

INTERVIEWING THE RESPONDENT

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Should anyone else be present when the response is taken?	<ul style="list-style-type: none"> • Allow the respondent to bring a support person to the interview • If the respondent is a student, he or she should not be allowed to bring another student to the interview • If the respondent is a student, consider contacting the parents and inviting them to be present
Begin with an explanation	<ul style="list-style-type: none"> • The district is committed to creating a fair, nondiscriminatory, harassment-free environment in which to learn and work • Describe the step-by-step procedures that the investigation will follow • The role of the investigator is neutral, rather than an advocate for either side • The investigation will end with a written investigation report that will be forwarded to the administrator responsible for making any decisions • The final decision will be communicated to the complainant and respondent • Take care to avoid making any promises about confidentiality • Indicate whether the parties will be given the opportunity to review the report
Be prepared for negative emotions	<ul style="list-style-type: none"> • It is virtually universal for respondents to feel anger and anxiety when they are informed someone has filed a complaint against them • Acknowledge that such feelings are normal and allow the respondent to express them
Inform the respondent of the specifics of the complaint	<ul style="list-style-type: none"> • Let the respondent know who filed the complaint • Inform the respondent of the specifics of the complaint • Consider whether to give the respondent a copy of the complaint at the beginning of the interview or the end
Allow the respondent the opportunity to reply to each element of the complaint	<ul style="list-style-type: none"> • Does the respondent identify him/herself? • Is there a detailed response to the factual allegations complained of? • Does the respondent offer any other explanation for the allegations? • Does the respondent know of a reason the complainant would distort or falsify? • Does the respondent list the witnesses she or he feels would corroborate his/her version of the relevant events?
Asses the complainant's credibility	<ul style="list-style-type: none"> • Answered all questions • Motive to lie • Believability • Note non-verbal signals such as body language and demeanor, but recognize cultural differences
Handling an uncooperative respondent	<ul style="list-style-type: none"> • Acknowledge and respond to respondent's concerns • Failure to provide respondent's side of the story will result in the investigator missing that perspective • Remind respondent that district policy requires cooperation with civil rights investigations • Refusal to cooperate may be independent grounds for discipline
What should the response include	<ul style="list-style-type: none"> • Who, what, when, where, why • Gather enough information to ensure a thorough • Consider using the interview questions suggested with this training

Discuss retaliation

- Define and give examples
- Have the complainant promise to immediately report
- Caution the complainant not to attempt to influence potential witnesses
- Explain that retaliation protections prohibit negative treatment but should not result in undeserved benefits