

The background of the slide is a light gray gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The largest droplet is in the bottom right corner, while others are smaller and more numerous in the top left and bottom center areas.

QUESTIONING

NEW CIVIL RIGHTS INVESTIGATOR TRAINING

ADAPTED FROM ATIXA INVESTIGATOR IN A BOX, 20 MINUTE TO TRAINED
QUESTIONING AND WWW.T9NOW.COM

FIRST STEPS

- OUTLINE YOUR INTERVIEW QUESTIONS PRIOR TO MEETING, BUT BE FLEXIBLE.
- PLAN THE ORDER OF INTERVIEWS; MAY BE BENEFICIAL TO INTERVIEW RESPONDING PARTY LAST.
- MOST BENEFICIAL TO CONDUCT INTERVIEWS IN PERSON.
- INTERVIEWS SHOULD BE CONDUCTED IN A NEUTRAL, QUIET, AND PRIVATE SETTING WITH MINIMAL OR NO LIKELIHOOD OF INTERRUPTIONS.
- EXPLAIN PROCESS TO INTERVIEWEE, YOUR ROLE AS A NEUTRAL FACT FINDER, AND PRIVACY PROTECTIONS AND LIMITATIONS.

FIRST STEPS

- THANK THEM.
- REVIEW YOUR ROLE AS A NEUTRAL FACT-FINDER.
- PUT THEM AT EASE – ASK ABOUT THEM (BUT AVOID INSINCERITY).
- ACKNOWLEDGE THEIR HESITATION.
- REVIEW RETALIATION AGAINST A WITNESS.
- REVIEW PRIVACY DETAILS.
- REVIEW EXPECTATION OF TRUTHFULNESS.

QUESTIONING

- USE THE FUNNEL TECHNIQUE
 - OPEN-ENDED QUESTIONS FIRST
 - NARROWING EACH SUCCESSIVE QUESTION AS IT FLOWS FROM THE PREVIOUS ANSWER
 - FINAL – CLOSED-ENDED QUESTION SHOULD GET THE ANSWER YOU NEED TO DROP OUT OF THE BOTTOM OF THE FUNNEL – IF POSSIBLE!!!
- USE CIRCULAR QUESTIONING TECHNIQUE
 - TO REPEAT QUESTIONS
 - TO VERIFY CONSISTENCY
 - ASK THE SAME QUESTION IN A DIFFERENT MANNER TO SEE IF SAME ANSWER RESULTS

QUESTIONING

- “STAY IN YOUR LANE”
 - AS INVESTIGATORS YOU ARE NOT STUDENT DEVELOPMENT SPECIALISTS, SUPERVISORS, ADVOCATES
 - QUESTIONING IS INTENDED TO HELP THE DECISION-MAKER DETERMINE, USING PREPONDERANCE OF THE EVIDENCE STANDARD, WHAT HAPPENED AND WHETHER IT VIOLATED POLICY.
 - QUESTIONS SEEKING TO ENGAGE IN STUDENT OR STAFF DEVELOPMENT, OR ENCOURAGE OR PROMPT REFLECTION OR RESTORATIVE INSIGHT – “PULL INVESTIGATORS OUT OF THEIR LANE AND COMPROMISE THE INVESTIGATION.”
 - ENSURE THAT YOU REMAIN OBJECTIVE AND KEEP YOUR ROLE IN CONTEXT, THIS IS AN ADMINISTRATIVE PROCESS, NOT A LAW ENFORCEMENT INVESTIGATION

DO'S AND DON'T'S

DON'T

- USE OVERLY “LEGALISTIC” OR FORMAL LANGUAGE
- AVOID DIFFICULT OR EMBARRASSING QUESTIONS BECAUSE THEY ARE UNCOMFORTABLE
- ASK LEADING QUESTIONS BASED ON WHAT YOU THINK PROBABLY HAPPENED
- MAKE PROMISES YOU CANNOT KEEP, OR SET UNREALISTIC EXPECTATIONS
- INTERRUPT, ASK “BLAMING” OR BIASED QUESTIONS, OR FILL IN THE GAPS WITH YOUR OWN ASSUMPTIONS
- ALLOW PRECONCEIVED BELIEFS TO TAINT YOUR OBJECTIVITY

