

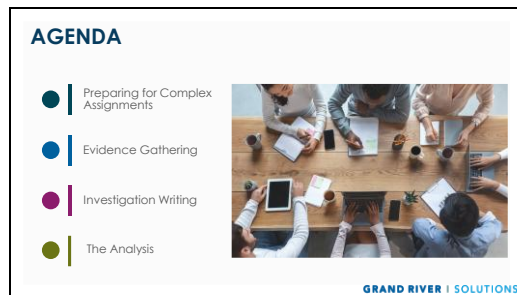
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COMPLEX
ASSIGNMENTS



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COMMON COMPLEXITIES



General / non-specific Notices

Party variances

Multiple policies triggered

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GENERAL OR NON-SPECIFIC NOTICES



What to do: ACT

Assess and evaluate

Communicate

Touch-base

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GENERAL OR NON-SPECIFIC NOTICES

01 Assess and Evaluate • Review materials • Organize the information • Identify what needs to be gathered • Create a plan	02 Communicate • Confer with the coordinator • Ask questions for clarity • Confirm understanding and scope	03 Touch-base • Meet with the party • Confirm your understanding of the allegations • Inform the Coordinator
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PARTY VARIANCES



- More than one Complainant and / or Respondent
- Uncooperative or non-participatory
- Group party
- Singular acts by multiple individuals, when taken in isolation, may not rise to a violation

Any others?

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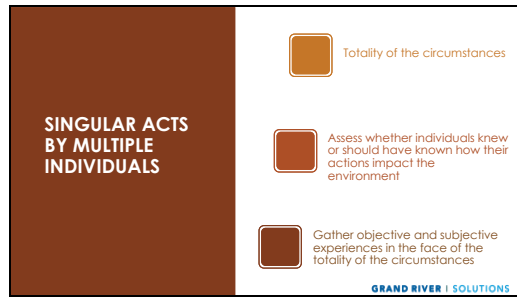
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PARTY VARIANCES: WHAT TO KEEP IN MIND

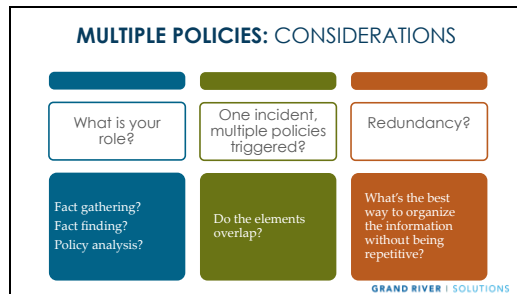
More than one Complainant and/or Respondent	Uncooperative or Non-Participatory	Group Party
• Privacy • Incident cross-overs • Different allegations • Different policies	• Sufficiency of information • Other sources for information • Pestering v. Keeping informed	• Leadership structure • Functional control • Representatives • Bylaws / Agreements • Group recognition

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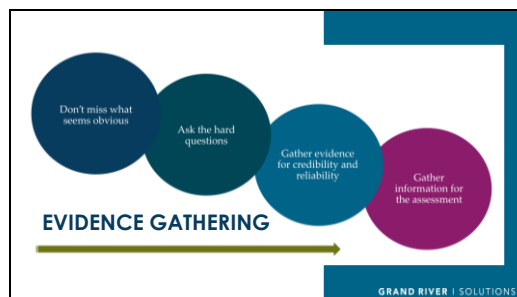
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EVIDENCE GATHERING: INTERVIEWS

Don't miss the obvious

- **Identity verification:** Confirm the identity that the party believes has been targeted.
- **Identify the precise conduct:** Simply stating something was "hostile" does not make it so.

REMEMBER! Face value is insufficient!

Ask the hard questions

- **Define terminology:** What something means to you may differ from others.
- **Seek clarification always:** Make it make sense.
- **Be comfortable with sensitive subjects:** This is a non-negotiable.

The answers to hard questions are usually what the matter stands on.

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EVIDENCE GATHERING

Credibility and Reliability assessments are key components of any investigation, regardless of who is making the policy determination.

