

Fundamentals of Questioning: Campus Dating and Domestic Violence Investigation

Using the Video and Facilitator Guide

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**VICTIM
RIGHTS
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Meet Lindy and Shannon



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Introducing...



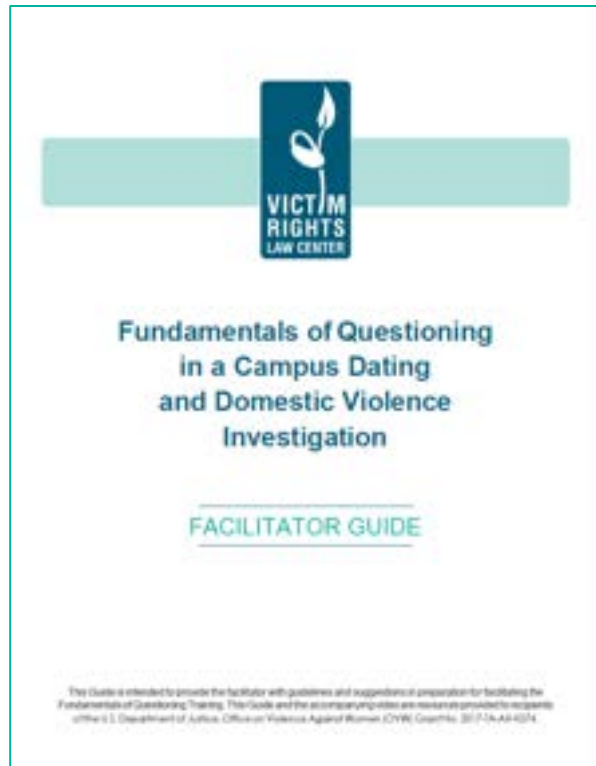
WHERE TO START: TRAUMA-INFORMED QUESTIONING SKILLS FOR USE IN CAMPUS DATING AND DOMESTIC VIOLENCE CASES



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Accompanying Materials



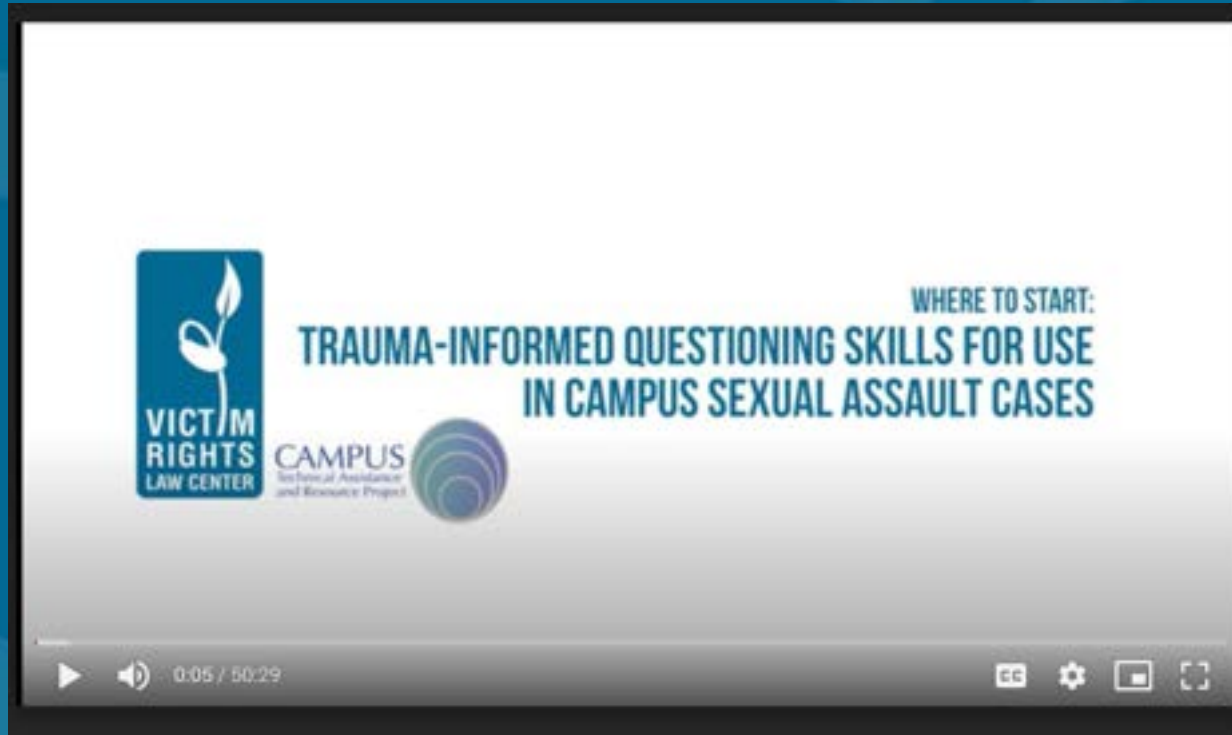
Accompanying Materials



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SA Questioning Video



Objectives

- Identify key differences between SA and DDV investigations
- Evaluate process for adding violations, counterclaims
- Model a curriculum you can take back with you and train your campus adjudicators on

Trauma-Informed Spaces



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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?