DO

- BALANCE EMPATHY WITH OBJECTIVITY; ESTABLISH RAPPORT WHILE MAINTAINING PROFESSIONALISM
- USE TACT AND SENSITIVITY, BUT CAN'T SKIP IMPORTANT DETAILS
- ALLOW THE DETAILS AND FACTS TO COME OUT FIRST, THEN FOLLOW-UP WITH CLARIFYING QUESTIONS
- BE CLEAR ABOUT THE PROCESS INCLUDING THE LIMITS ON “CONFIDENTIALITY”
- ASK OPEN ENDED QUESTIONS AND ALLOW INTERVIEWEE TO PROVIDE THEIR STORY IN THEIR OWN WORDS
- TAKE A MOMENT BEFORE EACH INTERVIEW TO AFFIRM THAT YOU WILL KEEP AN OPEN MIND THROUGHOUT THE PROCESS, GATHER ALL THE EVIDENCE FIRST, THEN ANALYZE IT IN CONTEXT

TYPES OF QUESTIONS

- OPEN-ENDED QUESTIONS:
 - WORK TO PHRASE QUESTIONS AS OPEN-ENDED VS. CLOSE-ENDED EARLY IN THE QUESTIONING STAGES (FUNNEL REFERENCE)
 - WHO, WHAT, HOW, ETC VS. DID YOU...? WERE YOU...?
 - OPEN-ENDED QUESTIONS ALLOW INTERVIEWEES TO ANSWER AS LONG AS THEY DESIRE, POSSIBLY YIELDING MORE INFORMATION THAN REQUESTED.
- CLOSE-ENDED QUESTIONS
 - USE THESE LESS FREQUENTLY, BUT THEY CAN BE EFFECTIVE IN NARROWING OR GETTING A PARTY TO COMMIT TO A STATEMENT IF A VARIETY OF VERSIONS AN ACCOUNT EXIST.
 - OFTEN, CLOSED QUESTIONS ARE MOST EFFECTIVE WHEN USED TO PARROT BACK AN ANSWER FOR CONFIRMATION
 - FOR EXAMPLE:
 - CLOSE-ENDED
 - QUESTION: "WERE YOU ANGRY WHEN YOU BROKE THE WINDOW?"
 - RESPONSE: "NO"
 - OPEN-ENDED
 - QUESTION: "WHAT WERE YOUR FEELINGS WHEN YOU BROKE THE WINDOW?"
 - RESPONSE" "I GUESS I WAS PRETTY ANGRY...."

TYPES OF QUESTIONS

- MULTIPLE CHOICE QUESTIONS:

- CAN BE A PITFALL FOR INVESTIGATORS, OFTEN ARISES WHEN QUESTIONS ARE NOT THOUGHT OUT AHEAD OF TIME
- WHEN THE INVESTIGATOR GIVES OPTIONS, THE INTERVIEWEE MAY GIVE THE INVESTIGATOR THE ANSWER THE PARTY BELIEVES THE INVESTIGATOR WANTS TO HEAR, VERSUS THEIR ACTUAL ANSWER. THE INTERVIEWEE MIGHT ALSO CHOOSE THE ANSWER THEY THINK IS LEAST RELATED TO A VIOLATION.

- FOR EXAMPLE:

- QUESTION: “WHAT WERE YOUR FEELINGS WHEN YOU BROKE THE WINDOW? WERE YOU ANGRY, ELATED, FRUSTRATED, OR JUST LETTING OFF STEAM? THIS WAS RIGHT AROUND MID-TERM EXAM TIME.”
- RESPONSE: “OH, I WAS JUST LETTING OFF STEAM; EXAMS WEREN’T GOING WELL...”

- MULTIPLE QUESTIONS AT ONE TIME

- IN GENERAL TRY TO AVOID ASKING MORE THAN ONE QUESTION AT A TIME. IF YOU HAVE MULTIPLE QUESTIONS, WRITE THEM DOWN AND ASK ONE AT A TIME.

LYING WITNESSES

- IN NON-ACCUSATORY WAY, EXPLAIN HOW STATEMENTS DON'T “MAKE SENSE.”
- ALLOW OPPORTUNITY FOR INDIVIDUAL TO RESTATE.
- TRY TO GAUGE WHY THEY ARE LYING – FEARFUL? EMBARRASSED? PROTECTIVE? TRY TO ASCERTAIN/ADDRESS THEIR MOTIVATION, WITH UNDERSTANDING.
- IF THEY CONTINUE TO LIE, CONFRONT AND EXPLAIN THE REPERCUSSIONS FOR LYING IN AN INVESTIGATION.
- CALMLY BRING THEM BACK TO THE QUESTIONS.

