

Title IX Investigator Training

NJIT

Chelsea Jacoby, Ed.D
Title IX Coordinator at The College of New Jersey



2.0

August 18, 2020

Questioning Techniques

*Open-ended vs. Closed questions ---> each have their own time/place

- "Can you tell me more about..."
- "What, if anything, do you remember about..."
- "Is there anything else you want me to know?"

*Avoid complex questions containing multiple concepts - separate & simplify

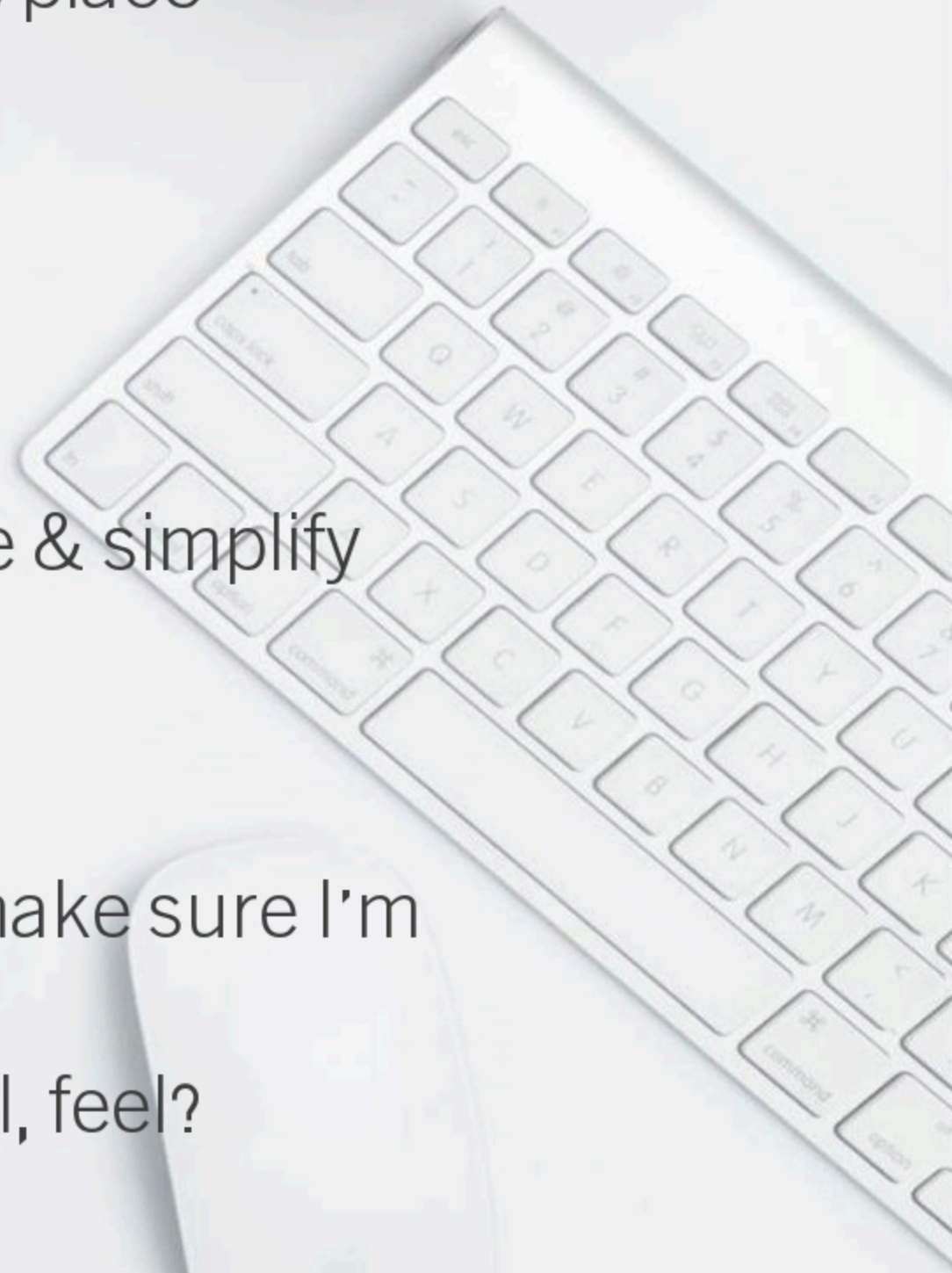
*Ask for clarity when needed -

- "I'd like to go back to when you said..."
- "Can you walk me through _____ again? I want to just make sure I'm understanding."

