

Investigating Student Misconduct

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Introductions



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Tonya Schmidt
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Land Acknowledgment

University of Maryland College Park: Every community owes its existence and strength to the generations before them, around the world, who contributed their hopes, dreams, and energy into making the history that led to this moment. Truth and acknowledgement are critical in building mutual respect and connections across all barriers of heritage and difference. So, we acknowledge the truth that is often buried: We are on the ancestral lands of the Piscataway People, who are the ancestral stewards of this sacred land. It is their historical responsibility to advocate for the four-legged, the winged, those that crawl and those that swim. They remind us that clean air and pristine waterways are essential to all life. This Land Acknowledgement is a vocal reminder for each of us as two-leggeds to ensure our physical environment is in better condition than what we inherited, for the health and prosperity of future generations.

Clery Center's office in Fort Washington, PA sits on land **Clery Center's** office in Fort Washington, PA sits on land that is part of the traditional territory of the Lenni-Lenape, called Lenapehoking. The Lenni-Lenape people were forcibly removed from this land. Many of Clery Center's employees work remotely including from Hinesville, GA which is situated on the traditional lands of the Muscogee Creek Nation. These lands were forcibly taken from the Muscogee people in the Treaty with the Lower Creeks. We recognize the sustained oppression, land dispossession and involuntary removals of these Indigenous peoples, and give gratitude for their stewardship of the lands we reside on.

ASCA Accessibility Acknowledgment

ASCA is committed to making our events accessible. We encourage you to engage in sessions in ways that fit your abilities and comfort level. In addition to any requested accommodations and use of assistive devices and technology, we encourage attendees to drink or eat during session, stretch, stand up, fidget, stim, take breaks, wear headphones for noise and stimulation reduction, and/or engage in helpful focus/regulation practices such as deep breathing, doodling, using a silent phone app, and more. In general, please engage so far as you feel emotionally and physically able to do so—it is okay to push your comfort zone, and to also prioritize your well-being.

We encourage all attendees to understand that focus and engagement can look and feel different for each individual, and that while unfamiliar behaviors may sometimes be initially distracting, they are not intentionally disruptive.

This space should feel comfortable and accessible. If you have any concerns with accessibility, please let Central Office know as soon as possible.

Learning Outcomes

- Understand the qualities of a good investigator
- Review Due Process Rights of Respondents
- Learn about phases of the investigation:
 - pre-investigation,
 - investigation,
 - and post investigation.
- Learn investigation skills applicable to all parties being interviewed and other information gathering.



Session will include (Double -0) seven parts:

1. What qualities make up a good investigator?
2. Special Considerations regarding types of conduct
 - Hazing
 - Sexual Misconduct, Title IX
 - High profile situations
3. Due Process Review (relevant case law and significance)
 - Public Institutions
 - Private Institutions
 - Relevant Case Law
4. Pre-investigation preparation
 - Items to Consider when gathering information
 - Creating an Investigation Strategy
 - Establishing Goals for the interview
5. Investigation Process
 - Considerations
 - Steps of the Interview
6. Post Investigation steps
 - Assessing Credibility
 - Disseminating Information
7. Things to avoid and Conclusion -Bias -Determining relevancy

1. Qualities of a Good Investigator

- Curiosity
- Active listener
- Interest in discovering the truth
- Comfort with conflict and de-escalation skills
- Respect for confidentiality
- Attention to detail
- Confidence in Federal Reporting Requirements
- Writing skills

Your Role as an Investigator



- Fact Finder
- Neutral
 - Considerations for Bias
- Information Disseminator
 - Who do you need to keep informed?

Your Role as Supervisor



- Voicing Expectations
- Follow up on progress
- Acting as a buffer
 - Communication to VP/AVP
 - Liaison w/ Marketing/Communications
 - Support when parties/advisor get challenging
- Engaging support systems
 - Advocacy for student involved

2. Special Considerations

- Hazing Investigations
- Title IX and Sexual Misconduct Investigations
- Investigations involving high profile groups (e.g. student athletes)
- Concurrent Investigations (e.g. local law enforcement)
- Timing of Investigations (e.g. break periods)
- Big staff vs. Small staff
- Investigation partners/stakeholders on campus

3. Due Process and Legal Requirements

- Public Institutions
- Private Institutions
- Due Process Case Law
- Clery
 - Stop Campus Hazing Act would make hazing Clery-reportable
- Title IX
- F.E.R.P.A.

