

## INVESTIGATORS MODULE

# Investigator Dialogue Scripts

## Complainant – Investigator Dialogue

### Investigator

Hi John, it's nice to meet you in person. My name is Maggie Impartial and I'll be investigating the complaint you filed. I want to let you know my role and answer questions you may have about this process. Whenever a formal complaint alleging sexual harassment is filed, the school has to promptly investigate the allegations in the complaint. I have been selected to investigate your complaint, so my job is to collect information from you and others. I understand that this may be an emotional and frightening situation for you, but I want to assure you that I'll be objective and unbiased throughout the investigation process. With that said, please be as detailed and as truthful as you can. If you don't know the answer to a question or you can't recall clearly, please just let me know.

If you have evidence, such as text messages, emails, voicemails or any other communications or documents, that you would like me to consider please send those to me as soon as you can. I may reach out to interview additional people as witnesses if you identify others who have knowledge about the incident, but don't worry about identifying any witnesses yourself as I don't want that burden to fall on you. Also, I want to let you know, as the notice for this interview explained, that you do have the right to choose any advisor to be present during this interview and other meetings during this process. Please stop me at any time if you need me to clarify any of my questions or need to take a break. Do you have any questions for me at this time?

### Complainant

No, I don't have any questions right now. I know I can pick an advisor, but I'm still deciding who I want to serve as my advisor, and at this point I'm nervous to tell more people than I need to about the incident.

### Investigator

I understand. Okay, let's get started.

**Complainant** No, I don't have any questions right now. I know I can pick an advisor, but I'm still deciding who I want to serve as my advisor, and at this point I'm nervous to tell more people than I need to about the incident.

**Investigator** I understand. It can be hard to talk to people about something like this, but we want you to have all the support you need. If you'd like, our Title IX Coordinator could tell you about some of the professors who have experience serving as advisors. Or if you have someone in mind, the Coordinator could make the first call to see if they would be open to that role before you talk to them. If you'd like to go ahead and do the interview today, we certainly can. But if you'd like to reschedule in order to get an advisor first, that's fine, too. What is your preference?

**Complainant** Thank you, I understand all of that. I would still like to continue with the interview now.

**Investigator** Okay John, can you tell me about yourself, year, major, any campus organizations or activities you're involved in?

**Complainant** I'm a junior, communications major....but I may switch to business management, I'm really not sure yet. I'm on the baseball team, short-stop and I'm in the acapella group. I... I feel like I just have to mention that I realize how this looks. First of all, I'm a guy so I feel like you and others, even my friends, will question how I could have possibly been assaulted by a girl. Especially a girl who I was seeing for about four months.

**Investigator** First of all John, you seem pretty involved on campus which is great. I want to take time to focus on what you said at the end though. John, I can assure you that I'm not here to make prejudgments or assumptions about you or the allegations in the complaint. I'm an impartial part of this process, and my role is to obtain information from you and others about the allegations. Whenever you're ready, can you tell me what you remember from the night of January 16th?

**Complainant** I...I feel like I just have to mention that I realize how this looks. First of all, I'm a guy so I feel like you and others, even my friends, will question how I could have possibly been assaulted by a girl. Especially a girl who I was seeing for about four months. [looks down and shakes head]

**Investigator** I can understand that. I've even heard other male complainants say similar things. But I want to reassure you that it's not ok for anyone to be assaulted, regardless of their gender or the other person's gender. Our rules and values – that people should be safe and free to make sexual decisions for themselves – apply to everyone equally. Whenever you're ready, can you tell me what you remember from the night of January 16<sup>th</sup>?

**Complainant** Sure. So earlier that night, I was going to a social event with some acapella people. The event was a fundraiser and it was being held at the Pizza Pie restaurant downtown. I walked downtown to the event with some friends around 9:00 pm. The event was really just a normal social event, where everyone was dancing and eating pizza. I stayed at the restaurant until about 10:45 pm. Oh yeah, for most of the event I talked to Jill Jacobs, who you probably already know I filed the complaint against. Jill and I have been talking pretty exclusively for about four months now. Anyways, we talked a lot at Pizza Pie and were having a good time. A little before 11:00 pm, she asked me if some of my friends and I could go back to the dorm with her and some of her friends. I said sure, and I think it was eight of us total that went back to the rec room. We were just talking and dancing. The next thing I remember was Jill was on top of me trying to unbutton my pants. Sorry,

just telling you all of this is embarrassing and making me nervous. After that, I remember saying something like, “Hey Jill, I’m not into it right now.” She didn’t stop, and she proceeded to take my pants off and kiss me. I tried to get her to stop again because I felt like we had both had too much to drink and should really just be going to sleep, but she wouldn’t get off me. It’s hard to remember clearly, but she then got angry and really aggressive. She grabbed my shoulders with her hands and shoved me against the wall multiple times, which made me bang my head. At that point, I was super sleepy and my head was aching, and I didn’t know what to do. She then stormed out of the room and took off. I’m sorry, it’s hard to remember perfectly and saying it all out loud makes it sound like I could have stopped it all if I really wanted to.

