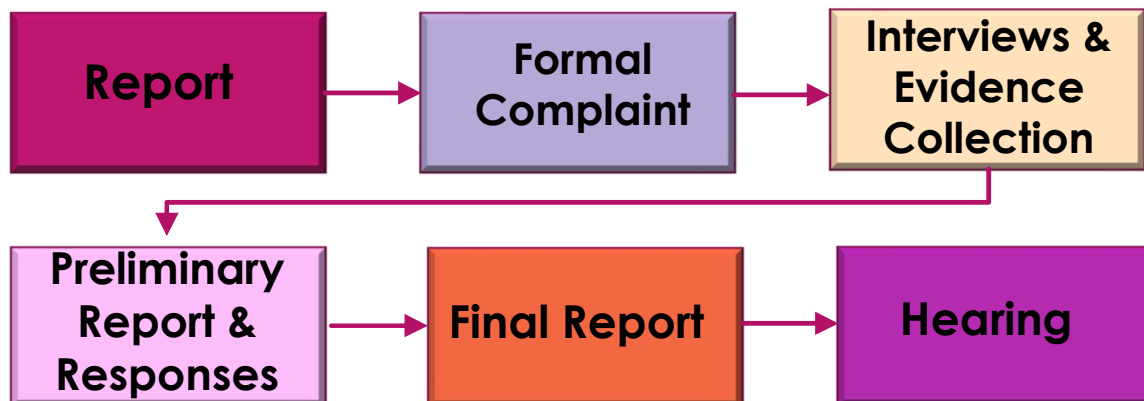


Title IX Advisor Training

PRESENTED BY:
TAMATHA SELLS, TITLE IX COORDINATOR FOR STUDENTS

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Overview of Grievance Process



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Title IX Personnel

- ▶ **Title IX Coordinator**
- ▶ **Investigator(s)**
- ▶ **Advisor(s)**
- ▶ **Decision Maker**
- ▶ **Informal Resolution Facilitator**
- ▶ **Appeal Officer**

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Other Involved Parties

- ▶ **Reporter**—made the initial report to Title IX Coordinator (may be someone other than Complainant)
- ▶ **Complainant**—individual who is alleged to be the victim of sexual misconduct
- ▶ **Respondent**—individual who is alleged to have committed sexual misconduct

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The Advisor: Responsibility of the College

- ▶ “If a party does not have an advisor present at the live hearing, the recipient must provide without fee or charge to that party, an advisor of the recipient’s choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.”

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The Advisor Role

- ▶ If a party chooses their own advisor, there may be an expanded role during initial meetings and interviews.
- ▶ As an assigned advisor, your role is to ask questions during the hearing (“cross examination”).
- ▶ You will not attend initial meetings between your assigned party and the investigators.
- ▶ You will not assist student with preliminary or final report responses.

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Pre-Hearing Meeting

- ▶ Check in
- ▶ Discuss questions to be asked
- ▶ Assist in determining relevancy
- ▶ Review rules of conduct during hearing

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The Live Hearing

- ▶ Questioning must be done directly, orally, and in real time.
- ▶ There is an option for separate rooms with technology that allows parties to see and hear each other.
- ▶ Each party's advisor asks questions of witnesses and the other party.

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Live Hearing

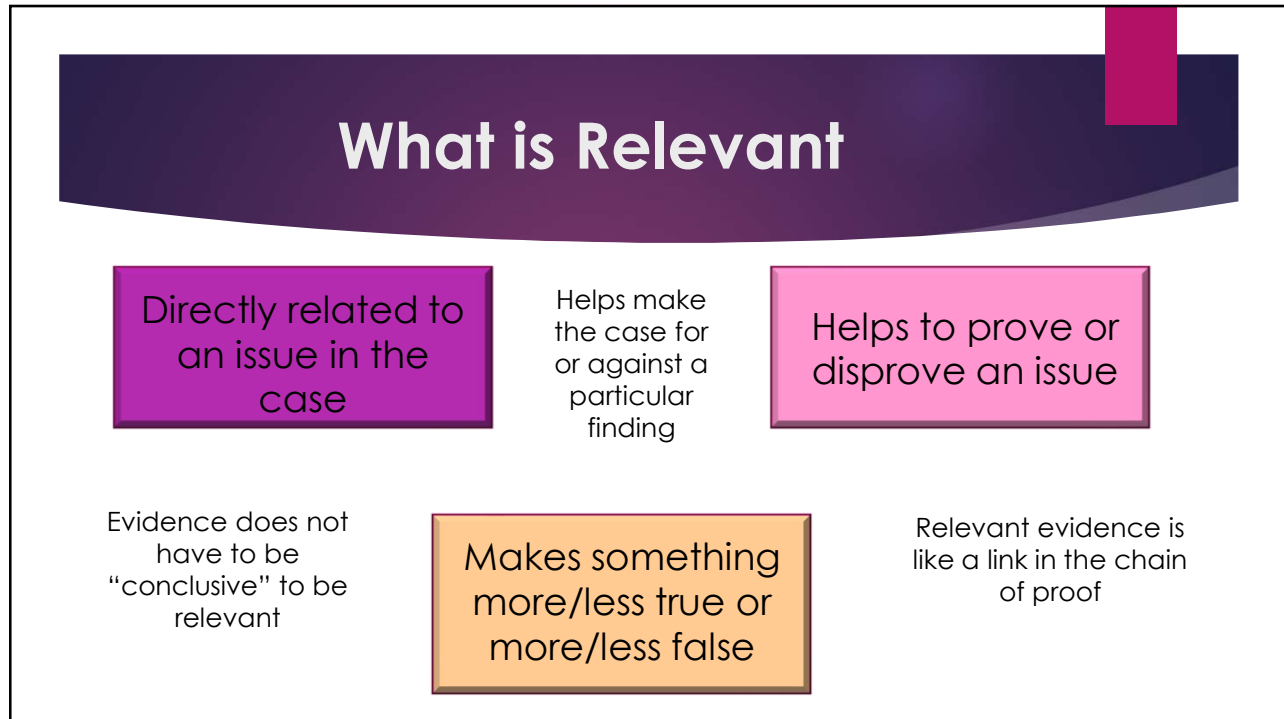
- ▶ Before a complainant, respondent, or witness answers a question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

