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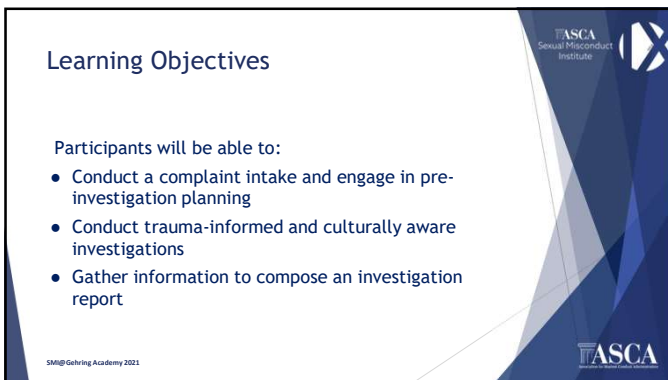
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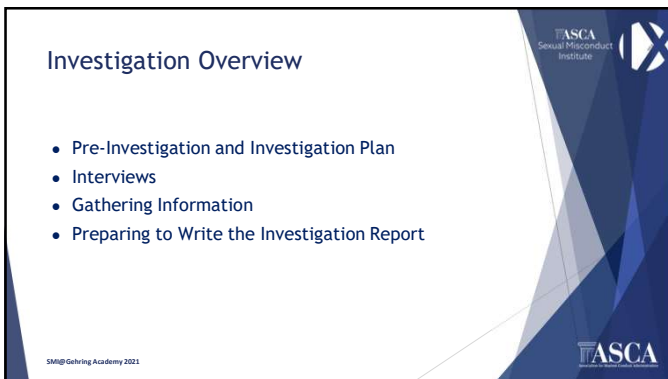
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- 
- Review the report/complaint to determine potential process for investigation and/or resolution
  - Gatekeeping
  - Determine if there are any immediate needs and/or safety concerns that need to be addressed
  - Conduct intake with the complainant
  - Assess for supportive and interim measures
  - Develop an investigation strategy

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**Complaint Intake**

- Typically conducted by the Title IX Coordinator or their designee
- May or may not be with the person who will investigate
  - Under Title IX final rules, this may be a conflict of interest
- Establish understanding of complainant's intentions
  - To tell their story/be heard?
  - Signing a formal complaint?
  - Requesting an investigation?
  - Requesting confidentiality? Reluctant?
- Address confidentiality
  - How information will be shared and why
  - How request for confidentiality will be evaluated
- Review rights, options, and resources
  - Counseling and/or advocacy
  - Law enforcement reporting
  - Assess immediate needs of students involved/interim measures

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**Pre-Investigation Planning**

The following need to be determined:

- **Investigators:** One or two?
- **Interviews:** Audio record, video record, or neither?
- **Record keeping:** Typing or writing notes?
- **Criminal investigations:** How will you coordinate with local/campus police?
- **Witnesses:** Are or should they be compelled to appear for an interview?
  - Under Title IX final rules - anyone who gives a witness statement will need to appear at the live hearings if requested for cross-examination in order for their testimony to be considered
- **Timeline:** What would be considered prompt for this investigation?

Some of these elements may be dictated by your institution's policy.

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**Pre-Investigation Planning**

Some of these elements may be dictated by your institution's policy:

- **Requests for delay:** Will those be considered?
- **Advisors:** What role do they play?
- **Environment:** Is it safe, calming, free of perceived bias?
- **Expectations & transparency:** Do students know what to expect and when?
- **Conflict of interest:** How do you address real and perceived conflict or bias?