SAMPLE QUESTION EXERCISE

PLEASE NOTE: MANY OF THESE QUESTIONS ARE INTENTIONALLY IMPROPER OR PROBLEMATIC, THE PURPOSE IS TO CRITIQUE AND PARSE OUT HOW AND WHY ARE QUESTIONS ARE NOT APPROPRIATE

1. WHAT EFFECT DID YOUR ACTIONS (OR BEHAVIOR) HAVE ON OTHERS?
2. EXPLAIN WHAT YOU HOPED TO ACCOMPLISH THROUGH YOUR ACTIONS.
3. WHY DID YOU CHOOSE TO DRINK SO MUCH IF YOU KNEW IT WAS RISKY?
4. WERE YOU AWARE OF THE STUDENT CODE OF CONDUCT AS A FIRST YEAR STUDENT?
5. I HAVE A COUPLE OF QUESTIONS: FIRST DO YOU KNOW WHAT INCAPACITATED MEANS? SECOND, COULD YOU TELL SHE WAS INCAPACITATED? AND THIRD, WHY DID YOU GIVE HER ANOTHER DRINK WHEN EVIDENCE FROM WITNESSES INDICATES SHE WAS ALREADY REALLY DRUNK?
6. HOW WOULD YOU FEEL IF OTHERS ENGAGED IN COMPARABLE BEHAVIOR?
7. HOW IS YOUR RELATIONSHIP WITH THOSE YOU IMPACTED?
8. HOW DOES YOUR RESPONSIBILITY FOR LIVING WITHIN COMMUNITY STANDARDS APPLY TO YOUR ACTIONS IN THIS SITUATION?
9. HOW MIGHT YOU REACT IF SUCH A SITUATION WERE TO COME UP AGAIN?
10. WHAT WAS THE PURPOSE OF YOUR BEHAVIOR?

RESISTANT AND QUIET WITNESSES

- GAUGE THEIR RESISTANCE/HESITATION; TRY TO ADDRESS THEIR MOTIVATION.
- ANSWER QUESTIONS ABOUT THE PROCESS AS BEST AS POSSIBLE.
- BACK UP WHEN NEEDED.
- IF THEY OPEN UP, BE RESPONSIVE.
- EXPLAIN EXPECTATIONS OF THE SCHOOL AND RATIONALE FOR THE DUTY TO PARTICIPATE.
- IF APPROPRIATE, APPEAL TO THEIR HUMANITY.
- ADVANCE PREPARATION WILL HELP WHEN OPEN-ENDED QUESTIONS DON'T WORK.

OTHER TECHNIQUES

- CONSIDER WHO SHOULD CONDUCT THE INTERVIEW.
- ASK OPEN-ENDED QUESTIONS FIRST.
- SILENCE IS GOLDEN – DO NOT BE ALARMED IF A PARTY DOES NOT RESPOND TO YOUR QUESTION IMMEDIATELY. ALLOW THAT PERSON TO ASK FOR CLARIFICATION, BEFORE YOU ASSUME THEY DO NOT UNDERSTAND YOUR QUESTION.
- ALLOW TIME.
- UTILIZE BREAKS.
- REMAIN CALM AND PROFESSIONAL.
- LEAVE THE DOOR OPEN FOR FOLLOW UP.

KYLE AND BOB

- WHO WOULD YOU INTERVIEW FIRST, KYLE OR BOB?
 - INTERVIEWING THE REPORTING PARTY FIRST IS GENERALLY BEST PRACTICE.
- WHAT DO YOU WANT TO ASK KYLE? POSSIBLE QUESTIONS:
 - HOW MUCH DOES HE USUALLY HAVE TO DRINK?
 - WHAT DID HE HAVE TO EAT THAT DAY?
 - ARE THERE OTHER PEOPLE HE WAS WITH WHO COULD SPEAK TO HIS LEVEL OF INTOXICATION?
 - DOES HE HAVE CONDOMS IN HIS ROOM?
 - IF SO, WHERE DOES HE KEEP THEM?
 - WHAT DOES HE USUALLY DO WITH CONDOMS AFTER HE USES THEM (I.E. FLUSH THEM, THROW THEM IN THE TRASH)?

KYLE AND BOB

- WHAT DO YOU WANT TO ASK BOB? POSSIBLE QUESTIONS:
 - DESCRIBE WHAT “BAD SHAPE” LOOKED LIKE WHEN BOB HELPED KYLE HOME?
 - WHEN THEY HAD SEX, WHAT PHYSICAL POSITIONS WERE THEY IN?
 - DID THEY TALK DURING SEX? IF SO, WHAT ABOUT?
 - HOW DID KYLE SEEM DURING SEX AND TALKING?
 - WHAT DID KYLE DO WITH THE CONDOM AFTER SEX?
 - WAS BOB CONCERNED ABOUT KYLE GIVEN HIS EARLIER VOMITING?
 - WHAT DID BOB THINK KYLE DID IN THE BATHROOM AFTER THEY GOT TO KYLE’S ROOM?
- WHO ELSE DO YOU WANT TO TALK TO? O POSSIBLE WITNESSES:
 - OTHER PEOPLE AT THE PARTY WHO MAY HAVE INTERACTED WITH KYLE AND/OR BOB.
 - OTHER PEOPLE WHO MAY HAVE WITNESSES KYLE AND BOB INTERACTING WITH EACH OTHER.
 - ANYONE WHO KYLE AND BOB TALKED TO ABOUT THE NIGHT IN QUESTION.

