

**EducationAdminWebAdvisor**

Online Training for Educational Professionals

# Title IX: How to Conduct Proper Interviews and Questioning Techniques

Presented by

**Brandon Washington**



# Objectives

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**Brief Title IX Overview**

II

**Two Most Important  
Qualities of a Good  
Interviewer**

III

**Treating Each Person  
Equitably but Differently**

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**Key Takeaways**





# Title IX Overview

## What Is Title IX?

- Title IX is a federal civil rights law that prohibits discrimination on the basis of sex (and gender) with respect to virtually every school that receives financial assistance from the U.S. Department of Education (US-DOE).
- Title IX protects against sex discrimination and sexual harassment.
- This protection extends to gender based harassment, inequitable funding in Athletics based on sex, sexual harassment in the workplace, sexual assault, dating/domestic violence, stalking, or any other discrimination or harassment based on sex.

## What Is Title IX?, Continued

- Title IX is enforced by the US-DOE's Office for Civil Rights (OCR).
- OCR investigates complaints that are filed and also conducts proactive compliance reviews.
- In the event of a Title IX investigation, OCR has broad discretion with regard to rendering a decision of compliance or noncompliance.
- Each institution/district is required to have a Title IX Coordinator to ensure its compliance with Title IX.

## **Title IX Coordinator's Responsibilities**

- ④ OCR's expectation is that the Title IX Coordinator have substantive input on decision making with regard to efforts to comply with Title IX.
- ④ Title IX Coordinator serves as the institution's expert on all things Title IX.
- ④ Overseeing the response to Title IX reports and complaints
- ④ Identifying and addressing any patterns or systemic problems revealed by such reports and complaints

