

Fundamentals of Questioning: Campus Sexual Assault Investigation

Using the Video and Facilitator Guide

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VICTIM
RIGHTS
LAW CENTER

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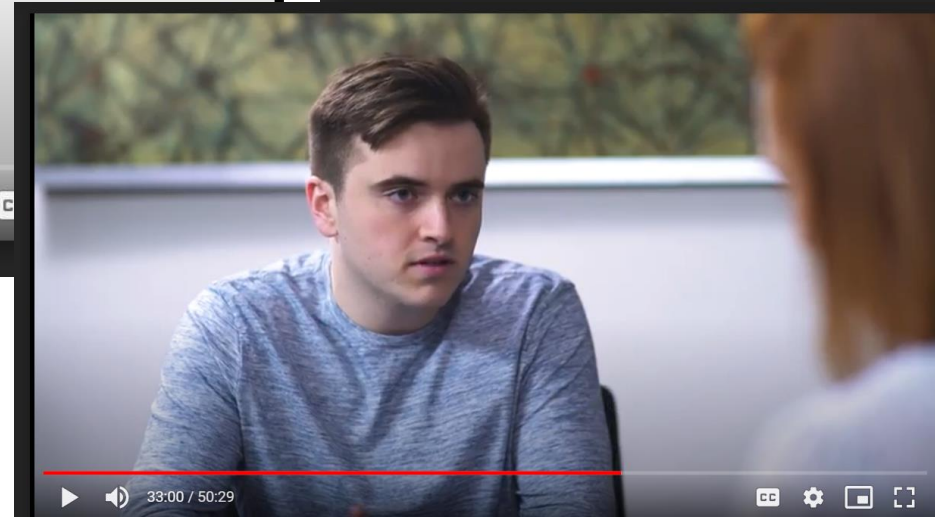
Meet Lindy and Jeremy



Introducing...



WHERE TO START: TRAUMA-INFORMED QUESTIONING SKILLS FOR USE IN CAMPUS SEXUAL ASSAULT CASES




0:05 / 50:29

33:00 / 50:29

If you would like captions in either English or Spanish, please click on the following link to view the video on YouTube and select the captions of your choice: <https://youtu.be/dwrwi7n92Yw>

If at any point during the session you are having difficulty watching the video via this Zoom meeting, you can watch the video at the following YouTube link: <https://youtu.be/dwrwi7n92Yw>

Accompanying Materials



FUNDAMENTALS OF QUESTIONING IN A CAMPUS SEXUAL ASSAULT INVESTIGATION

FACILITATOR GUIDE

This Guide is intended to provide the facilitator with guidelines and suggestions in preparation for facilitating the Fundamentals of Questioning Training. This Guide and the accompanying videos are resources provided to recipients of the U.S. Department of Justice, Office on Violence Against Women (OVW) Grant No. 2017-TA-AX-K074.

SECTION 1: INTRODUCTION

pre-video

SECTION GOALS:

1. Welcome participants
2. Explain what the participants can expect during the training, including that the content contains detailed descriptions of sexual assault
3. Overview of the video and overall expectations
4. *Optional: Gauge participant needs in terms of areas of improvement

WELCOME PARTICIPANTS

Thank everyone for their service, especially those volunteering.


Walk through the outline for the day, five major areas:

- Introduction to the Training
- Starting an Interview
- Conducting an Initial Interview
- The Three Guiding Questions
- Identifying Follow-up

Explain the video, what it will cover:

- How to Approach Interviewing & Interviewing Techniques
- Reporting Party Interview
- Responding Party Interview
- Follow-up Reporting Party Interview

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COMPLAINT

I was raped by John Tucker early in the morning of October 21, last year, in my dorm room. I did not consent to sexual intercourse and told John that I did not want to continue sexual contact, John continued. He raped me.

On the night of Friday, October 20, I attended a pregame in a friend's room in my dorm and then went to a party being hosted at 0001 Example Drive Apartment 3. I was introduced to John at this party. I knew of him since we both worked at the library, but I didn't really know much about him. We talked for most of the party and even danced a little. After I said that I was ready to go home and sleep since it was late, John offered to walk me home. I didn't think much of it, so I said it would be fine.

