

Participating in an Investigation Interview

An investigation conducted by OPHD is an administrative process used to determine a) whether what has been alleged occurred; and, b) whether what occurred violates university policy. An investigation conducted by our office *is not* a legal proceeding and therefore *does not* determine whether a law has been violated. As a result, the process and procedures we use to conduct our investigations, including interviews follow university policy and process.

Interview Formats

The time it takes to conduct an investigation is influenced in part by the scheduling and conducting of interviews. In order to facilitate participation, mitigate scheduling challenges, and reduce unnecessary obstacles to the completion of an investigation in a fair, objective and timely manner, OPHD routinely conducts interviews in three formats: in-person interviews; web/video conferencing; and, audio-only phone conferencing. When possible, OPHD conducts interviews in person. However, there are times when in-person interviews are not possible such as when either the complainant, respondent or their advisor or support person is not able to be physically present due to circumstances such as study abroad or field trips; conflicting travel/work/academic schedules; differing physical locations; or circumstances beyond the control of the individual participant or the interviewer (e.g. government-ordered “shelter-in-place” directives).

When OPHD Uses Zoom to Conduct an Interview

UC Berkeley Information Security office has up to date information regarding the latest steps UC Berkeley is taking to safeguard the use of Zoom for the UC Berkeley community. You are encouraged to review the information and instructions on this website so as to minimize disruptions in gaining access to and participating in an interview conducted via Zoom:

<https://security.berkeley.edu/resources/cybersecurity-and-covid-19/settings-securing-zoom>

Regardless of which format is used, interviews are not recorded, and complainants and respondents are afforded the following opportunities during an interview:



- To speak and interact directly with the investigator



- To provide information and evidence directly to the investigator



- To suggest questions to the investigator to be posed to the other party or witnesses



- To have the investigator view documents or other materials in the interview



- To have access to water, food, snacks or other items necessary for personal sustenance during the interview as long as snacking or eating does not interfere with the interview



- To be provided disability accommodations as approved by the university to allow for full participation in the interview



- To have an advisor and/or support person, whether that advisor or support person is present in person, by phone, or video conference, in keeping with university policy



- To take private breaks from the interview as appropriate and approved by the investigator to rest or use a restroom or other private facility, or obtain procedural advice and assistance from their advisor, investigator or Director/Title IX Coordinator



Roles of Participants

Investigator	<p>The investigator is responsible for conducting the interview according to the policy and procedures of the university. The investigator will work with the complainant, respondent or witness to arrange an interview time and method that works best for all involved and that protects the integrity of the investigation process. During the interview, the investigator will ask questions and accept information from the complainant or respondent or witness and control the interview environment and process to ensure fairness and will strive to protect the privacy of participants.</p>
Interviewee	<p>The interviewee (complainant, respondent) may choose to answer or respond to the questions of the investigator or information provided by the investigator; provide information to the investigator including offering the names of witnesses to be interviewed; suggest questions for the investigator to ask the other party or witnesses; ask for clarification with regard to a question or procedure; request breaks or to confer with their advisor; request to speak with the Director/Title IX Officer.</p>
Advisor	<p>The advisor may provide advice and guidance for navigating the interview process directly to the party they are supporting, specifically the procedural aspects of the interview process; request breaks on behalf of the complainant or respondent; confer in private with the complainant or respondent at the request of the complainant or respondent. The Support Person may provide emotional support to the complainant or respondent, and request breaks on their behalf. At the same time, during the interview, the advisor and support person may not speak on behalf of the complainant or respondent, and may not answer questions or make statements or present information for the complainant or respondent; represent the complainant or respondent; disrupt the interview or otherwise prevent the investigator from conducting the interview in accordance with university policy and procedure. The Director/Title IX Officer may limit the participation or exclude an advisor and/or support person who does not abide by these procedures.</p>