PROFESSOR JOHNSON

- PROFESSOR JOHNSON
- WHAT IF PROF. JOHNSON CHOOSES NOT TO TALK TO YOU AT ALL UNDER THE GUISE OF ACADEMIC FREEDOM. HOW WOULD YOU OVERCOME THIS OBJECTION?
 - ACADEMIC FREEDOM IS NOT LIMITLESS – SEXUAL HARASSMENT MAY EXCEED THE PROTECTIONS OF ACADEMIC FREEDOM AND YOU, AS THE INVESTIGATOR, ARE TRYING TO DETERMINE WHETHER THE CONDUCT AT ISSUE EXCEEDS THE SCOPE OF ACADEMIC FREEDOM. TO DO THAT PROPERLY, YOU WOULD LIKE HER COOPERATION AND ASSISTANCE.
- WHAT ARE SOME OF THE THINGS YOU SHOULD DO TO CONTINUE A LEVEL OF INQUIRY INTO POTENTIAL DETERMINATION BY PROF. JOHNSON? OR SHOULD YOU DO NOTHING?
 - SPEAK WITH THE TWO MALE STUDENTS TO LEARN THEIR ACCOUNTS OF THE BEHAVIOR. UNDERSTAND HOW PROF. JOHNSON'S CONDUCT MADE THEM FEEL. REMEMBER THAT IN ORDER FOR THERE TO A HOSTILE ENVIRONMENT, THE SEXUAL HARASSMENT MUST BE SEVERE, PERSISTENT, OR PERVASIVE. ONE COMMENT IS HIGHLY UNLIKELY TO SUFFICE. ARE THERE OTHER COMMENTS/CONDUCT BY PROF. JOHNSON THAT MAY, IN THE AGGREGATE, CREATE A HOSTILE ENVIRONMENT?
 - OBTAIN A COPY OF THE SYLLABUS TO CONFIRM PROF. JOHNSON'S ACCOUNT. WHAT WAS THE TOPIC OF THAT CLASS? ALONG THOSE SAME LINES, HAVE THERE BEEN OTHER NAMES THAT PROF. JOHNSON HAS USED TO ILLUSTRATE HER POINTS?

PROFESSOR JOHNSON

- WOULD YOU NEED TO CONFIRM ANGELA'S STORY BEFORE CALLING PROF. JOHNSON IN? IF SO, HOW WOULD YOU DO THAT? HOW MANY STUDENTS WOULD NEED TO CONFIRM ANGELA'S STORY IN ORDER TO CROSS THE THRESHOLD TO BEGIN A FULL INVESTIGATION?
 - IN ADDITION TO SPEAKING WITH THE TWO MALE STUDENTS, CONSIDER SPEAKING WITH OTHER STUDENTS IN THE CLASS TO A) CONFIRM ANGELA'S STORY AND B) BETTER UNDERSTAND THE CLIMATE OF THE CLASS AND PROFESSOR JOHNSON'S CONDUCT.
 - START THE INQUIRY – AND THE INTERVIEWS – IN A BROAD MANNER, USING THE CIRCLING TECHNIQUE TO ASK MORE SPECIFIC QUESTIONS AS THE INTERVIEW PROGRESSES.
 - THE NUMBER OF STUDENTS THAT YOU WOULD NEED TO CONFIRM ANGELA'S STORY IN ORDER TO CROSS OVER TO A FULL INVESTIGATION MAY DEPEND ON HOW MANY STUDENTS ARE IN THE CLASS AND THEIR INTERPRETATION OF PROF. JOHNSON'S CONDUCT. IF ONLY ANGELA WAS UPSET BY THE SINGULAR COMMENT, A PRELIMINARY INQUIRY IS LIKELY ALL THAT IS REQUIRED HERE. IF MULTIPLE INDIVIDUALS REPORT BEING UPSET BY THE PROFESSOR'S CONDUCT, THEN CONSIDER WHETHER THERE IS ADDITIONAL CONDUCT/COMMENTS THAT HAVE CREATED A HOSTILE ENVIRONMENT.