

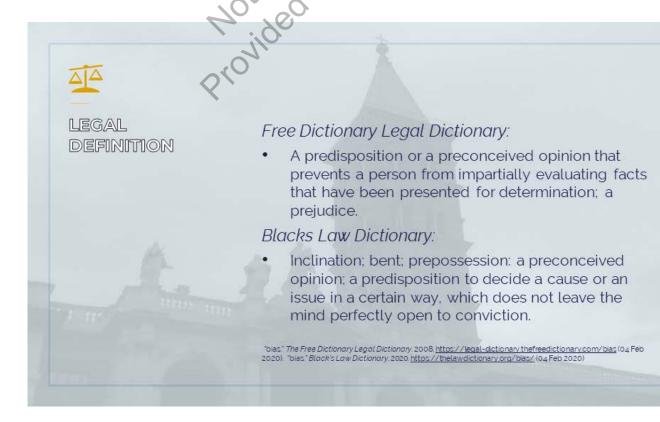


ABOUT ME:

- NCIS, Brigham Young University, Pentagon







THE BIAS EQUATION

- A biased investigation requires more than just
- Non-Impartial Evaluation of Fact- B



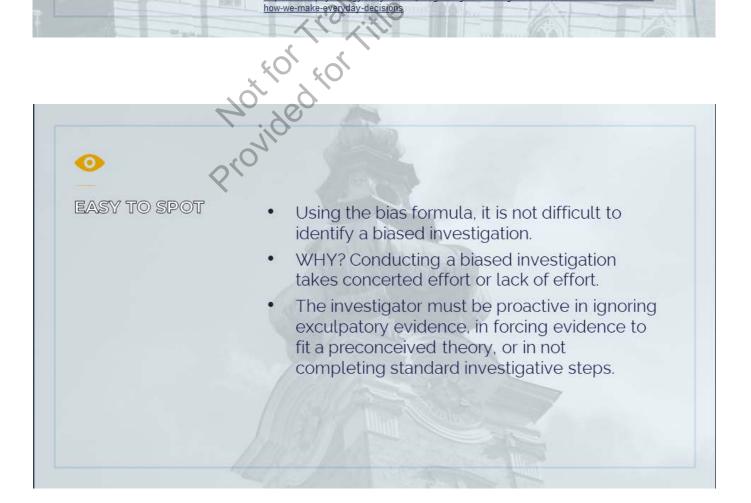
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PREVENT

- The bias must PREVENT impartial action •
- Both parts of the equation must be .







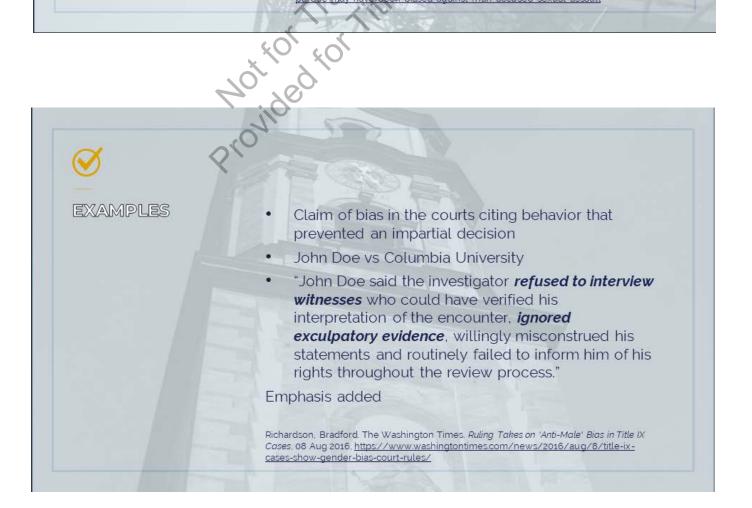
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EXAMPLES

- Purdue vs John Doe
- Title IX investigation into sexual assault
 - "Doe appeared before the three-person panel, but the female student did not, according to court filings. Two members of the group allegedly stated they had **not read** the report, and the third apparently asked questions of Doe that already **presumed** his guilt Doe said he could not speak to any of the evidence against him in the report because he had not seen a full version."

Emphasis added

Bauer-Wolf, Jeremy, Inside, Higher-Ed, Another Win for An Accused Student, 01 Jul 2019, https://www.insidehighered.com/news/2019/07/01/appeals-court-findspurdue-may-have-been-biased-against-man-accused-sexual-assault



BIAS IS NOT

- Disagreement with the outcome
- A conclusion backed by evidence, training,
- rev .able interpr .able interp A different reasonable interpretation of the

AVOIDING A BIASED INVESTIGATION

- Create a sound, legally defensible policy FOLLOW IT
- Create a consistent process FOLLOW IT
- Train your investigators
 - Best practices
 - Thorough investigative reports
 - Standard of evidence
- **Consistent Decisions**
 - No special treatment based on position

INVESTIGATORS

- Identify and acknowledge your personal biases
- Consciously question your decisions
- If you are unsure, vocalize your reasoning to a coworker
- Back up your decisions in writing using evidence
- Address potential exculpatory evidence in your report to show you considered everything,



PROTECTION

A

- Never use an investigation to pursue or push an idea, agenda, platform, or belief
- Never take a case personally.
- Never base your decision on a gut feeling or personal belief; rely wholly on the evidence.





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