



Advanced Title IX Investigator Training

Day 1

April 27, 2022

Disclaimer

The information provided in this training does not, and is not intended to, constitute legal advice. Instead, all information, content, and materials available during this training are for training and general informational purposes only.

Meet your instructors...



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April 27, 2022



1. The New Era of Title IX Investigations
2. Intro of the Five Stages of Investigation
3. Stage 1: Prepare
4. Stage 2: Gather
5. Autonomy, Neutrality, and Objectivity



April 28, 2022

6. Confronting Interviewing Challenges
7. Small Group Activity: Mock Interviews
8. Stages 3&4: Compile and Assess for Relevance
9. Stage 5: Drafting the Investigation Report
10. Testifying at the Hearing

The New Era of Title IX

Investigations



10-Step Investigative Process §106.45(b)(5)



1. Complainant or University files a Formal Complaint alleging sexual harassment.
2. Notice of Allegations sent to Parties. §106.45(b)(2)
 - *Assignment of investigator*
3. Investigator begins the investigation.

4. The parties an have equal opportunity to present witnesses and evidence.
 - The investigator may independently identify and interview witnesses and obtain evidence other than offered by the parties.
5. Investigator requests and conducts interviews with the complainant, respondent, and witnesses.
 - Interviews may be conducted virtually.
 - The parties must receive a Notice of Interview.
§106.45(b)(5)(v)
6. Investigator requests and obtains non-testimonial (i.e., physical) evidence.

7. The investigator creates the “Investigative File,” which contains the information “directly related to” the allegations raised in the formal complaint. §106.45(b)(5)(vi)
8. “Investigative File” sent to parties and their advisor for review and response.
 - Party written responses are attached to the Investigative File and shared with other party and their advisor.

9. Investigator drafts an “Investigative Report” that fairly summarizes the relevant evidence and sends it to the parties and their advisors for review and response.

- Parties may submit a written response to the Investigative Report, which will be shared with the other party and their advisor and attached to the Investigative Report. §106.45(b)(5)(vii)

10. Investigator returns the case to the Title IX Coordinator for next steps.

RESOURCE

1. Sample Notice of Interview
2. Party rights within the Investigative Process

QUESTIONS?

The Five Stages of the --- Investigatory Process



**What does it mean to
investigate?**

CHAT

in·ves·ti·gate

/inˈvestəˌɡɑːt/

verb

To carry out a systematic or formal inquiry to discover and examine facts of (an incident, allegation, etc.) so as to establish the truth.

Oxford**Languages**



Investigating a Formal Complaint

To investigate a formal complaint alleging sexual harassment is to gather the information (evidence) pertaining to the allegations, including:

- Inculpatory information that tends to show the allegations are true, and
- Exculpatory information that tends to show the allegations are not true.

EXAMPLE

Example of inculpatory evidence:

After the alleged sexual misconduct occurred, the respondent sent a text message to the complainant stating, "I'm sorry, I should have listened when you said no."

Example of exculpatory evidence:

The respondent has short dark hair. The video from the scene of the alleged misconduct shows that the perpetrator has long red hair.

QUESTIONS?



Investigative Process: Five Stages

1. Prepare
2. Gather
3. Compile
4. Assess for relevance
5. Summarize relevant evidence





ACTIVITY

Review the Fact Pattern

Stage 1

Prepare



Preparing for the investigation

I. Create Investigator Log

FICTICIOUS STATE UNIVERSITY – TITLE IX OFFICE		
INVESTIGATOR INVESTIGATION LOG		
Complainant: Bailey Benson		Title IX Coordinator: Carmen <u>Sandiego</u>
Respondent: Quinn Quimby		Investigator: Cara Hardin, Title IX Deputy Coordinator
Date	Recorded By	Notes
3/15/21	CBH	Received and reviewed Notice of Allegations.
3/16/21	CBH	Emailed parties Notices of Interview and calendar appointments for Microsoft Teams video meeting.
3/17/21	CBH	Received email from Complainant with the selection of and contact information for their advisor. Sent advisor (copied Complainant) information about the advisor role within the Investigative Process.
3/20/21	CBH	Interview with Complainant. Advisor present. Reviewed investigative process. Conducted questioning and requested/obtained physical evidence.
3/21/21	CBH	Emailed interview transcript to Complainant and their advisor for review, edit, and approval.
3/25/21	CBH	Interview with Respondent. No advisor present. Reviewed investigative process, including right to an advisor. Conducted questioning and requested/obtained physical evidence.
3/26/21	CBH	Emailed interview transcript to Respondent for review, edit, and approval.
3/28/21	CBH	Respondent emailed redlined additions and clarifications within interview transcript.

II. Thoroughly review the Notice of Investigation and Allegations

III. Who is involved? (Students, faculty, staff?)

IV. What policy offense(s) are you investigating?

- Quid Pro Quo Sexual Harassment
- Hostile Environment Sexual Harassment
- Sexual Assault
 - Rape, sodomy, fondling, incest, statutory rape
- Dating violence
- Domestic violence
- Stalking
- Sex Discrimination
- Retaliation

V. Determine the “elements” of the offense(s) at issue?

Example: Rape

“Carnal knowledge”



1. The penetration of any sort
2. Of the penis and the vagina (attempt to do the same)
3. Without complainant’s consent
4. Including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Review policy definition for consent



Review policy for definition for incapacitation





ACTIVITY

Fact Pattern

- **Break down the elements of the charged offense(s).**



“Elements” for Hostile Environment Sexual Harassment:

- *Unwelcome conduct*
- *Based on sex (or of a sexual nature)*

THAT IS

- *Severe*

AND

- *Pervasive/*

AND

- *Objectively offensive*

AND

- *Effectively denied a complainant equal access to the university’s education program or Activity*



“Elements” for Dating Violence:

- *Violence*
 - Sexual abuse
 - Physical abuse
 - Threat of such abuse
- *Occurring between people who are in, or were in, a social relationship of a romantic or intimate relationship.*
 - The existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

VI. Evidence available pre-interviews

- Email reporting misconduct (i.e., from Hall Director, RA, Campus Safety)
- Campus video footage
- Campus access-card records
- Police report



ACTIVITY

Fact Pattern

What evidence may be available pre-interviews?

VII. Interview list

- Complainant
- Respondent
- Witnesses

VIII. What information are you seeking from each person?

IX. Determine order of interviews



Homework

Fact Pattern

- Preliminary interview list (will be updated as you progress)
- What information are you seeking from each person?
- Order of the interviews?

