Guidelines for Conducting Hazing Investigations

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Discovery of Potential Hazing Case

- Signs of potential hazing
  - Windows of organization’s house covered during “Hell Week”
  - Resident advisors see change in resident’s behavior (time in room, dress, etc) when known that resident is perspective member/candidate/new member of organization.
  - Health center staff see hazing related injuries
  - Faculty report students believed to be in process joining club, sports team, or fraternity/sorority involved in suspicious activity

- Information postings
  - Website announcements/pictures
  - Facebook/Myspace postings
  - Blogs
  - Campus rumors
  - Anonymous reports
    - Phone calls
    - Letters
    - Emails
Discovery of Potential Hazing Case

Report of incident
- Witness
- Parent
- Roommate/friend
- Campus Police
- Residence Hall staff

Level of Investigation
University cannot ignore knowledge (supported or unsupported) of hazing

- Informal investigation appropriate to follow up on:
  - Rumor
  - Anonymous reports
  - Other unsubstantiated information

Level of Investigation
- Formal investigation appropriate when:
  - Rumors, anonymous reports, or signs of potential hazing are believed to be reasonable accounts of an incident
  - Verbal or written statement providing details of an incident that is reasonably likely to have occurred.
  - Formal report of an incident made to university officials or police agency
Purpose of Investigations

- To gather information and report detailed facts in connection with reported incident.
- To provide university sufficient information to determine if the incident warrants appropriate university action.
- To determine jurisdiction (issuance of charges and hearing body) in accordance with university policies.
- To provide hearing officer/board assigned case with sufficient information to conduct disciplinary proceedings.

Authority to Initiate Investigation

- Student Judicial Affairs Office
- Dean of Students (or similar position)
- Director of Greek Life
- Director of Residence Life
- Director of Student Activities
- Athletic Director
- Vice President for Student Affairs
- Others?

Selection of Investigators

- 2 investigators from university
  - One investigator from Student Judicial Affairs Office (not involved in hearing or appeal process), Dean of Students Office, or other Student Affairs office
  - One investigator from department directly affected by hazing incident (i.e. Housing, Greek Life, Athletics)
Selection of Investigators

- Diversity of Investigators
  - Gender
  - Race
  - Greek/Athlete/Cadet background

- Impartiality
  - Able to be fair and impartial
  - Not have direct or personal involvement with individual(s) and/or group(s) being investigated

Role of Investigators

- Be Prompt
- Be Thorough
- Be Impartial
Prior to Investigation

- Review all documented evidence (e.g., complaint, police report)
- Create preliminary timeline
  - Interviews of witnesses
  - Gathering documents
  - Preparing draft report
  - Completing final report

Prior to Investigation

- Develop structured set of interview questions
  - Use open-ended questions and confirm details.
  - Structured set of questions ensures information is in comparable form for each party interviewed.
  - Be prepared to follow witness lead if unexpected information is mentioned

Prior to Investigation

- Sample questions
  - Tell us why you think you are here today.
  - Tell us what happened on (date).
  - Can you explain why someone would tell us that happened on (date) and you/your organization were/was involved?
  - What typically happens during the initiation period for perspective members/candidates/new members of your organization?
  - Did your experience as a new member differ?

Prior to Investigation

- Establish Investigative File
  - Original documents pertaining to investigation (complaint, police report, health center report)
  - Any additional evidence
  - Relevant university policies
  - Date and time of each investigation activity
  - Notes from interviews

  NOTE: Copies of personal notes, forms, other information related to investigation (electronic and hard copy) should be destroyed after the final report has been submitted and accepted.

Investigation Interviews

- Student responsibilities
  - Remind students of their obligation to respond truthfully and completely to interview questions.
  - Students have right not to self-incriminate and may choose to remain silent.

Investigation Interviews

- Presence of Advisor or Support Person
  - Unless otherwise specified in university policy, advisors and support persons, including attorneys, are not permitted to accompany student for investigation interview.
  - Investigation is fact and information gathering process not a formal hearing.
Investigation Interviews

- Review relevant policies including potential violations of the Code of Student Conduct with witness.
- Access to Investigation Records
  - Investigation file is governed by FERPA
  - Information gathered in investigation may be used to develop charges of alleged violations of the Code of Student Conduct. Students charged with violations will have access to the investigation file including statements of witnesses and notes of interviews with witnesses.

Investigation Interviews

- Investigation Participation Form
  - Gathers information regarding witness’s name, classification, student number, address, phone number
  - Reminds student of reason for request to participate in investigation, obligation to be truthful, right to be silent and not incriminate self, and option to make report to appropriate law enforcement authority.
  - Obtains student signature indicating understanding the reason and conditions of participation.

Investigation Interviews

- Student review of investigator notes
  - Opportunity at end of investigation interview for student to review notes of investigators and recommend corrections
  - Provide student with option to make separate written statement
Conducting Interviews

- Order for seeing witnesses
  - Complainant(s)
  - Alleged victim(s)
  - Other new members
  - Organization officers
  - Advisor or coach
  - Alleged perpetrators

Conducting Interviews

- Investigators provide brief explanation
  - Purpose of investigation
    - obtain facts
    - clarify issues
    - prepare fair and accurate report
  - How investigation will be conducted
  - Student rights and responsibilities in investigation interviews (investigation participation form)

Conducting Interviews

- Additional interviews with witnesses
  - Investigators may re-interview witnesses to clarify information learned in subsequent interviews
  - Investigators may interview additional witnesses identified through investigation interviews
Conducting Interviews

- Investigators may interview university officials and other persons who have knowledge important to the investigation
- Investigators not possess authority to compel university officials and other persons to participate in investigation interviews

Completing the Investigation

- Review of all notes to determine if:
  - All relevant facts have been gathered
  - All relevant witnesses have been interviewed
  - All relevant documents obtained
  - Seek clarification of any uncertainty in notes
  - Develop list of all facts and data that supports each fact
  - Determine merit of additional investigation to clarify any disputed facts

Prepare written report of factual findings

- Identify individual or organization being investigated
- Identify investigators and date report completed
- Identify original complainant, date complaint made and to whom complaint made
- Brief overview of complaint
Prepare written report of factual findings

- Persons identified as potentially involved incident with indication if person was interviewed
- Investigation log (who was interviewed when)
- Brief synopsis of incident as can best understood following investigation (clearly identify which facts based on first-hand knowledge and which information could not be substantiated)

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Prepare written report of factual findings

- Additional information not directly related to incident, but provides sense of circumstances or environment in which incident occurred.
- Standard questions asked each cadet
- Conclusion

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Prepare written report of factual findings

- Appendices
  - Individual interview statements
  - Documents from other investigations related to incident (fraternity, residence hall, athletics, police)
  - Investigators' notes from interviews