Considerations in Drafting

Institutional Policy
- Preliminary vs. final
- Process for feedback
- Mandated sections

Who views
- Decision makers
- Complainant and respondent
- Advisors
- Title IX
- General Counsel
- Human Resources/Dean of Students

How shared
- Electronic format
- Hand copy
Sexual Assault

What offenses are charged?

Rape vs. Fondling

Rape vs. Statutory Rape

Counterclaims

Goal 1

Compilation of Evidence

“Directly related” (Title IX)
Goal 3
Documentation of the Process

Who investigated and where?
What did they do and when?
Why did they do it?

The Investigative Report

Case Identifiers (Cover Page)
Agreements & Policy Guides
Investigative Steps (Methodology)
Summary of Relevant Evidence
Interviews etc. (Evidence Observed)
Other possible sections

Timeline of Incident  Diagrams  Timeline of Notice

Elements of a Sexual Assault

Sex Act  Without Consent
Elements – Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Sex Act**
- Penetration

**Without Consent**
- Did not or
- Could not and
- Knowledge

Elements – Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim.

**Sex Act**
- Intentional Touching
- Private Body Parts

**Without Consent**
- Did not or
- Could not and
- Knowledge

Alcohol and Incapacitation

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount</th>
<th>Timeframe</th>
<th>Person</th>
<th>Other Influencers</th>
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</thead>
</table>

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Two-sides of the Investigation

Was the Complainant Incapacitated?

Did the Respondent know (or should have known)?

Other evidence

Background Information

Other consent issues: Incapacitation

Credibility

Jurisdiction (location, relationship to school, timing)