

2026 Title IX Summer Summit

Effective Investigations + Reports

Jodie Crosby Ferise, JD, EdD

Presented by **Church, Church, Hittle + Antrim**
Indianapolis, Indiana | June 2026



Session Roadmap

Conducting an investigation

Role of a Decision Maker

Role of the Investigator

Report Writing

Outcome Letters



Stages of a Title IX Case

I. REPORT

II. INITIAL INTAKE

III. SIGNED FORMAL COMPLAINT

IV. INVESTIGATION

Role of an Investigator

- Conduct prompt, thorough, fair, equitable, and impartial investigation
- Make thorough search for relevant facts + evidence sufficient for adjudicators to reach a determination
- Effectively organize documents + develop comprehensive investigation file
- Prepare preliminary evidence report and final investigation report
- Provide testimony at hearing related to investigation

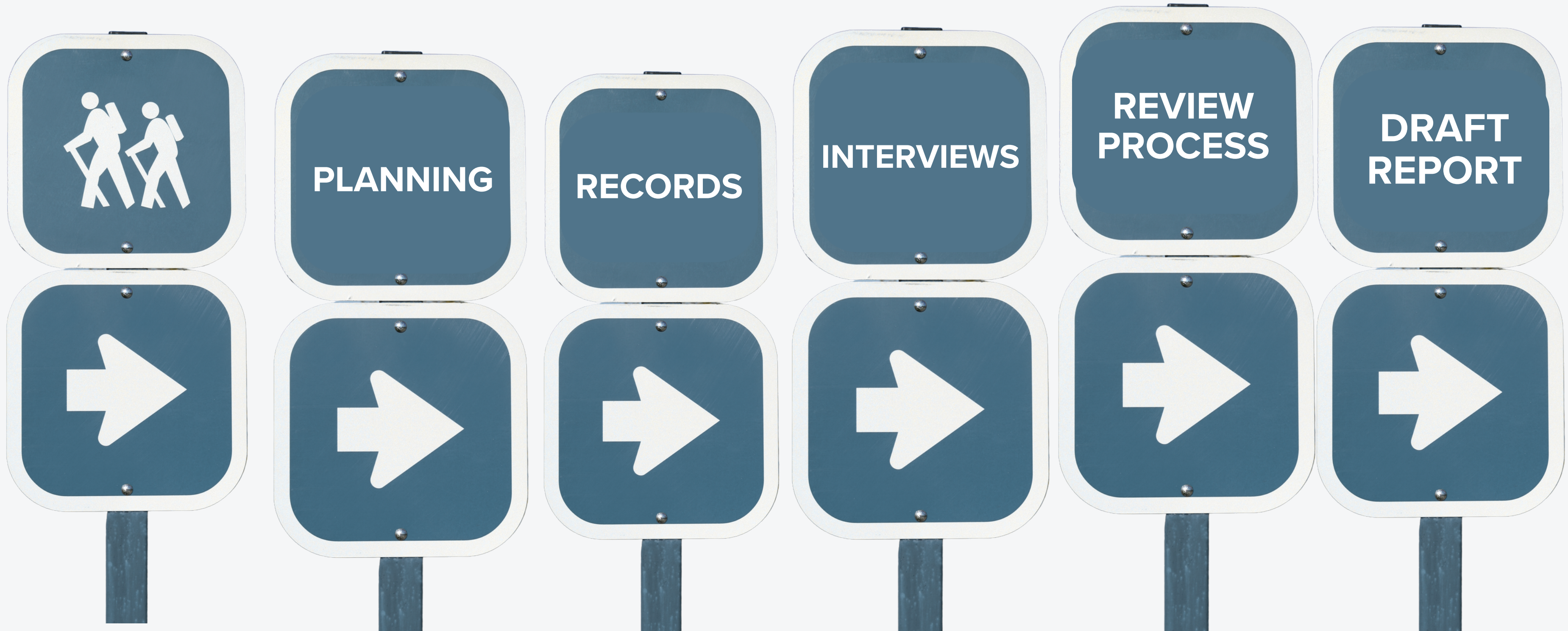


Investigate to find relevant facts, not make outcome determination.

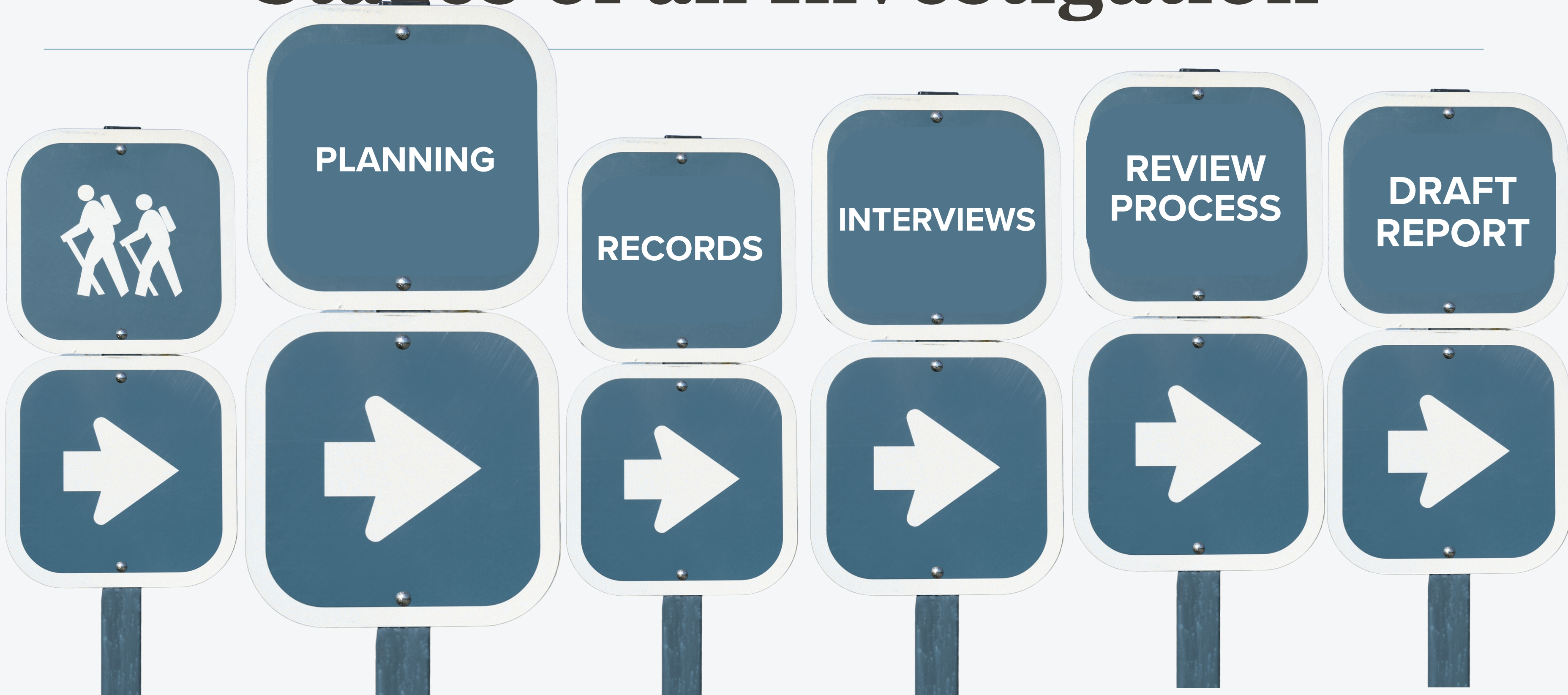
Qualifications of an Investigator

- Internal or external to institution
- Appropriately and regularly trained
- Not adjudicator
- Respectful of privacy
- Of appropriate temperament
- Able to engender trust
- Capable of balancing sensitivity and directness
- Free from bias and conflict of interest

Stages of an Investigation



Stages of an Investigation



Planning an Investigation

- **Review Notice of Allegations and other information provided by Title IX Coordinator**
- **Review applicable policies**
- **Understand the elements of the alleged policy violation, and definitions such as consent if at issue**
- **Create communication log and evidence log**
- **Create an investigation plan**



Investigation Plan:

Allegations + Potential Policies Implicated

BACKGROUND

- Allegations: Jane Doe alleges that women's basketball Head Coach Bob Smith abusively yelled at and pushed her during practice on 9/15/22 in a retaliatory manner.
- Potential Policies Implicated:
 - Student-athlete handbook
 - University Athletics and Governance Policy
 - Women's basketball team rules
 - HR Employee Handbook
 - Harassment in the Workplace Policy

Investigation Plan:

Initial Investigation Timeline

- Initial investigation timeline:
 - 9/15/22 Alleged incident occurred at approximately 9am. At approximately 6:44pm, Doe filed a report with the University Police Department.
 - 10/1/22 University Police Department referred the matter to the Campus Safety Office. Officer Jennings met with Doe, took her statement, and the Case Report was sent to University's vice president of human resources. VPHR spoke with Athletics Director Coach Smith. Coach Smith was assigned remote work for the department pending the outcome of the investigation.
 - 10/3/22 Coach Smith provided a written statement via email to VPHR.
 - 10/4/22 The University Retained outside counsel to conduct investigation.