X. Outline party/witness interviews

Complainant's interview outline

- Build rapport
- How know the respondent?
- What happened?
 - Where?
 - When?
 - How? Penetration of genitalia?
 - Consent? (Actions/words? Incapacitation? Force?)
 - Response to conduct?
- Witnesses (Eyewitnesses? Who saw before and right after? Who talk to before and right after?)
- Physical evidence (Electronic communications? Pictures? SANE report? Police report?)

Based on what you've learned thus far, how will refine your preparation strategy?

CHAT

QUESTIONS?

Stage 2

Gather



Gathering the evidence

There are two types of evidence within an investigation:

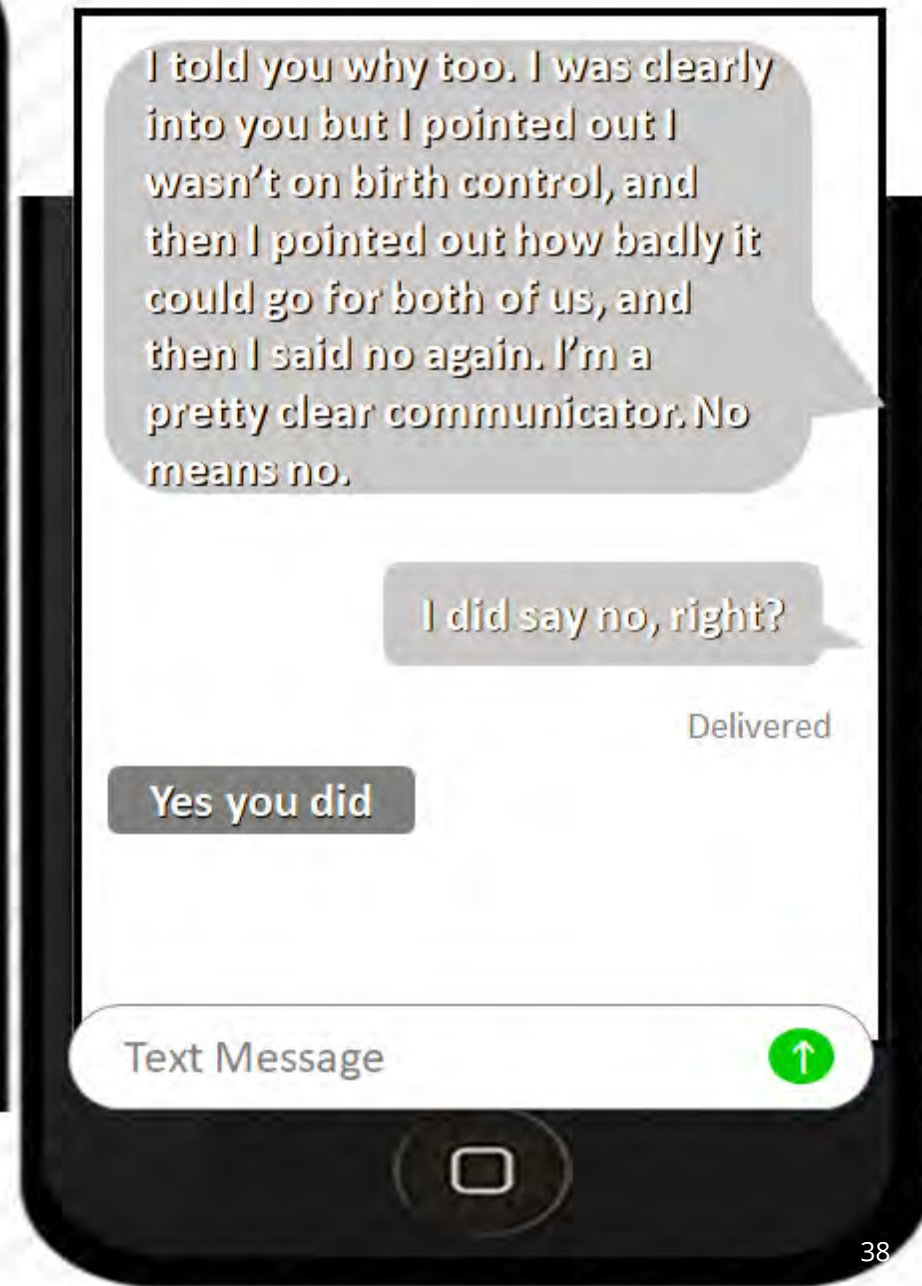
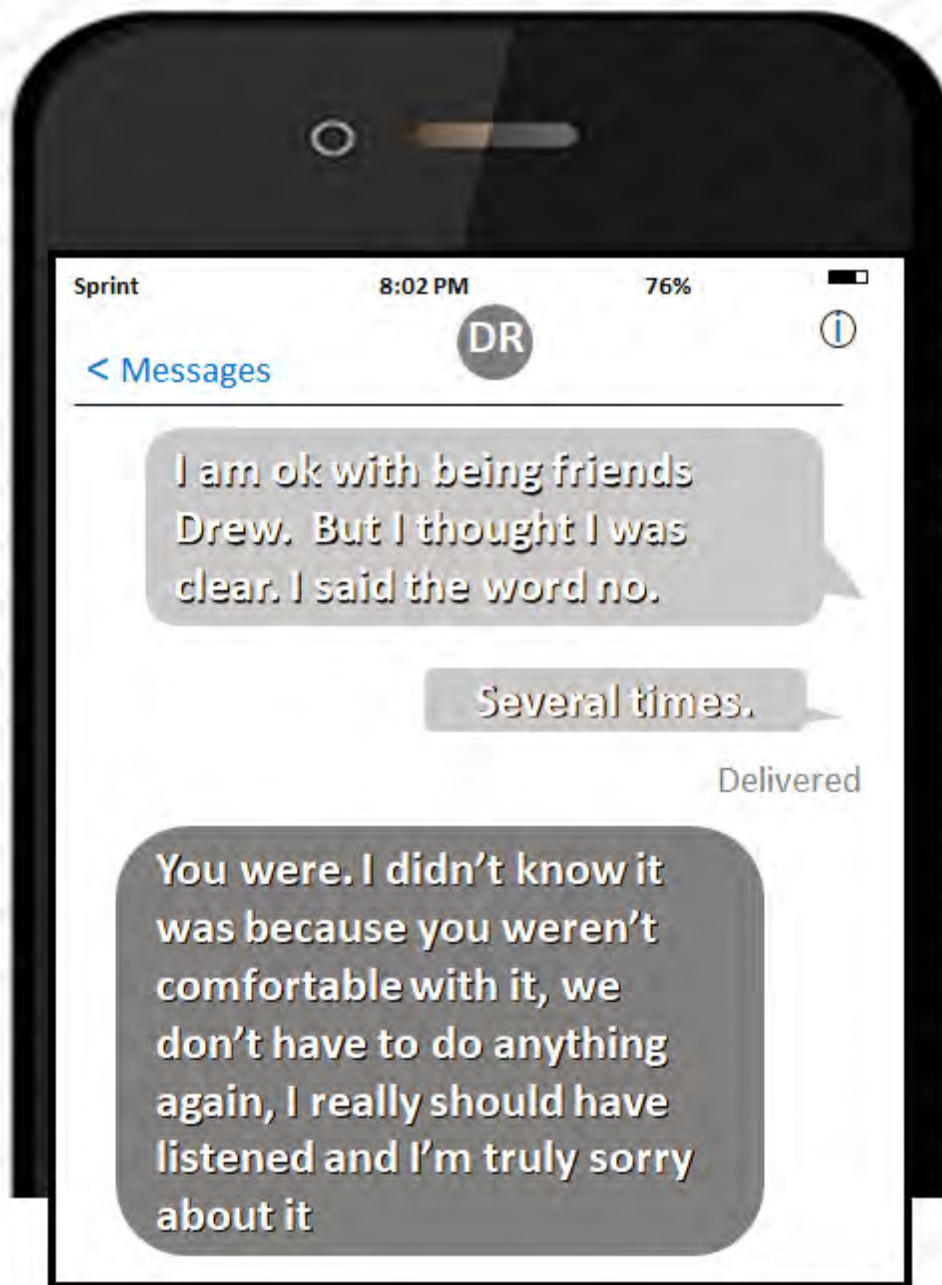
- Testimonial Evidence
- Non-testimonial evidence