# Title IX Coordinator's Responsibilities

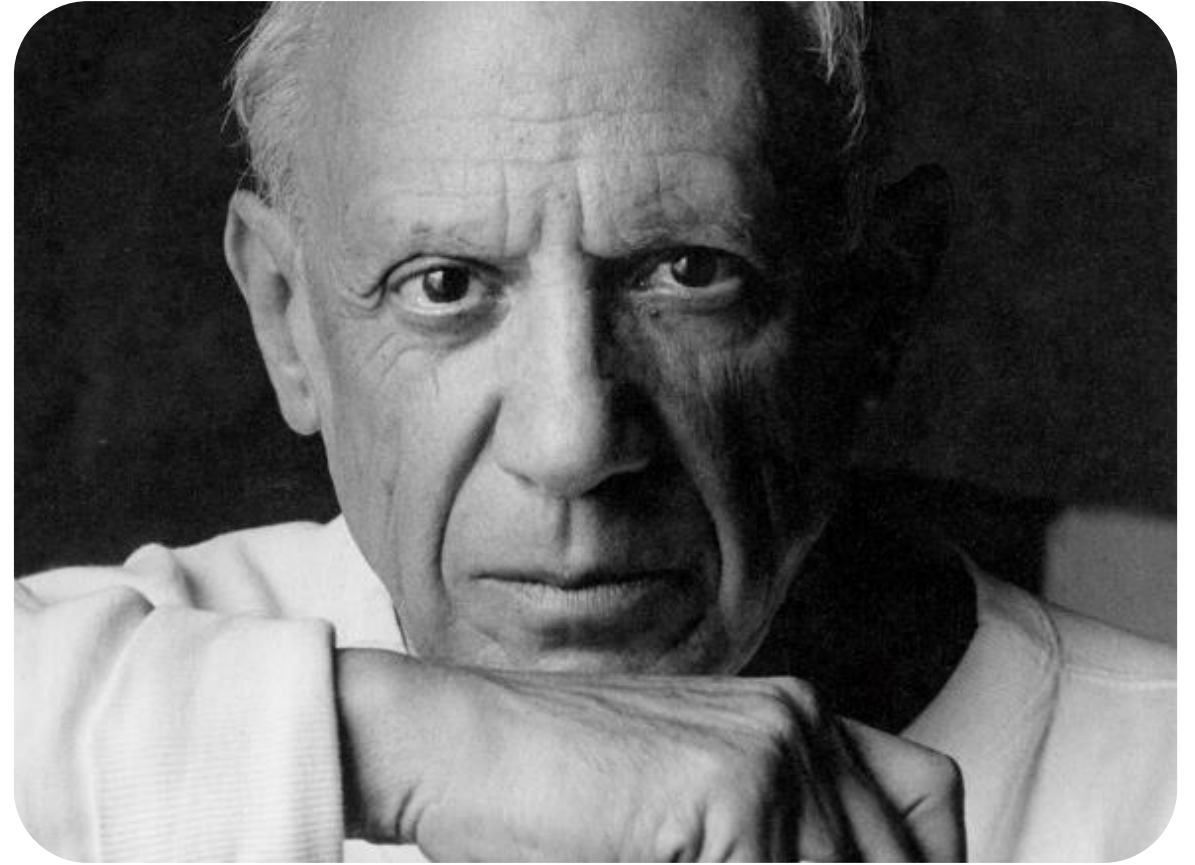
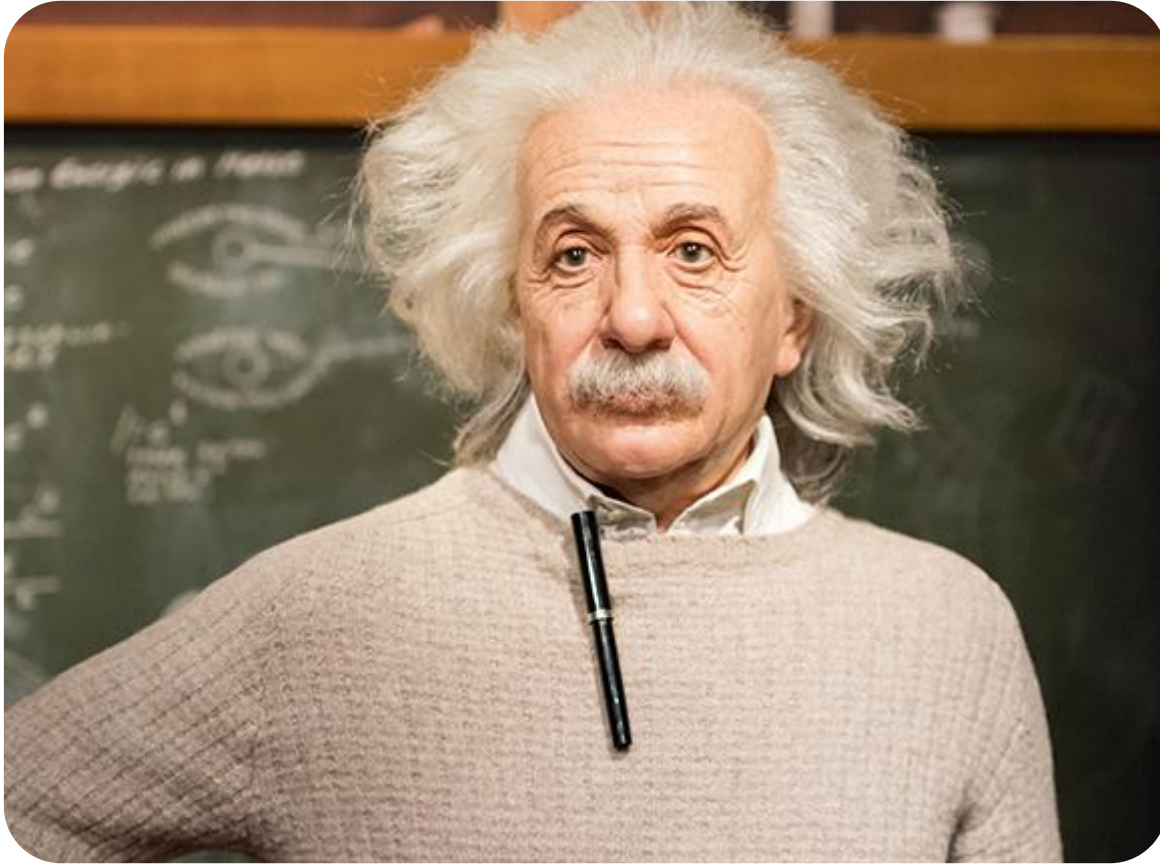
- Ensuring a prompt, thorough, and equitable investigative process for everyone involved
- When sex discrimination or harassment is discovered, the Title IX Coordinator should oversee (or at least be heavily involved in)the process of:
  - (1) Taking steps to eliminate the environment that helped to create the hostile environment;
  - (2) Taking steps to prevent its recurrence; **and**
  - (3) Remediating its discriminatory effects.
- **One of the primary ways to effectuate the above steps is to conduct thorough investigations.**





