

Safer Spaces Investigator Training

#3

The Investigation Process

Stages of Investigation

1. Review formal complaint and intake notes: prepare an investigation outline and approach.
 - a) Review formal complaint and intake notes to plan investigation outline and approach.
 - b) Review relevant policies
 - c) Prepare case contact sheet
 - d) Consult with Coordinator (ongoing)
 - e) List possible evidence
2. Gather evidence:
 - a) We will provide a checklist for the first meeting with each party.
 - b) Meet with reporting party
 - c) Meet with responding party
 - d) Develop statements that accurately reflect the perspective of each party. Having both parties sign their statement.
 - e) Determine other sources of evidence: both parties have an opportunity to suggest witnesses and other evidence.
 - f) Allow each party to review the other party's statement(s)
3. Review Information: what information is still missing? Are there additional sources of information? Do you have additional questions for either party?
 - a) Consult with Coordinator
 - b) Additional fact finding or move towards stage 4
4. Synthesize Written Reports to transfer to adjudication
 - a) Create a summary (chart) of the key evidence. Share key evidence summary with the Coordinator.
 - b) Consult with the Coordinator while aggregating **related** evidence into a written record (the coordinator will share this with the parties)
 - c) Synthesize a summary of the **relevant** evidence and share with the coordinator
 - d) Write the Report of the Results of the Investigation (RRI)
The coordinator will share the RRI with the parties.

Stage One: Preparation and Outline

Immediate Need to Know: Case Summary

1. Incident date, time, place, names of respondent and witnesses; Identify key facts: nature of the offenses and impact on parties, review relevant policies
2. Interim safety measures: no contact, expectations, non-disclosure agreement, etc.
3. Identify “chapters” of the report – helps with chronology and context

Planning for First and Second Meetings

1. Identify Key Questions: *remember to listen first in first meeting, direct ask in second meeting*
 1. Identify all relevant policy questions (perhaps multiple reported allegations)
 2. What indicates consent and/or nonconsent to each act?
 3. Impact of alcohol?
 4. Written or electronic communication (texts, emails, letters, etc)
2. List available or potential evidence
3. List potential witnesses: Think about who or what else could corroborate this perspective?
4. Review the Advisor role

Expectations for Advisors during Investigative Meetings

1. Advisors are not active participants in the inquiry or resolution meetings. Only the reporting / responding party can provide their testimony. Advisors cannot speak on behalf of the reporting / responding party. Advisors cannot ask investigative questions.
2. If there is no question pending, the reporting / responding party may request a break for a time to speak with their advisor.
 - a) Advisors may de-brief with reporting/responding party after the meeting is finished
 - b) Advisors may offer perspective and support but may not coach the party in what to say or what not to say.
3. Advisors should provide a supportive presence to the reporting/responding party.
4. Advisors should update the Team Coordinator if the reporting/responding party raises any issues, questions, or concerns.
5. Failure to meet the expectations for advisors could result in a warning from the safer spaces team, subsequent violations of the advisor expectations may result in the Title IX Coordinator reviewing your role as an advisor to a party.
6. We ask that advisors partner with us in remaining objective and reserving judgement until all facts are reviewed.

Meeting with a Party and Advisor

- The Safer Spaces Team will train the advisor before they are present during an investigative meeting.
- Do not ask the advisor any questions. Do not ask for their opinion.
- Advisors are responsible for following the advisor expectations .
- You are responsible for noting and correcting any issues with the advisor following the expectations.
- Advisors MAY ask questions about the process (what is the next step?)
- Issues that could arise:
 - Advisor answering for a party – correct immediately: “According to our process, I need to hear directly from the you, not your advisor”
 - Advisor asking for a break while there is an investigative question pending: “We can have a break after we finish out this question.”
 - Advisor asking an investigative question: “When you said you touched X, did you mean Y?” Correct immediately: remind the party of the expectations for their advisor. It is inappropriate for advisors to ask investigative questions.