### Investigator

John, thank you for being so open with me. I know this is difficult, and I appreciate you being here and speaking with me. As a reminder, I’m not here to pass any judgment, my job is just to collect information. As a follow-up question, what did you do before going to the Pizza Pie restaurant at 9:00 pm?

### Complainant

I’m sorry, it’s hard to remember perfectly and saying it all out loud makes it sound like I could have stopped it all if I really wanted to.

### Investigator

John, thank you for being so open with me. I know this is difficult, and I appreciate you being here and speaking with me. I’m not here to pass judgment on this situation, but every student at this school has the right to be respected when they say “stop.” And if you feel someone engaged in dating violence against you, that is a very appropriate basis for a complaint, because it is a violation of a very important and meaningful rule.

### Complainant

I want to be honest, but I’m nervous. Sharing information that could get me into trouble made me question whether I should even file a complaint or go through this process. I don’t know what information I should or shouldn’t share with you or anyone else at the school. Is information I tell you confidential, and is it even possible at this point to withdraw or remove my complaint? I’m concerned about my parents finding out about what happened, I know they’d be disappointed in me.

### Investigator

I understand. As I mentioned earlier, the school is required to investigate all formal complaints of sexual harassment that it receives. If you do decide that you don’t want to move forward in this process, you can let me know and I will tell the school’s Title IX Coordinator. If you would like more details about the process of withdrawing a formal complaint, the Title IX Coordinator would be happy to walk you through that part of the process. Also, I can’t say that anything you share with me will stay confidential between us because I have an obligation to make notes of our conversation during this interview as part of the investigation process. I may have to share information with the Title IX Coordinator, and all parties and party advisors have the right to review and respond to all relevant and directly related evidence that I consider prior to writing up my investigation report. Also, I want to let you know that the school does not share information gathered during this process with the larger school community or with your parents, so it’s up to you to determine what information you want to share, if any, with your friends and parents. Does that answer all of your questions?

### Complainant

Yes. I guess I can share some more information about that night. You asked what happened before I got to the restaurant. I was at a friend’s apartment before for about an hour, there was alcohol there and I had a few cups of punch. Plus a little beer at the restaurant. Then on the way back to the dorm, I had a few hits from somebody’s

cigarette that maybe had a little weed in it. I think that's why I got so sleepy.

**Investigator**

Thank you again for being open and candid with me, John. I want to circle back around to that, but first, would you be willing to tell me more about your relationship with Jill?

**Complainant**

Sure. So, as I mentioned, we've been talking for about four months now. We met in a biology class we have together, and just really hit it off when we were assigned to work in the same group for a group project. We have some mutual friends, and we typically see each other and hang out multiple times a week. Before that night, I'd say we had a pretty solid thing going and she had never been aggressive toward me before. Since everything happened, she has been texting me, but I honestly just never want to talk to her again. Would it be possible to make sure Jill and I don't have to attend the same biology class? Since it's almost the end of the semester, we only have two class days and the final left. I would feel better and this process would be a lot less awkward if I knew I wasn't going to see her in class.

**Investigator**

Thank you for sharing that information. I think your request to ensure you and Jill don't have to physically be in the same biology class through the end of this semester is reasonable, and I'll make sure that happens.

## **Respondent – Investigator Dialogue**

**Investigator**

In addition to the other things I've said, I want you to know that no decision has been made regarding your responsibility for these allegations. This investigative process is just the first step in the school understanding what occurred.

I see that you've brought your advisor to this interview, it's nice to meet you, as well. Although your advisor is here, I ask that you answer all of my questions. I'll be taking notes throughout our interview so that I don't miss any information when I review and type up the information you provide after the interview. If you have evidence, such as text messages, emails, voicemails or any other communications or documents, that you would like me to consider please send those to me as soon as you can. I may reach out to interview additional people as witnesses if you identify others who have knowledge about the incident, but you may also identify and present witnesses that you would like me to interview. Please stop me at any time if you need me to clarify any of my questions or need to take a break. Do you have any questions for me at this time?

**Respondent**

No, I don't think so. This is my aunt by the way, she's my advisor and also an attorney. She told me she may let you know during the interview if I object or... should not answer the question... is that okay?

**Investigator**

That makes complete sense and I don't want to impede on any client-attorney relationship you have. I will refrain from expanding on questions that you object to answering.