# Interviewing





**Who do you think would be the better interviewer?**

# Interviewing



**Two most important qualities of a good interviewer:**

- Be prepared.
- Build trust.

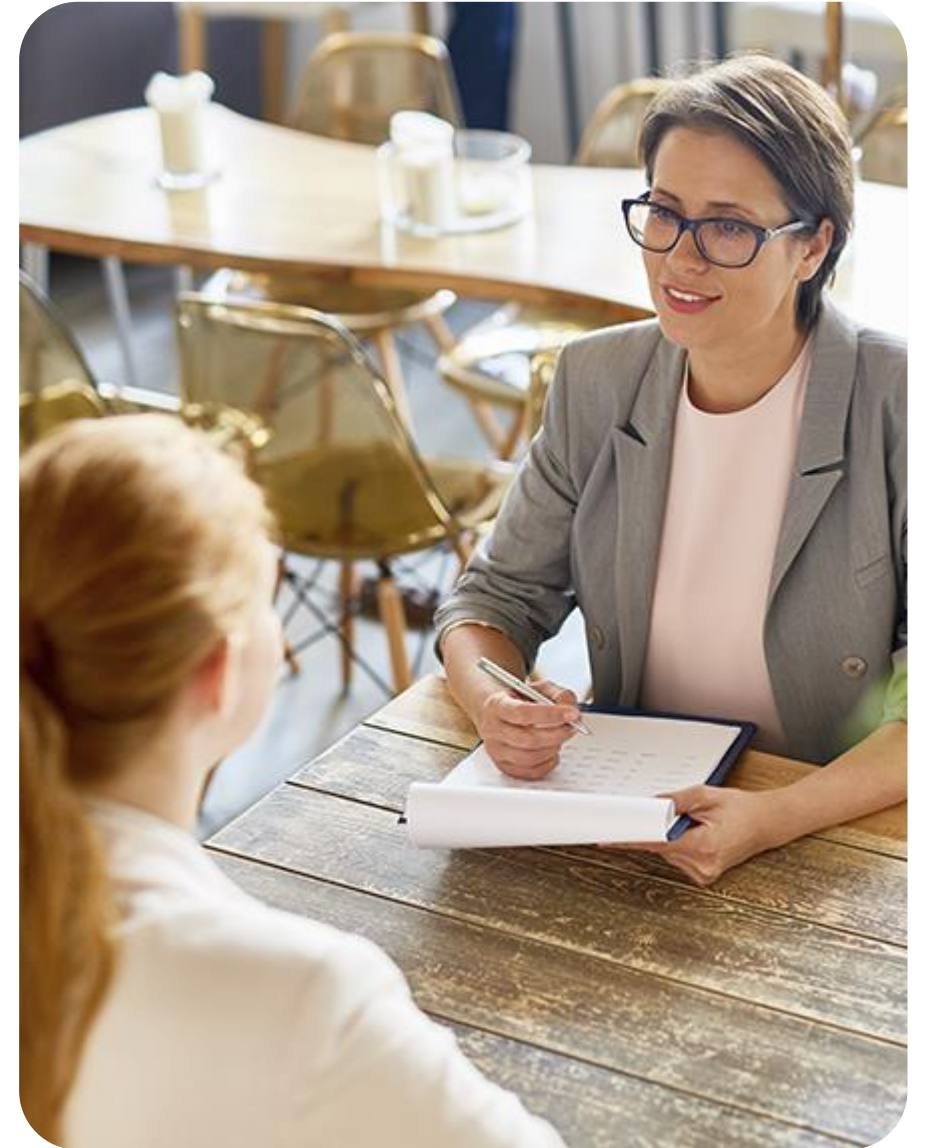


**How to treat each person the equitably, but interview them differently**

- Complainant
- Respondent
- Other witnesses
- Difficult witnesses



**What an interview summary should look like**



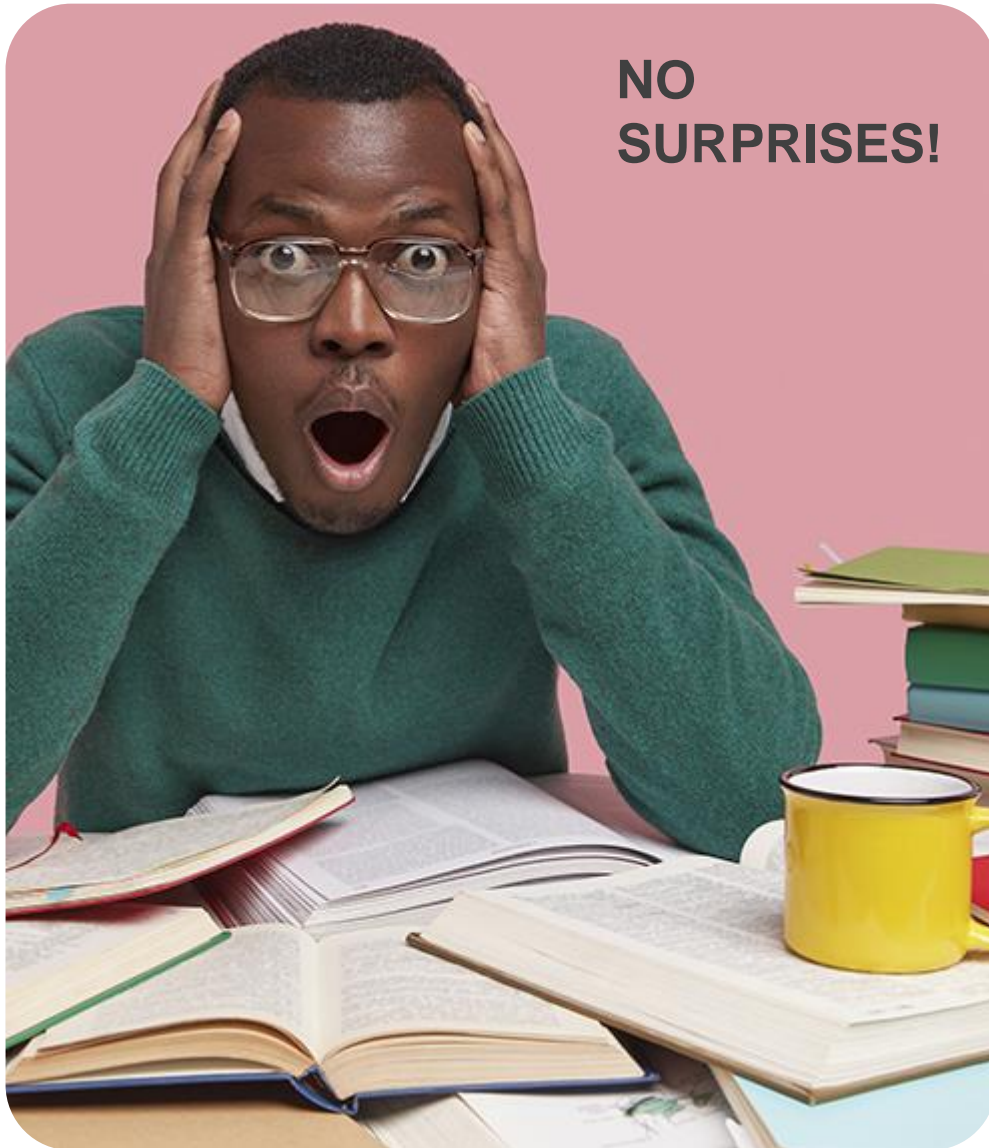
# Being Prepared

- Before you begin your interview with anyone, you should have reviewed all information relevant to the complaint issue (i.e. you should be very familiar with the facts, as well as specifics related to individuals involved).
- You should do an outline for each interviewee.
- Try to schedule the interview with no distractions (i.e. no cell phones, cutting office phone ringer off, etc.).
- Allot enough time for the interview. You never want to appear to rush a person through a tough question or take away time at the end to answer follow up questions.



## Being Prepared/Building Trust

- ④ When an investigator is unprepared, it can appear (to the interviewee) that the investigator is disinterested or worse unqualified.
- ④ Being unprepared for an interview undermines your credibility with the interviewee.
- ④ Appear professional (in terms of dress, demeanor, professionalism, etc.)
- ④ Remember that you are building or losing trust with each minute.



## Building Trust

- Prior to the interview let the interviewee know who will be in attendance.
- Inform them of their right to have a support person (and explain the support person's role).
- “Surprises” or “misunderstandings” undermine your credibility with the interviewee.
- Conversely, doing things exactly as you say you will and being prepared enhances trust.

## Building Trust, Continued

- Trust building begins the minute the Interviewee enters the room (physically or virtually).