*Inquire about sensory information -What did they hear, see, smell, feel?

*Embody and demonstrate both empathy & active listening

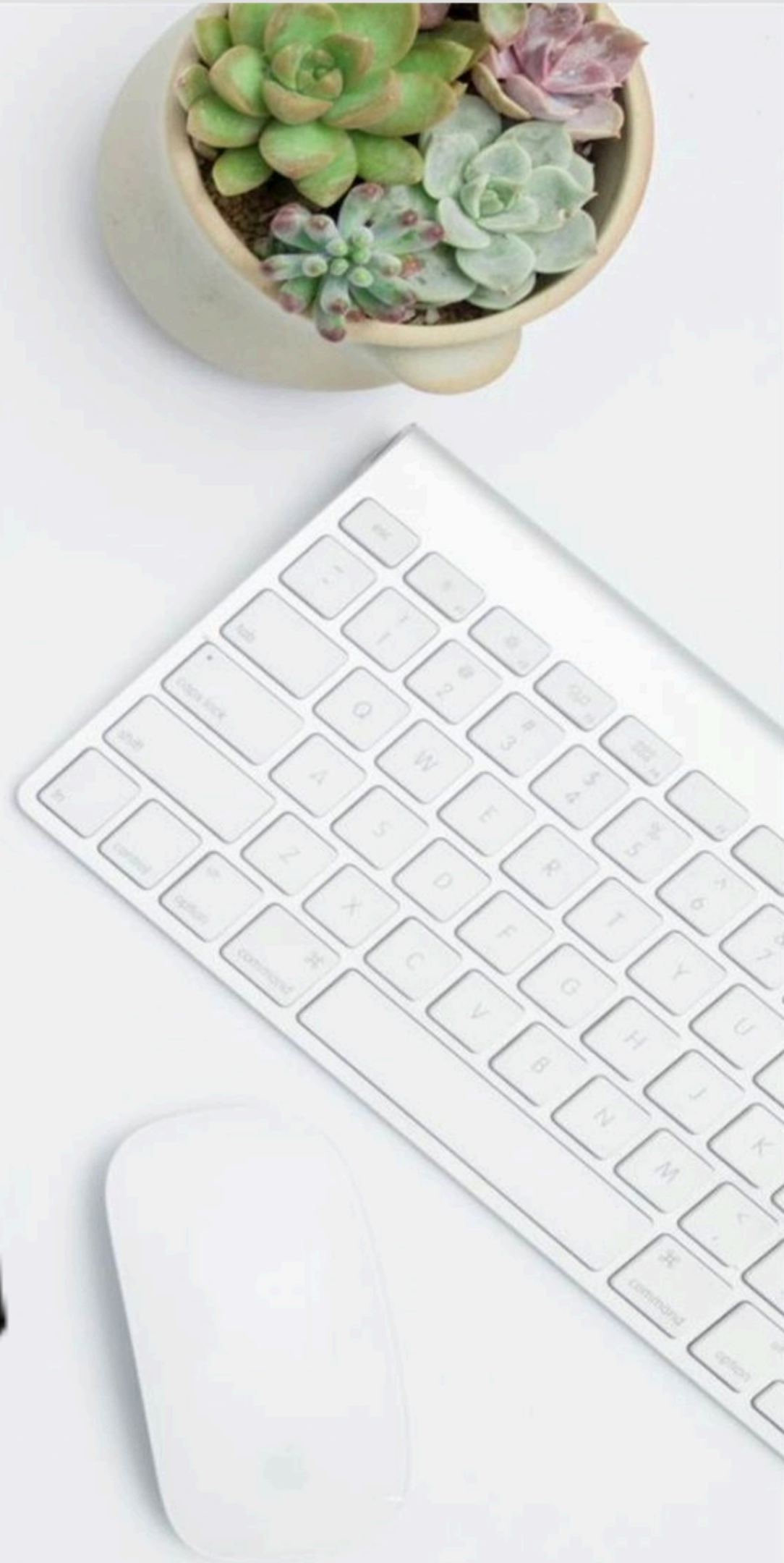
*Ask questions in a logical order and/or grouped by particular concept/topic



Mock Interview #2



30 min



A close-up photograph of a small, light-colored ceramic pot containing four different types of succulent plants. The plants include a large green one with yellow-tipped leaves, a pinkish-purple one, a light green one with white variegation, and a small one with red-tipped leaves.