Testimonial Evidence

Testimonial Evidence comes in a variety of forms:

- Investigator interviews with:
 - Parties
 - Witnesses
 - Expert witnesses
- Statements (assertions of fact) made in other medium:
 - Electronic communications (texts, emails, chats)
 - Police reports
 - SANE reports
 - *106.45(b)(1)(x): Need signed waiver to obtain and include in Investigative File*



Incident Report

MILWAUKEE POLICE DEPT

Supplement No
0001

Supplement

He stated yes. I asked him if he remembers seeing her on the night of December 5th into the morning of December 6th. He stated yes. I asked him if he was under the influence of any drugs or alcohol during the time he saw her. He stated he did not wish to answer that question. I asked him if [REDACTED] appeared intoxicated. He said she did appear as though she had been drinking and she was alone when they happened to just see each other on the street. His exact words about her demeanor were, "she did not seem like she was that intoxicated." He stated he could not recall on which street they saw each other walking. He said she was alone and he was with his friends. He said his friends were going to a party and they did not want [REDACTED] to go. He said he then talked with [REDACTED] about skiing and small talk that he could not exactly recall. He said they did not talk about having sexual intercourse. [REDACTED] told me they walked to dorm hall and they walked upstairs.

He said when [REDACTED] and he were alone in the room and said he "believes I sat on a chair." He said he remembers standing up and she kissed him first. He said he remembers he was sitting on a chair now that he thinks about it and [REDACTED] sat on his lap with her legs to his side. [REDACTED] stated he was not positive how her bra



History of Assault

Row Name

History of Assault

Person(s) present

Cervix

Cervix:

Yes; No injury noted; Other (comment); Findings noted (describe) -AK

Officer Demeuse

Comment:

extracted tampon worn during assault, noted to be sideways and tucked under cervix, menstrual blood noted at cervical os -AK

... but I kept telling him to stop"

head against the wall"

Assailant's ethnic

Did assailant wear

Did assailant(s) e

Was jelly, foam, c

Did assailant hav

obtaining or maintaining an erection?

Positions(s) of patient during assault:

Supine; Prone

Injury to assailant during assault?

No



Non-Testimonial Evidence

Non-testimonial evidence

- Documents
- Photographs
- Video (without audio)
- Diagrams within SANE reports
- Boots on the ground!







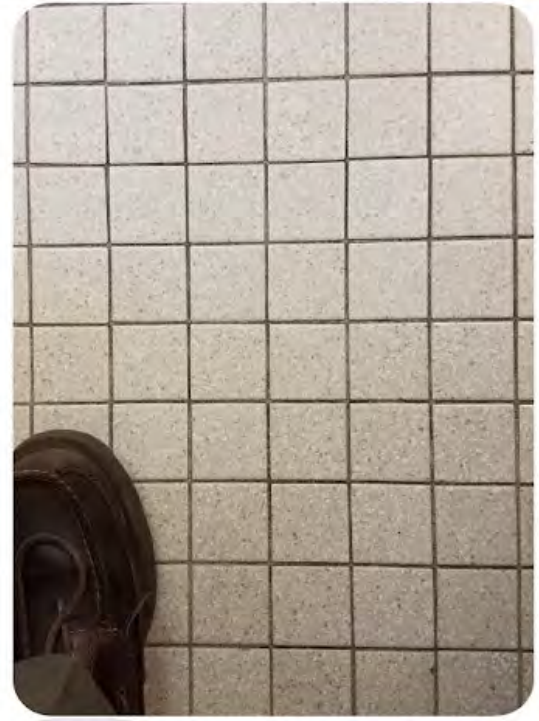
5-1-2019 21:06:26 晴



RA



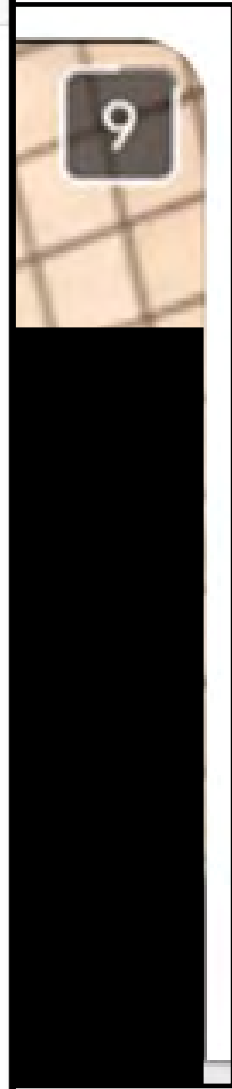
Rick



1:25 PM

WS 6

1:25 PM



QUESTIONS?