When we got back to my dorm room John came into my room and started kissing me. I was fine with kissing him and taking off some clothing but when we got on the bed and I realized I only had my underwear on I got nervous because I did not want to go further. I told him to hold on and instead of stopping he took off my underwear, penetrated me with his fingers, and then penetrated me with his penis.

I felt trapped and unable to decide what to do since I had been drinking and it was the middle of the night. I leaned away from him and turned my face toward the wall and hoped it would be over soon. I had tears rolling down my face as he raped me. Still in shock I barely noticed when he got off me and dressed before leaving my dorm room. I didn't know what to do after he left, I eventually fell asleep.

The next morning, I got up and my roommate asked me how I was doing. I just started crying and told her I was not OK. I stayed in my room the rest of the day.

I couldn't bear seeing John anymore, so I quit my job at the campus library to avoid seeing him. I couldn't even bring myself to go tell my boss in person, so I sent her an email. Since the incident, I have had no contact with John, but I'm afraid I'm going to run into him on campus somewhere and then I don't know what I'll do.

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RESPONSE

On October 20 of last year, my friend Michael Anderson was hosting a party at his apartment. I arrived early to help him set up. I didn't drink very much before the party started because I had work the next day and couldn't be hungover.

While at the party, Michael introduced Jane Deer to me around 11:30pm because he knew we both worked at the campus library. As Michael was walking away, he reminded me that Jane had hooked-up with a lot of our friends, men and women. Jane and I were getting along great, she was leaning close to me, we were laughing and having an enjoyable conversation throughout the night. We were both drinking and decided to get another drink. We both had a mixed drink. By this time, I was not even tipsy, and Jane was making jokes and fully participating in our engaging conversation.

Jane told me she was heading back to her dorm and I offered to walk her back. I wanted to be nice and continue our conversation. On the walk home, we were both being somewhat flirtatious so when we arrived at the entrance to her dorm I was not surprised when she left the door open behind her and we went up to her room.

In her room she kissed me, and we started making out. We moved on to the bed where she was on top of me while I was lying down. Jane was moving on top of me, clearly enjoying what was happening, and we were still kissing. She began taking her clothes off and then started taking my clothes off. We were touching and kissing each other and then we rolled over so that I was on top of her. I was just wearing my boxers so when I ended up on top I reached into the pocket of my pants and removed a condom. I pushed my boxers down to my knees and put the condom on. I kissed Jane who was making sexy, moaning noises and then we had sex. During sex she was pretty active and moved along with what I was doing. After a while, I came and got up to throw away the condom.

I didn't want to assume that I could stay in her room and I had work the next day, so I put my clothes on and said goodbye. I knew we had a good time, so I suggested we see each other again soon, Jane nodded her head from where she was lying on her bed and then I left.

I was shocked to hear that she wrote in the complaint that she was crying. At no point did I see Jane cry. I would have immediately stopped any activity and checked that she was okay. The situation was a typical one-night stand and I am upset to hear it was unpleasant for her.

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Objectives

- Importance of interview preparation
- Develop and enhance questioning techniques
- Making mistakes in a safe place
- Create appropriate curriculum for your campus needs

