

INVESTIGATIONS TRAINING

BYU

Agenda

- Stages of an Investigation
 - Initial Assessment & Notifications
 - Investigation Plan
 - Gathering Information
 - Interviews
 - Report & Follow Up
- Misc. Information
 - Avoiding Bias
 - Hotline
 - Chain of Custody

Initial Assessment

- Is there danger to persons or property? If so, call 911.
- If funds are actively being taken from the university, immediately call your treasury office and your OGC rep.
- How do you determine if an investigation is necessary?
 - What criteria do you use?
- How do you determine who will manage and/or conduct the investigation?
 - HR, OGC, CAD, EOC, ICO, Title IX, Faculty Relations, or, if required, a 3rd party.

Conflict of Interest

- What is a conflict of interest?
 - Bias that is actual, potential, or perceived, and not realistic to overcome.
- Examples:
 - Family Friends or Neighbor
 - Previous Professor or Student
 - Ecclesiastical Leaders – Either Direction
 - Any others?
- If a conflict is disclosed, and nothing is done, much larger issues can result.

Investigation Plan

- Who is required to support the investigation?
- Who will you need to interview?
- Who do you need to notify?
- What is the goal of your work?
- What documentation will you need?
 - What sources are available to you?
- What is the fundamental question you are trying to answer?
Don't get lost!

Gathering Information/Sources

- Policies & Procedures
- Business Records
- HR Records
- IT Records*
- Social Media

IT Forensics

- CES institution employees do not have any expectation of privacy as it pertains to computers or IT services which are owned and operated by the university.
- These IT resources can provide immeasurable help in determining the merits of a report.
- Sources
 - Email, Network Records, Cell Phone Records, Office Phone Records, Video Surveillance, Access Card Logs, Inventory Audit, Y-Expense/Chrome River, Backups, Thumb Drives.
 - **Be careful about texts and other digital records. You need to see them directly.**

IT Forensics – Cont.

- If you do not have experience in looking at or for these sources, get help!
- The CES-SOC can either help directly or coordinate with someone they know to facilitate this work.
- Under no circumstance should you ever logon directly to a computer and start looking around. This will ruin the machine as evidence.
- When you find the machine, unplug it. If you can't unplug it, do a “hard” shut down.

The Interview

- If it looks like an interrogation in the movies. You're doing it wrong.



The Interview – Cont.

- To record, or not to record?
- Order of Interviews
- What about lawyers?
- Where will you conduct the interview?
- Detention
- Retaliation
- In Person? Virtual? Ugh...
- How much time?

The Interview – Cont.

- Questions
 - Open vs. Closed
 - Leading vs. Neutral
- Calming the nerves – Introductory Questions
- Instructions to the Interviewee
- Couple of questions you should always ask:
 - What question should have I asked you, but didn't?
 - Is there anything else I should know?
 - Is there any conduct that concerns you that you have observed that we have not already discussed?

The Interview – Cont.

- Leave the tough questions for the end
- Judgement on the fly – Big no no
- Allowing them to ask you questions
- Let them know about general next steps
- Admissions
- Cooperation and Quid Pro Quo
 - “Am I in trouble?”
- Trauma Informed Victim Interviews*

The Report

- What questions need answering?
 - Was the allegation substantiated?
 - What disciplinary actions are recommended, if any?
 - What corrective actions are recommended, if any?
 - Are there any controls that could be improved?
 - Is there any possibility of legal action on the part of the reporter or complainant?
- Sections of the Report – Once you pick a format, stick to it if you can!
- Please stay away from speculation.

The Report – Cont.

- My Report Template
 - Executive Summary
 - Factual Background
 - Allegations
 - Relevant Policies
 - Description of Interviews
 - Other Evidence & Documents Reviewed
 - Findings, Conclusions, and Recommendations

Avoiding Bias

- What is bias?
 - Implicit biases are cognitive errors or distortions based upon preferences and stereotypes that we have absorbed throughout our lives.
- Once again – Conflict of Interest – Bias that is apparent and not realistic to overcome.
- If you don't think you have biases...