- Begin the interview with “soft ball” questions, (i.e. confirming information you already know such as: the student’s age, major, residence housing location, etc.).
- After your “soft ball” questions, start discussing the facts relevant to the allegation.





# Treating Everyone Equitably

# How to Interview: Treat Each Person the Same, but Interview Them Differently

## Complainant

- ④ Make sure that the complainant knows that the complaint is being taken very seriously and that no prejudgments have been made.
- ④ Explain the school's prohibition against retaliation.
- ④ Allow time for the complainant to respond to difficult questions.
- ④ Use direct, but measured, language when asking about specific details.

# How to Interview: Treat Each Person the Same, but Interview them Differently...

## Complainant



### Use of language

- When interviewing the complainant, remember that your use of language is key.
- Two parts of language:



**Body Language** such as: Facial movements, sudden reactions (or awkward pauses) to surprising information, lack of eye contact.

- **Good body language** can increase the complainant's level of comfort and trust.
- **Bad body language** can undermine trust and worse appear **JUDGMENTAL**.



## Complainant

### *Don't ask...*

- Why didn't you ask for help if you were so afraid?
- Why did you take the drink if you were uncomfortable doing so?

### *Instead, ask...*

- Was anyone available to help you?
- What happened after you had the drink?

## Complainant

### *Don't ask...*

- Why did you invite him to your apartment at 2 AM?
- Why did you call her two weeks after she (allegedly) sexually assaulted you?

### *Instead, ask...*

- Tell me about the your interaction with him leading up to the time you invited him in?
- Tell me about your communication and interaction with her, if any, after the (alleged) assault?

