



2020 ATIXA CIVIL RIGHTS INVESTIGATOR
LEVEL 3B TRAINING & CERTIFICATION COURSE:
PRACTICAL SKILLS

Summer Online Training Series | July 28-29, 2020

YOUR FACULTY



LEAH M. NASO, MS

- Director of Institutional Equity and Compliance
- Title IX Coordinator
- NasoL@Moravian.edu



W. SCOTT LEWIS, JD

- Partner, TNG, LLC
- Co-Founder & Advisory Board Member, ATIXA
- Co-founder & Advisory Board Member, NaBITA
scott.lewis@tngconsulting.com

AGENDA



Days 1 & 2

Interviewing Skills Practice

1

General

2

Complainant

3

Reluctant Complainant

4

Respondent

5

Other Witnesses

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

Title IX of the Education Amendments of 1972

Implementing Regulations at:

20 U.S.C. § 1681 & 34 C.F.R. Part 106

IX

THE IX COMMANDMENTS



Thorough	Reliable	Impartial	Investigation (prompt & fair – VAWA Sec. 304)
Prompt	Effective	Equitable	Process
End the Discrimination	Prevent its Recurrence	Remedy the effects upon the victim & community	Remedies

BIAS & PREJUDICE

- Definitions
- Exercise



“BIAS” DEFINED



- Inclination of temperament or outlook; especially a personal and sometimes unreasoned judgment (*merriam-webster.com*).
- “Biased” – To cause partiality or favoritism; influence, especially unfairly (*dictionary.com*).
- Tendency to believe that some people, ideas, etc. are better or worse than others that may result in treating some people inequitably.

“PREJUDICE” DEFINED



- Feeling of like or dislike for someone or something especially when it is not reasonable or logical (*merriam-webster.com*).
- Any preconceived opinion or feeling, either favorable or unfavorable (*dictionary.com*).
- An illogical feeling of like or dislike for a person or group because of some characteristic or perceived characteristic and preconceived notion(s) about that characteristic (e.g., race, gender, ethnicity, etc.)

BIAS & PREJUDICE



- Conscious vs. unconscious.
- Positive vs. negative.
- Social & cultural capital.
- Stereotyping.
- Cultural competence.
- Multi-partiality.
- Social justice.

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BIAS AND PREJUDICE CONT.



- Common hot-button areas of bias & prejudice:
 - Sexual orientation.
 - Gender, transgender, and gender identity.
 - Race.
 - Ethnicity.
 - Religion or religious beliefs.
 - Political views.
 - Athletes.
 - Greek life.
 - Alcohol or drug use.
 - Sexual freedom/preferences.

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THE START OF THE MEETING



- The Environment
- The Process Explanation

THE ENVIRONMENT



- Where will you do the interview?
 - Your office?
 - Conference room?
 - Do you have an option?
- Skype, phone, and email interviews.
- Important aspects:
 - You need a neutral environment.
 - Minimize distractions.
 - Sit in their chair. Literally.
 - Check your lobby/waiting area for distractions and hidden messages.

MANAGING EXPECTATIONS



- No one is happy at the end of these cases; you are helping manage their frustration.
- People who conduct investigations with skill rest secure in the knowledge that all involved, including witnesses, are treated objectively and fairly.
- Provide ample opportunity for interviewee – especially the complainant and the respondent – to ask questions.
- **Be sure complainant and accused understand parameters of the policy, what it does and does not cover, how the process may play out, and what the process can and cannot accomplish through outcomes.**

EXPLANATION OF ROLES



- Explanation as to **your role** in the process.
 - Neutral fact finder.
- Explanation of others' roles in the process.
 - Hearing officers/panelists.
 - Appellate officers.
 - Advisors (for all parties).
- A few comments about advisors:
 - Who can they have?
 - Lawyers, faculty, parents, victim's advocates, coaches, friends, roommates, etc.
 - How many?