4. Pre-Investigation

- Review report & any supporting documentation
- Investigation Design
 - Summoning for interviews all at once
 - Separate meetings, back to back
 - Surveys
 - Single or Multiple Investigators
- Participants
 - Who are you interviewing?
 - Expectations form
- What information needs to be gathered and in what order?
 - Discuss with supervisor & other investigators

4. Pre-Investigation, continued

- Prepare questions
- Consider interim measures
- Is there a concurrent criminal matter or other court proceedings?
- Determine how you will follow up with co-investigators
- Are participants required to attend an investigative interview?
- How will you handle requests for delays during the process?
- Are advisor/support people allowed? Plan for “managing” them
- Are there conflicts of interest?

5. Investigation

- Be aware of your demeanor
- Consider physical environment of your office or virtual space
- Recording interviews or taking notes? Inform person you are interviewing
 - Interview contents
 - Build Rapport
 - Explain process
 - Does case involve amnesty
 - How will information be shared? Anonymity?
 - If concurrent criminal or other court action, how they differ
- Progression of Questions
 - Start broad
 - Keep them Open-ended
 - Avoid leading questions
 - Ask clarifying questions

Note Taking

- Handwritten or typed?
- Are notes share on the cloud? – UMD Example
- Is there a template your office uses?
- Do you audio record?
- Shorthand
 - Develop your own
 - Check if there is an office standard
- Take short notes, then refine later
- Do you have parties review their notes?
 - While they are there? Send after?

6. Post Investigation

- Review the information gathered
- Additional documentation to gather
 - Photos, videos, text messages, SnapChat, GroupMe, other social media, etc...
 - Ask for it whether mentioned or not
- Discuss with supervisor if necessary
- What questions do you still have?
 - Did co-investigator(s) get additional information that needs to be followed up on?
- Are there new individuals to interview?

6. Post Investigation, continued

- Considerations for credibility
 - Plausibility, demeanor, bias, prior statements on record
- Writing a comprehensive finding letter
 - Summary of investigation
 - Rationale for finding/decision
 - Rationale for sanction

WHAT DO YOU CALL AN
ALLIGATOR IN A VEST?



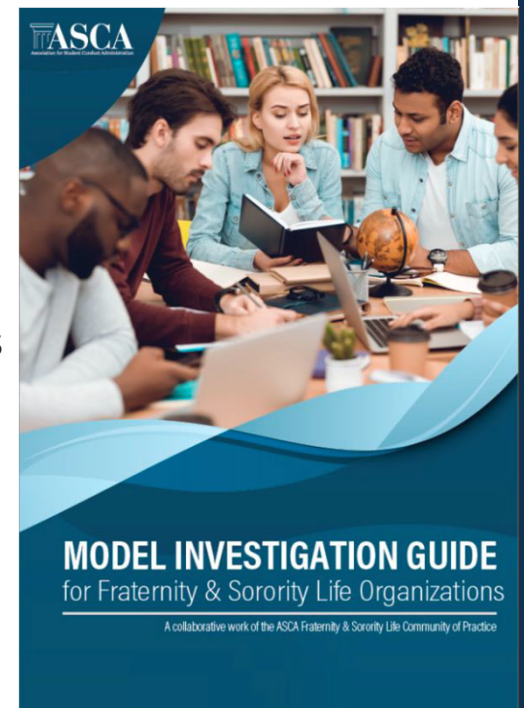
AN INVESTIGATOR.

7. Additional Considerations

- “Hear the case before you decide it.” - Gary Pavela
- Ignoring unconscious bias
- Getting caught up in details that are not relevant
- Forgetting that the process is educational
- What’s considered part of official record?

Questions/Comments/Resources

- Model Investigation Guide for Fraternity and Sorority Life Organizations
 - Available on the ASCA website, even without Membership
- [Link to folder](#) of templates for participants:
 - Hazing investigation questions
 - Alcohol incident reporting
 - Report/rationale writing
 - Templates for investigation report and disciplinary meetings



Presenter Information

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Thank you for attending!