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**Pre-Investigation Planning**

- Initial information gathering:
  - By intake officer? By investigator?
  - Are parties invited to submit written statements?
- Assign investigator(s)
- Determine which witnesses to interview
- Determine order of witness interviews
- Gather all relevant, reasonably available documents, media, and information

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**Pre-Investigation Planning**

- Special considerations
  - Multiple respondents
  - Student groups/organizations
  - Cross-complaints

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**Investigation Requirements under 2020 Title IX Final Rules**

(5) Investigation of a formal complaint. When investigating a formal complaint and throughout the grievance process, a recipient must—

(i) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the recipient and not on the parties provided that the recipient cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the recipient must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

(ii) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

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**2020 Title IX Final Rules - Investigations**

(iii) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(iv) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the recipient may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(v) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

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**2020 Title IX Final Rules - Investigations**

(vi) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The recipient must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

(vii) Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

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**Formal Complaints - Title IX Process**

Under Title IX:

*Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.*

- ▶ Complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint
- ▶ Title IX Coordinator can sign a formal complaint.

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**Dismissal of Formal Complaint**  
- Title IX Process

(i) The recipient must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in § 106.30 even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then the recipient must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under title IX or this part; such a dismissal does not preclude action under another provision of the recipient's code of conduct.

(ii) The recipient may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

(iii) Upon a dismissal required or permitted pursuant to paragraph (b)(3)(i) or (b)(3)(ii) of this section, the recipient must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

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**Emergency Removal**  
- Title IX Process

Emergency removal. Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

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**Supportive Measures**  
- Title IX Process

Supportive measures means nondisciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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**Correspondence: Letters**

- Notice to complainant regarding status of complaint
  - Summary of allegations
  - Applicable codes, policies, procedures, etc
  - Resolution process or investigation notice
  - Interim measures
  - Prohibition of retaliation
- Charge letter or notice of charges/investigation to respondent
  - Written statement of policy charges
  - Right to be heard
  - Make procedures clear
  - Interim measures - For example, no contact directives, housing exclusions/relocations, etc.
  - Retaliation prohibition

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**Example: Written Notice of Charges**

The Office of Compliance has received information alleging that during a fraternity party that occurred on or about March 12, 2021, you engaged in sexual activity with another student without the student’s consent; you attempted to physically force that student to perform a sex act and slapped the student when the student refused to do so. The information indicates that you may have been under the influence of alcohol at the time.

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**Example: Written Notice of Charges**

Include the specific policy violations

- 17.09(2) Sexual Assault: Conduct defined in s. 940.225, Stats.
- 17.09(6) Illegal Use, Possession, Manufacture, or Distribution of Alcohol or Controlled Substances: Use, possession, manufacture or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or university policy.
- 17.09(15) Violation of University Rules: Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students; specifically university rules prohibiting sexual harassment.

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**Example: No Contact Directive**

**NO CONTACT DIRECTIVE:** In the meantime, be advised that you are to have no contact with XXX of any kind, direct or indirect, until further notice. This includes, but is not limited to: face-to-face/in-person, telephone, e-mail, text message, social media sites, written communication, video and other electronic communication, and contact through third parties. Any attempt to contact this person may be construed as harassment and result in disciplinary action.

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**Example: Anti-Retaliation Statement**

Please be advised that University policies prohibit acts of retaliation taken against a person because they reported any form of sex discrimination, including sexual assault or sexual harassment, filed a complaint, participated in the investigation of a complaint, or assisted others who raised a complaint. Retaliation is a serious offense which can result in disciplinary action. Any adverse action taken by you or others on your behalf against XXX for reporting this information to the University will be investigated by the Office of Compliance as an act of retaliation.

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**Notice of Allegations**  
**- Title IX Process**



(2) Notice of allegations--(i) Upon receipt of a formal complaint, a recipient must provide the following written notice to the parties who are known:

(A) Notice of the recipient's grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in § 106.30, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under § 106.30, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.