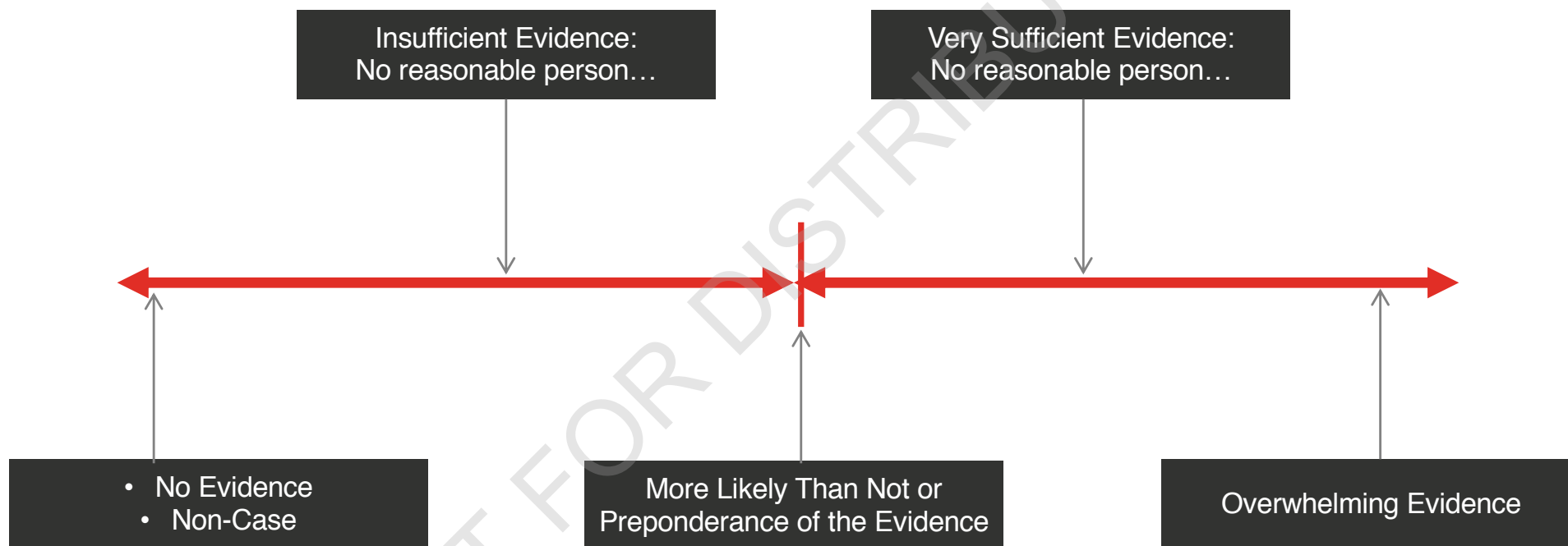
THE PROCESS (SIMPLIFIED)



EXPLAINING EVIDENCE THRESHOLDS/STANDARDS



“HOW WE MAKE DECISIONS”
Use words they can understand



PRACTICE EXERCISE

- Break into small groups of 3-4 and have 1 or 2 of you practice the opening spiel – explain your process, what will happen, etc.



INTERVIEWING THE REPORTING PARTY



- Elements of Interview
- Questioning Guidelines
- Small Group Exercise
- Large Group Exercise



QUESTIONING GUIDELINES



- What are the goals of questioning?
 - Learn the facts.
 - Establish timeline(s).
 - Understand each party's perception.
 - Of both the incident(s), relationships and the process.
 - Gather enough information to determine facts and their relative importance and relevance.
 - Try to learn what is *more likely than not* what happened.
 - Use questions to elicit details, eliminate vagueness, and fill gaps where information seems to be missing.

QUESTIONING GUIDELINES



- **WHAT DO I WANT TO KNOW?**
- **WHY DO I WANT TO KNOW IT?**
- **WHAT IS THE BEST WAY TO ASK IT?**
- **AM I THE BEST PERSON TO ASK IT?
(if there is a 2nd Investigator)**

RESTATE/REFRAME



- Restate/summarize what is said.
- Launder the language.
 - Remove negative or inflammatory language and emotions.
- Helps validate that you are listening.
- Helps ensure you understand what is being said.
- “So it sounds like...”
- “Tell me more...”

QUESTIONING EXERCISE

- Using a case study, the presenter will play the role of complainant and allow the participants to practice their questioning techniques.



LET'S QUESTION REPORTING PARTY (ANNIE)



- The reporting party in sexual misconduct allegation has stated that after the assault, the responding party went into the bathroom to shower. At that time, she turned on the lights in his room, and looked around for first time. She observed stacks of pornographic magazines, centerfold posters on the walls, and commercial and home-made pornographic DVDs on the bookshelf and around the Blu-Ray player.
- While the Responding Party was in the bathroom, the reporting party saw a DVD with a cover showing a woman being raped in a manner that is similar to her assault, and that she took it and has disk to prove it.

