



Emory Department of Title IX Advisor Training

DEPARTMENT OF TITLE IX

AY 2022-2023

Department of Title IX (DTIX) Training Goals

- ▶ Department of Title IX (DTIX) Introduction
- ▶ Brief Overview of Title IX
- ▶ Emory University Sex and Gender-Based Harassment & Discrimination, Policy 8.2
 - ▶ DTIX Administrative Resolution Processes
- ▶ Advisor Role: Dos and Don'ts AND Tips and Tricks



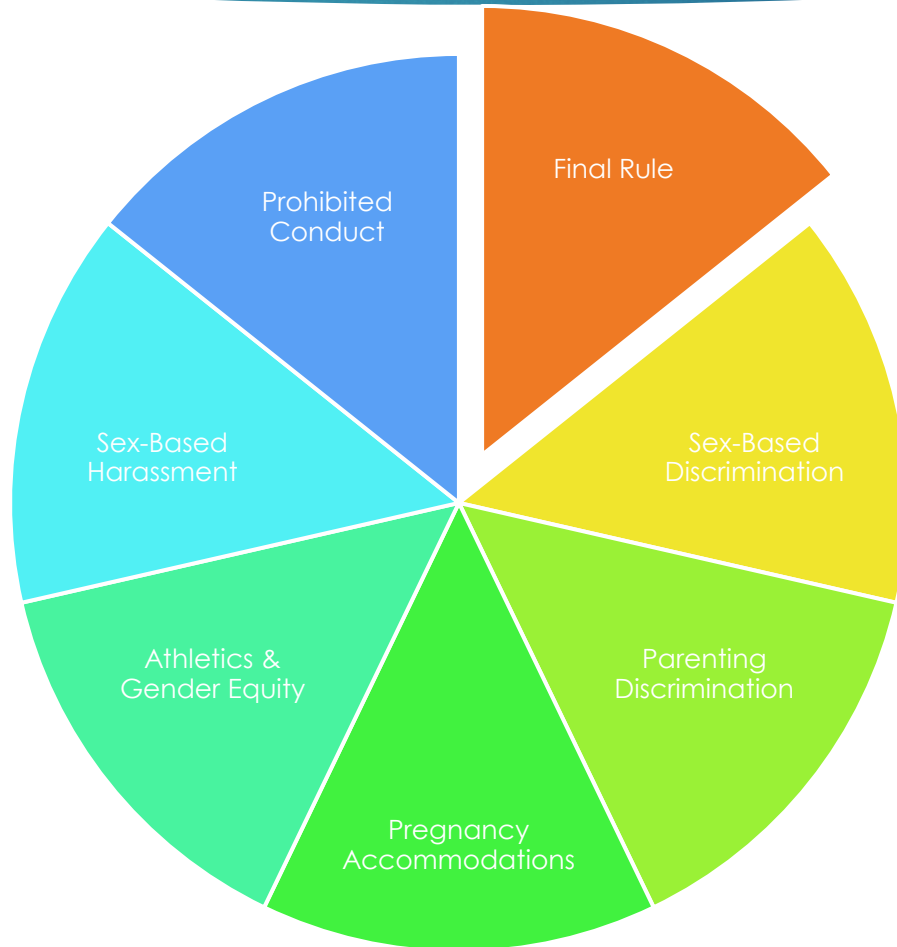
Brief Overview of Title IX

Title IX of the Higher Education Amendments (1972)

“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.”

20 U.S.C.A. § 1681

Title IX Final Rule (released: May 2020, effective: August 14, 2020)



