

CONDUCTING INVESTIGATIONS

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THE INVESTIGATION

WHEN DO WE START AN INVESTIGATION?

- When you have information that says you need to
- There doesn't have to be a complaint or a complainant
 - Example: you see something on video, the school would be the complainant
- There is a genesis or a reason why (Could be a 3rd party observation).

WHAT IS THE PURPOSE?

- To gather as much information as possible regarding a specific incident or series of incidents
- We investigate specific behaviors that are violations of our policies, not laws
 - Identify the allegations separately
 - Findings will be issued for each allegation
 - Courts are "beyond a reasonable doubt"
 - School standard is "more likely than not"

WHAT IS THE PROCESS?

- Conduct Interviews
 - Complainant, Respondent, Relevant Witnesses
- Gather Evidence (from all involved parties and witnesses)
 - Written statements, documents, video, pictures, social media, texts, notes, paraphernalia, drawings, confiscated items, etc.
- Document
 - Allegations, findings, actions, and any other relevant information.

CONFIDENTIALITY

- Never promise “confidentiality”.
- There are certain things you are required to report and investigate.
 - “This conversation will be kept private, we will ask you to keep it private as well.”
 - “Information is only shared with those who need to know”
 - “We will do our best to keep things confidential”

REPORTING

- Follow mandatory reporting laws (abuse and neglect)
 - https://le.utah.gov/xcode/Title62A/Chapter4A/62A-4a-S414.html?v=C62A-4a-S414_1800010118000101
- Parallel investigations can occur with police for criminal allegations, but we do not abdicate our responsibility to investigate incidents in our jurisdiction
 - <https://le.utah.gov/xcode/Title80/Chapter6/80-6-S206.html>
- You are required to notify parents when a child is involved or the respondent of bullying

TERMINOLOGY

- COMPLAINANT
- RESPONDENT
- WITNESS
- COMPLAINT
- ALLEGATION
- FINDINGS OF FACT

DOCUMENTATION

IF IT ISN'T WRITTEN DOWN, IT DIDN'T HAPPEN

- Document interactions with
 - Employees
 - Students
 - Parents
- What you did (process)
- What was said – ACTUAL words
- Who was in the meeting
- Dates

THE INVESTIGATOR

CHARACTERISTICS OF A GOOD INVESTIGATOR

- Objective
- Neutral
- Fearless
- Self-aware
- Analytical
- Detail Oriented
- Thorough
- Organized
- Personable
- Adaptable

BIAS

- We all have biases. Be aware of them and how they may influence you
- Know what triggers or buttons can be pushed
- Don't let them know where you've tied up your goat
- Cannot be offended by what a student (or parent) may say or do
- Investigators will be exposed to profanity, sexting, and other morally objectionable contexts

PREPARATION

- Who do you need to talk to and in what order?
- Write down what questions you want to ask.
- Create a comfortable environment.
- Work with interviewees schedules (if adults) so they are open and willing to talk.
- Know your case: details, names, background if relevant, questions, what information should be corroborated.
- Invite parents to be present during the interview via phone or in person

HOW TO BUILD RAPPORT

- Ensure interviewee is comfortable and feels safe
- Put them closest to the door
- Ask them if they want it open or closed
- Be professional, competent, and kind
- Be open about available choices and consequences
- Be honest about potential outcomes
- Do not try to become the interviewees friend
- This is not a personal relationship. You can ask some natural and general questions to get to know them, but get to the interview quickly.

THE INTERVIEW

INTRODUCTION

- Introduce yourself and your role (maybe something about yourself)
- Tell them why they're there
- Explain the process and options
- Ask if they have any questions about what's happening or the process and answer any of their initial questions before you begin
- Explain that your conversation is private (not confidential), and that some things you are required by law to share with those who need to know
- Ask them to keep the conversation private as well
- Make it clear there should not be any retaliation as a result of the interview

PROCESSES TO CONSIDER

- Explain they can stop or take a break at any time
- Offer them a bottled water
- Explain that you may ask for information they can't remember or are not comfortable sharing.
 - It's important they are honest.
 - It's ok to say, "I don't know" or "I don't want to answer that"
 - (If they think they have to answer every question, they might make up an answer)
- Explain you are going to take notes (or record) to help you remember what is said (Assume you could be recorded at any time)
- Explain that you take every allegation seriously and that you are committed to student safety

OPEN OPPORTUNITY TO RESPOND

It is not natural for students to want to tell everything to an administrator they don't know, but many like to talk so let them!