Investigation Plan:

Involved Individuals

- Involved Individuals:
 - Jane Doe
 - Jane Doe's parents
 - Campus Safety Office
 - University Police Department
 - VPHR
 - Athletics Director
 - Coach Bob Smith
 - Other practice attendees
 - Student-athletes
 - Coaches
 - Athletic Trainer

Investigation Plan:

Records

- **Text messages and E-mails**
- **Social Media**
- **Video Recordings/Surveillance footage**
- **Medical Records**
- **Police Reports**
- **Photographs**



Investigation Plan:

Interviews

INTERVIEWS

- Initial Interviewees:

○ Sarah Johnson (former student-athlete)	Declined to interview
○ Jane Doe	Tuesday 10/15 1pm
○ Sally Roe	Wednesday 10/16 1230pm
○ Kara Samuel	Thursday 10/17 130pm
○ Audrey Jones	Wednesday 11/16 12pm
○ Associate Head Coach	Thursday 11/17 2pm
○ Assistant Coach	Thursday 11/17 2pm
○ Athletic Trainer	Sunday 11/20 730pm
○ Athletic Director	Monday 11/21 9am
○ Coach Bob Smith	Monday 11/21 11am
- Additional Interviews:

○ Mya Sullivan (based on Doe's interview)	Thursday 11/17 10am
○ Carly Scott (Suggested by Doe)	Wednesday 11/23 10am
○ Erin Lewish (suggested by Samuel)	No Response
○ Doe's parents	Friday 12/2/22

Investigation Log

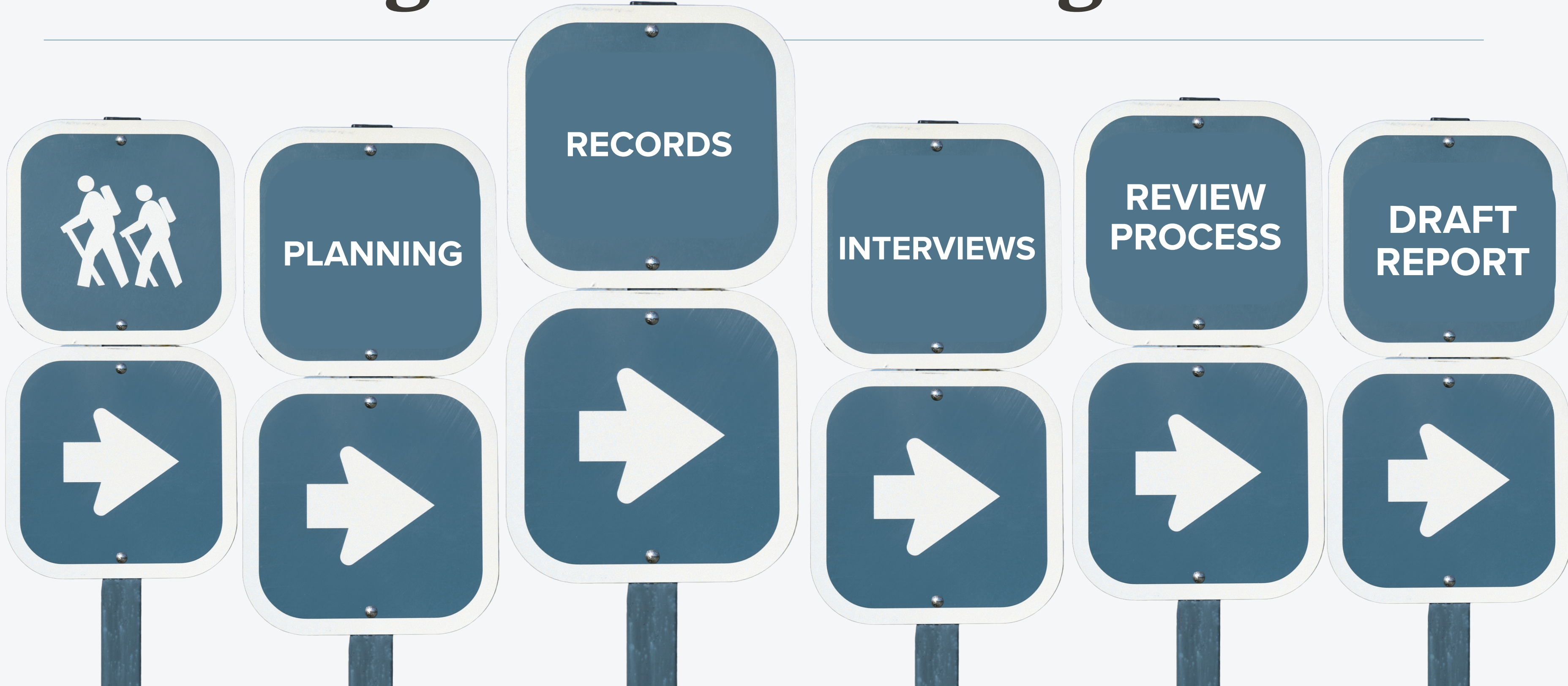
- **Table or Maxient Entries**
- **What to Record**
 - **Attempts to contact witnesses**
 - **Responses and non-responses**
- **When?**



Investigation Log

<u>Date</u>	<u>Record</u>	<u>Comments</u>
		<u>[INSERT TEXT EXCHANGES HERE]</u>
3/13/2025		Incident
3/14/2025	Article 1	Jane Schumacher report on report from H. Smith re: Complainant allegation of assault by Respondent
3/14/2025	Article 2	Smith report on response to Complainant call that she was sexually assaulted and was with police; personally observed purple lip, small mark on Complainant's neck
3/14/2025	Article 8	Smith email to F. Harris with contact information
3/14/2025	Article 63	Collegetown Police Department Incident Report, Sgt. Cop McGee
3/15/2025	Article 3	Jill Michaels report on Complainant report
3/15/2025	Article 4	Brianna Arthur email to Coordinator McTitlenine reporting on Complainant report for missing class Friday
3/15/2025	Article 5	Notice of Title IX Incident Report Receipt and Rights from McTitlenine to Complainant
3/16/2025	Article 7	Patrick Mooney email to McTitlenine reporting on Complainant reporting assault to her for potentially missing class