The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under paragraph (b)(5)(iv) of this section, and may inspect and review evidence under paragraph (b)(5)(vi) of this section. The written notice must inform the parties of any provision in the recipient's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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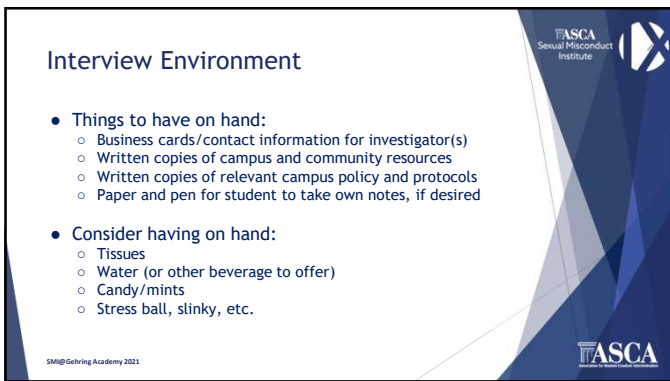
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**Interviewing Tips**

- Dress/appearance
- Attend to own non-verbal behaviors
  - Focus on student, rather than advisor, support, attorney
  - Present open posture
  - Balanced eye contact
- Practice active listening
- Demonstrate empathy, but with proper boundaries
  - Do not "own" the emotions yourself
- Be mindful of own reaction to triggering information
  - Consult with colleagues to learn more about your own non-verbal cues

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**Virtual Interviews**

All considerations must be taken even when an interview is being held virtually.

- Set up a private virtual meeting
- Set ground rules for meeting attendees, recordings, etc.
- Share documents electronically prior to the meeting for interviewee to access during the meeting

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**Interviewing Tips**

- Managing the difficult conversation
  - Acknowledge at the beginning that this could be a difficult conversation
  - Do not preface with "I know this is hard" or "this must be difficult"
- Language is extremely important
  - Use correct anatomical terminology for body parts
  - Ask interviewees to explain what they mean when using slang terms even if you think you understand them
  - Consider differences in how words can be defined differently even if speaking the same language

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**Framing the Initial Interview**

- Welcome and introductions
- Use this as opportunity to begin building rapport
- Overview of the process
  - Explanation of investigatory process, resolution process, appeal rights
  - Have written copies of these materials available, flowcharts are helpful
- Review rights and options specific to interviewee role
  - Complainant/respondent rights differ from witness
  - Discuss confidential resources, availability of interim measures and supports, other available resources

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**Framing the Initial Interview**

- Discussion of roles
  - Investigator(s), advisor, support person, attorney, etc.
- Setting expectations for interview
  - Okay to take breaks
  - Explain whether interview is being recorded and/or notes being taken, privacy considerations
- Discuss process
  - Find out if party intends to cooperate
  - Explain when/how updates will be provided
  - Discuss prohibition against retaliation

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**Reluctant Complainants**

- Complainant may request confidentiality, that nothing be done, or say that they don't want to participate in investigation
  - Explain further confidentiality in the process
  - Discuss in more detail protections against retaliation in the policies
  - Explain responsibility of university to maintain safe and non-discriminatory environment may require to take action
  - Explain what options available if investigation does not proceed
  - Explain limitations in response without participation
- Document complainant's request and rationale for honoring it (or not)

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**Reluctant Complainants**

- If necessary/possible to proceed without complainant's participation:
  - Seek detailed information from those with most direct knowledge
    - Witnesses
    - First responders
    - RA, Security staff and/or police who spoke with complainant
  - Try to piece together narrative from physical information (ex: social media, photographs, etc.)
- Be mindful of rights and impact on respondent

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**Reluctant Respondents**

- May be concern for impact on criminal process
- May want to first know what information has been reported/gathered
- May claim right to avoid incrimination
- If proceeding without respondent:
  - Try not to rely on complainant's narrative alone
  - Seek additional information to either support or refute claims
  - Avoid finding of responsibility/drawing adverse inference from refusal to participate

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**Activity #1**

Develop an investigative strategy based on what you observe in the video.