- “Tell me from your perspective what happened.”
 - Explain you will ask follow up questions afterwards.
 - Allow the interviewee to talk. DO NOT interrupt their narrative.
 - Make notes of what you want to go back to.
 - Every time you take note, subliminally you send them a message that what they said is important. So take notes the whole time.
 - Do not fear silence. Do not ask additional questions or make comments to fill a silent pause.
 - Silence means they are thinking and putting things in a logical order before they say it. A lot of important information happens after that silence. They need to have the internal struggle, interrupting the silence lets them off the hook.
 - Take notes on body language, but don't ascribe interpretation (story vs fact): i.e. while talking he is tapping his foot rapidly, not that he seems nervous.

GENERAL QUESTIONS

Ask open ended follow up questions.

- Tell me more about... instead of... and then what happened?
 - Tell me more about what he said.. or what he was wearing... or who was there.
- How did it feel when... What were you thinking during... Describe what you were feeling, touching, seeing, etc.
- They may give a lot of detail before or after the incident and skip the important part.
 - Ok, we need to talk more about the middle part. Tell me more about what happened when you went into the locker room... etc.
- Keep narrowing down. At some point you might need to ask a direct question.
 - Did this person say no or ask you to stop?
- Their story might be all over the place so you have to go back later and put it in order.

FOCUSED QUESTIONS

- Ask detailed questions to tie up any loose ends and fill in any holes.
- Dates, times, details that are important
- Who, what, why, where, when
- “During the fight, did he hit you?” vs. “When you attacked him, did he try to defend himself?” (avoid value-laden and stay neutral)

DISCREPANCIES

- After gathering as much information as possible, point out any contradictions or discrepancies.
 - Do NOT share what other students or witnesses have shared with you.
- Ask multiple questions at different times about the same thing to see if the answer supports or contradicts previous statements.
 - “When you went back, where was Jimmy standing?”
 - “What did Jimmy do when you went back?”
 - “Sorry, I don’t quite understand – what was Jimmy doing all this while?”

REVIEW QUESTIONS

- Review questions are used to summarize your understanding of what you've heard so far. State what you understand, and then ask for agreement or clarification.
 - “So Jimmy came out after William, is that correct?”
 - Is there anything else you can tell me about this?
 - What else were you expecting me to ask?
- Review questions can be used to ask for agreement on things you know are wrong to test a person's honesty or gauge their body language when they think you have missed key points.
- Request copies of notes, documents, phone messages, or any evidence they've presented.
- Repeat any questionable or confusing information back to ensure you heard correctly.
- Ask for clarification and more detail on any vague points
- **If they haven't already written a statement, ask them to write down everything they just told you.**
 - **Review it and if they left out any key information, ask them to include it by writing an addendum statement.**

CONCLUSION

- **Ask if there is anything else the interviewee feels you should know that you may not have asked.**
- Thank them for talking to you.
- Let them know you may have follow-up questions or they can reach out if they think of anything else.
- “How would you like to see this resolved?”
- Let them know what happens next in the process.
- Don’t commit to a consequence or specific outcome too early.
 - “We are still investigating. You are suspended pending an investigation. We will be talking to students tomorrow and gather information in the next couple of days. I will reach out with more information in 2 days.”
- Give them your contact information and invite them to call with questions or concerns.

NO PERFECT INTERVIEW

- Every interviewee arrives with stress, baggage, bias, and a plan of what they want to say.
- Adapt
 - e.g. “I’m not talking to a man, I want to talk to a woman.”
 - Accommodate that or work through it?
 - Talk to them about their concerns, build trust and professionalism.
- Remember your goal to obtain the most available information.
 - They will skip things if they think you are going to judge them.
 - You can’t show the judgement.
 - You just listen. They should leave feeling heard, not frustrated.
- Don’t act or react emotionally. “Cues” can shut down information. They are reading you.

INVESTIGATIVE REPORT

WHAT'S INCLUDED IN A REPORT?

- Involved Parties
- Allegations
- Summary of Information & Evidence
- Findings of Fact & Analysis
- Conclusion (if applicable)
- Sanctions and/or Recommendations (if applicable)