Interviewing parties and witnesses

1. Build rapport
2. Effective questioning
3. Create a timeline



Dr. David Lisak, PhD, clinical psychologist specializing in interpersonal violence and the neurobiology of trauma.



Building Rapport

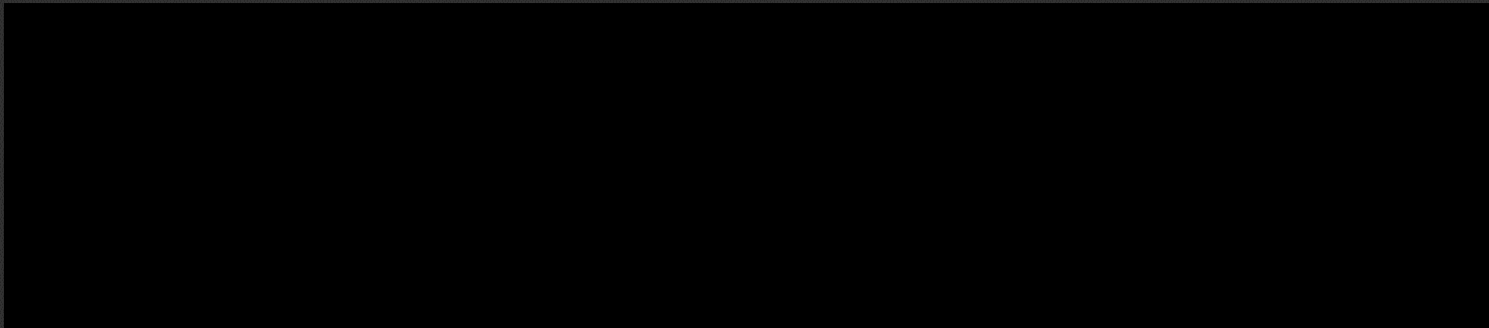
- Identify mutual interests or commonalities
- Conversational with active listening
- Transparency about the process and investigator's role
- Provide control
- Answer questions
- Acknowledge difficult situation
- Explain that personal questions may be asked
- No judgement and no wrong answers



ACTIVITY

Rapport Building Demo

1. What went well?
2. What could be improved?



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Hardin, Cara

Organized by
Hardin, Cara



Effective Questioning

- Initially seeking a narrative
- Closed v. Open-Ended Questions
- The Funnel Method
- Questioning Pitfalls

Closed v. Open-Ended Questions

Closed Questions

You went to the party with the Complainant and your roommate

You said "no" when the Respondent kissed you.

After you said "no," you shoved the Respondent to the ground



Open-Ended Questions

Who went with you to the party?

How did you respond when the Respondent kissed you?

What happened next?



Open-ended questions

Open-ended questions allows the interviewee to “fill the space”

- Begin by asking broad questions like...

Q: “Tell me about your evening the night of August 22...”

Q: “Please walk me through your time at the fraternity party....”

- Start narrowing the questioning based on what you learned

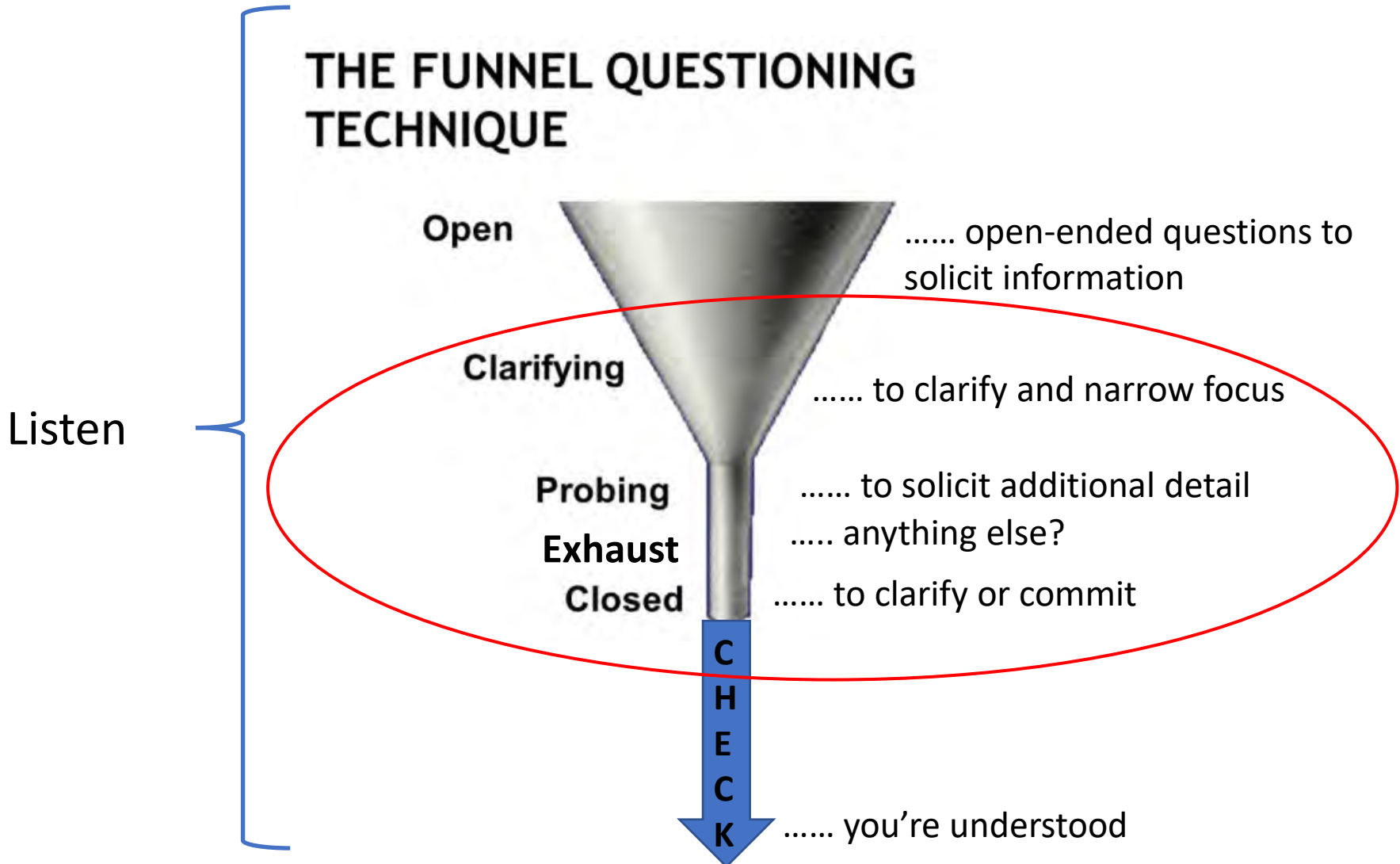
Q: “I’d like to know more about...”