<https://www.youtube.com/watch?v=y6zZYCb-hyQ&t=4s>

*Note that this activity may trigger some personal trauma. If you need, please feel free to use this moment for self-care.*

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**Goals of Questioning**

- Establish a narrative and timeline of events
- Clarify conflicting information
- Understand how all parties perceived events

*Use elements of the policy related to the allegations as the framework for questions- indeed, as framework for entire investigation*

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**Tips for Effective Questioning**

- Ask open-ended questions
- Avoid leading questions
- Listen more than speaking, be comfortable with silence
- Allow time for people to answer questions
- Use appropriate tone
- Identify conflicting information
- Ask for clarification
- Ask questions that reveal attitude and belief
- Avoid questions that imply judgment
- Keep it simple

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**Determining What to Ask**

- Ask yourself:
  - What information do I need to gather?
  - Do I need to know more about the information?
  - Will an answer to my question help me to understand what happened?
  - Will getting an answer to this question inform the decision?
  - What facts may be in dispute?

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**Determining What to Ask**

- In framing the questions, be sensitive to the emotional states of both complainant and respondent, as well as other parties involved
- Do not make assumptions about complainant's fragility or vulnerability
- Important/relevant questions should always be asked

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**Useful Phrases**

- Would you be willing to tell me more about...?
- How did you feel about...?
- What did you do after...? What happened then?
- What did you mean when you said ...?
- What was your reaction to ...?
- How did you become involved in ...?
- What is your understanding of...?

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**What to Ask When**

- "What" questions ask for facts and details
- "How" questions ask about the process, sequence of events, or focus on emotions
- Closed "who/when/where" questions ask for the specifics of the situation
- Avoid "why" questions that could be perceived as judgmental
- Avoid multiple choice questions
- Avoid asking more than one question at one time

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**Additional Questioning Tips**

- Ask interviewee to physically demonstrate what happened as appropriate
- Ask interviewee to draw maps, diagrams, room layout, floorplan, etc
- Ask interviewee if they have documents or other evidence that they discuss, and ask them if they would be willing to share
- Avoid interrupting
- Observe body language
- Consider cultural differences
- Consider language needs

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**Avoid Leading Questions**

- Were you feeling stressed when you told your roommate what happened?
- Were you drunk after having 7 drinks?
- Were you worried after the complainant left your room?

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**Closing the Interview**

- Connection to additional witnesses/information
  - Do you have any texts, pictures, etc. that may be related to this incident?
  - Is there anyone else you can think of that I should talk to? What information do you think they may be able to provide?
- Wrap up questions
  - Is there anything else you think I need to know?
  - Is there anything you were expecting me to ask that I did not?

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**Closing the Interview**

- Allow time for student to ask questions
- Additional information
  - How to contact you if they remember anything else after the interview or have additional questions
  - Remind them about the prohibition of retaliation
- Next steps
  - Will this person hear from you again?
  - Will this person need to review the summary of their interview?
  - When should they expect that contact?
  - What might that contact look like?

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**Special Considerations for Various Parties**



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**Considerations for Complainant**

- Minimize number of interviews and interviewers
  - Could be retraumatizing to have to retell story multiple times
- Ask questions that speak to sensory elements of incident may unlock details
  - Sight, smell, taste, texture, sound, etc.
- Ask questions that speak to emotional elements of incident that may unlock details
  - Allow complainant to unpack their feelings
  - May generate recall of incident-specific information

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**Considerations for Complainant**

- Possible questions- sensory or emotional information
  - What is the memory that sticks out most for you?
  - Is there anything you can add...?
  - What sounds (smells, etc) do you recall?
  - Tell me more about what you recall feeling (physically) at that time.
  - Tell me more about how this has impacted you.
    - Seek more information about the physical and emotional response
    - Seek more information about academic, social, personal, behavior impact

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**Considerations for Respondent**

- Undergoing an investigation may cause respondent to feel:
  - Stressed
  - Shame and/or embarrassment
  - Anger
  - Hopeless
- Important to provide respondent with appropriate resources/support
  - Respondent who feel supported may be more likely to participate in process
- Trauma-informed practices may be appropriate to use with Respondents as well

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**Considerations for Respondent**

- Begin interview with broad inquiry
  - Let's discuss the night of the alleged incident.
  - Tell me more about what you were doing on X date, starting at wherever the beginning is for you.
  - You have been accused of behavior (on X date) that violated our policy/code of conduct. Tell me why that may be.
  - Tell me about your relationship/interaction(s) with the complainant.

