

Safer Spaces Investigator Training #2

Practicing Objectivity, Initial Guidelines for Questioning, Working with
Complainants and Respondents

Why do we practice Objectivity?

Importance of Objectivity

- Fairness to all parties
- Reliability of evidence (finding truth in multiple perspectives)
- Objectivity in investigations is mandated from Department of Ed.

Report Bias/Conflict (if you are no longer objective, tell the Title IX Coordinator)

How to Practice Objectivity



- Shifting Perspectives: finding truth in multiple perspectives (see picture)
- Follow process steps
- Check yourself on objectivity before and after process steps: cut out your gut instincts
- Screen out party likeability
- Utilize Pause and Rewind strategies

Practicing Objectivity

- It is natural to form opinions and come to conclusions
- We work at objectivity (practicing to become more objective)
- Mantra: “suspend conclusions and avoid untested assumptions”
- Identify and plan for triggers
 - Warning about filtering based on personal experience (which leads to a loss of objectivity). Some information may be disturbing.
- Reflect and assess on your work:
 - Review your notes and meeting recordings
 - Practice self-critique
- Resist the impulse to ask or answer “why did they do this?” (Or if I were them, I would have...)”
- Consider the difference between the fact finder role vs. therapist, advocate, friend, parent, etc.

Demeanor during the Meeting

- Keep a calm and gentle demeanor throughout the entire meeting.
- Keep your facial expressions neutral and engaged.
 - Some information may be unsettling or disturbing, keep your face neutral.
 - Do not show skepticism on your face or posture, even if a party's line of thinking doesn't make logical sense to you. Don't coach them into better logic, just listen.
- When the party starts talking, do not interrupt or ask questions (even if you are confused and/or they aren't giving you enough context).
 - If they are pause for a few seconds, stay silent. Wait for at least 20 seconds of silence or for the student to indicate that they are done (ex. "that's what happened.") Then ask a clarifying question.
 - Scattered interruptive questioning can shut down open discussion of the events.
- Use non-verbal cues to show that you are paying attention (make eye-contact and lean in rather than saying: "mhmm" or "yeah" etc.)
- Eliminate distractions: Turn off your phone, ensure a confidential space

Guidelines for Questions

1. Adopt a friendly tone that invites cooperation.
2. Think about your non-verbal and facial expressions: goal is neutrality (curious George) “Can you help me understand...?”
3. Acknowledge that you have reviewed a report, ask to hear their point of view.
4. Begin with open ended questions and listen (Funnel Approach)
5. Employ Silence (important tool in questioning) practice getting comfortable with silence.
6. Avoid leading questions that flag your own point of view and/or provide an easy avenue for the interviewee.
 - Don’t label the conduct: don’t ask “what did you do after he sexually assaulted you?”
 - Rather repeat the language from student: “what happened after he touched your genitals?”
7. Follow up interviews: limited use of close ended questions when necessary



Types of Evidence

- Testimony
 - Reporting party, Responding Party, Witnesses
- Physical evidence:
 - A bruise
- Electronic evidence
 - Pictures / screenshots
 - Emails / texts
- Relevant evidence tends to support or tends to undermines that a policy violation occurred
- Credible evidence is verifiable, truthful, and impartial
- Corroborating evidence provides factual or credible support to party's (or witness) testimony.

The Neurobiology of Trauma

- Watch this video by Dr. Rebecca Campbell:
<https://www.youtube.com/watch?v=vdx2E5wArt8>
- There are 4 types of hormones that can be released during a traumatic event (some resemble adrenaline and energy, other resemble morphine or good feelings). These hormones influence the reporting parties demeanor and affect.
- All 4 of those hormones in high doses effect memory STORAGE.
- These 4 hormones do NOT effect the ACCUARCY of the memory.

Common Victim Responses

- Initial denial of incident
- No reporting / delayed reporting
- Maintaining contact with respondent
- Fight, Flight, or Freeze
- Impaired rational thought
- Reduced energy or flat affect

Caution against Secondary Victimization

- Do not imply that the reporter did something to provoke assault/incident.

Helpful phrases:

- “This question is just for context...” when talking about clothes, alcohol consumption, ongoing contact with respondent.
- “I’m not challenging your credibility; I’m just trying to get all the facts of the situation.”
- “If you don’t feel comfortable with that question, you don’t have to have that information in your statement.”

Working With Complainant

- Recognize the impact of trauma on memory
 - Use open-ended questions
 - Use silence strategically, allowing them time to process and “look through the sticky notes on their mental desk.”
 - Slow down
- Develop rapport while maintaining objectivity and impartiality
- Remind the complainant that they may ask questions and present new information throughout the entire process

Working with Respondent

- Use impartial language/do not appear to take sides
- Remind the respondent that they may ask questions and present new information throughout the entire process
- Recognize stress involved with being accused of harassment or misconduct
 - Use open-ended questions
 - Use silence strategically, allowing them time to process

Remember your Tools for the Investigation

1. Prepare for each meeting:
 - a) Meet with Coordinator to review fact finding strategy.
 - b) Review Case Materials and Reports.
 - c) Populate and Maintain a timeline and involved parties contact sheet.
2. Employ Silence (give 20+ seconds of silence before moving on)
3. Use the Pause and Rewind Strategies
4. Less is more (especially in writing)
5. Develop Rapport before starting the questioning: “Connect before you pull”