Stages of an Investigation



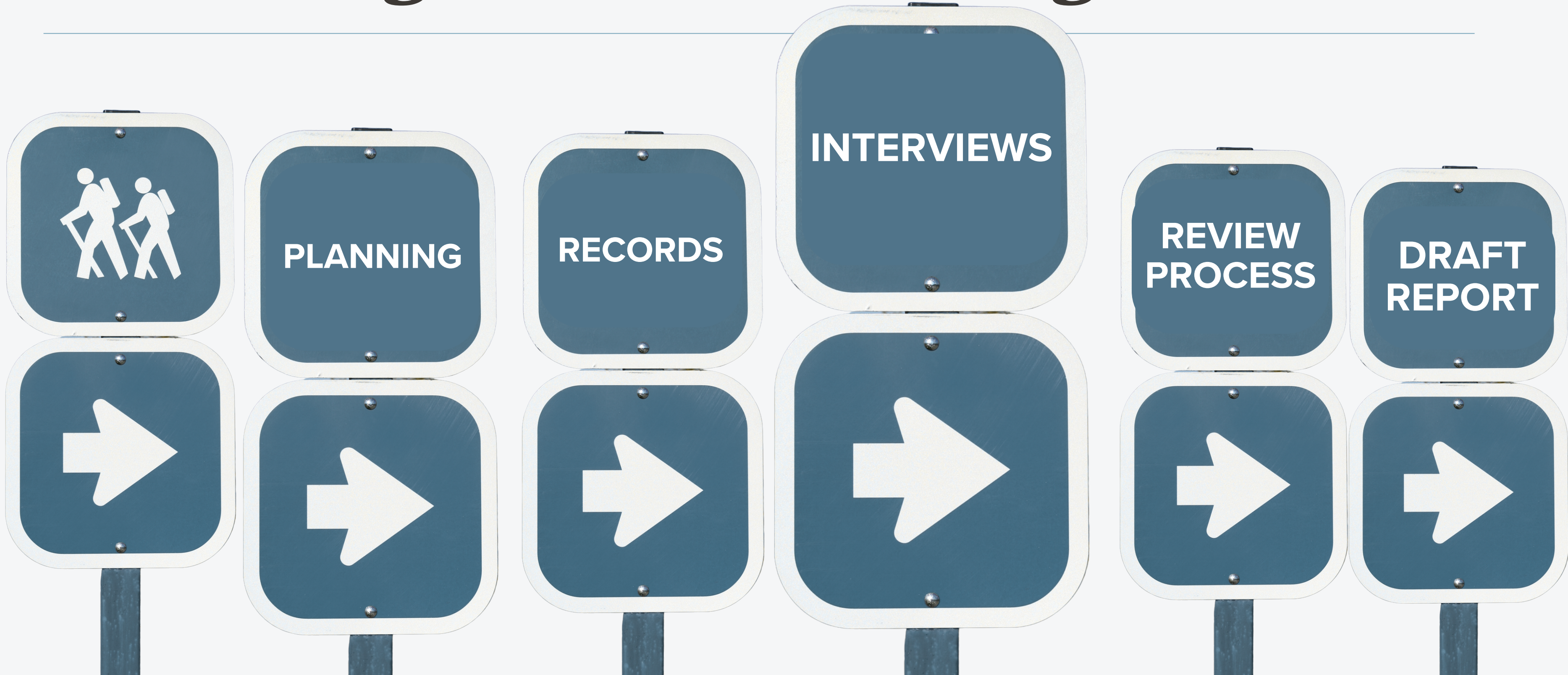
Records

What records do I need? Who is the custodian?

- **Attempt to receive actual record from the person who created it**
- **Consider contacting IT**
- **Timing is important**



Stages of an Investigation



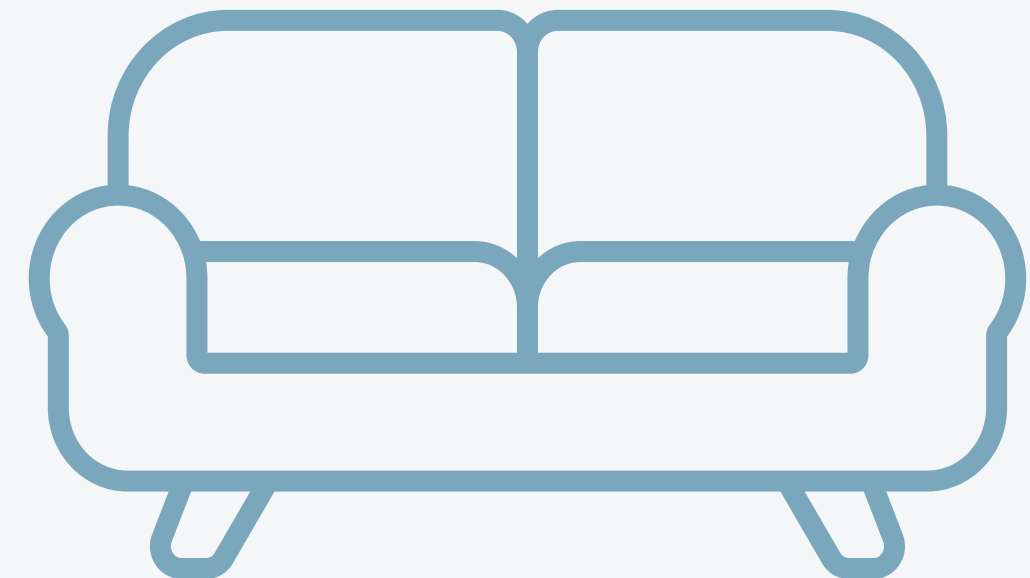
Scheduling Interviews + Advisor Participation

- Request interviews – usually via email – provide sufficient notice for party to prepare, include dates and times
- Once confirmed, send email with date, time, location, and what they should bring to interview
- Since advisors may accompany parties, confirm advisor participation + inform of advisor's role (supportive, cannot answer for party, non-disruptive, potted plant)
- Consider procedure meeting with advisor prior to interview to discuss policy + expectations

Before the Interview

Set up or locate an appropriate space.

- **Ensure a neutral, quiet, private setting**
- **Warm, inviting, calm**
- **Soft seating, blankets, pillows, rug, indirect lighting**
- **Tissues, water, fidget devices**
- **Noise cancellation**



Preparing for the Interview:

Notes

- **Who will interview?**
- **How will notes be taken?**
- **Will there be a recording?**



Preparing for the Interview:

Interview Outline

- **What information might this person have related to the elements of the allegations?**
- **Who has mentioned this person in their interview?**
- **What information could this person corroborate with a firsthand account?**

Preparing for the Interview:

Opening Script

Examples of items to include in the opening script:

- Introductions and explanation of investigator's role
- Indicate date, time, place
- Have everyone in attendance introduce themselves
- Acknowledgment of recording, if applicable
- If virtual, confirm private location
- Relevant policy/amnesty policy/no retaliation
- Acknowledge potential difficulty of interview
- Invite questions regarding interview or process

Preparing for the Interview:

Closing Script

Examples of items to include in the closing script:

- List of evidence they've said they would provide; ask if any additional exists
- Witnesses they want you to interview + any others who might have information
- “Were there any questions you thought I would ask, but didn’t?”
- “Is there anything else you think I should know about what happened?”
- Reminder to reach out if they think of additional information later
- Ask if they have questions for you
- Explain next steps and thank them for participating

Starting the Interview

- **Goals:** learn the facts, gather evidence, establish a timeline, understand each party's perception of what happened
- **Understand this is an interview/relaxed conversation, not an interrogation**
- **Remember:**
 - **No obligation to participate**
 - **Discomfort and emotions may be extreme**

Starting the Interview

- **Introduce yourself; thank them for meeting with you**
- **Explain the purpose of the meeting:**
- **Explain their rights**
- **Share available resources**
- **Provide options for proceeding**
- **Ask permission to record**
- **Explain terms you will use, e.g. Complainant, Respondent, and policy violation**
- **Set expectations for privacy vs. confidentiality**



Building Rapport

- **Acknowledge how awkward, uncomfortable, and even painful this meeting may feel.**
- **Ask some easy, unrelated, introductory questions to allow them to begin to speak on topics that do not feel threatening (e.g., hometown, major, etc.).**
- **Remain neutral.**



Conducting Effective Interviews

- **Active listening skills - pay attention - not distracted / make eye contact / nodding / body language / not thinking of question while listening**
- **Mirror language used by the person you are interviewing, but find out what it means.**

Example: You mentioned you and x “fooled around”, what does it mean to “fool around”?

Once you know what is meant, then you can use it.

Conducting Effective Interviews

- **Clarify ambiguous language such as “had a few drinks,” “drunk,” “was acting strange,” “sex”**
- **Use medical/anatomical terms for clarification**
- **Let them tell their account of what happened first, without interrupting, then follow up with open ended questions, paraphrasing, and funneling**
- **Acknowledge hesitation or awkwardness as normal**
- **Ask to send evidence such as text messages during the interview; follow up with email**

Interview Questions

What do you remember about that date?

**Do you remember if you
were with anyone?**

Were you with Janice?

Interview Questions

**I heard you say ____.
Did I understand
that correctly?**

**Tell me about
____.**

**Help me understand
what you meant
when you said ____.**

**What else can
you tell me
about that?**





**What if a party or
witness provides
false information
during the
investigation?**

Conducting Effective Interviews

Do not:



- Ask compound, multiple choice, or leading questions
- Ask irrelevant questions out of curiosity
- Ask accusatory questions – “victim blaming” – “Why did you stay after? Why did not report the incident sooner? Why were you wearing that?”
- Say “I am sorry this happened to you. That’s too bad.” Instead, I understand this is difficult for you to talk about.
- Treat parties differently – use same techniques for both parties

Trauma-Informed Interviews

How does trauma affect interviews?

- Lack of accurate, detailed memory
- Inability to recall in linear or chronological memory; jumping around in retelling
- Inconsistencies across multiple accounts of incident(s)

How should this affect your view of Complainant or the validity of their complaint?

- Responses to trauma vary widely.
- Signs of trauma do not prove misconduct occurred.
- Lack of trauma does not indicate misconduct did not occur.

Trauma-Informed Interviews

Ask:

“What are you able to tell me?”

Relieves some pressure.

Ask sensory questions:

“What did you see, hear, smell...”

Explain reasoning behind difficult questions.

Addressing Inconsistencies

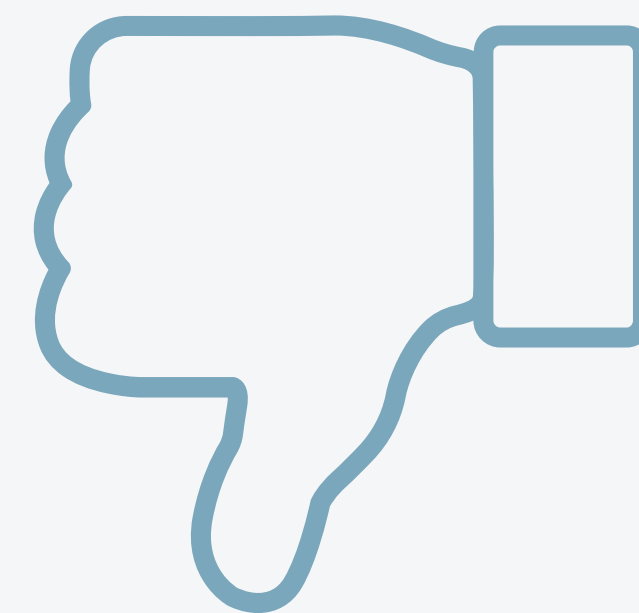
- **Don't be accusatory; remain neutral.**
- **Be explicit and direct; cite source of inconsistency.**
- **“You said X but you previously said Y. Can you help me understand? Those seem like different responses.**





RATE
THAT
QUESTION!!

**What do you
remember about
October 16, 2024?**



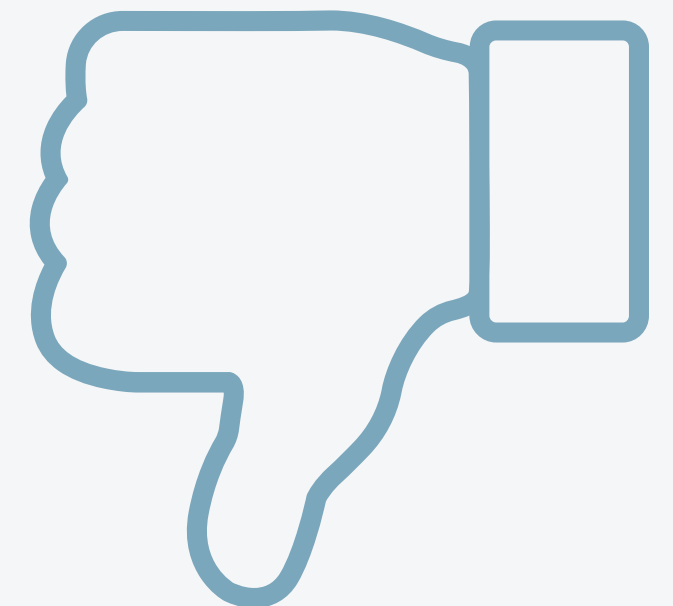
**What do you
remember about the
night of the incident?**



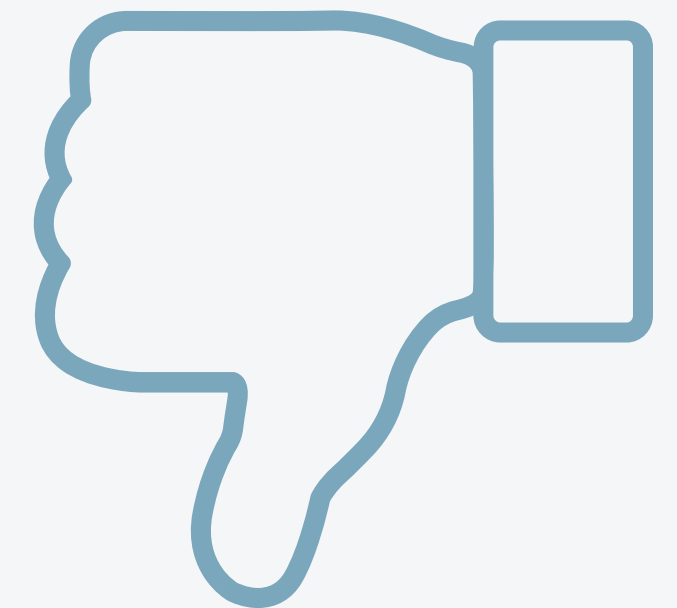
Where would you like to start?



Why did you do that?



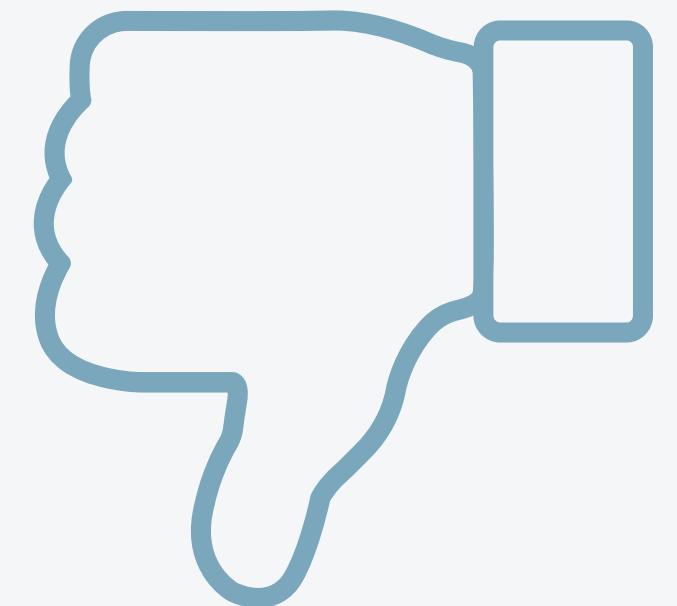
**What you said is
different from what
another person said.
Are you telling the
truth, or are they?**



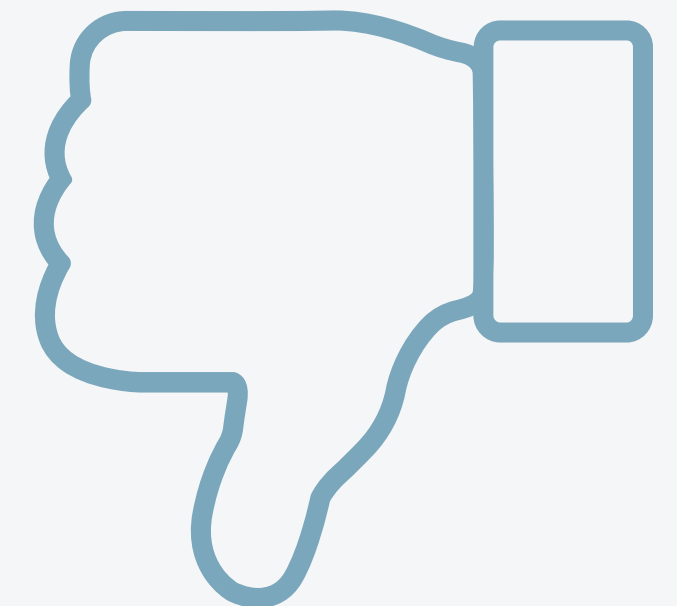
What were you wearing?



