he cared about her, calling her his star TA, mentioning that she loved the beach with a bikini emoji, and saying she can owe him one with a winking face emoji?	SE	IE	N/A
o Dr. Graham sending Chloe a Snapchat message on April 1 inviting her out to dinner with him?	SE	IE	N/A
o Dr. Graham liking and commenting on Chloe's Instagram post on April 11, 2025?	SE	IE	N/A
o Dr. Graham inviting Chloe to attend an out-of-town conference with him?	SE	IE	N/A
o Dr. Graham hugging Chloe and rubbing her back on April 25, 2025?	SE	IE	N/A
o Dr. Graham giving Chloe a gift on April 25, 2025?	SE	IE	N/A
o Dr. Graham giving Chloe a photo of himself with Duke with a note that said "Have a great time in Florida, we will be thinking about you."?	SE	IE	N/A
o Dr. Graham helping Chloe get an internship?	SE	IE	N/A

- For conduct that you find to be on the basis of sex and unwelcome, was the conduct so severe, pervasive, and objectively offensive that it effectively denied Chloe equal access to the University's education program or activitySE IE N/A
- o In making this determination, consider the collective impact of the conduct that you found to be on the basis of sex and unwelcome.

If you find *insufficient evidence* that the conduct was so severe, pervasive, and objectively offensive that it effectively denied Chloe equal access to the University's education program or activity:

- For conduct that you find to be on the basis of sex and unwelcome, would a reasonable person determine the conduct to be so severe or pervasive that it substantially and unreasonably interfered with Chloe's employment or education, or created an intimidating, hostile, or offensive employment or educational environment?SE IE N/A

Do you find Dr. Graham responsible for Title IX Sexual Harassment? Yes No

Do you find Dr. Graham responsible for Non-Title IX Sexual Harassment? Yes No

Rationale for finding:

Sanctions for Dr. Graham (if applicable):

Rationale for sanctions: