

# Title IX Hearing Board/Advisor Training

October 18, 2022

# Who can be an advisor?

Besides all of you...

- ▶ Friend
  - ▶ Mentor
  - ▶ Family member
  - ▶ Attorney
  - ▶ College advisor
  - ▶ Anyone
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- ▶ If a non-JJC advisor is selected, we will provide Institutional Procedure 02.01.19.01 to the advisor.

# What does an advisor do?

- ▶ Attend all meetings (if requested by the individual)
- ▶ Disclose any potential conflicts in advance
- ▶ MUST attend hearing
- ▶ MUST ask any cross-examination questions in the hearing
- ▶ Act ethically and in the best interest of your advisee
- ▶ Consult with your advisee as needed (quietly, by passing a non-disruptive note, or during a break)
- ▶ Uphold confidentiality as allowed
- ▶ Advise on process
  - ▶ Can help the student prepare by knowing what the next steps and timelines are
  - ▶ Can encourage person to ask for a break if the individual seems to need one

# What should an advisor not do?

- ▶ Do not give legal advice (even if you are a lawyer)
- ▶ Do not answer questions for the party you are representing
- ▶ Do not make judgements on credibility of either party and do not share your judgements on the possible outcome, the credibility of the other party, or other issues
- ▶ Do not evaluate the evidence/information presented in advance of the hearing
- ▶ Do not disrupt the process
- ▶ Do not interfere with the investigation or withhold evidence provided to you
- ▶ Do not be afraid to ask process questions
- ▶ Do not assist with writing questions specifically

# Advisor Roleplay (in breakout rooms)

- ▶ A student comes to you saying that their professor has asked them to come to their home on several occasions and has made sexual comments towards the class.
- ▶ You are assigned to be the advisor for the **student/faculty**
  - ▶ What are some issues you might be challenged with?
  - ▶ You have a colleague who comes to talk to you about that student/faculty and brings forward claims that the **student/faculty** has made accusations like this before. What do you do?
  - ▶ Your Advisee gives you questions to ask that you think are inappropriate. What do you do?
  - ▶ Using Institutional Procedure 2.01.19.02 Title IX Grievance Process, outline the next steps for your advisee as simply as you can.

# Hearings

- ▶ Module 4 - Title IX Hearings - YouTube (1:18)
- ▶ [2.01.19.02 Title IX Grievance Process](#)
- ▶ [Title IX Grievance Process 3.1.2021 final.pdf \(jjc.edu\)](#)

## Reference materials (permission to use)

- ▶ [Thompson Coburn releases free Title IX training series for institutions of higher Education](#)
- ▶ [Title IX Training Series Materials \(thompsoncoburn.com\)](#)

# What does a hearing board member do?

- ▶ MUST attend hearing and be actively listening
- ▶ Read any provided materials in advance but do not make judgements in advance
- ▶ Keep an open mind/be aware of bias
- ▶ Act ethically and in the best interest of the process
- ▶ Uphold confidentiality
- ▶ Ask questions to help you to understand
- ▶ Provide information/insight to the Hearing Chair to assist with the decision
- ▶ \*\*Note that statement at 37 minutes is no longer applicable.

# Credibility Assessments (in breakout rooms)

- ▶ What are some behaviors/attributes that may lead you to believe someone is not telling the truth?
- ▶ What are some behaviors/attributes that may lead you to attribute more credibility to an individual or less credibility?
- ▶ What types of evidence may lead you to attribute more credibility or less credibility and explain why?
  - Direct • Circumstantial • Hearsay • Character Evidence • Prior Bad Acts



# Assessing Credibility

Note: This is geared towards lawyers and courts but the key principles  
still apply

11 minutes

# Key principles

- ▶ Opportunities for knowledge
- ▶ Powers of observation
- ▶ Judgement
- ▶ Memory
- ▶ Ability to describe clearly what was seen or heard
- ▶ Inconsistencies and weaknesses in evidence (compare to various types of evidence)
- ▶ Plausibility (preponderance of probabilities)
- ▶ Demeanor with caution

Is it all or nothing?

**NO!**

# Final assignment-optional

- ▶ Using the Credibility Analysis tool © Academic Impressions with permission for internal use, watch an episode of a TV show or video clip that has a court scene involving a Title IX case (real or fictional)
- ▶ Analyze the credibility of the person testifying using the tool and turn that in with an overall interpretation to Tracy Morris.
- ▶ Please state the name of the show and episode information or provide a link in the email.
- ▶ There is no right or wrong answer—it is about the process.