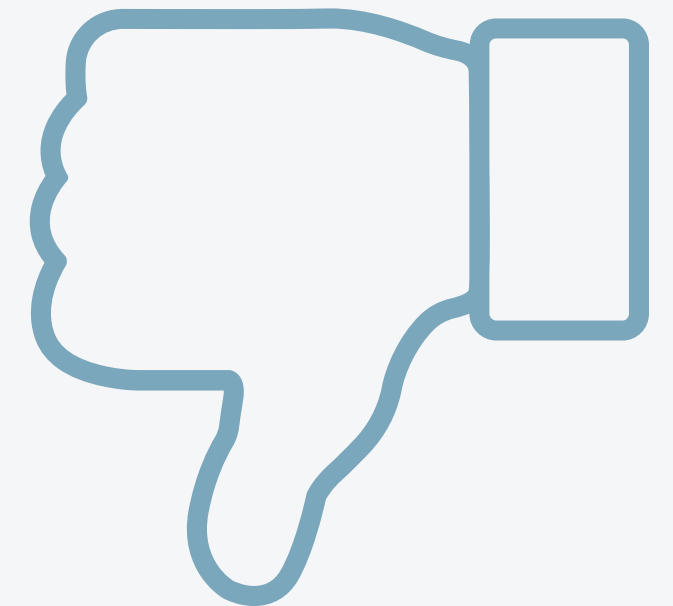
Did you touch his penis?



**Is this something you
typically do with sexual
partners?**



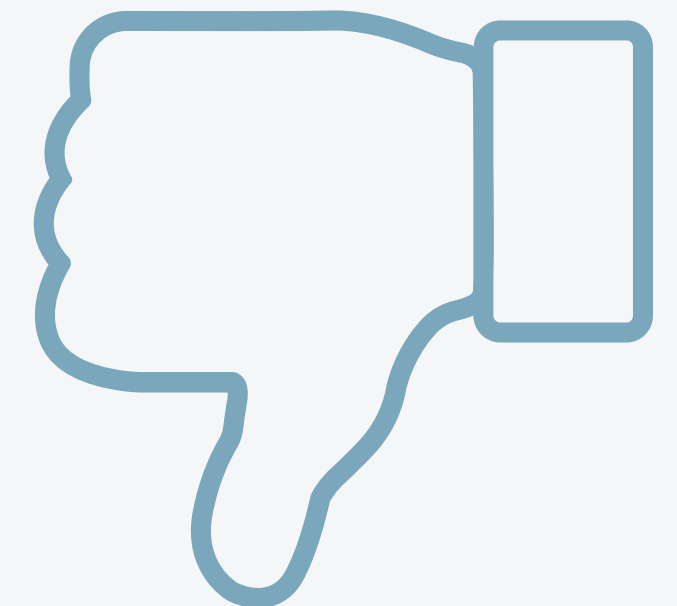
Did you climax?



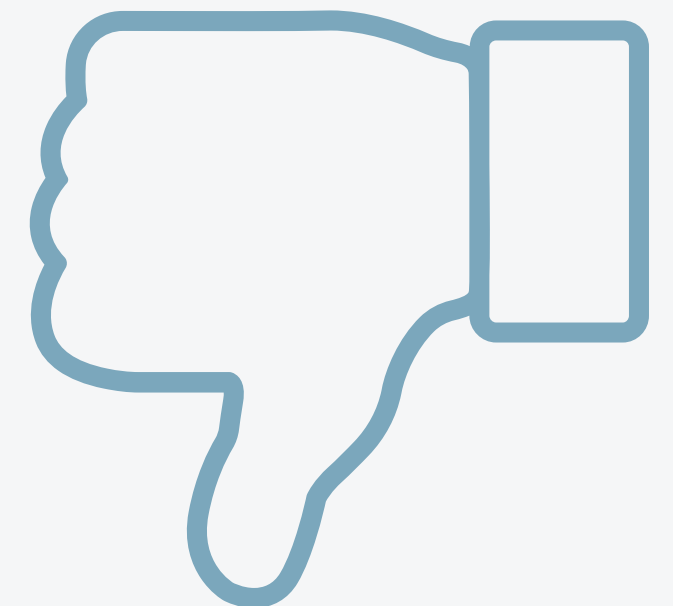
Did Respondent climax?



**Did you tell anyone
what happened?**



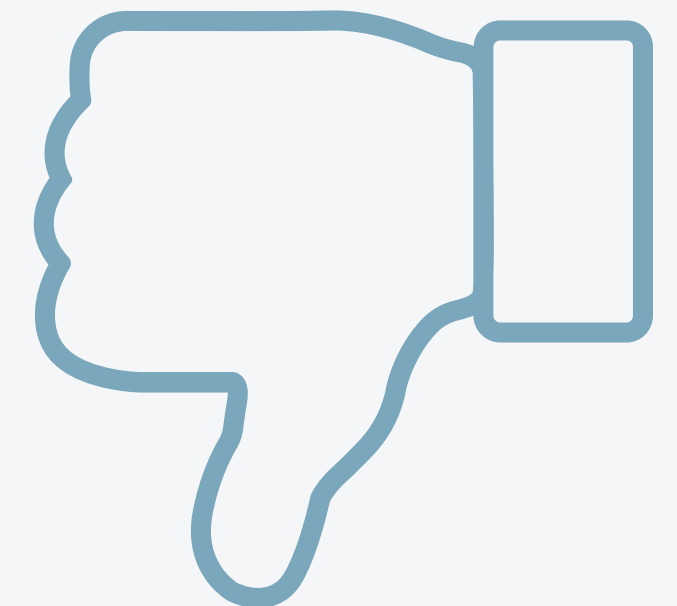
**Why did you wait four
months to report this?**



**What would you like me
to understand about this
situation?**



I'm so sorry this
happened to you.





**What if the advisor
answers questions?**

After the interview



- **Finalize interview notes**
- ***Update investigation plan***
- **Follow up with document requests**
- **Refer to policy for appropriate next step**

