

# INTERVIEWING THE RESPONDENT

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

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|  | <ul style="list-style-type: none"><li>• Have the complainant promise to immediately report</li><li>• Caution the complainant not to attempt to influence potential witnesses</li><li>• Explain that retaliation protections prohibit negative treatment but should not result in undeserved benefits</li></ul> |
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