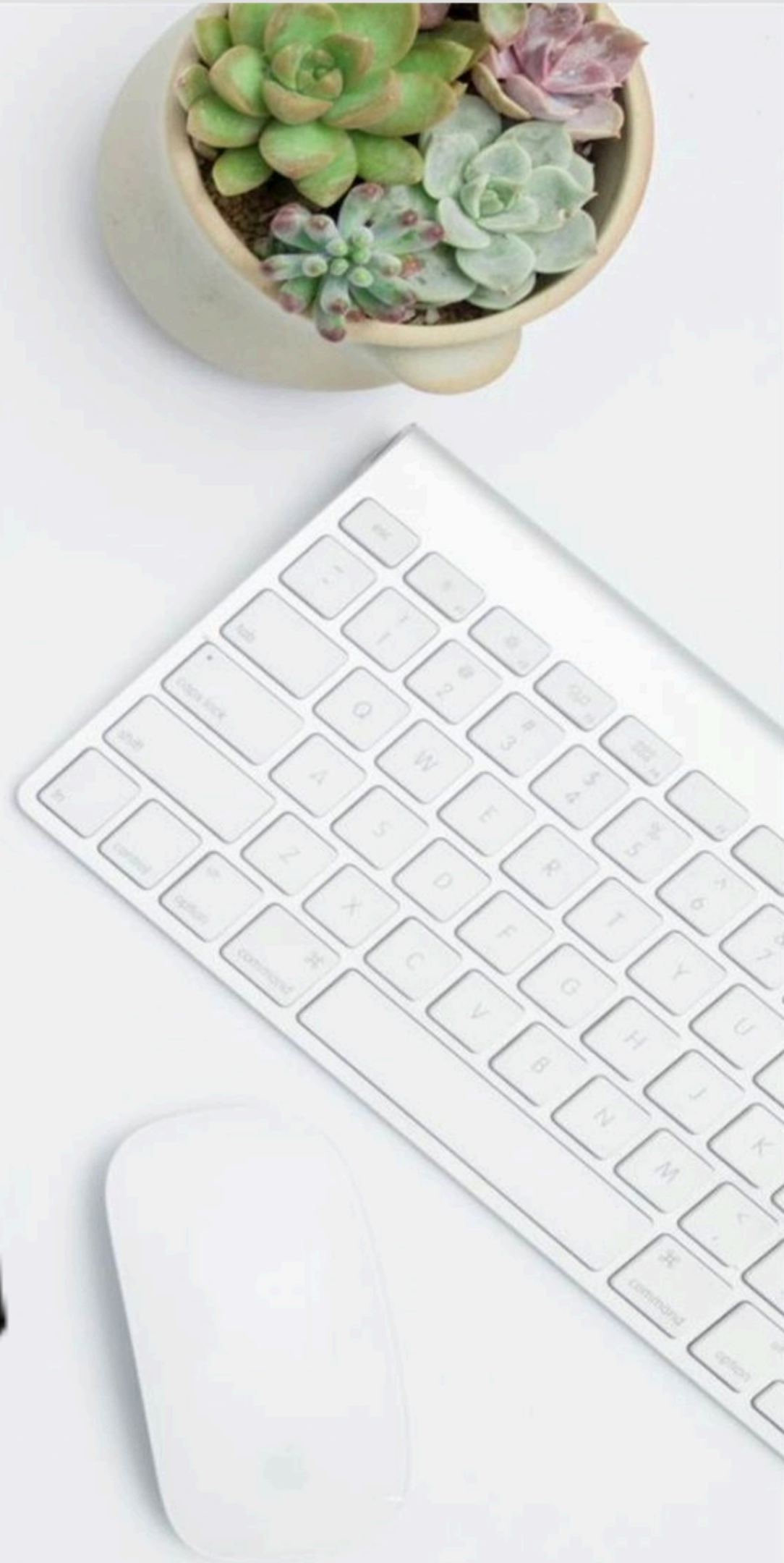
60 min



Relevant Questioning Practice

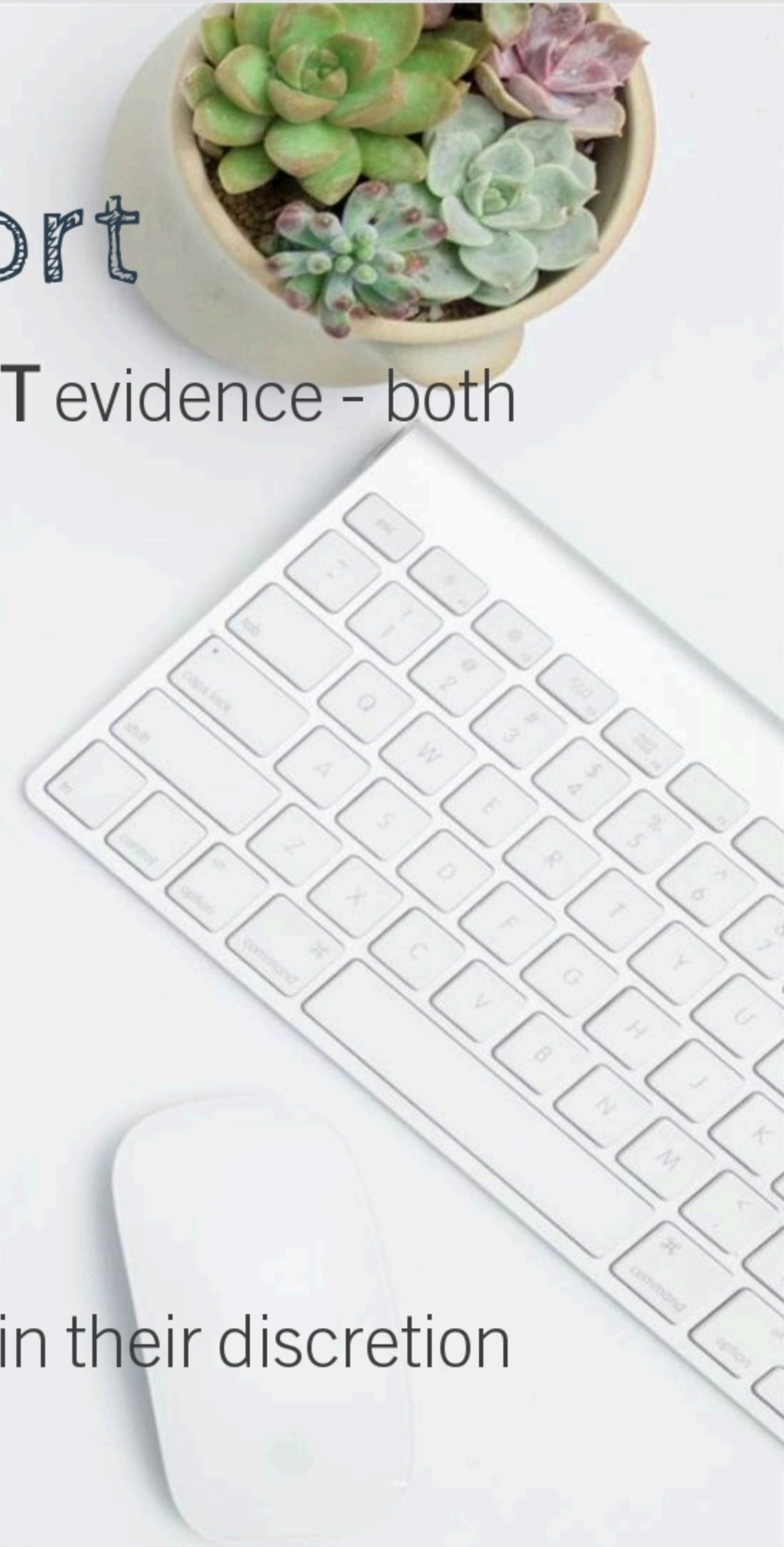


20 min



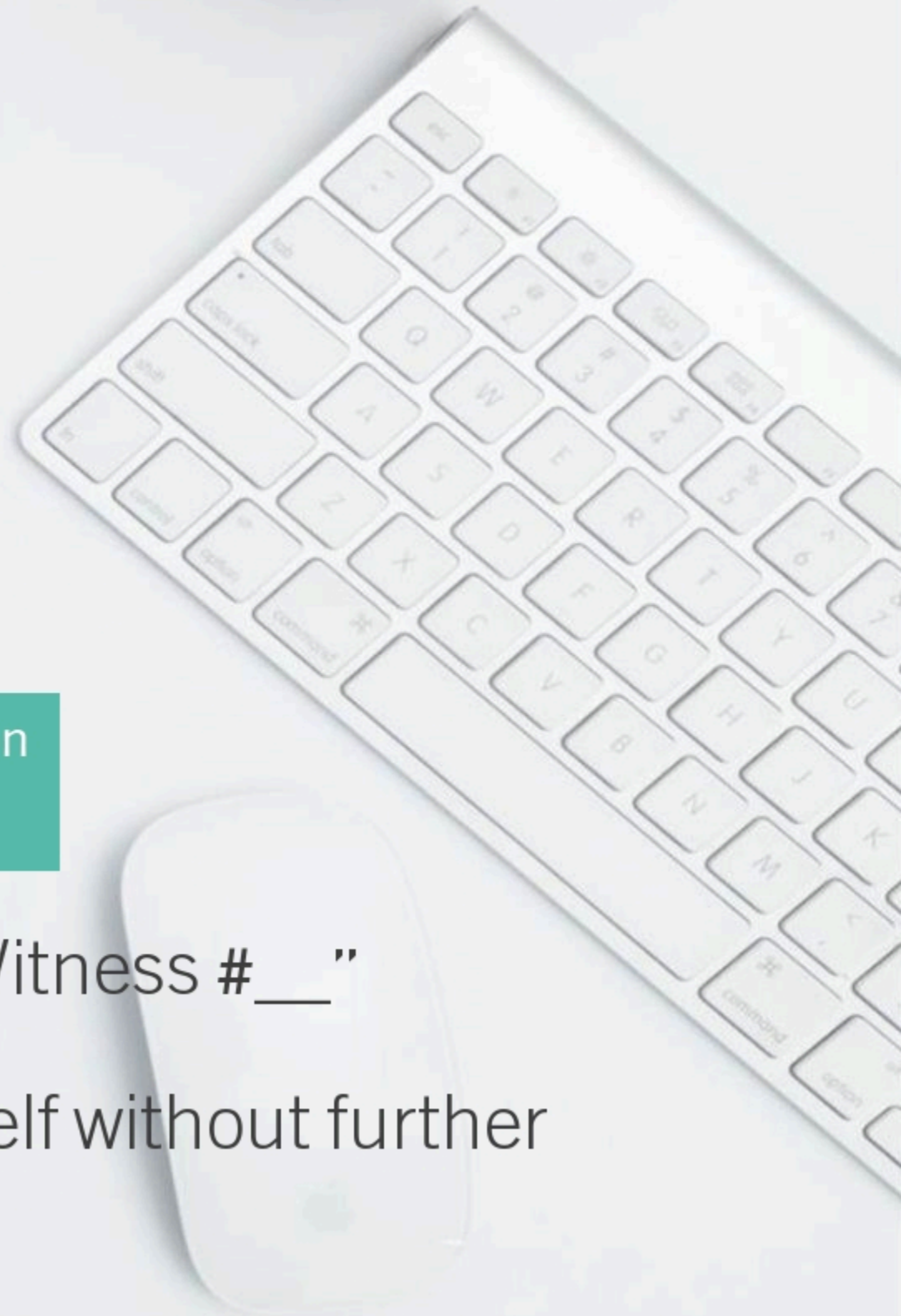
Contents of Investigative Report

- * The investigative report must fairly summarize all **RELEVANT** evidence - both inculpatory & exculpatory.
- * Typically will include (as applicable):
 - * an investigative timeline;
 - * the Reporter's statement;
 - * the Respondent's statement;
 - * each witness' statement;
 - * timeline of alleged incident;
 - * any supplemental documentation obtained; and
 - * a summary of any other information the Investigator(s) in their discretion deems relevant.



