

D. STAFFORD & ASSOCIATES

Assessing Credibility in Sexual Misconduct Complaints

1

TITLE IX

What is your role?

2

Sexual Misconduct

Sexual Harassment

Quid pro quo Hostile Environment Sexual Assault, Dating Violence, Domestic Violence and Stalking

3

Personnel

Fair and Impartial Free of bias

No conflict of interest

4

Fair and Equitable

Opportunity to participate and to present evidence and witnesses Access to process Written notice throughout

Transparent to the Respondent and Complainant Includes an examination of evidence

5

Evaluation

Evidence

- Exculpatory
- Inculpatory

Credibility

- Not based on a person's status

6

Evaluating the Credibility of the Parties

Perception	Memory	Deception
Motivation	Bias	Plausibility

© 2019, Sutherland Asbill & Brennan LLP

7


Evaluating the Credibility of the Parties

Detail	Consistency
Corroboration	

© 2019, Sutherland Asbill & Brennan LLP

8

Evaluating the Credibility of the Parties



© 2019, Sutherland Asbill & Brennan LLP

9

Evaluating the Credibility of the Parties



© 2019, Sutherland Asbill & Brennan LLP

10




Unrelated to Credibility

Appearance and behavior during interviews and hearing	Character witnesses	Party/witness credibility
Past conduct history	Academic history	

© 2019, Sutherland Asbill & Brennan LLP

11

Analysis of Statements


 Narrative	 Corroboration	 Analysis
---	--	--

© 2019, Sutherland Asbill & Brennan LLP

12

In Closing


13



Reasonableness

© 2019 D. Stafford & Associates

13



D. STAFFORD
& ASSOCIATES

For additional live or online training, visit
www.dstaffordandassociates.com/training

14

© 2019 D. Stafford & Associates

14