# Interviewing the Complainant Summary

- ④ **Don't appear judgmental.**
  - Avoid “why” questions.
  - Avoid bad body language.
  - Listen attentively.
  - Start broad, then narrow.
- ④ When interviewing the complainant, periodically write down information, as opposed to writing down each word s/he says.
- ④ Remember you are building and/or losing trust throughout, when the complainant is talking, you are listening.
- ④ Recap the information with the complainant at the end of the interview.
- ④ Always end the interview by thanking the complainant for his/her time, and explain the next steps in the investigation.

# How to Interview: Treat Each Person the Same, but Interview Them Differently



## Use of language

- When interviewing the respondent, be mindful of your language use.
- Two parts of language:

### Body language

### Question phraseology

- Your questions should never be leading.
- Questions should be aimed at getting the respondent's "side of the story."
- Again, start broad, and then narrow.



## Inquisitive, NOT interrogative!



## Respondent

### *Don't ask...*

- Isn't it true that you bought her four shots of tequila that night?
- Why did you call her so many times after you found out about her allegation of sexual assault?

### *Instead ask...*

- Do you remember how much alcohol each of you drank? **Follow up with...**
- Who paid for the alcohol?
- Tell me about your most recent communication(s) or communication attempts with the complainant? **Follow up with...**
- What prompted the communication(s); what did you discuss?

## Respondent

### *Don't ask...*

- Do you usually have sex with men after they have been drinking?
- Are you sure she said yes?

### *Instead ask...*

- Was the night in question the same or different than other nights you drank?  
**Follow up with:** How was it different?
- What words or actions led you to believe she was consenting to your sexual advances?

# Interviewing the Respondent Summary

## Respondent

- ① **Don't appear biased.**
  - Avoid leading questions.
  - Avoid bad body language.
  - Listen attentively, and probe for clarification of ambiguous points.
  - Remind the respondent that s/he is “not in trouble” at this point.
  - Remember you are gathering information, **NOT** confirming a suspicion.
- ② **Recap the information with respondent at the end of the interview.**
- ③ **Explain (in detail) the next steps of the investigation.**
- ④ **Inform the respondent about the university (and other) resources that are available to him or her, just as you would for the complainant.**

# How to Interview: Treat Each Person the Same, but Interview Them Differently

## Other witnesses



### Use of language

- Questions should be as impartial as possible.
- Initiate conversation by trying to understand the relationship, if any, between the witness and the complainant, the respondent, or both.
- Pay specific attention to that language you use. You do not want to appear to be overzealous on the one hand, and you do not want to appear to be disinterested on the other.
- Provide the witness with only the information necessary to respond to a question.



## Other Witnesses

### *Don't ask...*

- Was Kayla drunk on Saturday night when you saw her?
- How long were you and Kayla at Matt's house before going to the bar?

### *Instead ask...*

- Tell me what you remember about being with Kayla that night?
- What did you and Kayla do before going to the bar on Saturday?



## Difficult Witnesses

- Maintain your composure.
- Control the interview.
- Remain respectful.
- Explain, explain, and explain again!

## Difficult Witnesses- Dealing With Attorneys

- If a person (particularly a respondent) requests representation be present, accommodate the request (if it does not conflict with your policy).
- Set the parameters of the interview **before** it begins.
- If the attorney becomes combative or continuously “objects,” stop the interview, and re-explain the purpose of the interview.
- If the attorney interferes to the point that you cannot comfortably get the information you need, then end the interview.



# Interviewing Other Witnesses Summary

## Witnesses

- Appearance of neutrality is key.
- Keep them on a “need-to-know” basis.
- If the person is a difficult witness, remember **you** are in control of the interview.



## Interview Summaries

- Interview summaries should be thorough and reflective of the amount of time and effort put into the interview.
- When you write the individual's name once, use something else to identify them so as to eliminate confusion.
- Interview summary should be as detailed as possible.
- Try to type the interview summary as soon as you can subsequent to the interview.





# Key Takeaways



## Key Takeaways

- Building trust is key.
- Remember to treat people equitably.
- Have a solid investigative summary.





# Questions



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