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**Considerations for Respondent**

- Possible interview questions - consent
  - What did the complainant do or say that showed you had consent?
  - Tell me more about what you observed from the complainant in response to your actions.
  - What did you do when the complainant indicated that they weren't interested?
  - What did the complainant do that showed they were enjoying the interaction?

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**Considerations for Respondent**

Common responses:

- Denial based on character
  - I would never do this because I'm a spiritual person
  - I know someone who was raped and there is no way I would do that
- Denial based on physical condition
  - I had so much to drink I couldn't maintain an erection
  - I'm the one who was blacked out- ask my friend how much I had to drink
- Refuse to address the allegation
  - Under the advice of counsel...
  - I want to see the file before I say anything.

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**Considerations for Respondent**

- Denial based on their prior sexual experience
  - I was a virgin before that night.
  - I'm the one who was violated.
  - I'm not trying to brag, but I don't need to take advantage of anyone to get laid.
- Reframe incident or raise distractions
  - This isn't about consent, it's about a bad breakup.
  - We should be talking about how the complainant took advantage of me.
  - If I wasn't a [special population], you wouldn't even be talking to me.
  - I've seen the news and know that the process is stacked against me.

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**Considerations for Witnesses**

- Often, the situations we are investigating are “word against word” with no direct witnesses. But witnesses can:
  - Fill in gaps in timeline
  - Provide information about parties’ alcohol/drug use
  - Provide observations regarding observable behaviors indicating possible incapacitation
  - Provide contemporaneous accounts of what parties told them

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**Considerations for Witnesses**

- Address confidentiality
  - Explain what, if any, confidentiality you can provide
  - If witness’ name will be used, explain context and who will know
- Address protections against retaliation
- Explain hearing involvement, if applicable
- Connect to resources
  - If witness is showing signs of distress/discomfort, help connect them to assistance
  - If appropriate, consider offering interim measures such as no contact order
    - But consider whether that will restrict party’s due process right to question them

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**Considerations for Witnesses**

- Strategies:
  - Be strategic about order in which to interview them
  - If possible, schedule interviews so as to minimize opportunities for witnesses to compare stories, notes, questions asked
  - Listen for accounts that sound too familiar
    - Using same wording or phrasing
    - Telling story in exact same sequence
  - Ask about the witness’ use of alcohol/drugs and whether it affected their observations/memories
  - The disinterested witness is the best source of information

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## Gathering Information



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### Note Taking Tips

- Two investigator model is helpful
  - One takes lead on questions, other on notes
- Be mindful of distractions - loud keyboards, where notetaker is sitting, etc.
- Verbatim notes not needed, but quotes can be helpful
- Notes should be thorough, clear, and neutrally written
- Develop system of symbols to denote important items and indicate where follow up questions are necessary
- Clean up and finalize notes soon after interview
- Consider using dictation software to save time

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### Documentary Information

- Can include:
  - Text messages & call logs
  - Photographs
  - Social Media posts
  - Video
  - Building/swipe access
  - Medical records/SANE records
  - Guest lists
  - Bar or restaurant receipts

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**Verifying Documentary Information**

- Text Messages
  - Messages in a thread can be selectively deleted
  - Ask student for phone bill to verify time stamps
  - Ask others involved in the text conversation if they still have the messages
- Social Media Posts
  - Templates online to take posts/messages
  - Ask student to sit at your computer/desk to print or screen capture
- Photographs
  - Look at date and time of creation for digital images

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**Relevancy of Information**

- **Relevant:** closely connected or appropriate to what is being done or considered
- Regardless of relevance, 2020 final rules require investigators to accept and consider all evidence
- Examples of potentially irrelevant information:
  - Does not speak to the issue
  - Speaks to a fact not in dispute
  - Sexual history
  - Character references/letters

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**Relevancy of Information**

- Sometimes, information can be prejudicial
  - Inflammatory social media posts not related to the issue
  - Opinion/evaluative statements not backed by fact
- What to do with irrelevant/prejudicial information
  - All parties have a right to inspect ALL evidence, regardless of relevance
  - If you choose not to use/include something in the final investigation report, document decision and rationale

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**Prior Sexual History**

- What the regs say about prior sexual history:
  - Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

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**Prior Sexual History - Example**

- Complainant claims she never has sex without a condom and she wouldn't have allowed respondent to have sex with her without a condom if she had not been incapacitated.
- Respondent claims this isn't true and that complainant has had sex with 3 of his friends who didn't use condoms. Respondent wants investigator to interview friends and include information in report.