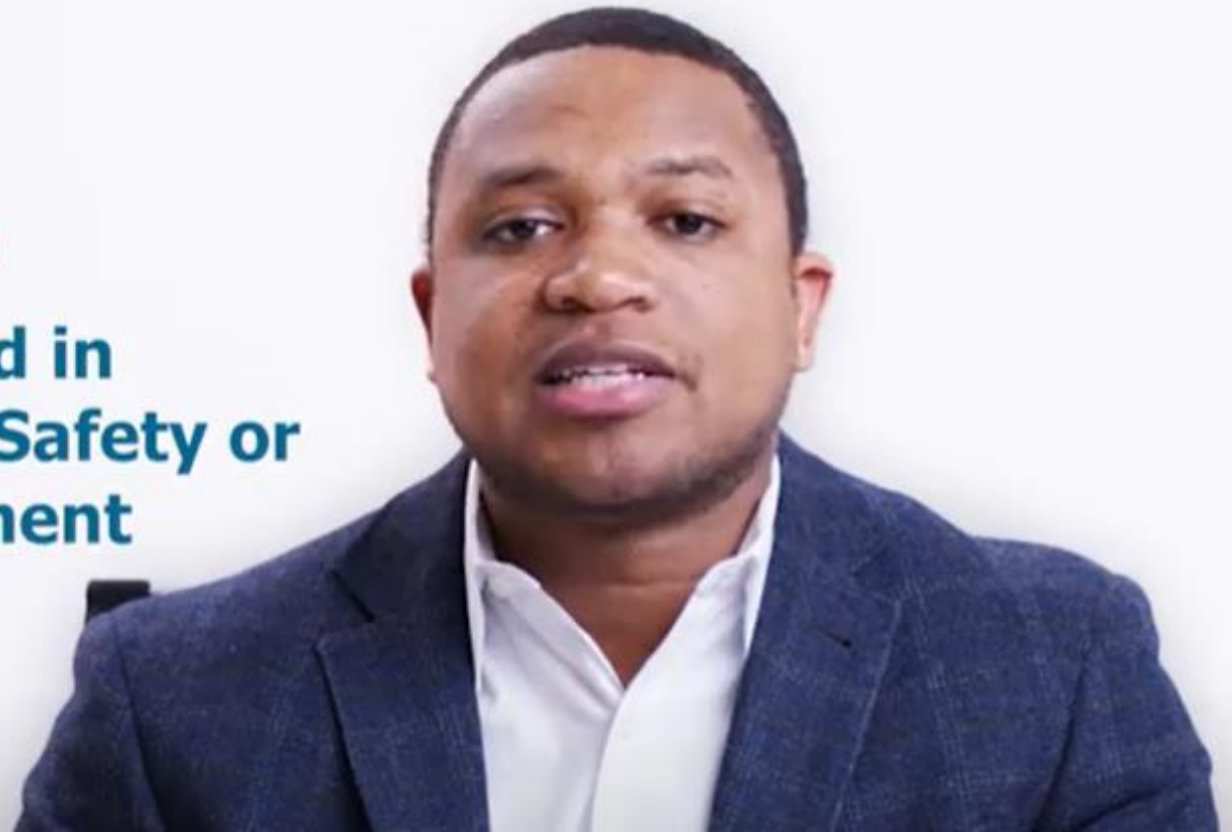
Exercise #1: Preparation



**Private,
Free from distractions**



**Questioning conducted in
Department of Public Safety or
Campus Law Enforcement**



Building Our Framework: Policy



Sufficient information to find violation of policy



Sexual Assault



Consent

Sexual Assault

“Nonconsensual contact with a person’s intimate body area(s)”



Whether there was contact



What qualifies as an intimate body area



If there was contact, was it with an intimate body area



Whether that contact with an intimate body area was **consensual**

Consent

What is your policy's definition of consent?

What behaviors would render consent ineffective?

Building Our Framework: Questioning

What needs to be known for policy violation?

Why does it need to be known?

When is the best time to ask?

What is the best way to word?

Exercise #2: Investigation Outline



What information
do we have?

What information
do we still need to
gather?

Exercise #2: Investigation Outline



BREAK: 15 MIN

Building the Framework: Movement Map



Building the Framework: Movement Map

- General timeline of events
- Piece of paper with 2 columns
 - Reporting Party
 - Responding Party

Movement Map

Exercise #2: Investigation Outline



What information
do we have?

What information
do we still need to
gather?

Sexual Assault

“Nonconsensual contact with a person’s intimate body area(s)”



Whether there was contact



What qualifies as an intimate body area



If there was contact, was it with an intimate body area



Whether that contact with an intimate body area was **consensual**

Review Both Investigation Outlines

+ = parties agree

✓ = mostly agree, slight difference

⊖ = disagree in a substantial way

★ = one person shares but the other does not

Addressing Bias

- Implicit
- Explicit
- Anchoring
- Observer Expectancy
- Confirmation

Once people form an impression they unwittingly seek, interpret, and create behavioral data that verify it. (McNatte, 2000)

Review Both Investigation Outlines

+ = parties agree

✓ = mostly agree, slight difference

⊖ = disagree in a substantial way

★ = one person shares but the other does not

Update the Movement Map

Evaluating Consent

Was consent obtained for each type of sexual contact?

- Touching/Kissing
- Digital Penetration
- Vaginal Intercourse
- Anal Intercourse

Next Steps: Using Materials on Your Campus

- Areas for consideration
- Campus specifics
- Preparation