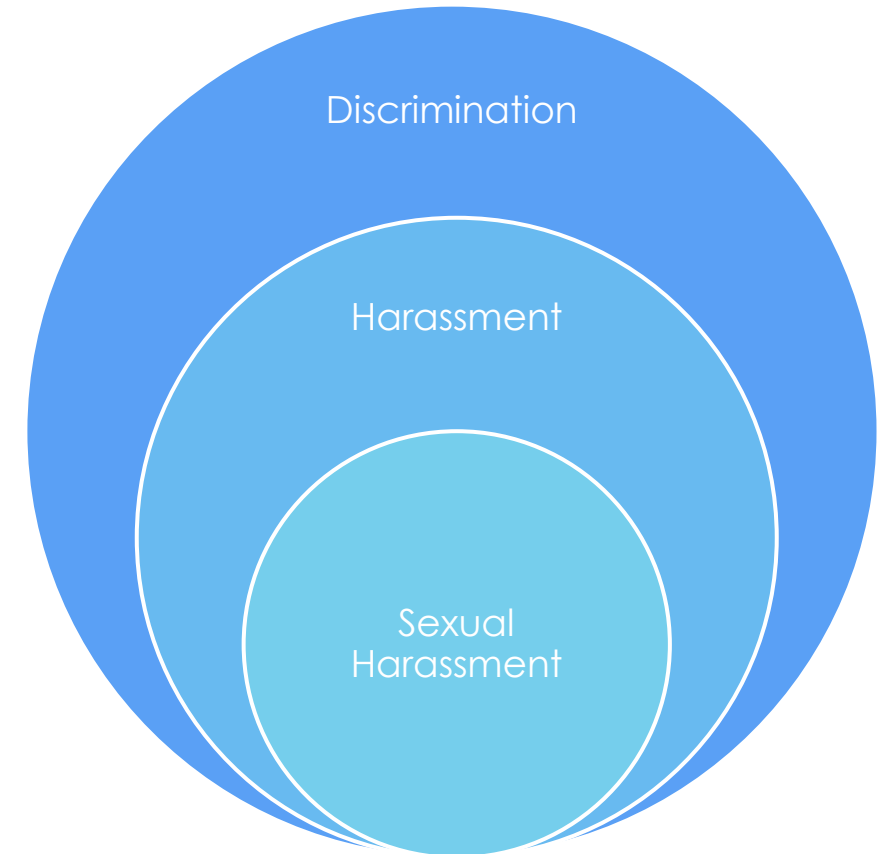


Sex and Gender-Based Harassment and Discrimination Policy

EMORY UNIVERSITY, POLICY 8.2

Conduct Prohibited by Policy 8.2

- ▶ Sex/ Gender-based Discrimination
- ▶ Sex/ Gender-based Harassment
- ▶ Sexual Harassment
 - ▶ Hostile Environment
 - ▶ *Quid Pro Quo*
- ▶ Non-consensual sexual contact/ intercourse
- ▶ Sexual exploitation
- ▶ Dating/ Domestic Violence
- ▶ Stalking



Advisor (Defined by Policy 8.2)

- ▶ The Complainant and the Respondent may be accompanied to any meeting or hearing by the advisor of their choice through the course of the Title IX process. The advisor may be any person, including an attorney.
- ▶ The University offers trained Title IX advisors for Complainants and Respondents. The University Title IX advisors support the Complainant or Respondent through the investigation and adjudication process. Individuals interested in utilizing a University Title IX advisor should submit a request in writing to the appropriate Title IX Coordinator.
- ▶ If a party does not have an advisor for the hearing, the University will select an advisor, at no cost to the party, for the purpose of conducting cross-examination.

Prior to Agreeing to Serve as an Advisor

- ▶ **Time Commitment.** Understand the time you will need to commit to serve as an advisor.
- ▶ **Conflict of Interest Check.** If you believe that serving as an advisor in the DTIX process is a conflict of interest in your role at Emory University, you should decline the request. DTIX will share the parties' names with you so that you can conduct an internal conflict check prior to agreeing to serve as an advisor.
- ▶ **Self-Care.** Recognize these process may involve very difficult and complicated topics. Consider how best to care for yourself and your well being.



DTIX Administrative Resolution Processes

DTIX Administrative Resolution Processes: Title IX Misconduct

Title IX

Intake & Assessment



Investigation



Hearing



Appeal

DTIX Administrative Resolution Processes: Prohibited Conduct

Prohibited Conduct



DTIX Administrative Resolution Processes: Informal Resolution

Informal Resolution

Intake and
Assessment



Voluntarily,
Mutual, and
Written Resolution
Agreement

Snapshot of Advisor Time Commitment: Title IX Misconduct

- **Attend informational meeting with student** (meeting with DTIX & party via Zoom; 45 minutes to an hour)
- **Attend meeting with investigator** (meeting with investigator & party via Zoom; one to two hours)
- **Attend possible follow-up meeting with investigator** (meeting with investigator & party via Zoom; less than 30 minutes)
- **Assist with review of directly-related evidence (DRE)** (Zoom/phone with party; less than an hour) DRE review has a 10-business day deadline to review
- **Assist with review of the Report of Investigation (ROI) for written response** (Zoom/phone with party; depending on length of report) ROI review has a 10-business day deadline to review
- **Attend the hearing to support party & conduct cross-examination** (hearing conducted via Zoom; typically one full work day)
- **Assist with review of the Hearing Officer's Determination for potential appeal** (Zoom/phone with party, one hour) Appeal deadline is 7-business days