Stage One: Outline first interview - Key steps

1. Connect and Develop rapport
2. Introductions and Process Overview
3. Expectations, Parties must tell the truth, Caution against Retaliation
4. For respondent/witnesses: Prepare neutral summary of the report to share (if applicable)
5. Establish Context of Relationships of key parties
6. Develop Questions: See Guidelines for questions
7. Ask party to share other evidence and witnesses with relevant knowledge
8. Give interviewee an opportunity to ask questions or to share relevant information not covered, invite interviewee to contact you later
9. Review next steps and set next meeting and/or determine best contact information.
10. End by thanking interviewee for meeting with you

Stage One: Example Outline for First Interview

1. Connect and Develop rapport: “Where’s home for you?” “What’s your major?”
2. Introductions and Process Overview:

Evidence-based investigation, recording meeting (if applicable), relevant policies (+amnesty), role of the advisor, possible uses of statements, “I can imagine that this is a stressful situation. You may ask for a break during the meeting.” Rights and responsibilities: you are required to tell the truth about what you remember happening.
3. Expectations, Caution against Retaliation: safety measures/no contact rule, parties must tell the truth, etc.
4. For respondent/witnesses: Prepare neutral summary of the report to share (if applicable)
 - a) “As you may already know, we have a problem report regarding interactions between you and [Reporting Party] on Date/Location.”
 - b) “This meeting is an opportunity for you to share your perspective about what is going on.”
5. Establish Context of Relationships of key parties

“Can you tell me about how/when you met [party]?” “When was the last time you saw each other?” “How would you describe your relationship with them?”

Stage One: Example Outline for First Interview (Cont.)

6. Develop Questions: What do you need to know from this party/interview (review for neutrality)?
 - a) Can you help me understand what is going on from your perspective?
 - b) I understand some issues have arisen between you and [Reporting party], can you tell me more about those?
 - c) How did you come to see [party] on DATE? What happened while you were there? What happened afterwards?
7. Ask party to share other evidence and witnesses with relevant knowledge
 - a) You have an opportunity to suggest witness and other types of evidence. Can you think of anyone?
 - b) Decide if party will pave the way or if investigator will reach out to witness
8. Give interviewee an opportunity to ask questions or to share relevant information not covered.
 - a) Thank you for talking with me. I've gone through my outline. Does that leave you with any questions? Anything you thought we would discuss that we did not? Is there anything else you want me to know?
 - b) If you have any questions or think of additional evidence, here is my contact information.
 - c) If [party] asks about other statements: "Later in the process, you will have an opportunity to review the evidence in this report"
 - d) That's a good question, let me reach out to the coordinator and get back to you at another time."
9. Review next steps: "I took careful notes today, I will reach out to you for a follow-up meeting on Date/Time."
10. End by thanking interviewee: "Thank you for meeting with me today."

Stage Two: Gathering Evidence

Steps:

1. Meet with reporting party (Initial Meeting)
2. Meet with responding party (initial Meeting)
3. Develop thumbnail summary statements that accurately reflect the perspective of each party. Parties can share their feedback on the summary.
 - Meet with reporting party (Follow-up Meeting(s))
 - Meet with responding party (Follow-up Meeting(s))
 - Have both parties sign their thumbnail statement.
4. Determine other sources of evidence: both parties have an opportunity to suggest witnesses and other evidence.
5. In consultation with the coordinator, allow each party to review the other party's thumbnail/summary statement(s).
6. Keep an updated timeline with the date, time, and content of every scheduled meeting with a party (record no-shows/reschedules too).

Interviewing Witnesses

- Explain your role as an investigator
- Explain possible uses of the witness statement
- Review expectations (caution against retaliation, tell the truth, etc.)
- Ask witness not to read into questions
- Take the scenic route – ask questions without giving out any information.

Examples:

- “I understand you were at a party last weekend; did you notice anything unusual?”