9

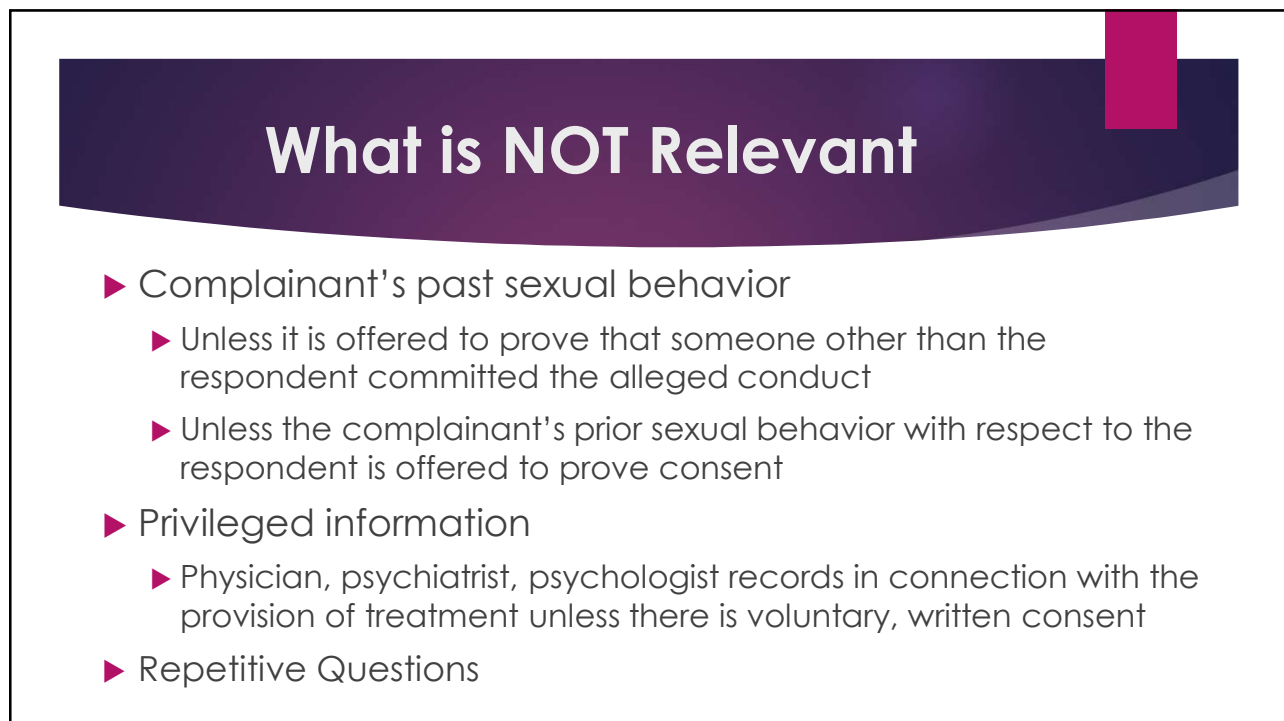
Live Hearing



10



11



12

Live Hearing

- ▶ *The Department does not believe that the final regulations' expectation for an advisor to "conduct cross-examination on behalf of a party" constitutes the practice of law; a Title IX adjudication is not a civil or criminal trial so the advisor is not representing a party in a court of law, and the advisor is not required to perform any function beyond relaying a party's desired questions to the other party and witnesses. . .*

(Fed. Reg. 30341)

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Live Hearing

- ▶ Advisors are not allowed to speak or otherwise represent your advisee throughout the process, including opening or closing statements, object to questions, or engage in any advocacy
- ▶ You are an advisor, not an advocate

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Questioning Helpful Hints

- ▶ You are not responsible for drafting questions. You are only responsible for posing questions and helping your advisee understand which questions are relevant.
- ▶ Ask one question at a time
- ▶ Simple phrasing of questions
- ▶ Only direct questions to the other party or witnesses after a relevancy determination is made by the decision-maker
- ▶ Be respectful—your cross examination doesn't have to be “cross”