Understand the factors

Be prepared to identify appropriate factors per participant

Establish foundation for the information

Go beyond the evidence

Have a plan for issues with evidence

Utilize multiple sources

Seek confirmation

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ACTIVITY 1

Review the Notice of Investigation, Incident Report, Intake Form, and Interview Transcript. In your group,

- (1) Decide on the best structure for the report
- (2) Identify any follow-up questions you may have for participants
- (3) Determine what questions you have for Respondent

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INVESTIGATION
WRITING



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INVESTIGATION
WRITING

INTERVIEW SUMMARIES
BEST PRACTICES

Timing

Comprehensive

Consistent structure

Unbiased and neutral

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S.T.A.N.D. REVIEW

S

Simple
Easy to comprehend

T

Transparent
Clear descriptions

A

Accurate
Precise accounting

N

Neutral
Absent editorials
and investigator's
opinion

D

Draw attention
Highlight
significant and
important
information

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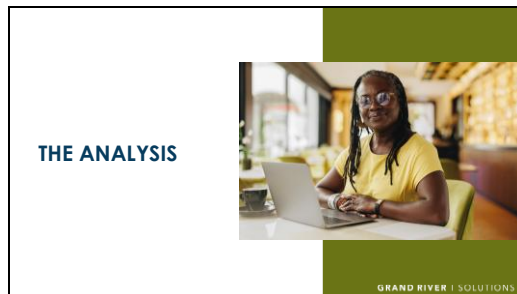


ACTIVITY 2

In your group, review the assigned interview summary. Using track changes, revise the summary to ensure it meets the STANDARD.

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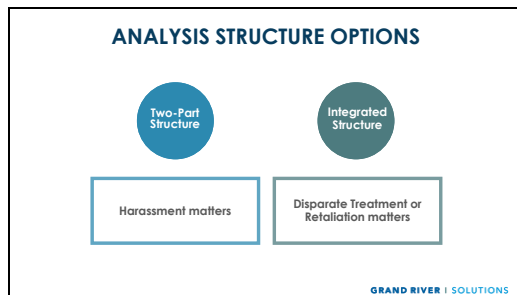
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THE ANALYSIS

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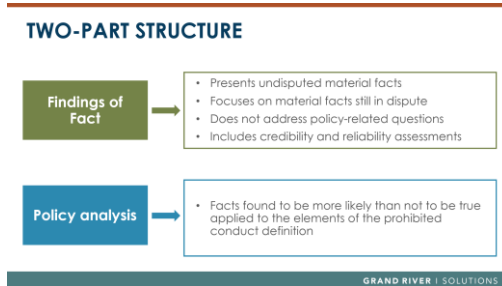


ANALYSIS STRUCTURE OPTIONS

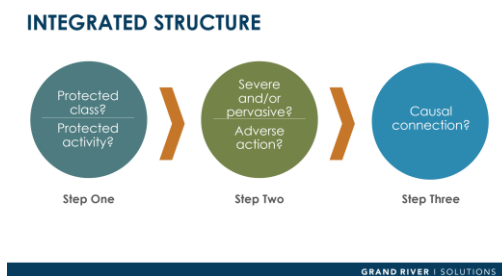
Two-Part Structure	Integrated Structure
Harassment matters	Disparate Treatment or Retaliation matters

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ACTIVITY 3

Review the mock case file *Finster v. Pickles*. In your group, determine which analysis structure would be best.

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CREDIBILITY AND RELIABILITY ASSESSMENTS

Credibility and reliability are not one and the same

Focus on the evidence that is provided

Not a character assessment

Incorporate considerations for the weight of particular information/evidence

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**CREDIBILITY & RELIABILITY ACTIVITY:
WHICH IS BETTER?**

A

P1 was unable to provide specific examples. Therefore, they were unreliable.

B

P1 was unable to provide specific examples. This diminished their reliability.

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**CREDIBILITY & RELIABILITY ACTIVITY:
WHICH IS BETTER?**

A

W1 corroborated P1's story and denied P2's version. Therefore, P1 was found to be credible and reliable.

B

W1 corroborated P1's statements, counter to P2's account, thus, strengthen P1's reliability.

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