Q: “Please explain further how....”

Q: “Who was with you at the party?”



The Funnel Method





The importance of transitions

Using transitions to direct the conversation

Q: *“I want to take you back to the part where you talked about....”*

Q: *“Let’s focus on your conversation with your roommate after you got home...”*

Q: *“Now, I would like to talk with you about what happened after you left the party.”*



Questioning Pitfalls



1. Asking open-ended questions in a leading/closed manner.

“Did you go to the police right after you left Respondent’s apartment?”

“Were you scared when your partner’s hands were around your neck?”

2. Asking compound questions

“Describe what you saw, what you heard, and what you did?”

One question at a time:

“What did you see?”

“What did you hear?”

“What did you do?”

3. Failing to clarify complex answers.

"Tell me if I understand you correctly, you said..."

"I am not sure that I understand, what does that mean?"

4. Assuming you know what the witness means.

"I talked to Jane last night."

5. Assumptions about what happened, generally.

6. Failing to use understandable (“normal”) language.

“Are you and Cam intimate with one another?”

“Did your fingers penetrate Cam’s labia majora?”

7. Interrupting the witness.

8. Judgmental spoken or body language in response to answers to questions.



Reacting to interviewee responses

Actual Thought

vs.

Professional Speak

***That makes
no sense.***

**What you just
explained is a bit
confusing to me.
Let's go over it
again...**



Actual Thought

vs.

Professional Speak

**You're
such a
liar!**

**Help me
understand why
3 other people
recall things
differently**



Actual Thought

vs.

Professional Speak

***Do you think
I'm an idiot!
Really!!!***

***In my
experience, I
generally find
...***



Actual Thought

vs.

Professional Speak

What part of "I don't want to have sex" didn't you understand?

Tell me about your thought process when . . .



Co-investigators



ACTIVITY

Questioning Demo

1. What went well?
2. What could be improved?



2021-03-23 21:38 UTC

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Organized by

Hardin, Cara



Refreshing recollection

“I don’t know” v. “I don’t remember”

- “I don’t know” – Person never knew
- “I don’t remember” – Person did know at one time.
 - Helping the person remember:
 - Texts
 - Video
 - Photos
 - Going to the scene



Trauma-informed interviewing

- Trauma-informed interviewing techniques are helpful with any party or witness, not just complainants.
- Result is to obtain better information and to have the interviewee leave the interview feeling respected rather than victimized by the interview experience.



Trauma-informed interviewing techniques

- Build rapport
- Be cognizant of “sensory” responses: sight, sound, smell, etc., which may help identify a trauma response to the alleged misconduct
- Warn before asking personal questions
- Avoid victim-blaming and rape-myths during questioning
 - Both practices can function to re-victimize or cause trauma/blame/shame
 - Explain reasoning behind difficult questions

QUESTIONS?



The Expert Witness

- The expert witness

An expert witness is a person who has specialized or scientific knowledge, skill, experience, or proficiency in a particular field that is relevant to the case.

- Expert witnesses are *supposed* to provide independent, impartial, and an unbiased opinion about evidence in the case



Questioning an expert witness

I. INTRODUCTION

- Name and profession
- Qualifications - What makes this person an “expert?”
 - Education
 - Special Training
 - Experience
 - License/Certification
 - Publications
 - Teaching or speaking experience
 - Experience as an expert witness
 - Ever testified as an expert witness?
 - Ever been disqualified as an expert witness?

II. EXPERT'S ASSIGNMENT

- What have you been asked to do/examine/compare in the case?
- Are you receiving compensation for your opinion and testimony? If so, how much and by whom?
- Did you reach an opinion?
- What information did you receive and rely on to make an opinion?
- What techniques, methodology, or process did you use on the information received?
- Is this the type of information relied on by experts in their field?

III. EXPERT'S OPINION

- What is your opinion?
- How did you arrive at your opinion?
- Did you make any assumptions based on the information? If you change your assumption, does your opinion change?
- Why are you sure of your opinion?
- Are there alternative techniques or methods that could result in a different opinion?

QUESTIONS?



Creating a timeline

Creating a timeline surrounding the alleged incident:

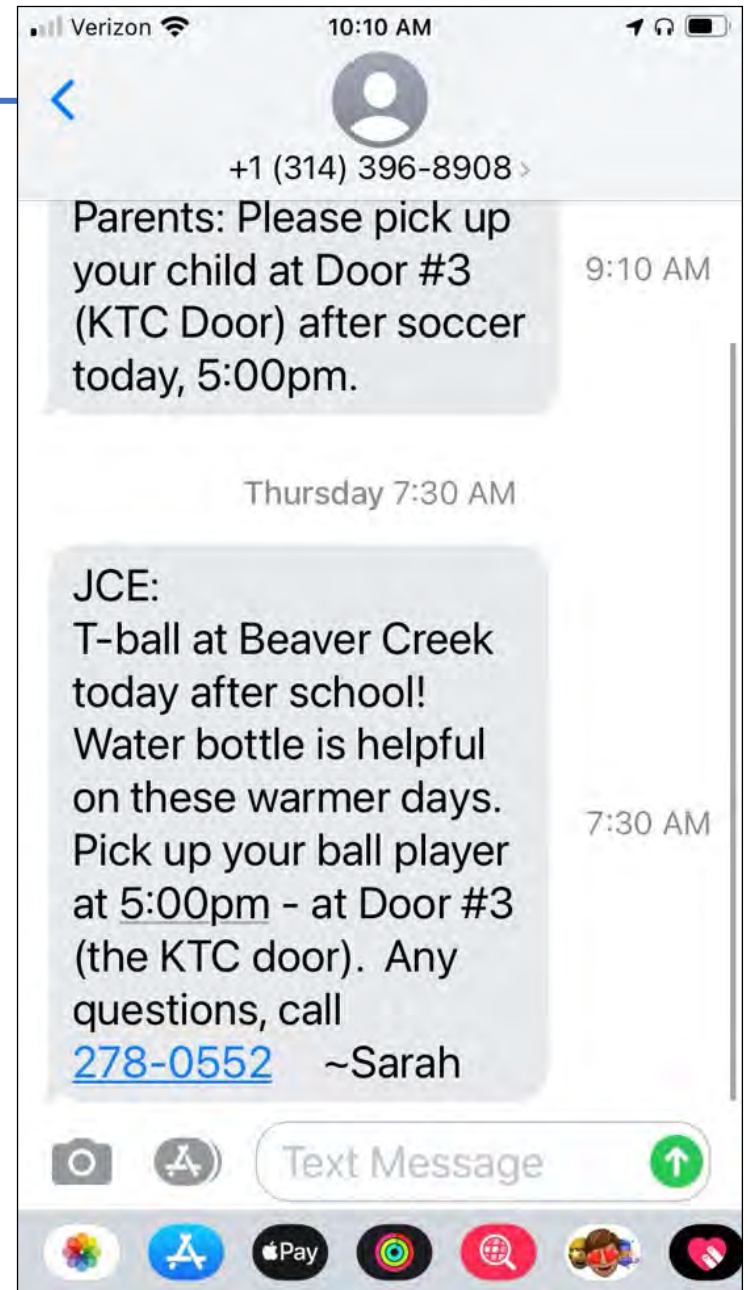
- Exposes the gaps in the investigation
- Documents the movement of the parties and witnesses
- Helps identify inconsistencies or serves to corroborate
- Validates or refutes alleged alibis



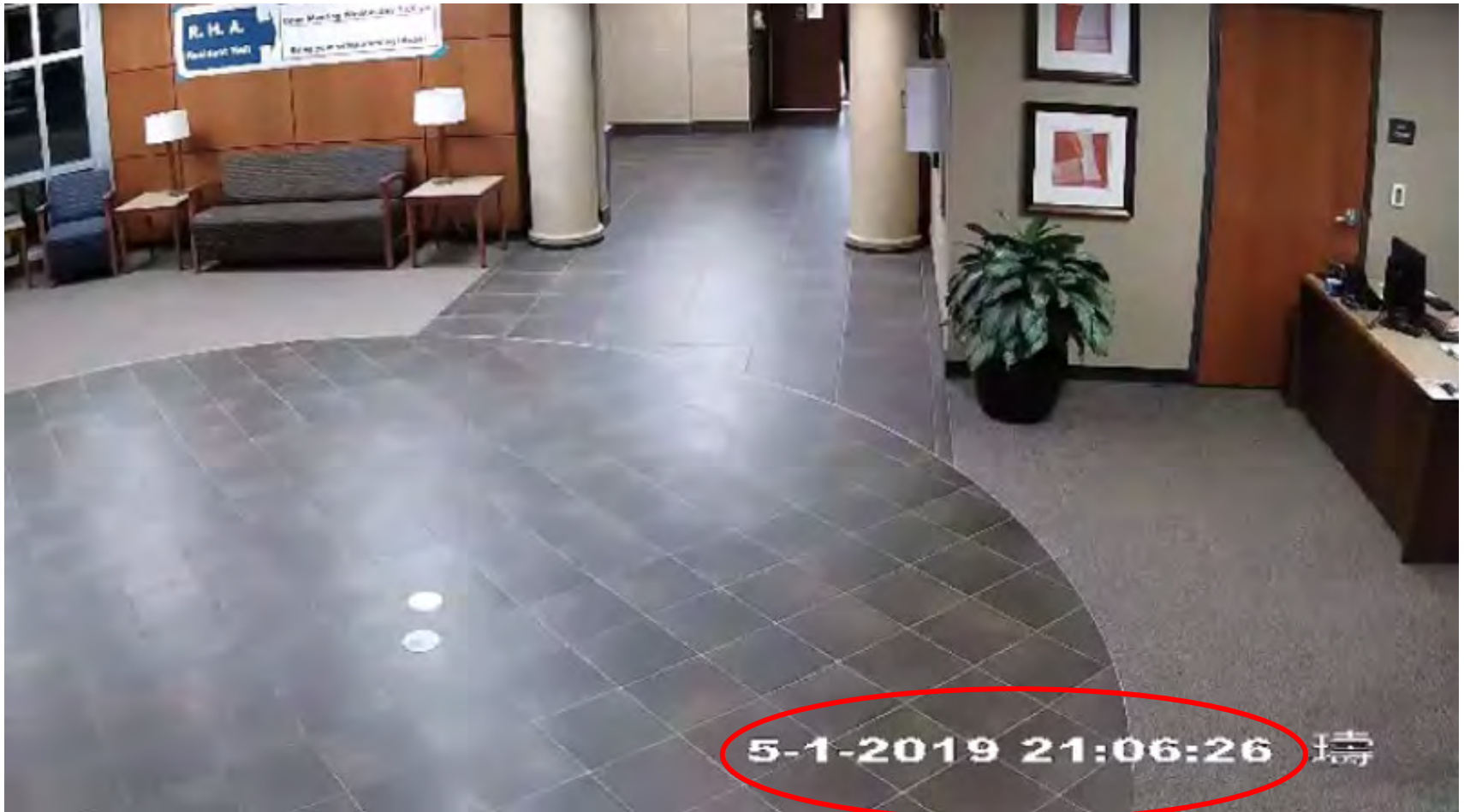
Timeline: How-To

Where to look to build your timeline:

- Timestamps within electronic communications



- Timestamps within video surveillance



Fresh to Order

Concourse B

Hartsfield-Jackson Atlanta

International Airport

404-305-8888

Date: Jan24'20 01:07PM

Card Type: Visa

Acct #: XXXXXXXXXXXXX4839

Card Entry: SWIPED

Trans Type: PURCHASE

Auth Code: 01013C

Check: 408

Server: 300460 Latisha

Reference: 614263780

Total 15.60

- Hospital records
- Receipts
- 911 dispatch records/calls



CAD Activity Detail

Printed On: 02/19/19 13:58

Marquette University

18-024821	915 W Wisconsin Ave,BLDG;MU	Harassment Complaint (HARA)
Reported : 12/02/2018 22:19:34	Prime Unit : 250	
Priority : 3	Call Taker : Baisley, Elyse	
Stacked : 22:21:42	Dispatcher : Baisley, Elyse	
Dispatched : 22:22:13	Case# :	
Arrived : 22:33:49	Finished : 23:33:12	
Disposition : Advised		