Question her about this as a group.

INTERVIEWING THE RESPONDENT



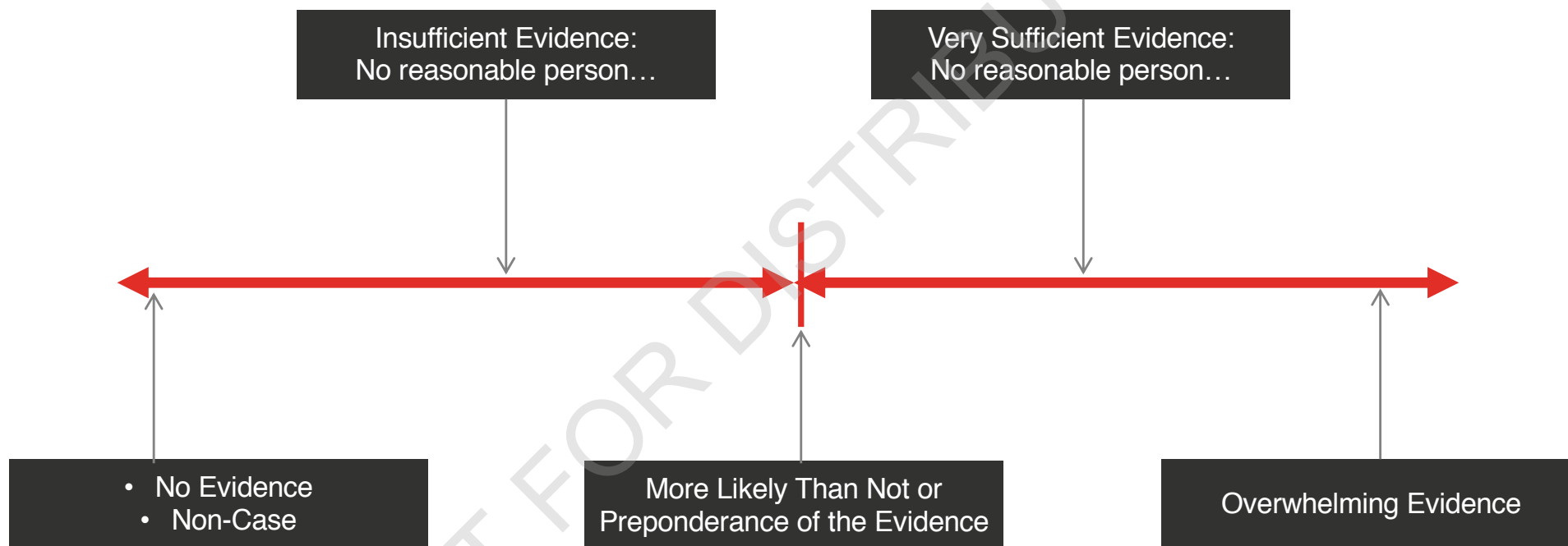
THE PROCESS (SIMPLIFIED)



EXPLAINING EVIDENCE THRESHOLDS/STANDARDS



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QUESTIONING EXERCISE

- Using a case study, presenter will play role of respondent and allow participants to practice their questioning techniques.



LET'S QUESTION THE RESPONDING PARTY (ROB)



- Annie's Initial Statement:
- The reporting party in sexual misconduct allegation has stated that after the assault, the responding party went into the bathroom to shower. At that time, she turned on the lights in his room, and looked around for first time. She observed stacks of pornographic magazines, centerfold posters on the walls, and commercial and home-made pornographic DVDs on the bookshelf and around the Blu-Ray player.
- While the Responding Party was in the bathroom, the reporting party saw a DVD with a cover showing a woman being raped in a manner that is similar to her assault, and that she took it and has disk to prove it.
- PLUS YOUR NOTES FROM ANNIE'S INTERVIEW

Question him about this as a group.

WITNESSES

- Who do you want to talk to next?
- Why?



INTERVIEW EXERCISE



TIME PERMITTING

- What are the steps – before and during – telling a reporting party and/or a respondent that a NCSI case has been determined not to have sufficient evidence to move forward and/or a Not Responsible Finding has been made.

QUESTIONS?

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CONTACT US!

W. SCOTT LEWIS, JD

Scott.Lewis@tngconsulting.com

TRAINING

events@atixa.org

MEMBERSHIP

members@atixa.org

CONFERENCE

conference@atixa.org