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**Prior Sexual History - Example**

- Complainant objects, saying her previous sexual history isn't relevant.
- Respondent says the information is relevant as to complainant's credibility. He says she was not being truthful when she said she always uses condoms and his witnesses can prove it.
- If this information allowed under your policy?

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## Assessing Credibility

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### What is credibility?

Definition of credibility - Merriam Webster

- 1: the quality or power of inspiring belief  
"an account lacking in credibility"
- 2: capacity for belief  
"Their account exceeds credibility"

In sexual misconduct investigations and adjudications, we often need to determine if one party is credible, or more credible than another party when their testimony does not line up.

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### Assessing Credibility

Best way to evaluate credibility is to use everyday tools and life skills.

- Not complicated- we do it every day.
- Procedures are based on reason and common sense.
- Process is a "search for the truth."

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Assessing Credibility

- Factors that influence credibility
  - Direct observation or experience
  - Circumstantial/indirect information
    - Contemporaneous statements
    - Witness accounts
    - Documentation
  - Claimed lack of knowledge
  - Interest/motive/malice
  - Cultural factors

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Assessing Credibility

- Establishing credibility: Listening to the witness
  - Invest in learning the language of your witness
    - Do not attempt to reinterpret their language, quote whenever possible over summarization
  - Learn from the witness' narrative
    - Refrain from interrupting
    - Go back and follow up to clarify details
  - Explore the entire incident and investigative process with witness
    - Pay attention to areas which may be able to be corroborated

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Assessing Credibility

- Focus on sensory details
- Pay attention to emotional cues and responses
- Create running timeline
- Barring other forms of information, the information of the unbiased person is given more weight
- Give more weight to disputed information or events when corroborated by multiple witnesses
- Consistency versus inconsistency
  - Be aware of possible impact of trauma or retaliation for inconsistent statements

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**Credibility Across Cultures**

- Continuum of honesty and face-saving
  - Some cultures do not equate face-saving with an outright lie. Parties from such cultures may believe they can read the context of when they are telling a story in a way to preserve someone's dignity or privacy.
- In-group/out-group rigidity or flexibility
  - For cultures with rigid in-group/out-group boundaries, they may be very hesitant to disclose to someone outside of the group.

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**Credibility Across Cultures**

- Low-context and high-context cultural communication
  - Some cultures communicate indirectly, with much nuance and context needed to correctly understand verbal statements.
  - These parties may appear to be withholding information/giving incomplete statements, but are acting within a cultural norm.
  - Can you interpret nuance and context of their statements to get complete information?
  - Ask for clarification and elaboration. Explain why you are doing do.

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**Credibility Across Cultures**

- Linear and nonlinear narration
  - Some cultures rely on linear storytelling, which matches well with investigative culture.
  - Other cultures normalize non-linear storytelling... important to not confuse this with effort to obscure the truth.
  - Explain the cultural value of linear narrative in your process. Clarify linear details after story is completed.

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**Credibility Across Cultures**

- Impact of hierarchy
  - In cultures with high degree of hierarchy, parties may believe they should tell authority figures what those figures want to hear. This may not be an effort to deceive, but an effort to win approval.
  - Explain that you value candor and honesty, even when that makes situations more complex and challenging.

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**Activity #2**

*Note that this activity may trigger some personal trauma. If needed, please feel free to step outside.*

<https://www.youtube.com/watch?v=y6zZYCb-hyQ&t=4s>

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