

Credibility Determinations

If there are conflicting versions of relevant events, the investigator and/or hearing committee will have to weigh each party's credibility. Credibility assessments can be critical in determining whether the alleged discrimination in fact occurred. Factors to consider include:

- **Inherent plausibility:** Is the testimony believable on its face? Does it make sense?
- **Consistency:** Is the person's version of events consistent throughout the entire investigation process.
- **Recollection:** Does the person seem to have a good memory of the events?
- **Demeanor:** Did the person seem to be telling the truth or lying?
- **Motive to falsify:** Did the person have a reason to lie?
- **Forthcoming:** Was the person forthcoming with important, relevant information?
- **Bias:** Did the person have any cultural biases that would affect or influence their perceptions of what happened?
- **Self-interest:** Does the individual have self-interest or interest in the outcome of the investigation, such as having a grudge.
- **Corroboration:** Is there witness testimony (such as testimony by eyewitnesses, people who saw the person soon after the alleged incidents, or people who discussed the incidents with the person at around the time that they occurred) or physical evidence (such as written documentation) that corroborates the party's testimony?
- **Observation:** Did the person observe the event directly or are they relying on secondhand information?
- **Body Language:** What was the person's body language?
- **Past record:** Did the respondent have a history of similar behaviour in the past?

None of the above factors are determinative as to credibility. For example, the fact that there are no eyewitnesses to the alleged discrimination by no means necessarily defeats the complainant's credibility. Furthermore, the fact that the respondent engaged in similar behavior in the past does not necessarily mean that they did so again.

Sample Credibility Statements:

All of the witnesses, including the Complainant and the Respondent, were honest or sincere. However, both the Complainant and the Respondent, although sincere, were coloured by their perceptions of the rights and wrongs of the situation, to a point that some aspects of their evidence were inadvertently inaccurate.

The Respondent was often unresponsive to questions and somewhat argumentative with the investigator. There were some inconsistencies between their testimony and their prior statements, and a significant amount of imprecision in the details associated with this matter.

Sample Phrases

The following sample phrases are examples that can be used when writing the investigation report in reference to credibility determinations that have been made:

- The complainant / respondent was honest and sincere.
- The complainant's / respondent's evidence was corroborated by the witnesses or documents.
- The witness's memory was reliable
- The complainant's / respondent's evidence was entirely consistent / inconsistent.
- The witness was friends with the complainant/respondent and although they attempted to be honest, this relationship coloured the witness's perception making their evidence less reliable.