



Association of  
Title IX Administrators

# Interviewing Minors

An ATIXA Best Practices Seminar



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The content and discussion in this course will necessarily engage with sex- and gender-based harassment, discrimination, violence, and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.

# Introduction



The primary focus of this seminar is to prepare practitioners to effectively and responsibly interview minors who may be involved in Title IX investigations as parties or witnesses.



Establishing developmentally appropriate interview approaches and managing communication with parents and guardians are critical to ensuring fair and equitable Title IX processes.



Our goal is to provide ATIXA's recommended best practice interview techniques and tools for interviewing minors during a Title IX Resolution Process.

# Title IX Overview

# Title IX and Equity

- Title IX is a sex and gender equity law
- Equity refers to the understanding that not all individuals have access to the same resources and opportunities
  - Equity focuses on providing support and resources to reduce disparities in access to the education program
  - Title IX seeks to remedy the inequities sex discrimination and sex-based harassment create
- Title IX investigations must be adequate, reliable, and impartial
- Interviews are an essential component of any investigation

# K-12 Reporting Requirements

- Under state law, School/District employees are **required to report potential child abuse or neglect directly to local law enforcement or child protective services (CPS)**
  - These reporting obligations are **in addition to** the obligation to make reports of potential policy violations to the Title IX Coordinator (TIXC)
  - During an investigation, if an Investigator learns of **any** potential child abuse, they should notify the TIXC and **must make a report, as required**, to law enforcement or CPS under school/district policy
- Police or CPS investigations may be underway by the time the school/district Title IX process is initiated, which may impact:
  - Investigation planning/timeline
  - Party and witness availability
  - Access to evidence

# Introduction to Interviewing Minors

# Forensic Interviews

- Substantial research guides developmental considerations and techniques for interviewing individuals who are alleged to have experienced abuse and/or violence
- Referred to as forensic interviewing
- Especially important when minors are involved
- Most often used by law enforcement, medical practitioners, and social workers
- This seminar does not teach forensic interviewing, but encourages Title IX practitioners to let their interviews be informed by the research

# Forensic Interview vs. Title IX Interview

	Forensic Interview	Title IX Interview
<b>Purpose</b>	Fact-finding; ensure info related to the case is admissible in court and to minimize number of interviews	Thorough gathering of relevant and reliable evidence; Stop, Prevent, and Remedy
<b>Who investigates?</b>	Forensic Interviewer; usually part of a multi-disciplinary team, affiliated with law enforcement	Title IX Investigator; may be school/district employee or external
<b>Law Enforcement access?</b>	Yes, law enforcement officers may often watch the interview in real-time	Education record that may be shared pursuant to a lawfully issued subpoena

# Forensic Interview vs. Title IX Interview

	Forensic Interview	Title IX Interview
Who is present?	Often just the child and the interviewer	Investigator, student, parent/guardian, and possibly an Advisor
Phases	Rapport-building, Substantive Interview, Closure	Rapport-building, Questioning, Closure

# Forensic Interview Principles

**Key elements that may help Title IX Investigators:**

- **No two children will relate to their experiences in the same way**
  - Level of detail and clarity
- **The choice to disclose information is largely influenced by a mix of:**
  - Individual characteristics
  - Interviewer behavior
  - Family relationships
  - Community influences
  - Cultural, peer, and societal attitudes
- **Encourage detailed responses early** in the interview to enhance responses later
- Open-ended questions and allowing for silence can be helpful in eliciting information

Source: Child Forensic Interviewing: Best Practice, U.S. Department of Justice

# Interviewing Minors: Common Challenges

## Memory

- Perceptions of an experience
- Ability to communicate
- Comprehension
- Attention span

## Reluctance to Share

- Relationship to the Respondent
- Family expectations and relationships
- Level of parent/guardian support or involvement
- Fear of authority or behavioral consequences
- Social, cultural, and/or community influences