Confirmation Bias

- Confirmation bias refers to an individual's natural tendency to give more weight to information that tends to confirm his or her preconceived notion.
- How do we avoid it?
 - Write down your hypothesis, and then think about ways that it could be disproved. Prove yourself wrong!
 - Review your thoughts with someone you trust – ask them to poke holes in your ideas.
 - All evidence!

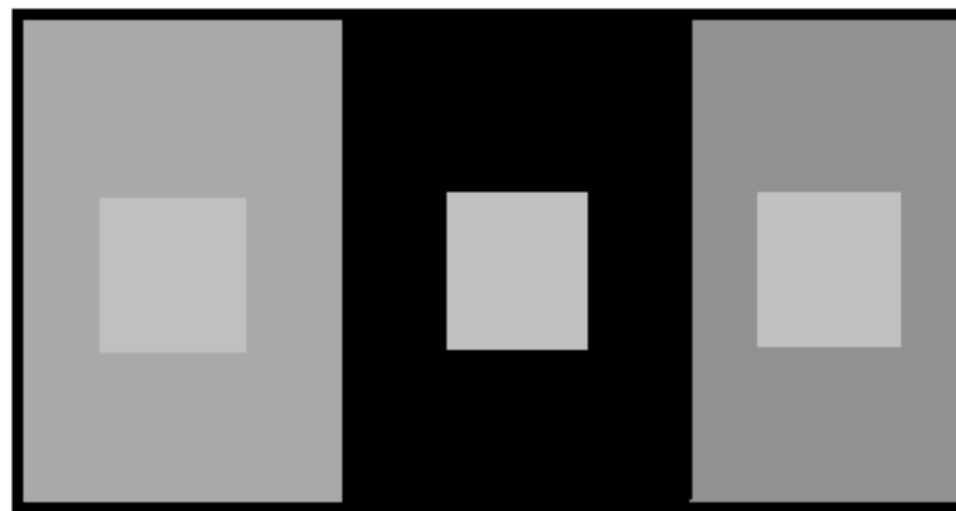
Affinity Bias

- Affinity bias, also known as similarity bias, is the tendency people have to connect with others who share similar interests, experiences and backgrounds.
- Example: Biking!
- How do we avoid it?
 - Actively take note of the similarities you share with the interviewees so that you can differentiate between attributes that may cloud your judgement and the facts that you are trying to obtain.

Priming Bias

- Priming refers to a phenomenon in which our reactions to stimulus are affected by our exposure to another stimulus.
- Example: Charged Words – “Allegations of Sexual Harassment” vs. “Concerns about inappropriate behavior.” Neither is wrong but be careful.
- How do we avoid it?
 - Actively think about the words we’ll use in our interviews and report. They have a significant impact.

Which center gray box is lighter?



Box 1

Box 2

Box 3

Beauty Bias

- Studies have shown that individuals receive more favorable treatment when they are deemed more attractive.
- How do we avoid it?
 - Acknowledge (only in your mind, please) that the individual you are interviewing could be considered attractive and acknowledge the possible bias. Review your notes, questions, and goals for the interview to ensure each goal is met.

Halo Bias

- Similar to Beauty Bias - Where our overall impression of a person influences how we feel and think about their character.
- Example
 - He is nice, therefore he is smart!
- How do we avoid it?
 - Again, review your notes, questions, and goals for the interview to ensure each goal is met. Run each piece of evidence or statement through the full process to evaluate credibility.

Horns Bias

- A cognitive process in which we immediately ascribe negative attitudes or behaviors to someone based on one aspect of their appearance or character.
- Example
 - We may interview people that we've seen before, or “repeat customers” – while previous behaviors can be considered, don't let it go to far!
- How do we avoid it?
 - Same with Beauty and Halo bias.

Other Ways to Avoid Bias*

- Credibility Discussion
 - Plausibility
 - Verifiability
 - Corroboration
 - Credibility
 - Interview Choices
- Self-Centering and Preparation
- Be Humble, Be Curious, and Be Kind

Chain of Custody

- If you take possession of a material item – a computer, for instance, you will need to complete a chain of custody form.
- This will ensure that the item remains viable as a piece of evidence in case a matter goes to court.
- If you need to mark up a document, make a copy of it first, **do not** mark up the original.