Report Writing Techniques

- * Professional
- * Balanced and neutral
 - Content
 - Linguistics
- * Use of verbatim quotes
- * Avoid declarative credibility language
 - "Unreliable" vs. insufficient information
 - Recognize perspective of the parties
- * Use of terms "Reporter" (or Complainant), "Respondent" and "Witness #__"
- * Write the report in a way that the relevant evidence speaks for itself without further interpretation from Investigators



Relevant vs. Directly Related

"The Department notes that the universe of evidence given to the parties for inspection and review under § 106.45(b)(5)(vi) must consist of all evidence directly related to the allegations; determinations as to whether evidence is "relevant" are made when finalizing the investigative report, pursuant to § 106.45(b)(5)(vii) (requiring creation of an investigative report that "fairly summarizes all relevant evidence")." (p. 1041)

"The Department declines to define certain terms in this provision such as "upon request," "relevant," or "evidence directly related to the allegations," as these terms should be interpreted using their plain and ordinary meaning." (p. 1017)

Relevant Evidence

NJIT "information that tends to make a material fact at issue more or less probable and the fact is of consequence in determining the action."

Evidence is relevant when it tends to prove or disprove an issue in the complaint.

Only "relevant" evidence can be subject to the decision-maker's objective evaluation in reaching a determination, and relevant evidence must be considered, subject to the rape shield and legally recognized privilege exceptions contained in the final regulations.

Directly Related Evidence

Evidence that is connected to the complaint, but is neither inculpatory (tending to prove a violation) nor exculpatory (tending to disprove a violation).

Serving Impartially

Investigators are required to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Implicit Bias: refers to the automatic and unconscious process of assigning a stereotype and/or linking negative or positive attitudes to a particular group, or to an individual associated with a group (Kang, 2009).

Implicit biases may oppose a person's adopted worldview, but because they are not consciously controlled, they may nonetheless be reflected in their behavior – including in the professional realm (Halilović & Huhtanen, 2014, p. 33).

Stereotypes & attitudes that may exist due to explicit or implicit biases can interfere with one's assessment of cases involving sexual violence, the evaluation of victim and suspect credibility, and ultimately our determination about whether a crime was even committed.

→ The intersection of racial and gender stereotypes and biases can pose particularly unique difficulties for women and LGBT individuals of color seeking police services to address sexual assault and domestic violence incidents.

Explicit Biases:

Reflect our consciously held worldview

Implicit Biases:

stem from prevailing socio-cultural attitudes, stereotypes, & norms

Serving Impartially

In order to overcome the harmful consequences of gender bias in sexual assault response and investigation, we must be willing and able to confront our individual stereotypes and attitudes (Huhtanen, Lonsway, & Archambault, 2018).

Based on recommended core principles from the DOJ, the following factors may help reduce the potential for discrimination, which include:

- 1 Recognizing and addressing biases, assumptions and stereotypes about both Reporters and Respondents generally;
- 2 Treating all parties with respect & employing interviewing tactics that encourage the party to participate & provide facts about the incident.
- 3 Investigating complaints of sexual harassment thoroughly and effectively
- 4 Properly implementing Supportive Measures for the Reporter and refer to appropriate services
- 5 Maintaining, reviewing, & acting upon data regarding all forms of sexual harassment

Testing Implicit Bias

Implicit Association Test (IAT) assesses beliefs and attitudes that people may be unable or unwilling to report - helps identify the gap between intention and reality when it comes to implicit bias.

Can also provide for the Respondent as well as requested/appropriate.

Contact Me



Chelsea Jacoby, Ed.D.

Director of Title IX Compliance & Sexual Misconduct

Title IX Coordinator

The College of New Jersey

Email: jacobyc@tcnj.edu

Phone: (609) 362-2062



References

Department of Justice Archives - Identifying & Preventing Gender Bias

Department of Justice. (2015). Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence. <https://www.justice.gov/opa/file/799366/download>

Halilović, M., Watson, C., Huhtanen, H. and Socque-Juglard, M. (2017). Gender Bias and the Law: legal frameworks and practice from Bosnia and Herzegovina and beyond. Sarajevo: AI/DCAF, 228.

Huhtanen, H., Lonsway, K., Archambault, J. (2018). *Gender Bias in Sexual Assault Response and Investigation. Part 3: False Reports*. End Violence Against Women International.

Kang, J. (2009). *Implicit Bias: A Primer for Courts*. Williamsburg, VA: National Center for State Courts, Race and Ethnic Fairness in the Courts.

Project Implicit (2011). Take a Test. Retrieved from the Project Implicit website: <https://implicit.harvard.edu/implicit/takeatest.htm>