DTIX Hearing Format

- ▶ Hearing Format
 - ▶ Introductions and opening instructions by the Hearing Officer;
 - ▶ Brief opening statements by the Complainant and Respondent (no more than 5 minutes per party)
 - ▶ Questions posed by the Hearing Officer to Complainant
 - ▶ Cross-examination of Complainant
 - ▶ Questions posed by the Hearing Officer to Respondent
 - ▶ Cross-examination of Respondent
 - ▶ Questions posed to each participating witness by the Hearing Officer
 - ▶ Cross-examination of Witnesses
 - ▶ Brief closing statements by the Complainant and Respondent (no more than 5 minutes per party)
 - ▶ Closing instructions from the Hearing Officer before hearing adjourns

DTIX Hearing Cross-Examination

- ▶ Cross-examination of Parties and Witnesses
 - ▶ Submit cross-examination questions to Hearing Officer and off-record break
 - ▶ Hearing Officer will review questions for relevance during off-record break
 - ▶ Next steps can proceed in a few different ways:
 - ▶ Hearing Officer will allow all questions and Advisor can ask all questions
 - ▶ Hearing Officer will allow certain questions and inform Advisor in advance as to which questions will be asked. Hearing Officer will read questions that will not be asked and the reasons on the record before allowing Advisor to ask approved questions
 - ▶ Hearing Officer will ask Advisor to ask each question, all will pause, Hearing Officer will make a determination as to relevance (relevant/not relevant, duplicative, asked and answered, etc.) after the question is asked, and party or witness will be allowed to answer

Cross Examination: Tips and Tricks

- ▶ Allow the advisee to draft cross-examination questions for your review
 - ▶ Assist the advisee with pre-preparing questions for the opposing party and any witnesses.
 - ▶ Help the advisee understand the allegation(s) and the relevant policy. Help them focus their attention there rather than on the wide net of information provided in the ROI.
 - ▶ Encourage your advisee to be familiar with the ROI, including the exhibits.
- ▶ Questions should be open-ended, not closed. For example, avoid asking yes or no questions. Also consider that there is **no** opportunity to ask follow-up questions, so ask complete questions. Again, cross-examination questions are drafted by the advisee and read (or asked) at the hearing by the Advisor.
- ▶ Advisor: please remember that the DTIX Hearing process is non-adversarial. Remember to be respectful of the other party and witnesses, the Hearing Officer, and DTIX staff.

Advisor Conduct: Do and Don'ts

Do

- ▶ Allow the advisee to guide your participation throughout the DTIX process
- ▶ **Support your advisee.** Confirm whether they need breaks and make sure they understand the process
- ▶ Attend meetings, as requested; hearing attendance is mandatory
- ▶ Connect your advisee with other available support resources, as needed
- ▶ Familiarize yourself with DTIX Policy 8.2 and case specific materials

Don't

- ▶ Assume an advocacy role or speak on behalf of your party in any meeting(s) or the hearing
- ▶ Email DTIX directly. Empower your advisee to lead all communications and written submissions
- ▶ Don't speak/interrupt/object during any meeting or the hearing, unless invited to participate during the Hearing by the Hearing Officer
- ▶ Violate any University policy or disrupt the DTIX processes, which may lead to an advisor being excluded from participating further in the process. That includes, but is not limited to, any act of retaliation or breach of privacy committed by an advisor
- ▶ Delay any proceedings. DTIX proceedings will not be delayed to accommodate an advisor

Advisor Tips & Tricks during the Hearing

- ▶ **Actively Listen:** Support your advisee by listening during each meeting and the Hearing. Recognize that this process is challenging and may impact your advisee's ability to retain or understand information. Two heads are better than one.
- ▶ **The Power of a Break:** Checking in with your advisee to see if they need a bio break, support check-ins. Confirm they understand what they're hearing and remind them that they can ask for clarification or help.
- ▶ **Knowledge is Power:** Understand each step in the process to best support your advisee.
- ▶ **Preparation is KEY:** Assist your advisee to best prepare for each step in the process (pre-drafting questions, for example).
- ▶ **Empower the advisee:** Let them advisee do the work and focus on helping them to do so rather than doing the work for them.

Department of Title IX (DTIX) Contacts

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