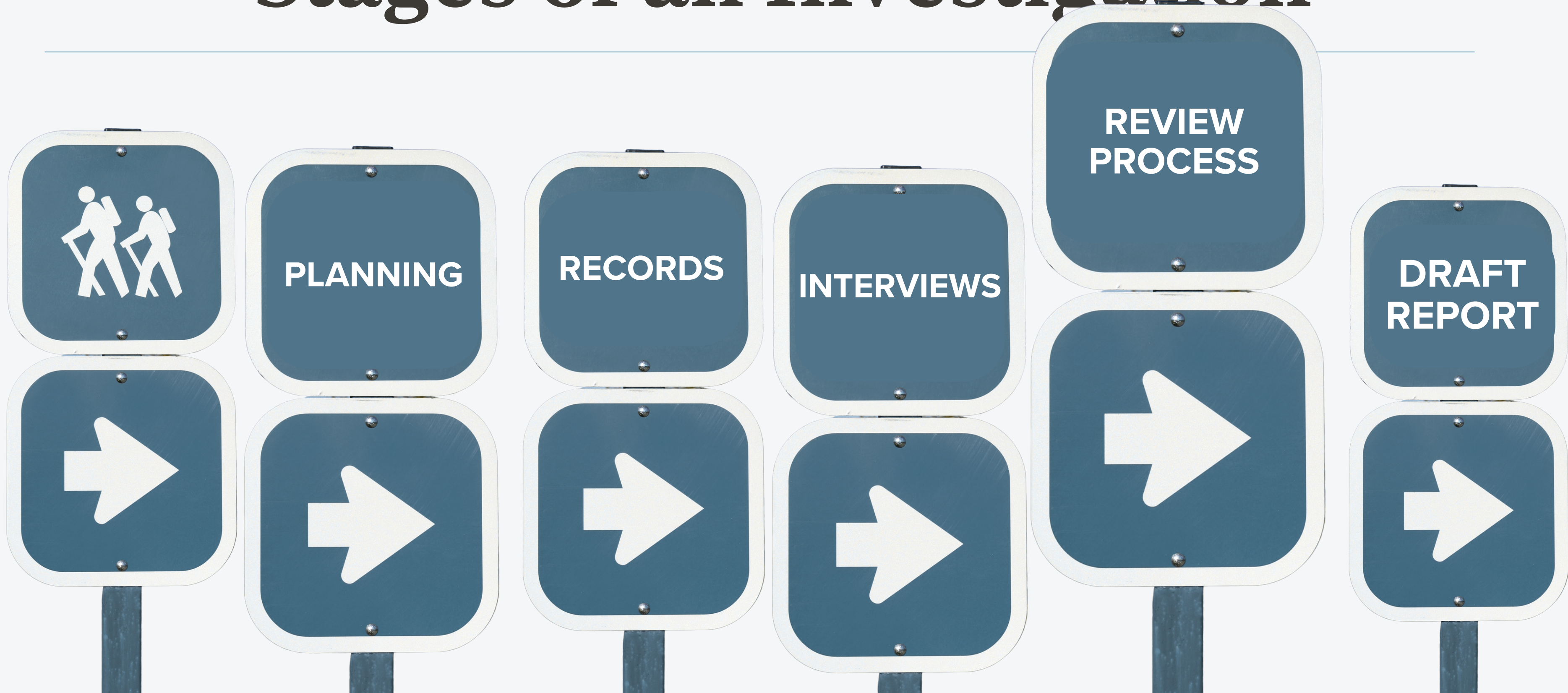


**What do I do if a
witness later asks
for an update on the
matter?**

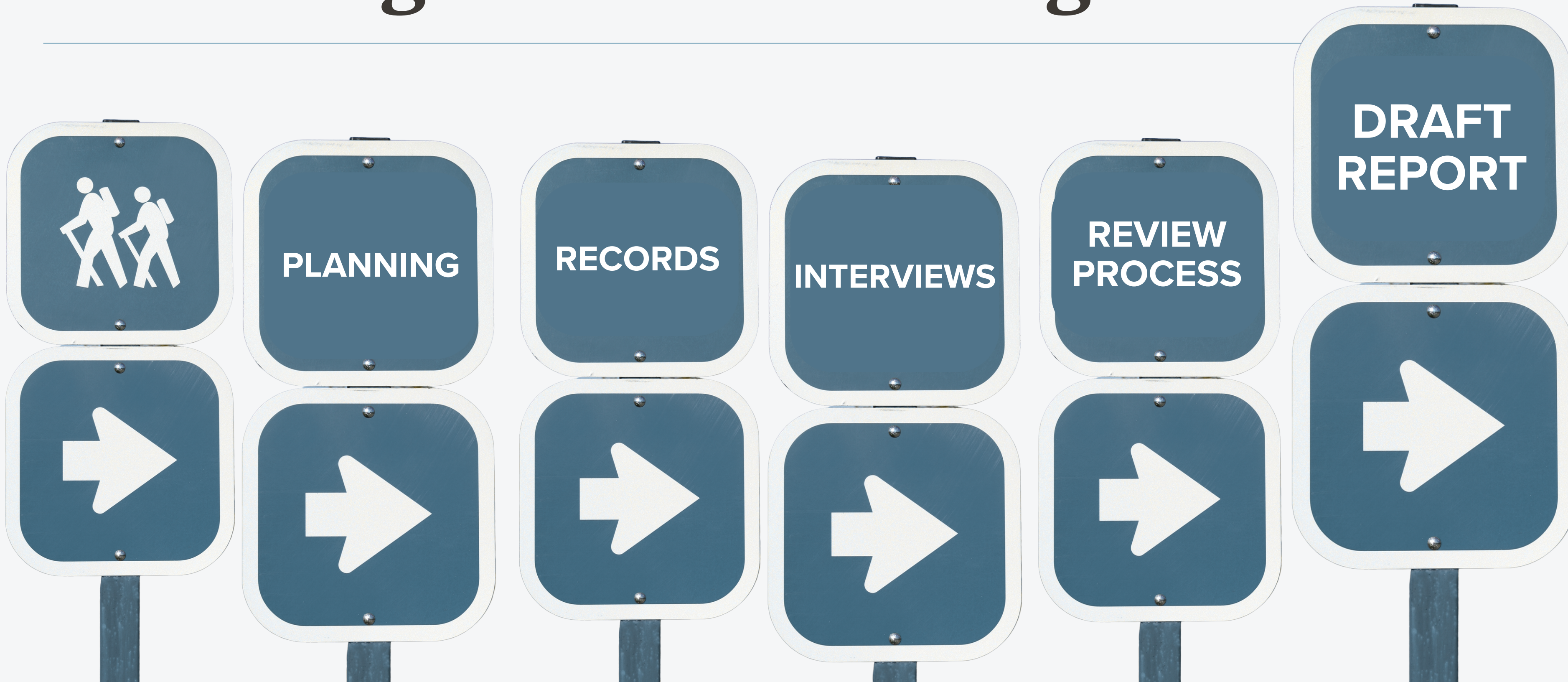
Concluding the Investigation

- **Is there more relevant information needed to make a determination regarding any of the allegations?**
- **Is there sufficient information to make credibility determinations?**
- **Did I interview everyone suggested by the parties?**
- **Have the parties had the opportunity to respond to all records and allegations?**

Stages of an Investigation



Stages of an Investigation



Drafting the Investigation Report

- **The investigator may redact information that is not directly related to the allegation or that is privileged.**
- **Do not make findings or recommendations; that is the role of the adjudicators.**



Drafting the Investigation Report

Table of Contents

I. Introduction.....	3
II. Investigation Summary.....	3
III. College's Discrimination and Harassment Policy and Procedures.....	3
IV. Allegation and Factual Summary.....	3
V. Interview Summaries.....	4
a. [Complainant name] – Complainant	4
b. [Respondent name] - Respondent.....	4
c. Witnesses.....	4
1. [Witness name].....	4
2. [Witness name] <i>[repeat for each witness]</i>	4
VI. Summary of Relevant Records.....	4
a. [Record title]	4
b. [Record title]	4
VII. Material Disputed and Undisputed Facts.....	4
a. Undisputed Facts.....	5
b. Disputed Facts	5
VIII. Analysis.....	5
IX. Conclusion.....	5

Investigation Report

I. Introduction

On [Date of Formal Complaint], College (“College” or “University”) received a Formal Complaint alleging that on or around [Date(s) of Incident], [Respondent affiliation to College] [Respondent name] (“Respondent”) [short allegation (e.g., ‘sexually harassed’)] [Complainant affiliation to College] [Complainant Name] (“Complainant”) (Exhibit 2). Specifically, it is alleged that Respondent [Allegations from the Formal Complaint]. This alleged conduct could constitute a violation of the College’s *Interim Discrimination and Harassment Policy and Procedures* (the “Policy”).

The parties were notified of the investigation and Formal Complaint on [Date of notification of investigation] via Notices of Investigation and Allegations (“NOIA”) (Exhibit 3).

At all times relevant to this complaint, Complainant was [Complainant affiliation to College] and Respondent was [Respondent affiliation to College] at College. Complainant alleges that the conduct relevant to this complaint occurred [Relevant jurisdictional information such as location]. Therefore, these allegations are subject to the Policy.

Investigation Report

II. Investigation Summary

College appointed [Investigator title] [Investigator name] as investigator pursuant to Section X of the Policy. The investigator conducted the investigation pursuant to the Policy. A full procedural investigation timeline is available at Appendix A.

The investigator interviewed the individuals listed in Appendix D. The investigator reviewed the records listed in Appendices B and C. [Include any additional investigation steps]

The investigator interviewed the following individuals:

Complainant	[Date]
[Witness]	[Date]
[Witness]	[Date]
[Witness]	[Date]
Respondent	[Date]

The investigator reviewed the following records:

[Record name]	[Exhibit Number]
[Record name]	[Exhibit Number]
[Record name]	[Exhibit Number]
[Record name]	[Exhibit Number]
[Record name]	[Exhibit Number]

Investigation Report

III. College's Discrimination and Harassment Policy and Procedures

The conduct described in the Formal Complaint could constitute a violation of the College's *Discrimination and Harassment Policy and Procedures*, the relevant sections of which state as follows:

[Policy language of any section (including definitions) which may have been violated by Respondent's alleged actions, including section headings and any relevant text (can copy from NOIA)]

Investigation Report

IV. Allegation and Factual Summary

[Brief overview of the allegations and facts of the case]

Investigation Report

V. Interview Summaries

a. [Complainant name] – Complainant

[Detail all the relevant portions of Complainant's interview(s). If Complainant has given multiple interviews, consider putting them under separate subheadings to make it clear what information was provided at each. It is helpful to include relevant quotes and blocks of testimony. Consider indicating what, if any, evidence Complainant provided during their interview, such as text messages, photographs, etc. and the exhibit numbers where each can be found. Even if a table is being used to catalog exhibits, consider indicating here if evidence was provided during or after the interview. Include names of any witnesses identified by Complainant.]

b. [Respondent name] - Respondent

[As with Complainant, summarize all relevant portions of Respondent's interview(s) here, setting out quoted material wherever relevant. Make note of any evidence they provided either during or after interview(s). Include any witnesses Respondent identified.]

c. Witnesses

1. [Witness name]

[Summary of interview. Not all of this may be directly relevant; you may include context as you summarize the interviews.]