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Video



DDV Policy Definition

Dating or Domestic Violence

“any act of violence or threatened act of violence against a person who is in, or has been involved in, a sexual, dating, domestic, or other intimate relationship with the Responding Party. Dating and domestic violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, emotional abuse, and economic abuse. It may involve one act or an ongoing pattern of behavior.”



Whether there was act of violence or threat



Must be involved in a sexual, dating, domestic, or other intimate relationship



Was violence (or threat) physical, sexual, emotional, economic, or other form of abuse

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Exercise #1: Prepare Your Investigation Outline

1. Review the case outline and party statements.
2. At your tables, develop a list of questions you'd want to ask.
 - Does the question help you determine a policy violation?
 - Why does the information need to be known?
 - When is the best time to ask?
 - How would you ask it?



Discussion

How are DDV investigations different from SA investigations? What have you observed?



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Video



Exercise #2: Update Your Investigation Outline

1. What new information was gathered?
2. What information is still needed?





Video



Discussion

The Reporting Party is clear that this was her first LGBTQ relationship and that both parties have a strong connection to the on-campus LGBTQ community. In what ways does this identity impact the investigation or provide relevant information? What other identities could impact the power dynamics here?



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Exercise #3: Identifying Policy Violations

1. Based on what you know, consider what information you have for the DDV elements.
2. Did the Reporting Party describe other potential violations?
3. What is your process to add violations to an existing complaint?



Video



Responding Party Counter Allegation



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Sample Counter Allegations Policy Language

- The college is obligated to ensure that the grievance process is not abused for retaliatory purposes. This policy permits the filing of counterclaims but will assess whether the allegations in the counterclaim are made in **good faith**. Counterclaims determined to have been reported in good faith will be resolved using the resolution procedures outlined in this policy.

Counterclaims made in bad faith or with retaliatory intent will be dismissed.

- Counterclaims may be resolved through the same investigation and/or hearing as the underlying allegation or may take place after resolution of the underlying initial allegation at the discretion of the Title IX Coordinator. As with initial complaints, any good faith counterclaim that results in a determination that the evidence is not sufficient to constitute a violation of this policy is not considered to be a false report.
- When counterclaims are not made in good faith, they will be considered a false report and may constitute a violation of the college's retaliation prohibition as well. As a result, any individual filing a counterclaim in bad faith may be subject to disciplinary action up to and including dismissal from the college or termination of employment.



Exercise #3: Counter Allegations

- Be consistent with your institution's policy and practices
- Pause the questioning to inform the party of their rights per university policy
- Inform the party about what will happen with the information that they shared about the counter allegation and what the next steps will be
- Clarify the goals of the party and confirm whether they are requesting a formal investigation into their allegation



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Video



Discussion

- **What does your policy say about cross complaints and retaliatory complaints?**
- **How do you evaluate if a complaint is retaliatory?**
- **What is your process for investigating cross complaints?**





Video



Primary Aggressor

Person engaging in
ongoing pattern of
coercive control

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Tips for Determining Primary Aggressor

Considerations: As you process statements, texts, social media, etc. consider:

- Who is fearful of whom?
- Who in the relationship poses the most danger to the other? Remember that danger can be physical, psychological, and even social (danger of outing someone's sexuality).
- Who is seeking to stop the abuse?
- Are the alleged abusive behaviors reactive or rooted in self-protection? Or were they attempts to gain power and control?
- Who is seeking to avoid punishment?
- Who has a motive to lie or retaliate?
- Check for bias. Gender should not be the only element used to determine who a primary aggressor is in either heterosexual or LGBTQ relationships.



Take your time. Don't jump to conclusions.



Tease out what you need to determine.



Abusive relationships are cyclical. Good times followed by bad times, growing more intense over time.

Exercise #4: Patterns of Behavior

1. What behaviors named by both parties would constitute as a pattern?
2. What additional questions need to be asked?



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Exercise #4: Corroborating Testimony

Does the witness corroborate
information provided by either of
the parties?

Exercise #5: Witnesses



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Additional Fact Gathering



Other witnesses?



Other documents to obtain?
- Phone records, messages, social media



Given the volume of materials, how will you sort through what is relevant?



Review of Policy Violations



Dating/Domestic Violence



Sexual Exploitation



Sexual Coercion



Sexual Assault

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Next Steps: Using Materials on Your Campus

- Report out: How do you plan to use the tools on your campus?
- Where to access the tools:
- [OVW Campus Program: Fundamentals of Questioning Training Materials - Google Drive](#)



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Evaluation / Evaluación

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Please take a moment to
provide us with some feedback
about this session using the
session evaluation. Thank you!

Su opinión es importante. Por
favor, dedique un momento
para enviarnos sus comentarios
sobre la presentación utilizando
la sesión de evaluación.
¡Gracias!



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