Notes

Date	Unit	Notes	PF
12/02/2018 22:19:34		Resident , would like advice on dealing with an ex girlfriend who keeps contacting him. has blocked her number on his phone but she's started calling/texting from her mom's phone and is threatening to show up to his classes. Subject is non-MU. RP is the OD RHD who would like a ride from OD to ST with the officer	ESB764
12/02/2018 22:21:42		Names Added :	ESB764
12/02/2018 22:22:13		Dispatched: 250	ESB764
12/02/2018 22:29:48	250	Starting 877	JCW156
12/02/2018 22:34:06	250	Ending on 877	JCW156
12/02/2018 22:43:12		Update reviewed by dispatcher- Levin, Susan	
12/02/2018 23:04:44		Names Added : ;	BAL338
12/02/2018 23:05:06		called. She was transferred to 250's cell phone	BAL338
12/02/2018 23:14:47	250	Names Added : ;	JCW156
12/02/2018 23:17:52	250	Names Added : ;	JCW156

- University access records



Timeline

August 27, 2016	August 28, 2016	August 28, 2016
4:01 p.m.		12:28:31 a.m.
4:53 p.m.	11:10 p.m.	12:00:40
6:35 p.m.		12:03 – 1
6:40 p.m.	11:53 p.m.	12:02:21
	11:55 p.m.	
7:32:17 p.m.	11:57 p.m.	12:04:21
7:32:29 p.m.	11:57 p.m.	
7:34:04 p.m.	11:58 p.m.	12:06 a.m.
8:21:49 –	11:58:30	12:08 a.m.
		12:08 – 1
		12:15:36
8:24:01 p.m.		12:28:32 a.m.
9:38:33 p.m.		12:28:40 a.m.
10:15 p.m.		
		12:15:45
		12:16 a.m.
		12:16:10
		12:16:18
10:37 p.m.		12:18:07
10:41 p.m.		12:18:47
10:42 p.m.		
10:49 p.m.		12:21:04
10:55 p.m.		
10:59 p.m.		12:21:50
11:00 p.m.		12:21 a.m.
	11:59 p.m.	12:24:08
11:05 p.m.		
11:05:06 p.m.		12:24:44
11:06 – 11		
11:10 p.m.		12:33:28 a.m.
		12:26 a.m.
11:53 p.m.		12:28:22
		12:33:30 a.m.

1:07 a.m.	Complainant texts W1, "I legit just got raped" "Please where are you"
1:07:14 a.m.	Complainant and Respondent get on elevator
1:08:09 a.m.	Complainant and Respondent at front desk. SSO hands Complainant both IDs. Complainant hands ID to Respondent. Respondent drops the ID, bends down and picks it up. (video surveillance)
1:08:23 a.m.	Complainant swipes Respondent out of McCormick (card swipe record)
1:08:33 a.m.	Complainant walks out of McCormick with the Respondent. (video surveillance)

¹ Timing on the university's video surveillance is a few seconds off from Murphy's video surveillance.
² According to Rick Arcuri, Marquette University Director of Business Operations and Auxiliary Services, the individual computers at each residence hall front desk (operating card swipe system) are not synced to the university's video surveillance system.

1:10 a.m.	Complainant places call to W1 with no answer
1:10:29 a.m.	Complainant swipes into McCormick and places a call on her cell (card swipe record and video surveillance)
1:11:11 a.m.	Complainant comes off elevator on 6 th fl of McCormick. She takes her hair out of bun and walks toward her room.
1:12 a.m.	Complainant texts W2, "Wanna meet up?"
1:12 a.m.	Complainant places call to W1 with no answer
1:13 a.m.	Complainant texts W1, "W1 please no one is helping me" "I was raped" "Idk where to go" "I'm going back"
1:14 a.m.	Complainant places call to W1 with no answer
1:14 – 1:19 a.m.	Complainant texts W1, "W1" "WHERE ARE YOU" "This is so fucked up can u answer one text" "I will never forget this"
1:20 a.m.	Complainant texts W2, "W2!"
1:21 a.m.	Complainant texts W1, "W1 I'm literally dying here where are you" "Spot snapping fucks for one second and call me" "Thanks for this"
1:25 a.m.	Complainant places call to W1 with no answer

The background is a dark gray color filled with numerous white question marks of varying sizes and orientations. A prominent, large question mark is centered in the upper half of the image. A black rectangular box with the word "QUESTIONS?" in white, bold, sans-serif font is positioned in the upper left quadrant. A solid yellow horizontal line runs across the middle of the page, just below the text box.

QUESTIONS?