2. [Witness name] [repeat for each witness]

[Summary of interview]

Investigation Report

VI. Summary of Relevant Records

The investigator also reviewed the following records relevant to the allegations:

a. [Record title]

[Summary of record]

b. [Record title]

[Summary of record] *[repeat for each record]*

Investigation Report

VII. Material Disputed and Undisputed Facts

The following is a summary of material disputed and undisputed facts relevant to the allegations in this case.

a. Undisputed Facts

It is undisputed that [List of undisputed facts. *List with bullet points any facts on which everyone agrees. Footnote or indicate in the text any portion of the record that demonstrates the agreement on this fact. This need not be complicated. For example, you might have a footnote that says, “Exhibit 10, page 3; Exhibit 12, page 9,” to show where in each party’s transcript they agreed to a given fact.*]

b. Disputed Facts

The material facts that remain in dispute include:

[List of disputed facts. Bullet point the facts still in dispute or give them their own heading if that amount of explanation is required.]

Investigation Report

VIII. Analysis

[Analyze the disputed facts. Include anything in the investigation that you believe should be brought to the attention of the decision panel. Highlight inconsistencies, items that might lend themselves to credibility determinations, or particularly important evidence.]

Investigation Report

IX. Conclusion

This report is intended to provide a thorough summary of the relevant evidence related to the allegations in the Formal Complaint. It is not intended to draw any conclusions regarding the accuracy of the allegations or the credibility of the parties or witnesses. The investigators submit this report for the consideration of the decision-makers.

[Investigator name]

[Date]

Investigation Report

IX. Conclusion

This report is intended to provide a thorough summary of the relevant evidence related to the allegations in the Formal Complaint. It is not intended to draw any conclusions regarding the accuracy of the allegations or the credibility of the parties or witnesses. The investigators submit this report for the consideration of the decision-makers.

[Investigator name]

[Date]

Distribution of Report

- **Once the draft report is completed, it must be shared with the parties and their advisors.**
- **They will have at least 10 days to review the draft report and provide a written response.**

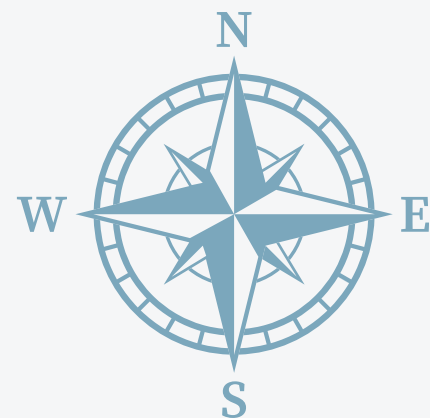
Updating, Finalizing + Submitting

- Investigator reviews comments from parties and decides if changes to the report, a response, and/or additional investigation is required
- Investigator updates report with any changes and/or additional evidence and finalizes the report - include responses to any comments from parties if applicable
- Final report is provided to parties for their review at least 10 days before the scheduled hearing

Role of the Decision Maker

The decision maker applies the standard of evidence to the relevant facts to make determinations regarding the allegations.

- Rely on undisputed facts
- Make credibility determinations for disputed facts



Cannot be the Title IX Coordinator

Role of the Decision Maker

Assessing Credibility

- **Plausibility**
- **Internal contradictions**
- **Motive**
- **Patterns of behavior**
- **Corroborating information**

What to Include in a Determination Report

- 1. Identification of the parties and jurisdictional elements**
- 2. Identification of the allegations potentially constituting policy violation**
- 3. Precise policy language defining elements of alleged violations**
- 4. Description of procedural steps taken including all witnesses interviewed**
- 5. Findings of fact supporting the determination**
- 6. *Conclusions regarding the application of the policy to the facts***
- 7. *Determination for each allegation and the rationale for the finding;***
- 8. *Any disciplinary sanctions imposed including aggravating + mitigating circumstances warranting the sanctions imposed;***
- 9. *Procedures and permissible grounds for either party to appeal.***

What to Include in a Determination Report

Identification of Parties and Jurisdictional Elements

TITLE IX FINAL DETERMINATION REPORT

Complainant, Kaylee Helms | Respondent, Blake Crawford
College University | Hearing Date: July 17, 2025
Jodie L. Ferise, EdD, JD, Decision Maker

Nature of Complaints and Parties

On March 27, 2025, College University (College) Title IX Coordinator, Tina Titlenine, received a formal complaint, in person, from Complainant Kaylee Helms. In it, Complainant alleged that Respondent, Blake Crawford, had committed acts of dating violence, sexual assault, stalking, and sexual exploitation against her in violation of College's Sexual Harassment Policy (the Policy).

On March 30, 2025, Coordinator Titlenine received a formal complaint, in person, from Respondent Blake Crawford. In it, Respondent alleged that Complainant, Kaylee Helms, had committed acts of dating violence and sexual assault against him in violation of the Policy.

Complainant is a student who is currently enrolled at College, and who has been continuously enrolled at College since August 2024. In the academic year 2024-2025, Complainant was a resident of Old Hall, a campus residence hall.

What to Include in a Determination Report

Details of alleged policy-violating conduct

Allegations

Complainant alleges that Respondent has engaged in a course of conduct that constitutes sexual assault (rape), dating violence, stalking, and sexual exploitation under the Policy. Specifically, her complaint states that:

On multiple occasions between September 2024 and March 25, 2025, while in a dating relationship with Complainant, Respondent engaged in acts of violence against Complainant including pulling her hair, restraining her against her will by forcefully holding her arms tightly enough to cause bruising, hitting her, sexually assaulting her, threatening her, coercing and intimidating her, and placing her in physical and emotional fear.

On or about March 22, 2025, committed a sexual assault against Complainant by engaging in vaginal intercourse with her without her consent.

In September or October 2024, Respondent grabbed Complainant by the arms, forcefully restraining her and shaking her violently. Respondent squeezed Complainant's arms tightly, which left bruises on Complainant's arms.

A copy of Complainant's Formal Complaint is attached as **Exhibit A**.

What to Include in a Determination Report

Relevant Policy Sections + Standard of Proof

Policies at Issue and Standard of Proof

College's Sexual Harassment Policy (the Policy) specifically defines and prohibits dating violence, sexual assault (rape), sexual exploitation, and stalking. The Policy, states, in relevant part:

Dating Violence encompasses a wide range of behaviors including sexual assault, physical abuse, and other forms of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Sexual Assault—Rape is defined as 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 Complainant. This definition includes any gender of the Complainant or Respondent.

What to Include in a Determination Report

Relevant Policy Sections + Standard of Proof

Under the Policy, determinations of responsibility are to be made using the preponderance of the evidence standard.

That is, to find Respondent responsible under the Policy, the available, relevant evidence must show that it is more likely true than untrue that Respondent engaged in a course of conduct that constituted dating violence, sexual assault, stalking, or sexual exploitation of the Complainant, as defined by the Policy.

To find Complainant responsible under the Policy, the available, relevant evidence must show that it is more likely true than untrue that Complainant engaged in a course of conduct that constituted dating violence or sexual assault of Respondent, as defined by the Policy.