Stage Two: Guidelines for Writing Thumbnail / Summary Statements

1. Write Statement in Chronological Order with “chapters” or order of severity
2. Report all evidence that points for or against a policy violation.
3. Use specific anatomical terms when describing sexual touch (breasts, genitals,)
 - a) For sex offenses, you can use an outline of a body (attached) to help the party point to where touch or penetration occurred.
 - b) For example, a party might say, “they started touching my lower area.” Gently ask for clarification, “Can you show me on this picture where the touch occurred?” “Can you describe the touch?” Clarify to specifics of incident, for example: “Respondent rubbed respondent’s hand against Complainants genitals for around 5 minutes.”
4. Record what the party observed/heard, not their conclusions.
 1. Instead of: “AA reported that BB was drunk.”
 2. AA reported thinking that BB was under the influence of alcohol because AA reported hearing BB slurring his words, (give example if possible) stumbling while walking, struggling to bring BB’s cigarette to his mouth.
5. Write in the third person. Use student initials instead of pronouns
 1. For Example “KR reported that KR and JH went to JH’s office” not “KR reported that they went into her office”.
6. Include date/time/location information at the beginning of a sentence, “On 9/24/2020 at 3:00pm, KR said...” not “KR said...on 9/24/2020).
7. Less is more. Write in the active voice. The statement should be clear and concise.

Stage Three: Review Information

1. Write a draft of your summary statement, then take time to review your report:
 - a) Have you stated the facts and observations, neutrally (no judgements), professionally, and clearly?
 - b) Are there any conclusions? Did you fully support them in the description?
 - c) If necessary, what are other avenues of investigation, are they listed?
 - d) Are there additional sources of information?
 - e) Do you have additional questions for either party?
 - f) Are there any assumptions that you need to clarify?
 - g) Do you have draft statements for all parties and key witnesses?
 - h) **Take time to implement your revisions and then submit your report.**
2. Consult with Coordinator
 - a) Review statements for clarity and accuracy.
 - b) Does the coordinator have further questions?
3. Additional Fact Finding until coordinator approves moving to stage 4.

Stage Four: Synthesize Written Reports

1. Create a summary (chart) of the key evidence. Share key evidence summary with the Coordinator.
2. Consult with the Coordinator while compiling **related** evidence into a written record (the coordinator will share this with the parties). They have 10 days to submit a written response.
3. Synthesize a *separate* summary of the **relevant** evidence and share with the coordinator. (Which includes parties' response to the written record of related evidence).
4. Use the summary of the **relevant** evidence to write the Report of the Results of the Investigation (RRI).The coordinator will share the RRI with the parties.

Related vs. Relevant Evidence

Evidence directly related to the allegations (Broader Category)

- Party and witness Statements
- Documents collected from parties (emails, texts, police reports, video footage)
- Privileged information- only with signed waiver (treatment records)
- Does not include: Protections related to the complainant's prior sexual history (rape shield laws).
- Include prejudicial testimony from either party if related to the allegations – even if it is not substantiated or opinion based.

Evidence that is relevant to allegations

- Party and witness statements
- Documents collected from parties (emails, texts, police reports, video footage)
- Privileged information- only with signed waiver (treatment records)
- Includes protections for complainant's prior sexual history (rape shield laws).
- Excludes unsubstantiated prejudicial testimony.

Developing Investigator Summary of Evidence

Related Evidence and RRI

- Introduction
 - Case Summary
 - Timeline of meetings (All investigative meetings – including no shows and delays)
- Summary of allegations
- Calvin Policies
- Party and Witness statements (and response statements)
- All other evidence
- Evidence Chart or meaningful summary of the facts (variety of formats)
- Parties response to “directly related evidence summary”

Note: you can start drafting this report as you conduct your investigation

How to Document Information

Electronic Storage:

- Create a folder with the student name on SharePoint (last name, first name)
- Include the following sub folders:
 - **Meeting Notes:** if you take hand written notes, scan and save here.
 - **Email Communication** (save all emails between you and parties, coordinator, witnesses, advisors, adjudicators, etc.)
 - Includes any referrals to campus resources.
 - Always cc the saferspaces@calvin.edu in every email to the parties
 - **Statements** (Optional: include another subfolder with just the signed statements)
 - **Other Evidence** (usually text messages, health records, etc.)
 - **Meeting Recordings** (if you are using your own device to record)
 - **Title IX only: Investigator Report Drafts / Final** (the related evidence report)
 - **Transfer to Adjudication (RRI) (Relevant evidence report)**