
MACC Title IX Advisor Training

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Introduction

- John Gardner, PhD
 - Dissertation in Title IX Policy practical impacts
 - Title IX Coordinator, A.T. Still University
 - Investigations for 10 years
 - Advising complainants and respondents with a focus on respondents

Training Process

- Deliver material
- Case study questions
- Breaks
- Questions

Learning Outcomes

- Title IX and Sexual Harassment
- What is the role of the advisor
- Building an appropriate relationship with the complainant/respondent
- Developing successful communication
- Informing on supportive measures
- Advising in an informal resolution
- Understanding the advisor in the investigation
- Understanding the advisor in the hearing

Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual Harassment

- Hostile environment
- Quid Pro Quo
- Sexual assault
- Dating violence
- Domestic violence
- Stalking

Evolution of the Role of the Advisor

- Potted plant
- Raging advocate
- Finding the happy medium
- Crucial components
- Parallel legal investigation

Process

- Formal complaint
- Notice of investigation
- Assignment of advisor and investigators
- Investigation
- Informal resolution (optional)
- Hearing
- Appeal

Relationship to the Complainant

- Check your own bias at the door
- Do not need to be impartial
- Do not deep dive into the allegation
- May be subpoenaed
- Keep your morals at the door
- First Meeting

Relationship to the Respondent

- May be subpoenaed
- Remember the behavior is alleged
- Do not pass judgement on the alleged behavior
- You may have very limited information
- You are likely not the closest support member to the respondent
- Keep your morals at the door
- First Meeting

Communication

- All communication maybe with the party only
- Your party may wish for your inclusion on communication
- Written release prior to your party including you on communication
- Do not communicate with investigators on your party's behalf
- Privacy of information and communication

Supportive Measures

- Need for supportive measures
- Engage your party on accessing supportive measures
- Appropriate pathway for your party to request supportive measures
- Interpretation or ADA needs

Informal Resolution (IR) for the Complainant

- Initiating or stopping the IR process
- Resolution without cross examination
- What is the complainant's desired outcome
- Revealing information in the IR
- Final IR resolution

Informal Resolution (IR) for the Respondent

- Resolution without a formal record
- Risks of beginning the informal resolution process
- Respondent's desired outcome
- Sharing information in the IR
- Best process for the respondent

Advising the Complainant

- Preparing for the investigation
- Preparing for the hearing
- Emotional component
- Questioning
- Questions for the investigators
- Questions for the respondent/witnesses
- Impact statement
- Potential appeal

Role of the Advisor with the Respondent

- You are not an attorney and can be subpoenaed
- Preparing for the investigation
- Preparing for the hearing
- Emotions of an accusation
- Questioning
- Potential appeal

Preparing for the Investigation for the Complainant

- Anticipating topics and questions
- Preparing to respond
- Difficult questions questions to respond to
- Available relevant evidence
- Available relevant witnesses
- Questions for the investigators

Preparing for the Investigation for the Respondent

- Anticipating topics and questions
- Preparing to respond
- Difficult questions to respond to
- Questions the party will not respond to
- Available relevant evidence
- Available relevant evidence
- Questions for the investigators

Advisor in the Interview

- Importance of the relationship with the party
- Not a potted plant
- Taking a break in the interview
- Knowledge about your party's response to questions
- Encouraging honesty

Providing Evidence to the Investigators

- Increasing credibility with investigators
- Review evidence provided and method of access
- Reluctant to provide evidence
- Amnesty policies
- Falsification of evidence

Reviewing the Investigative Report

- Read the report
- Consult with your party
- Determine areas of contention
- Review the your party's response

Preparing for the Hearing for the Complainant

- Questions to ask
- Questions not to ask
- Questions likely to be asked of the complainant
- Similarity to investigation interview
- Questioning process
- Breaks
- Arranging witnesses
- Providing evidence

Preparing for the Hearing for the Complainant

- Surprises at the hearing
- Witness appearance information
- Technology
- Impact statements
- Opening and closing statements
- View of the respondent

Preparing for the Hearing for the Respondent

- Questions to ask
- Questions not to ask
- Anticipated questions for your party
- Questions not to answer
- Consistency with investigation interview
- Breaks
- Arranging witnesses
- Providing evidence

Preparing for the Hearing for the Respondent

- Surprises at the hearing
- Technology
- Impact statements
- Opening and closing statements
- View of the complainant

In the Hearing for the Complainant

- Cross examination
- Requesting breaks
- Adding to the question script
- Communication with the decision maker
- Concerns about process
- Questions not willing to answer
- Opening and closing statement
- Not the primary advisor
- No complainant

Hearing for the Respondent

- Cross examination
- Willingness to respond to questions
- Requesting breaks
- Adding to the question script
- Communication with the decision maker
- Concerns about process
- Opening and closing statement
- Not the primary advisor
- No respondent

Responding to a Determination

- Grounds for an appeal
- Party's decision
- Improve the argument
- Other party's response

Exiting the Advising Relationship

- Not a forever role
- Assistance after the grievance process
- Your role is over

QUESTIONS?