

INVESTIGATIVE INTERVIEWS



THE INTERVIEW



INTERVIEW: *PROCESS*

1

Begin with the complainant/victim to get a full understanding of the allegation

2

Then, if possible, follow with an interview of the respondent/accused

3

Interview witnesses (remember to ask the complainant and respondent for witnesses)

4

You may need to follow-up with the original parties, depending on what you learn during your investigation

INTERVIEW: *SETTING*

**Private
Setting**
(e.g., Office On
District Property)

**One
Interview at a
Time**

**Comfortable
Environment**
(e.g. not too hot
or cold)

**Seating
Arrangements**

**Noise Level
Should Be
Low**

**Feel Free to
Have a
Notetaker
With You**

Basic Interview Tips

RAPPORT

Establish rapport with the witness

WITNESS

Get the witness to talk

SCRIPT

Follow a script but be prepared to deviate, if necessary

CHRONOLOGICAL

Work in a chronological order

NOTES

Take very detailed notes

Basic Interview Tips

LISTENING

Practice active listening

SUMMARIZE

Summarize before moving on

QUESTIONS

Ask one question at a time (no compound questions)

EASY QUESTIONS

Start with easy questions, then move to harder questions

5WS & 1H

Don't forget about who, what, when, where, why and how

Opening the Interview

PURPOSE:

Tell the witness why the interview will be conducted.

STRUCTURE:

Explain the structure of the session

NEEDS:

Explain that if they need anything, like a break, to let you know

CONFIDENTIALITY:

Will protect to the extent possible

RIGHTS:

Cannot be retaliated against participating

Observations During Interviews

**DOCUMENT IN A
FACTUAL MANNER**

**DON'T OVER-RELY ON
BEHAVIORAL OBSERVATIONS**

Observations During Interviews

**DOCUMENT IN A
FACTUAL MANNER**

EXAMPLE:
*"Avoided eye
contact" or "raised
voice" rather than
"seemed to be
lying"*

**DON'T OVER-RELY ON
BEHAVIORAL OBSERVATIONS**

Observations During Interviews

DOCUMENT IN A FACTUAL MANNER

EXAMPLE:
"Avoided eye contact" or "raised voice" rather than "seemed to be lying"

DON'T OVER-RELY ON BEHAVIORAL OBSERVATIONS

Studies have shown that we're not good at detecting lies on behavior

Concluding Interviews

- Have you told us everything you know about this issue?
- Is there anything we did not cover that you think is important?
- Is there anything else you want to tell me?
- Confirm and clarify details
- Provide contact information and request to be contacted if anything else is remembered.
- ***Prepare interview summary as soon as possible***

INTERVIEWING THE COMPLAINANT



GENERAL APPROACH:

- Be respectful and sensitive to their needs, but remain neutral
- If the allegations are sex-based, have a witness or notetaker of the opposite sex
- **DO NOT** provide opinions

INTERVIEWING THE COMPLAINANT



*Begin with open-ended questions:
“Tell me what happened”*



As details emerge, ask more specific open-ended questions – “You alleged that she groped you three times. Tell me about these incidents.”



*Clarify as the story takes shape –
“Did this instance also occur in your office?”*

INTERVIEWING THE COMPLAINANT

Nail down the final details with closed questions:

- *Where specifically did she touch you?*
- *How long did the touch last?*
- *You said you told Tina about her behavior. How long after the third incident did you tell her?*



INTERVIEWING THE COMPLAINANT



Do not finish the interview without getting the specific details of the allegation:

- When did the problem start?
- Establish each specific act to have occurred
- Names, dates, witnesses, locations, times
- Frequency of conduct
- Allegations must be supported with information
- Identify witnesses
- Did the complainant tell others about the behavior?

INTERVIEWING THE COMPLAINANT

Only provide necessary details, do not feed information:

- Begin broadly and become more specific as necessary
- If the witness does not respond to broad-based questions, you may have to become more specific



INTERVIEWING THE COMPLAINANT

Funnel Technique



**"Tell me about interactions
between Jaimie and Lisa
that you've witnessed?"**



**"Have you witnessed any
inappropriate conduct
between Jaimie and Lisa?"**



**"What specifically did you
see?"**



**"Did Lisa seem to object to
the interaction?"**

INTERVIEWING THE COMPLAINANT

Funnel Technique



“Are you saying that
this happened inside
Jaimie’s cubicle?”



“How could you see
the interaction?”



“What day and time
did this occur?”

INTERVIEWING THE RESPONDENT



- Always convey the seriousness of the matter but *remain neutral*
- Explain the allegation and ask them to provide their side of the story

INTERVIEWING THE RESPONDENT



Let them talk but:

- Get the whole story, from beginning to end
- Nail down the specifics
- Challenge, respectfully, when you have conflicting information, or the story seems illogical
- Point out parts of the allegation that have been corroborated, if necessary
- Look for a motive

INTERVIEWING THE RESPONDENT



Example Questions:

- How do you respond to the allegation I just read?
- Are you saying that none of the interactions occurred as alleged?
- Let's go back to the first alleged incident, which the complainant says occurred on the morning of April 25, 2024...
- You said that Lisa has never been inside your cubicle, but three witnesses have independently told us that she was in your cubicle on the afternoon of Wednesday, May 1, 2024. How do you explain the discrepancy.
- Do you have any information that can disprove the complainant's allegation and the witnesses' corroborating testimony?

