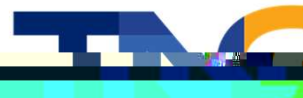




Association of
Title IX Administrators

Civil Rights R



Any advice or opinion provided during this training either privately or to the entire group, is never to be construed as legal advice. Always consult with your legal counsel to ensure you are receiving advice that considers existing case law, any applicable state or local laws, and evolving federal guidance.

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CONTENT ADVISORY

The content and discussion in this course will necessarily

AGENDA

Days 1 & 2

Interviewing Skills Practice

- 1** Bias & Prejudice Exercise
- 2** Logistics Review
- 3** Explaining Your Process
- 4** Interviewing the Complainant
- 5** Respondent Interview Exercise

TITLE IX

20 USC § 1681 & 34 CFR Part 106 (1972)

“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.”

X

THE IX COMMANDMENTS

Thorough	Reliable	Impartial

“BIAS” DEFINED

Inclination of temperament or outlook, especially a personal and sometimes unreasoned judgment
(merriamwebster.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 which may result in treating some people inequitably





BIAS & PREJUDICE – TYPES OF BIAS

Conformity Bias

Beauty Bias

Affinity Bias

Halo Effect Bias

Horns Effect Bias

Similarity Bias

Contrast Effect Bias

Attribution Bias

Confirmation Bias

BIAS AND PREJUDICE (CONT.)

Common hot-button areas of bias & prejudice:

Sexual orientation

Gender, gender identity, and gender expression

Racial and interacial

Ethnicity

Religion or religious beliefs

Political views

Athletes

Fraternity and sorority life

Alcohol or drug use

Sexual freedom/preferences

Disability

Appearance/education/class

THE START OF THE MEETING





MANAGING EXPECTATIONS

Sometimes, no one is happy at the end of these cases; you are helping to manage the parties' 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 Respondent 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 throughout outcomes

EXPLANATION OF ROLES

Explanation of Investigator role in the process

Neutral fact finder

Explanation of others' roles in the process

Decision makers

Appeal Decision makers

Advisors (for all parties)

A few comments about Advisors

Who can be an Advisor?

**Lawyers, faculty, parents, victim's advocates,
coaches, friends, roommates, etc.**

How many?

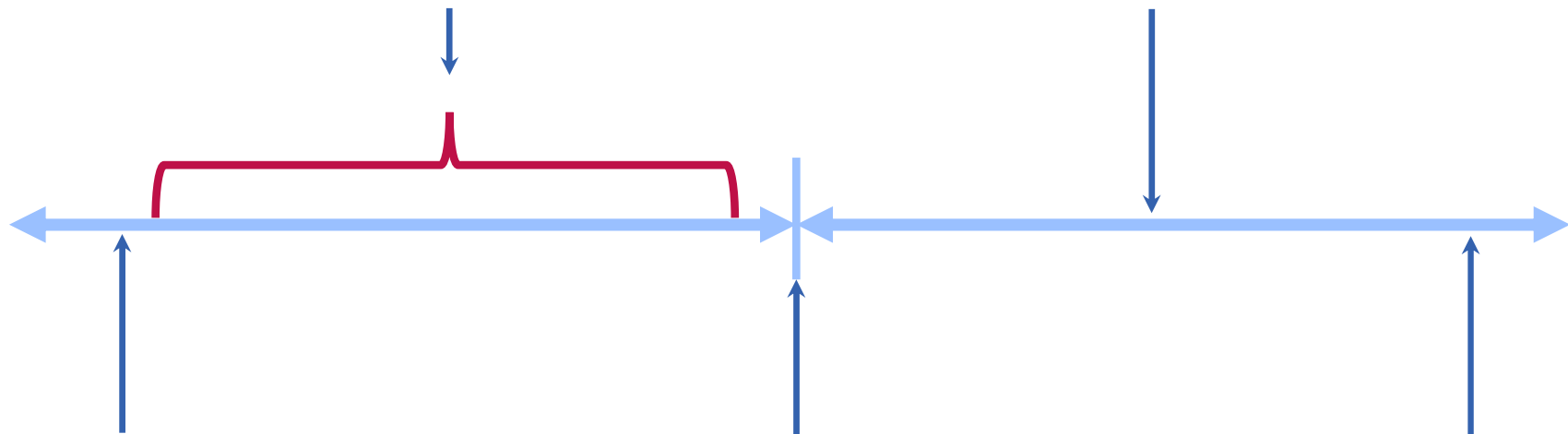


EXPLAINING EVIDENTIARY STANDARDS

“HOW WE MAKE DECISIONS” - Use words they can understand

Insufficient Information
Less than this and the case
does not proceed
“No reasonable person could
make a finding of responsible”