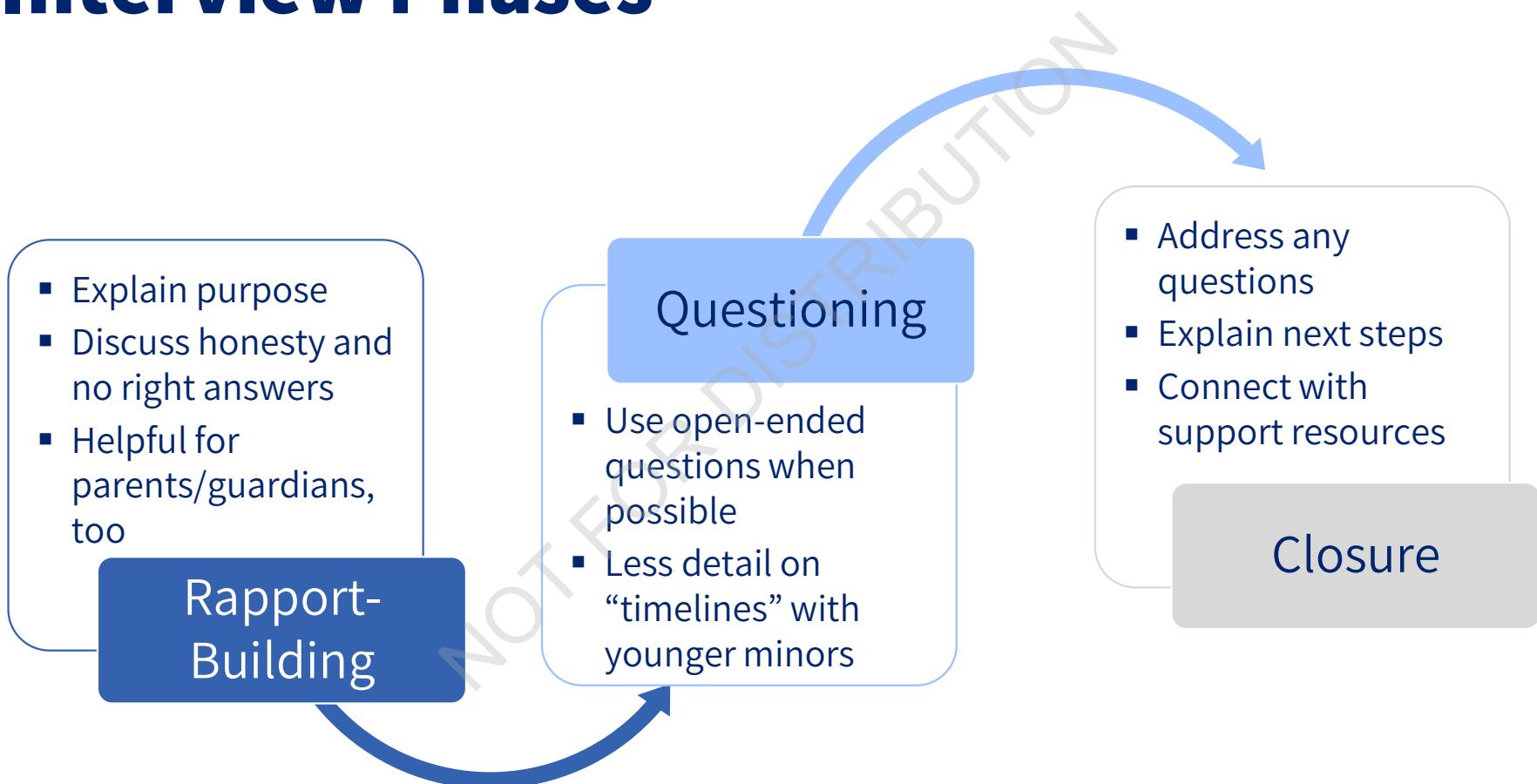
# Interviewing Minors: Common Challenges

## Suggestibility

- Younger students may be eager to answer questions “correctly”
- Impressionable by parents/guardians, peers, those in positions of authority
- Often the initial response to disclosure can be especially influential
- Without language or comprehension to explain what took place, young children may mirror adults’ language rather than describing in their own words
- Remaining empathetic but neutral

# Pre-Interview Planning

# Interview Phases



# Investigation Considerations

Investigation protocols should largely be **consistent across complaints**; however, interviews with minors may require Investigator discretion in approach and language

- TIXC or Investigator should consider several factors:
  - Who should conduct the interview?
    - Are there parallel law enforcement/agency investigations occurring?
    - Is the person being interviewed as part of those investigations?
  - Who will attend the interview?
    - Parents/Guardians, Advisor(s), accommodations needs, interpreters, translators
  - What is the age of the minor being interviewed?

# Interview Planning Considerations



## TIMING

- Minimize academic/social disruption
- Adequate time
- Coordinate with other interviews



## INITIAL QUESTIONS

- Age-appropriate
- Avoid re-traumatizing
- Be direct
- Listen openly



## SETTING

- On-site vs. online
- Private
- Accessible
- Neutral and comfortable



## SPECIAL CIRCUMSTANCES

- Students needing accommodations
- Students with a language barrier
- Cultural differences

# Parent/Guardian Involvement

**Parents/Guardians of the parties are critical stakeholders**

- May have initiated a complaint
- Must receive notice prior to interview
- Permitted to be present for all interviews and meetings
- Permitted to review all education records related to their student (under FERPA)
- May serve as the Advisor or accompany their student in addition to an Advisor (if allowed by school/district policy)



# Managing Adult Participation

## **Tips for navigating parent/guardian or Advisor dynamics during the interview:**

- Be patient and transparent regarding the process, including Investigator role and roles of the parent/guardian and Advisors
- Provide adults with clear expectations for their participation
- Direct all questions to the student
- If interruptions begin, redirect with empathy and assertiveness
- Some adult participation may help facilitate the interview; other interruption could suggest coaching
- If a parent/guardian offers evidence, attempt to confirm it with the student directly

# Trauma-Informed Approach

# Understanding Trauma

**Trauma** is exposure to an event or events that create a real or perceived threat to life, safety, sense of well-being, and bodily integrity

- Acute, chronic, or complex
- Neurological, biological, psychological, social, and emotional impacts
- Developmental, intergenerational, historical, secondary, vicarious, or collective
- Responses to trauma can vary, depending on a variety of factors

# Trauma Responses



# Trauma-Informed Approach

- **Key principles of trauma-informed practice:**
  - Safety
  - Trustworthiness and transparency
  - Collaboration and mutuality
  - Empowerment, voice, and choice
  - Cultural, historical, and gender issues
- **Investigators should incorporate a trauma-informed approach for all parties and witnesses**
  - May impact how questions are asked, but should not prevent asking questions necessary to be thorough and impartial
  - Requires an intentional, individualized approach

# Trauma-Informed Approach

- **Avoid blaming questions**
- Avoid questions that gratuitously retrigger traumatic response, or prepare student with sufficient anticipation that triggering question(s) will be asked
- Anticipate whether an interviewee is likely to be experiencing trauma responses, including how acutely, and calibrate approach accordingly
- Consider if certain questions should be avoided, addressed early, or later in the interview

# Trauma-Informed Approach

- Be prepared to use cognitive interview techniques that may help jog memory:
  - Recounting in reverse order
  - Drawing the actions/scene
  - Using dolls to show body positioning or locations
  - Asking student to describe what happened from the perspective of a hypothetical neutral or external observer



# Interview Phases

# Rapport-Building

- Establishing rapport creates a conducive interview environment
- When interviewing minors, “the spiel” helps to anticipate questions from both the student and the adults in the room

- Hi! My name is...I work with your school
- I’m here today so we can talk about...
- I know we’ve got some other adults in the room, but I really want to hear from you...
- I’m taking notes to help me listen to you
- I know this may be awkward/difficult to talk about...
- If at any point you need a break, let me know
- During our talk, it’s important that...
- Truthfulness discussion
- Let me know if you don’t understand my questions
- If anyone tries to stop you from talking to me or says you’re in trouble because you talked to me, let me know...
- After we’re done today...
- Let me know if you remember anything...

# Truthfulness Discussion

## Especially important to emphasize when interviewing minors

- Age-appropriate prompts:
  - “There isn’t a right or wrong answer, I just want you to tell me what you remember”
  - “I’m here to help figure out what happened. Can you help me do that?”
  - “I want to hear about what you saw or heard”
  - “It’s okay to say that you don’t know or don’t understand my question”
  - “I know it’s weird talking about this stuff with a grown up/stranger, but my job is to help make sure that everyone is safe”
  - “So, your mom is in the room, and this may not be stuff that you normally talk about in front of her...but right now, the only thing we’re trying to do is to figure out what happened. No one is going to get mad at you for saying a bad word or anything like that if you need to tell me what was said.”

# Questioning Recommendations

- **Ask open-ended, non-leading questions** that allow student to give you their narrative without interrupting
  - “Tell me why you came to talk to me today”
  - “Do you know why I’m here to talk to you today?”
- **If the student acknowledges the incident**, follow-up with:
  - “Tell me everything that happened”
- **If the student doesn’t acknowledge incident**, ask more closed-ended, targeted questions
  - Use information you have already gathered
  - Incremental approach (talk about unrelated issues then ease into allegations)
- **Limit the number of times a minor is asked the same question**; responses can be easily influenced by the way questions are asked

Adapted From: Garbarino, J. and Scott, F.M. (1992).

*What Children Can Tell Us: Eliciting, Interpreting, and Evaluating Critical Information from Children*

# Questioning Recommendations

- Use reflection and paraphrasing
- Assess whether multiple incidents occurred
  - “Did this happen one time or more than one time?”
  - Use prompts to differentiate instances
- **Silence/hesitating is encouraged**
- Assess any possible coaching
  - Ask about previous conversations
    - “Have you talked to anyone else about that?”
    - “How did you find out about that?”
    - “Do you think the behavior was X, or did someone else suggest that idea to you?”

# Inviting Responses

**Investigator can include prompts or invitations to encourage the student to provide a narrative response**

- “You said \_\_\_\_\_. Tell me more.”
- “Then what happened?”
- “What happened next?”
- “Tell me everything about Ms. Jacob’s class.”
- “You said Bo was taking photos of you in a way you didn’t like. Tell me about that.”

# Focused or Direct Questions

- Elicit brief answers with relevant information, without suggesting expected answers
- Use focused follow-up questions to build upon open-ended questions and initial responses
  - “Where were you when Juanita grabbed your arm?”
  - “Who was the first person that you told after it happened?”
  - “Tell me about how Amaya touched you with her hands, from the beginning until she stopped.”

# Age and Development-Level Considerations

- Many techniques and tools depend significantly on age and developmental level
- Different approaches and question types for an early-elementary school student, a junior high student, or a high schooler
- Considerations include:
  - Complexity of language
  - Attention span
  - Direct vs. open-ended questions
  - Suggestibility
- When a teacher-student relationship is suspected, reassure the student they are not in trouble and anticipate shame, deceit, or attempts to cover-up
- Involve parents/guardians as appropriate to help younger children

# Recommendations for Early Elementary-Aged Students

- Encourage the student to start with a narrative of what happened before asking about specifics
- Use short, simple sentences that incorporate the child's terminology
  - If you are unfamiliar with their terms, ask: "What do you call X?" or "Tell me about..."
- Use names rather than pronouns
- Rephrase rather than restate a question if the child does not understand what is being asked
  - "Who was in the room when this happened?" might become "Could you see anybody else around?"
- This age group may not be able to provide a concrete timeline
  - "Do you remember if you were inside or outside?" vs. "Did this happen before recess?"
- Interview aids can be helpful with disclosure and details

Adapted From: Garbarino, J. and Scott, F.M. (1992).

*What Children Can Tell Us: Eliciting, Interpreting, and Evaluating Critical Information from Children*

# Recommendations for Older Elementary-Aged Students

- Determine what the student understands by asking them to repeat what was said rather than asking, “Do you understand?”
- Try not to follow every answer with another focused question
  - Comment
  - Ask the child to elaborate
  - Acknowledge the child’s response
    - “You were drawing a picture when this happened? I like to draw. Do you like to draw with markers or crayons?”
- The student may be able to tell you how something made them feel vs. able to recall every single detail of the incident

Adapted From: Garbarino, J. and Scott, F.M. (1992).

*What Children Can Tell Us: Eliciting, Interpreting, and Evaluating Critical Information from Children*

# Recommendations for Middle and High School Students

- Older minors still may require adapting questions
- Address “awkwardness”
  - Especially with parents/guardians in the room
  - Acknowledge your own positioning as an “adult”
  - Swear words, etc.
- Important to find out if they’re sharing first-hand information or gossip
- Investigator should clarify terminology:
  - “Talking”
- Concerns of “getting in trouble” because in-school sexual behavior will still be prohibited if consensual

# Ending the Interview

- Provide an opportunity for them to share anything else they may have remembered, or something not already prompted:
  - “Is there anything else you want to share?”
  - “Is there anything else I need to know?”
  - “Do you have anything you want to ask me?”
- Thank the student for speaking with you
- Address the parents/guardians at the end of the interview
  - Invite them to share post-interview “recalled” information that the student may disclose
  - “If Zaia says anything else to you today because this is fresh in their head, please reach out and let me know what was shared”

# Closure

- Assess the party or witness's potential needs; remind them of the support and resources that may be available to them:
  - In-school and community-based
  - Counselors, social workers, psychologists, etc.
  - Academic support
  - Safety planning
  - TIXC and supportive measures
- Parents/guardians may also have follow-up questions
  - Can be helpful to provide information in writing after the interview