ACTIVITY

Creating a Timeline

C = Complainant
R = Respondent

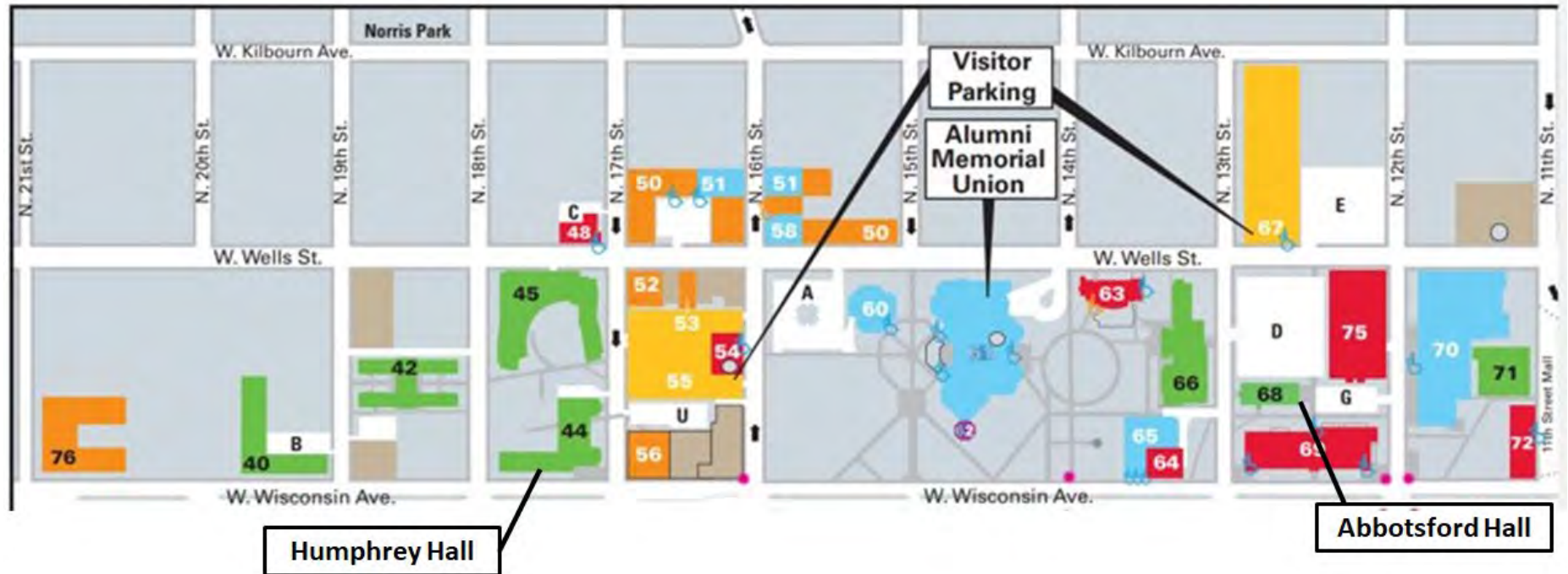
HH = Humphrey Hall

AH = Abbotsford Hall

10:53 p.m.	R checks C into HH (card swipe)
11:45 p.m.	C checks out of HH with R (card swipe)
11:54 p.m.	C texts roommate, "My fake worked! I'm in Murphy's." (text)
1:17 a.m.	R checks C into HH (both walking normally) (card swipe) (video)
1:57 a.m.	C checks out of HH (both walking normally) (card swipe) (video)
2:01 a.m.	C at corner outside HH walking east (video)
2:28 a.m.	C texts roommate, "cad;lKFjad u pdopauigh." (text)
3:02 a.m.	C enters AH (video)
3:03 a.m.	C checks in at AH (card swipe)
9:00 a.m.	C wakes up in own bed in AH

- Hardin, Cara**
C & R pre-game for little less than an hour in HH
- Hardin, Cara**
Parties get into Murphy's about 9 min after checking out of HH
-Video of parties walking from HH to Murphy's?
- Hardin, Cara**
Parties at bar 1 hr 23 min? Did they leave bar and go straight to HH?
-Receipt from bar?
-Video of parties walking from Murphy's to HH?
-Video of parties walking to R's dorm room?
- Hardin, Cara**
C leaves HH after being with R for 40 min.
-Video of parties walking to elevator from R's dorm room?
- Hardin, Cara**
Where was C between 2:01 a.m. and 3:02 a.m. ???
NOTE: I walked from HH to AH – took 7 min.

MARQUETTE UNIVERSITY – Campus Map



Key Takeaways

- Building rapport and effective questioning during interviews increases the quality and quantity of the information the interviewee will provide.
- Identifying and obtaining physical evidence helps to fill gaps in testimony, provides a basis for assessing credibility, may corroborate or refute the allegations, and can provide additional insight over what may have occurred during and surrounding the alleged incident.
- Creating a timeline is an essential tool in evidence-gathering.



Autonomy, Neutrality

Objectivity



Autonomy, Neutrality, and Objectivity

§106.45(b)(1)(iii) requires investigators to serve impartially by avoiding:

- Prejudgment of the facts at issue
- Conflicts of interest
- Bias

BIAS

AUTONOMY

NEUTRALITY

OBJECTIVITY



Bias defined

Bias is defined as: *An inclination toward (or away from) one way of thinking, many times, based on experiences.*

- Must understand how the mind operates in both conscious and unconscious modes
- Examples:
 - Assuming that Complainants or Respondents are generally more likely to tell the truth.
 - Assuming the Complainant "had it coming" based on what they were wearing, how much they had to drink, or because they were at a fraternity party.



Role of Investigator

- Not on anyone's side
- Employs the presumption of non-responsibility
- Role is to assist the decision-maker(s) in determining responsibility by gathering reliable and relevant evidence for consideration
- Investigators are advocates for the process – not either party
- Credibility is determined by specific factors, not a party's status as a complainant or respondent.



Autonomy

Autonomy is defined as: *Independence or Freedom*

- Are you able to conduct the investigation without internal or external interference or influence?
 - High profile cases
 - Media influence



Neutrality

Neutrality is defined as: *Not aligned with or supporting a side or position.*

- Understand and uphold the rights of both parties
- Facts are presented as gathered – allow parties and witnesses to review and revise their statements
- Questioning conducted using non-judgmental language:
 - *“Do you remember how much you drank before you went to the house party?”*
 - Not: *“Were you thinking about how much you were drinking before you left your residence hall room?”*



Appearance of Neutrality

- Meeting with one party more than the other without explanation
- Number of witnesses on either side does not determine outcome
- Perception of neutrality throughout the university



Objectivity

Objectivity is defined as: *Not being influenced by personal feelings, interpretations, or prejudice.*

- How do you act or respond to a party or witness you find obnoxious, conceited, or generally unlikable?
- How do you act or respond to a party or witness you find likable?



Conflicts of Interest

- Exist when the investigator has a personal or professional interest in the matter, and prevent the investigator from discharging their duties in a fair, neutral, and impartial manner
- Arise depending upon the investigator's personal interests, social factors, inside information, or a relationship to a party, or witness



Mitigation Strategies

- For conflicts of interest: Transparency
- For biases
 - Evaluate/recognize when you are having a biased or stereotypical thought
 - Identify the reasons behind the thought. Where does it come from? Will it impermissibly influence my actions?
 - If possible, overcome and replace the biased/stereotypical thought or action with a non-stereotypical response action



Mitigation Strategies (con't)

- Improve Decision Making
 - Slow down
 - Ask: What assumptions have I made about the gender identity, religious beliefs, athletic status?
 - Ask: What assumptions have I made about the facts?
 - What evidence supports the conclusions I draw and how have I challenged the "unsupported" assumptions
- Practice - and be present.

QUESTIONS?

End of Day 1

See you tomorrow!