Clear and Convincing
Very sufficient evidence



No Evidence
Non case
False Claim

**Preponderance of the
Evidence**
More likely than not
50% plus a feather

**Beyond a Reasonable
Doubt**
Overwhelming Evidence

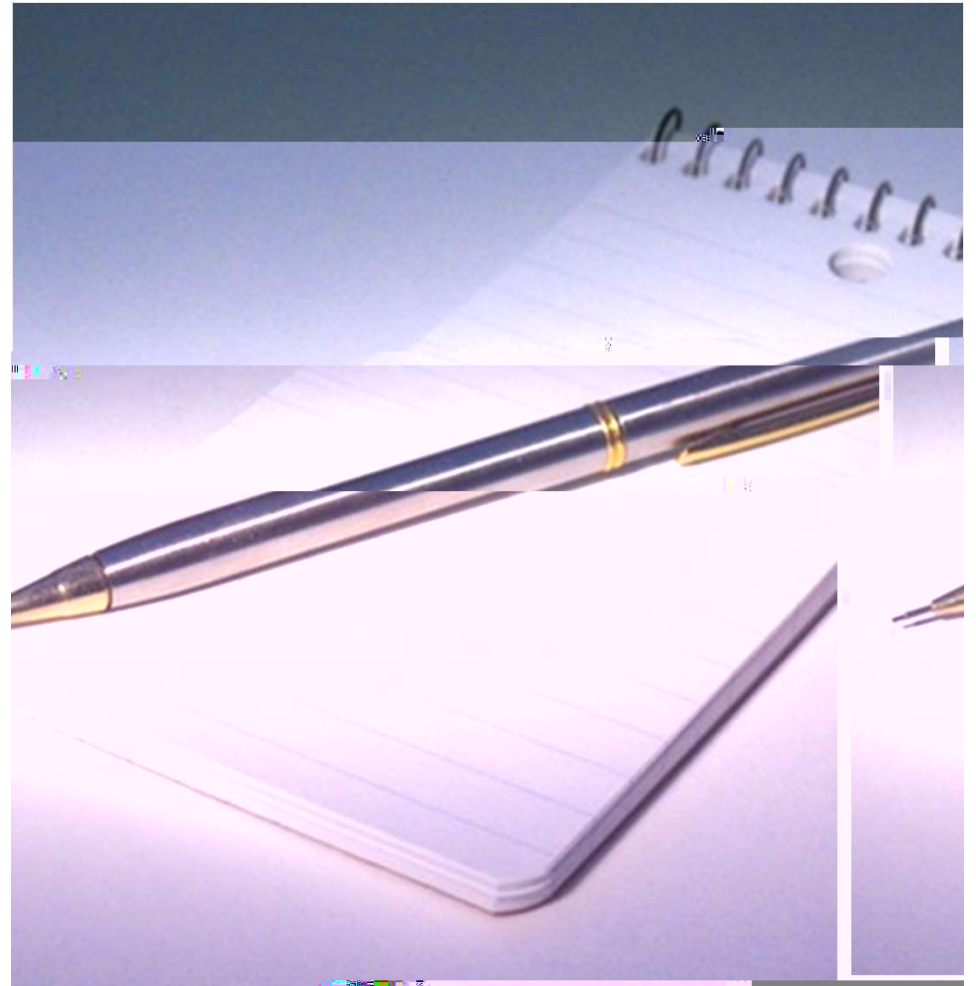
PRACTICE EXERCISE

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



INTERVIEWING THE COMPLAINANT

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

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 to have happened

Use questions to elicit details, eliminate vagueness, and fill gaps where information is 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 second Investigator)**

COMPLAINANT STATEMENT

Respondent (Rob) met Annie at a party.

Rob convinced Annie to come to his house after a party.

At the house, there was consensual making out.

Rob held Annie down and draped her. When he was done,

CHARACTERS

Annie (Complainant)

21 years old, Junior; Transfer to Northern State College, new to campus, met Brittany & rooming together; living in non campus apartment

Rob (Respondent)

22 years old, Senior; Traditional student, athlete on the rugby team and friends with Evan

CHARACTERS

Brittany (Roommate)

21 years old, Junior; Traditional student, Annie's roommate who she had met up with a few times before they moved into together; knows Evan and is the reason they get invited over for the party.

Evan (Party Host)

22 years old, Senior; lives at the Rugby house, friends/teammates with Rob

Billy (Roommate)

22 years old, Senior; Rob's roommate, on the Rugby team

STRATEGY FOR COMPLAINANT INTERVIEW

In small groups, discuss the following

What information do you have?

What information do you need?

Start to formulate questions for the Complainant, including how you might ask them

QUESTIONING EXERCISE

Using a case study, the faculty will play the role of Complainant and allow the participants to practice their questioning techniques





QUESTIONING EXERCISE

Using a case study, the faculty will play role of Respondent and allow participants to practice their questioning techniques



QUESTION THE RESPONDENT

Respondent (Rrb) convinced Annie to come to his house after a party.

At the house, there was consensual making out.

Rrb held Annie down and draped her. When he was done, he got up and went to the bathroom to shower.

Annie found stacks of pornography, including magazines, posters, and commercial and homemade DVDs when looking for her clothes.

One DVD had a woman on the cover being raped in the same way Rrb raped Annie. Annie took the DVD to prove it.

Combine with your notes from Annie's interview.

ADDITIONAL INTERVIEW EXERCISES

Time Permitting

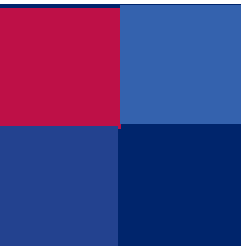
Interview additional witnesses

Who?

Re-interview Complainant

Practice telling the Respondent and Complainant that the investigation is terminating





ATMA

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