**Investigator**

Jill, I want to start by getting to know you better. Can you please tell me about yourself, your year, major, and any organizations or activities you're involved in on campus?

## Respondent

Okay, I'm a sophomore, I transferred here at the beginning of last semester. I haven't declared a major yet, but I'm really interested in my science classes and I've always thought about becoming a biologist. I'm hoping to get more involved on campus, maybe join some intramural teams this spring. Which is honestly why this whole situation has been so upsetting to me. I finally felt like I was fitting in here, and now John is trying to ruin any chance I have of becoming more involved here. I'm so stressed about what this will mean for my chances of even trying out for those intramural teams.

## Investigator

Jill, it's good to hear you're enjoying your classes here and are interested in getting involved. I understand that this is a stressful situation for you. I want to reassure you that I will remain unbiased as I ask you questions about the incident and respond to any questions you have about this process.

## Respondent

I finally felt like I was fitting in here, and now John is trying to ruin any chance I have of becoming more involved here. I'm so stressed about what this will mean for my chances of even trying out for those intramural teams.

## Investigator

That is an understandable concern. Under our policies, you are considered to be NOT responsible for John's allegations unless and until a hearing board decides that you broke the rules. That means that no disciplinary action will be taken against you in the meantime. You're entitled to continue your academic and athletic pursuits, including trying out for intramural teams. When you're ready, can you tell me what you remember from the night of January 16th?

## Advisor

Excuse me... before Jill answers, I have a question. Are all of Jill's answers going to be shared with the other party?

## Investigator

Ma'am, our school's Title IX Policy, which you now have a copy of, is a great resource for answers to those procedural questions. All parties and party advisors do have the right to review and respond to all relevant and directly related evidence that I consider prior to writing up my investigation report. Jill, when you're ready please tell me what you remember from the night of January 16th.

## Respondent

Um sure, so that was the night that the acapella club was hosting an event at Pizza Pie downtown. The event started at 8:00 pm, but people usually get there like an hour after the actual event starts. John and some other people had a get together before we all went to Pizza Pie, it was pretty chill. Most of us at the house walked to Pizza Pie around 9:00 pm and I was there until I think 11:00 pm.

## Investigator

Okay, John told me about all that. Can you tell me what happened after the event at 11:00 pm, because John said about eight people including you went to the dorms?

## Respondent

Um yeah, around 11:00 pm, I remember John saying he didn't want the night to end. Him and his friends asked if we would come hangout in the rec room of their building. John probably told you, but we're kind of dating, so that's how we know each other and why we all decided to go back there. Anyway, we all danced and really just hungout there for a few hours. At around 1:00 am, I asked John if we could go sleep in his room because I was tired. We both went to sleep, but I remember waking up around 3:00 am. All I can remember is that I was kind of on top of him and when I tried to get off of him, he nudged me hard. I think I gave him a shove back, but I'm not completely sure.

**Investigator**

You said you and John are “kind of dating.” Can you explain your relationship with John?

**Respondent**

Uh, we’ve had an intimate relationship for about four months now, and we hangout or at least see each other most days. But we’re not officially girlfriend-boyfriend if that’s what you’re asking. That’s just not how things are these days. Honestly, I really can’t believe this is happening. John shouldn’t be allowed to lie about this, seriously, if he gets me kicked out of school, my friends and I could make him famous on social media, Instagram, Tik Tok, whatever it takes – we could cancel him for taking advantage of this reverse “Me Too” stuff. I swear he’s just doing this to make some sort of statement.

**Investigator**

Jill, I hear you and know you’re concerned for what this could all mean for you. I advise you not to take any action against John, as that would only make this situation worse. Let’s go back to what you were saying about falling asleep...

**Respondent**

...if he gets me kicked out of school, my friends and I could make him famous on social media, Instagram, Tik Tok, whatever it takes – we could cancel him for taking advantage of this reverse “Me Too” stuff. I swear he’s just doing this to make some sort of statement.

**Investigator**

Jill, I hear you and know you’re concerned for what this could all mean for you. You have every right to discuss this case and your feelings about it, but I want to remind you that the school has a policy against retaliation. This means that you cannot take any action against John for making the complaint. Neither can your friends. That same policy protects you from retaliation, too. If you do things that could be construed as retaliation, like posting negatively about John on social media, that could be looked at as a whole separate policy violation, even if John’s claims against you are unfounded. Retaliation is serious and not something you want to get involved with when you are defending yourself against a charge. So I encourage you to exercise good judgment in that regard. And if you ever have a question about whether something could be considered retaliatory, you’re always free to reach out to me or to the Title IX Coordinator.