

To: President Suresh Garimella

From: Chantelle Cleary Botticelli, Director, Grand River Solutions  
Jody Shipper, Managing Director, Grand River Solutions

Re: University of Vermont AAEO Office; Recommendations Regarding the Title IX  
Outreach, Intake, and Investigation Processes

Date: October 25, 2021

Grand River Solutions was asked to review the outreach, intake, and overall investigative processes, up to and through the point of the release of the investigation report, to determine whether University policies and procedures are appropriate and consistently followed, and to further identify potential areas for improvement. As part of this review, the reviewers considered select investigation files and reports, and interviews with AAEO staff. In addition, all students who interacted with the AAEO office during the past three years were contacted and invited to participate in this review, and those students who chose to participate then spoke with the reviewers.

**General Procedures:** The reviewers found that the AAEO office employs processes and procedures that are consistent with the University's written policies, and the practices evaluated as part of this review appear sufficient to meet the University's obligations under current federal law and guidance. Overall, the Intake and Outreach processes appear sound. Students interviewed praised the Intake and Outreach Coordinator as well as others who may have assisted in this role (for example, CARE team members or those in the Dean of Students office). A review of investigation files, together with the statements from AAEO staff and the students interviewed, reveals that the AAEO office generally follows the investigation processes set forth in its policies and written procedures. Based on the recordings reviewed, the investigators conducted their interviews in accordance with the requirements of impartiality, demonstrating neutrality in their tone and in their questioning of interviewees.

**Recommendations:**

- That the AAEO attempt to engage non-responsive reporting parties at least three times, as opposed to the current practice of reaching out at least two times, and by using a variety of methods (email, telephone, etc.) to ensure awareness and understanding of support resources and options.
- That the AAEO work with other offices to ensure a consistent understanding of supportive measures that are available, and AAEO processes overall.

**Files:** A review of select files suggests that records are well maintained, with no significant deficiencies. Although the files reviewed did not include information relating to the sources of each report, initial communications, or supportive measures, the reviewers understand that this information is maintained in the Maxient case management system for each matter.

**Recommendations:**

- Continue to maintain all of the information related to each given report in a single centralized location, including records of outreach conducted by other offices.

### **Investigation Process**

Almost all students interviewed noted that they did not fully understand the investigation process, found it confusing, and felt unprepared. It is also noted that almost all cases were delayed beyond the target timeline of 60 days, most often due to requests from a student's outside advisor. In some cases, students misunderstood elements of the reports because of the complicated and legalistic manner in which reports were written. A review of select reports suggests that the language used in some reports caused significant confusion.

#### **Recommendations Regarding Investigation Process:**

- Consider developing a thorough and easily-understood brochure, flowcharts, or other hand-out that can be provided to the parties, perhaps with an FAQ or similar educational device(s).
- Consider development of scripted checklists for investigators to use at the conclusion of each interview. These should be differentiated depending upon the specific nature of any particular interview.
- Provide regular status updates to parties, rather than requiring parties to seek information. Also, all notifications through the Maxient case management system alert the recipient of a notification in their Inbox, but the alert does not distinguish between types of notifications. As a result, some students believed they were receiving notices that reports had been finished but instead were receiving status updates. The reviewers recommend that the AAEO office work with Maxient to determine whether there can be any differentiation in the types of notifications sent to parties. Alternatively, the AAEO office can communicate with the parties prior to the issuance of a Maxient notification so that the parties are prepared to receive the notification and aware of what to expect.
- Do not send notification of an extension in the week when a report was to have been released; when a student believes they are about to receive the notice of outcome and instead receive a notice of delay, the distress is not insignificant. Also, all delay notifications should include a new due date.
- It is recommended that investigators not cold-call parties with follow-up questions unless such a call was previously agreed upon between the party and the investigator. Investigators should instead reach out to schedule a follow-up interview.
- It is recommended that reports not be delivered during any school break or holiday, when students may be away from campus and may not have adequate support structures easily available.

#### **Recommendations Regarding Reports:**

- Consider including an evidence log in each report, noting which evidence had been provided by each party or witness, and which evidence had been offered but not considered, along with a clear rationale for the exclusion of any proffered evidence.
- The reviewers recommend that credibility and reliability determinations include a greater focus on the evidence and also consider plausibility, logic, reliability, motive,

consistency or inconsistency and, when there are inconsistencies, note whether the party was able to credibly explain the reasons for those inconsistencies.

- Many students expressed confusion regarding the description of consent that was included in the investigation report. Several students interviewed expressed concern that the investigator had made a decision that the sexual activity had been consensual, rather than a determination that there was insufficient evidence to support the allegation of sexual activity without consent. Greater detail in the written rationale would help the reader to better understand the determination that had been made.
- Reports properly distinguished between being “drunk,” as distinct from lacking the capacity to consent, but this distinction was not well understood by all students. The reviewers recommend that reports include additional explanatory and educational language on the distinction between the varying standards (drunk, intoxicated, incapacitated, etc.) used.
- The reviewers recommend that reports be organized so as to separate out the analysis of capacity to consent as distinct from analysis of whether or not the respondent knew or should have known of complainant’s incapacitation, in those instances when this was a key element of any report.