THE REPORT



THE REPORT

ANALYSIS:

Evidence must be analyzed to determine whether district policies were violated.



“Preponderance of the evidence” or “clear & convincing”, NOT beyond a reasonable doubt.

At the very least, a report should include:



- Preliminary information
 - *Parties, dates of complaint, investigator*
- Procedural History
- Allegations
 - List the specific allegations
- Policies
 - List the relevant policies
- Scope of Investigation:
 - Summary of facts
 - Recommendations (MAYBE)
 - Appendix or attachments

THE REPORT



**PRELIMINARY
INFORMATION**

**PROCEDURAL
HISTORY**

ALLEGATIONS

POLICIES

SCOPE

PRELIMINARY INFORMATION

Parties

- Biographical data of the main parties and witnesses (name, age, school/grade, sex)
- *Throughout rest of report, refer to anonymously (e.g., reporting party, claimant, respondent, witness 1,2,3, etc.)*

Dates

- Incident(s)
- Reported

To whom reported



**PROCEDURAL
HISTORY**

ALLEGATIONS

POLICIES

SCOPE

PROCEDURAL HISTORY

A description of the procedural steps taken from the receipt of the formal complaint through the determination (notices, interviews, methods of evidence gathering, hearings, etc.).



ALLEGATIONS

POLICIES

SCOPE

PRELIMINARY
INFORMATION

ALLEGATIONS

ALLEGATIONS:

Summarize the allegations, with sufficient detail for the parties to understand what is being investigated.



POLICIES

SCOPE

PRELIMINARY
INFORMATION

PROCEDURAL
HISTORY

ALLEGATIONS

Model Allegation

On Jan. 12, 2024, the claimant informed Ms. Davis, high school counselor (“the counselor”), that the respondent made inappropriate comments to her and touched her in an inappropriate manner. Specifically, she stated that the respondent commented on her breasts (“add specific comments”) on several occasions in Mr. Jackson’s 3rd hour Geometry class, while informing her of what sexual acts he would like to perform on her (“add specific comments”). The claimant could not remember specific dates but said this occurred “probably 15 or 20 times” throughout the months of December and January. (The respondent sits one desk behind the claimant in the aisle just to her left.) She also said that on January 11, 2024, the respondent walked up to her as she stood at her locker after 6th hour and grabbed her left breast and rubbed his crotch against her left hip.



POLICIES

SCOPE

**PRELIMINARY
INFORMATION**

**PROCEDURAL
HISTORY**

POLICIES

EXAMPLE:

An investigation of the above-listed allegations was conducted to determine whether Policy FB – Sexual Harassment of Students, was violated.



SCOPE

PRELIMINARY
INFORMATION

PROCEDURAL
HISTORY

ALLEGATIONS

SCOPE

The purpose of the report (fairly summarize the relevant evidence, but not to make conclusions or suggest remedies).



**PRELIMINARY
INFORMATION**

**PROCEDURAL
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SCOPE

Summary of the Facts/Evidence

- Describe, in a logical sequence, ALL facts relevant to the analysis, conclusion and recommendations.
- Narrative format
- Be detailed but succinct, if possible
- Chronological – start with the claimant's allegation(s) and work from there
- Cite to evidence, witness statements, interview notes, etc., as labeled in the appendix



**PRELIMINARY
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**PROCEDURAL
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SCOPE

Appendix

Use a common-sense labeling system to identify all evidence in the appendix (e.g., A.1, A.2, A.3, etc.)



**PRELIMINARY
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ALLEGATIONS

POLICIES

Analysis & Conclusion

If facts are close or it is a "he said, she said" situation:

- Demeanor – *pay attention to behavior but do not overly rely on it*
- Consistency/logic - *Does the story make sense?*
- Corroborating evidence – *Compare documents and witness statements*
- Circumstantial evidence
- History of this behavior
- Motivations

NOTICE, DUE PROCESS AND REMEDY



Notice & Due Process

Provide written notice of the outcome to both parties:

RESPONDENT

If concluded that they violated district policy:

Explain what policies were violated and the disciplinary action, if any.

COMPLAINANT

If concluded they violated district policy:

State the policies determined to be violated, and any remedial actions that affect the complainant, such as no-contact orders, offers of counseling, etc.

If it doesn't specifically affect the complainant, you cannot provide details of discipline instituted:

Employee discipline: Shall make available any final disciplinary action that results in loss of pay, suspension, demotion of position, or termination.

Due Process

RESPONDENT

If concluded that respondent violated district policy, provide notice of rights to appeal (per your district policy) and timeframe for the request.

COMPLAINANT

Provide the same rights to the complainant if you conclude that you could not substantiate allegations.

DISCIPLINE/ REMEDIES

STUDENTS



DISCIPLINE

- Follow your student code of conduct
- Tailor the discipline to the severity of the offense and respondent's previous disciplinary record

REMEDIES

- Does the victim need counseling, tutoring, etc.?

DISCIPLINE/ REMEDIES

EMPLOYEES



DISCIPLINE

- Institute discipline based on the severity of the offense
- Remember to use progressive discipline, and follow district policies/CBAs

REMEDIES FOR THE VICTIMS?

Have a question?

Contact me!



BRANDON CAREY

OSSBA STAFF ATTORNEY

brandonc@ossba.org