What to Include in a Determination Report

Complete Procedural History of Matter

Procedural Steps Taken

The following table reflects the procedural steps taken in this matter:

November 19, 2024	Anonymous report received via online portal related to perceived dating violence of freshman student Blake Crawford against freshman student Kaylee Helms; Coordinator reached out by email and phone to Helms; Helms made appointment for after Thanksgiving break.
November 29, 2024	Coordinator met with Helms in TIX office re details of anonymous report; Helms indicated the report was erroneous and while stressed, she was happy in relationship with Crawford; reported no cause for concern and no violence present in relationship.
February 10, 2025	Dr. Gregory Roberts, Associate Professor, Department of English, a mandatory reporter, filed a report with TIX office related to his student, Kaylee Helms. Report stated Helms's boyfriend often waited in an ominous fashion outside classroom, causing obvious distress in Helms; reported that Helms had appeared in class with obvious bruising on arms that appeared to reflect clear outlines of fingers.
February 11, 2025	Coordinator met with Kaylee Helms, shared details of report from Dr. Roberts. Helms reported no concerns and explained bruising; Helms indicated no concern for boyfriend waiting outside class.
March 27, 2025	Coordinator Tina Titlenine met with Complainant who filed formal complaint
March 28, 2025	Notice of allegations sent to Blake Crawford, Respondent
March 30, 2025	Coordinator Titlenine met with Blake Crawford re: Notice and Crawford's desire to file complaint as well.

What to Include in a Determination Report

Determination of Responsibility on Each Alleged Violation

Determination Regarding Responsibility of Respondent, Blake Crawford

Respondent is responsible for conduct that constitutes Dating Violence in violation of College's Sexual Harassment Policy.

Respondent is responsible for conduct that constitutes Sexual Assault (Rape) in violation of College's Sexual Harassment Policy.

Respondent is responsible for conduct that constitutes Sexual Exploitation in violation of College's Sexual Harassment Policy.

Respondent is not responsible for conduct that constitutes Stalking, as defined by College's Sexual Harassment Policy.

For reasons discussed specifically below, the evidence in this case showed by a preponderance of the information that the Respondent's behavior violated the Policy in the manner set forth above. That is, the relevant evidence available to the Decision Maker showed that it was more likely true than untrue that Respondent had committed dating violence, sexual assault, and sexual exploitation against Complainant.

What to Include in a Determination Report

Findings of Fact Relevant to Determination + Associated Evidence

Findings of Fact/Hearing Testimony Relevant to Determination

Complainant and Respondent were both freshman students at the College University in the 2024-2025 academic year. They initially interacted in an admitted students Snapchat group the summer before starting at College. By the time they arrived on campus, although they had never met in person, the pair had agreed to be in an exclusive relationship.

By September of 2024, just one month after the pair had met in person, Respondent was displaying aggression and violence toward Complainant. During the homecoming weekend, the couple argued over Respondent's perception that Complainant was paying undue attention to another man. When Complainant attempted to walk away from the argument, Respondent grabbed Complainant and restrained her, squeezing both of her upper arms and shaking her with enough force to cause bruising. This incident was observed by Complainant's roommate, Elizabeth Watson, who testified at hearing as to the details.

What to Include in a Determination Report

OR
Findings of Fact:
*Undisputed +
Disputed Facts*

Undisputed Facts

The following relevant facts were undisputed by the parties:

1. The parties began talking in the admitted students Snapchat group during the summer before starting at College. By the time they arrived on campus, and met in person for the first time, they were in a committed, exclusive dating relationship.
2. During Homecoming weekend, 2024, the parties engaged in an argument during which Complainant attempted to walk away from Respondent. Respondent grabbed Complainant's arms to restrain her and prevent her from walking away.
3. Complainant's roommate, Elizabeth, witnessed the above-referenced altercation between the parties and thereafter, in November 2024, Elizabeth filed an anonymous report with the Title IX office in which she indicated her concern for Complainant.
4. When the Title IX Coordinator met with Complainant regarding the anonymous report that had been received, Complainant assured Coordinator that there had been no violence between the parties.

What to Include in a Determination Report

OR
Findings of Fact:
*Undisputed +
Disputed Facts*

Disputed Facts

The following are the remaining relevant disputed facts with respect to Complainant's allegations against Respondent:

1. Whether Complainant gave consent for sexual intercourse with Respondent that occurred on March 22, 2025.
2. Whether Respondent, during the period between September 2024 through March 2025, committed multiple acts of violence against Complainant including pulling her hair, hitting her, threatening her with bodily harm or death, coercing or intimidating her, subjecting her to incidents of sexual assault.
3. Whether Respondent surreptitiously videotaped sexual encounters between himself and Complainant, without her knowledge or consent.
4. Whether Respondent electronically distributed explicit imagery of Complainant, including photographs and videos of Complainant in various stages of undress and engaged in multiple instances of sexual activity, to other people without her knowledge or consent.

What to Include in a Determination Report

Conclusions

CONCLUSIONS

Based on evaluation of the relevant evidence presented at the hearing, and application of a preponderance of the evidence standard of proof, the Decision Maker finds that:

Complainant, Kaylee Helms is responsible for conduct that constitutes Sexual Assault (Rape) against Respondent, Blake Crawford, in violation of the Policy.

Pursuant to the Policy, Sexual Assault (Rape) is defined as including “oral penetration by a sex organ of another person, without the consent of the [complaining party]. This definition includes any gender of the Complainant or Respondent.” Given that definition, the following Policy sections regarding Consent are relevant:

- Consent is defined as an affirmative indication by words and/or actions of a voluntary agreement to engage in the sexual act or conduct in question.
- Consent for one sexual act does not constitute consent to all sexual acts.
- Silence or absence of resistance does not constitute their consent.
- Consent cannot be given by someone who is incapacitated due to consuming drugs or alcohol...

It is undisputed that on February 8, 2025, together in Complainant’s dormitory room, Complainant performed oral sex on Respondent without his having given an affirmative indication of his consent through words or actions. Moreover, the Decision Maker finds ample evidence that during that sexual encounter, Respondent was incapacitated due to consuming alcohol and marijuana and could not have given consent to the sex act. Decision Maker further finds that a reasonable person in Complainant’s circumstance should have known that Respondent could not give consent due to incapacitation.

What to Include in a Determination Report

Assignment of Sanctions, if any.

Sanctions and Rationale

Pursuant to the Policy, when, as here, a party is found responsible, the decision-maker must assign appropriate sanctions and explain the rationale for such sanctions. Factors to be considered when assigning sanctions include:

1. The nature, severity, and circumstances of the violations.
2. The violating party's disciplinary history.

In the present instance, there are significant findings of responsibility on the part of both Complainant Kaylee Helms and Respondent Blake Crawford. Addressing the factors to be considered on the part of each, the Decision Maker finds:

Kaylee Helms is an excellent student with no disciplinary history. However, Ms. Helms has been found responsible for the sexual assault, or rape, of Blake Crawford. By its very nature, rape is among the most serious violations one can commit. While these parties had engaged in sex acts many times before, the Policy is clear that each sexual encounter stands alone; consent for one sexual encounter does not constitute consent for all future such acts. Therefore, Ms. Helms was not justified in considering Mr. Crawford to have given consent when he lay down in her bed, fully dressed, and nearly unconscious from consuming alcohol and marijuana. The fact that Ms. Helms continued to attempt oral sex on Mr. Crawford until he was in physical pain only emphasizes the fact that the sex act was being done to Mr. Crawford, not for him, nor with any reasonable indicia of his consent.

Therefore, it is the position of the Decision Maker that Complainant, Kaylee Helms, be suspended from College University for the entirety of the fall semester, 2025.

What to Include in a Determination Report

Procedures + Grounds for Appeal

Appeal Rights

Under the Policy both parties have the right to appeal this outcome on the following grounds:

1. Procedural irregularities in the investigation affecting the outcome;
2. New evidence that could affect the outcome but was not reasonably available at the time the determination or dismissal was made; or
3. The Title IX Coordinator and Affirmative Action Officer, University Investigator, or decision-maker had a bias or a conflict of interest that affected the outcome.

Any appeals must be submitted, in writing, to the Title IX Coordinator and Affirmative Action Officer. Written appeals may be delivered in person, via courier, or via postal or electronic mail to:

Tina Titlenine
Institutional Equity Office
Administration Building, Suite 804
555-3123-4567

ALL APPEALS MUST BE FILED WITHIN SEVEN (7) DAYS OF DISTRIBUTION OF THE NOTICE OF OUTCOME. DECISIONS NOT APPEALED WITHIN SUCH TIME ARE DEEMED FINAL.

Please refer to the Policy for additional information regarding the appeals process.

Sincerely,



Jodie Crosby Ferise, EdD, JD
Decision Maker

DATE OF DETERMINATION DISTRIBUTION:
JULY 27, 2025

Thank you!



Questions?

Feel free to reach out!



jferise@cchalaw.com