# Assessing Credibility

- Many complaints are initiated by the parent/guardian but describe statements or disclosures made by the student
- These initial statements can be valuable evidence both about the initial incident and for credibility analysis
- Consider:
  - Statements made close in time to the incident
  - Consistency with subsequent statements made in the investigation
  - Corroboration by other evidence
- When interviewing, elicit information that helps to contrast any outcry statements, initial report(s) made to the school, and what is being said in the interview
- Parents/Guardians may be able to inform credibility assessment

# Interview Challenges

# Students with Disabilities

- Consult with IEP/504 Team Administrator
- Investigator should consider how the student's disability may impact the interview
- Consider the use of descriptive aids, physical materials, or a helpful adult
- Investigator should adapt the environment, approach, and/or language
- Behaviors that are a manifestation of a disability must still be investigated under Title IX



# Language Differences

- Language impacts how experiences are described
- Ensure students and/or their parents/guardians can effectively participate:
  - Provide an interpreter for interviews
  - Translate documents, including policy, expectations, investigation process overview
  - Evidence review, including evidence submitted, such as texts
- Attempt to understand how culture may impact on behavior, decisions, willingness to report, etc.

# Terminology and Slang

- Specific terminology and slang may create challenges
- The language of “Title IX” and “bullying” or other terms may not have the same meaning to students and families
- Frame the behavior with respect to the policy; don’t be confined by the terms or understandings that a party or their parents/guardians may be using
- Clarify terminology:
  - “I know in your report you referenced bullying. Can you tell me about what specific incidents Noah described to you as bullying?”
  - “When you mentioned that the other kids have been harassing you, what types of things were they doing?”
  - “I know this is awkward, but when you said that he made you touch ‘it,’ I want to make sure I know what ‘it’ is. What do you call ‘it?’”

# Reluctant Interviewees

- Sometimes, the biggest challenge to the interview will be getting the student to participate
- Parents/Guardians can demonstrate reluctance
  - May be unhappy or cautious about their student's involvement/participation
  - Student and family may have different perspectives on the situation, and may not be fully forthcoming with each other
- Concerns about “snitching”
- General unwillingness
  - Often comes with the passage of time

# Activity: Interview Critiques

# Sample Interview

## Third-grade Complainant Interview

### Investigator:

“You heard me say the words ‘Title IX.’ Title IX prohibits sex-based discrimination in our educational programs and activities because we receive federal financial assistance, so sometimes when things happen at school or during school activities, we may receive reports from the school. We received a report about something that happened at your school involving you, so I reached out to your mother to see if we could meet about it. Alright? What we discuss in here today will be kept confidential to the extent that I can possible.”

# Sample Interview

## Third-grade Complainant Interview, continued

### Investigator:

“Ramy, I am going to ask you some questions for a little while, and I want you to know that sometimes questions that I ask may be a little bit hard to answer or difficult to answer, and if you need to take a pause to answer them, you can absolutely take that pause. Okay? If you need to take a break, let me know. And if I ask you a question and you don’t know or you don’t remember, it’s absolutely okay to let me know that as well. Okay?”

# Sample Interview

## Third-grade Complainant Interview, continued

### Investigator:

“Ramy, is there anyone in Ms. Bogan’s class with you that has been bothering you or doing something that they shouldn’t be doing?”

# Sample Interview

## Fourth-grade Respondent Interview

### Investigator:

“Xander, the Complainant (Charlie Boss), alleged that you rubbed against him in the bathroom twice, that you rubbed everywhere on his body and touched him a lot. He reported you touched his arms, legs, and back either at recess or in the bathroom. He also alleged a time when you and he were in the bathroom, and you tried to take his pants off. He reported that you had taken him into the stall before touching him. He alleged you took him into the stall another time, but you did not touch him...

# Sample Interview

## Fourth-grade Respondent Interview Continued

...He alleged you tried touching his front private part twice or thrice when he went to the bathroom at lunch. It is alleged that the touching began one month after the first day of school at Jackson Elementary School. Alright. Xander, do you know who Charlie is?"

**Xander:**

"Yeah"

# Sample Interview

## Fourth-grade Respondent Interview

### Investigator:

“Xander, I appreciate the information you’ve provided me so far. Is there anything else that you can think of about Charlie or maybe anything that has happened at school or in class that could be perceived as, or someone could misinterpret what happened and maybe think that you touched him?”



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# Questions?

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