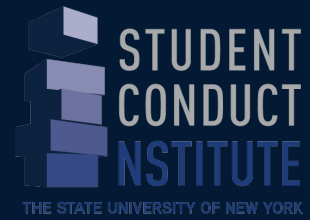


WELCOME!



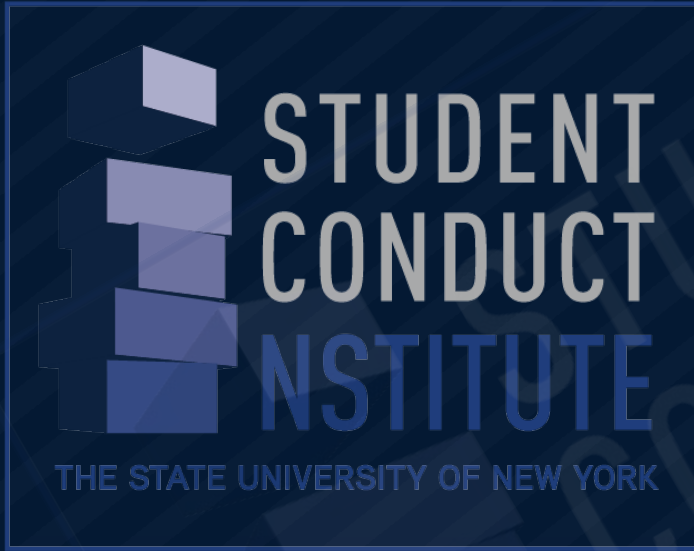
Please ensure your zoom name is displayed as your first & last name so that we can track attendance.

If you cannot hear music playing, please test your audio connection.

For help with technical issues throughout the training:
send a private chat to **Student Conduct Institute**
or email studentconductinstitute@suny.edu

Closed Captioning is available during this training.
Message or email SCI for more info.





Alexander Wheeler
Assistant Director, SCI

Kerianne Silver
Interim Director, SCI

April 2023

SCI LIVE@ DISTANCE BASIC COMPLIANCE TRAINING, DAY 4



STUDENT CONDUCT INSTITUTE: INCIDENT STAGES & CONDUCT PROGRESSION



1. Incident Reported

2. Title IX Grievance Process Initiated

3. Pre-Hearing Prep Investigation

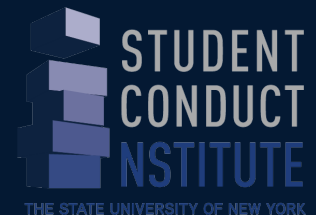
4. Hearing

5. Appeal Process

6. Decision Implementation



CASE PROCESS RECONSTRUCTED



Learning Objectives



- Highlight tangible tools and sample documents to assist with documentation of this process
- THE HEARING
- Discuss the importance of evidence-based decision-making
- Review aspects of the deliberation and determination processes
- Highlight considerations for appeals, decision implementations, and record retention

TRAINING EXPECTATIONS



UPD / Campus
Safety

Safety measures.



Title IX Coordinator

Oversight and Assistance.



Informal Resolution
Facilitator

Facilitate.



Advisor

Advise.



Hearing Board /
Appeal Board

Chair. Determinations.

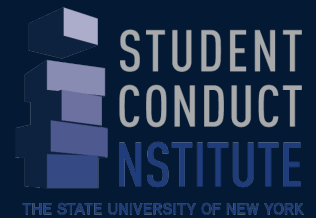


Resources
Offices/Units

Supportive Measures.

RECAP: KEY PLAYERS

THE HEARING



CASE PROCESS

4. HEARING

DECONSTRUCTED

**Introduction
and
Expectations**



**Referral
Information,
Claims,
Opening
Statement**



**Cross
Examination
& Board
Questions**



Conclusion

Key Players:



TIXC



Conduct
Staff



UPD



Hall Staff



Hearing
Board



Appeals
Board



Registrar



Technology Check,
Recording Set, Materials



Introductions, Expectations
(e.g. privacy, decorum)



State the purpose



Due process rights
acknowledgement



Discuss flow of the meeting



THE OPENING (INTRO / EXPECTATIONS)



Review of referral
information, evidence
review, witness review



Review of the allegations
and claims



Opening Statements



COMPLAINT REVIEW, OPENING STATEMENTS



Questions: Complainant,
Respondent, Witnesses



Relevancy Determinations



Board Questions



CROSS EXAMINATION, QUESTIONING



Closing Statements



Impact Statement
submissions



Next Steps

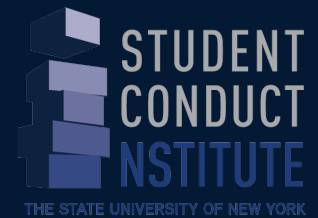


Decision Making Process
begins!



THE CLOSE

THE DECISION



CASE PROCESS

POST HEARING OVERVIEW (4,5,6)



CASE PROCESS

ROAD TO

RATIONALE

Deliberation



**Determination
& Remedy**



Rationale



Establish roles, assess board member strengths



Review allegations, claims, evidence, hearing notes



Re: roles – establish a notetaker or start a recording



Scheduling, flexibility

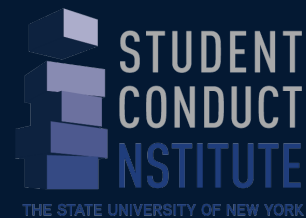


Seek connections, or lack thereof



DELIBERATION

BREAK



CASE PROCESS

ROAD TO

RATIONALE

Deliberation



**Determination
& Remedy**



Rationale



- Exclusion Status
- Relevancy
- Authenticity
- Credibility/ Reliability
- Weight

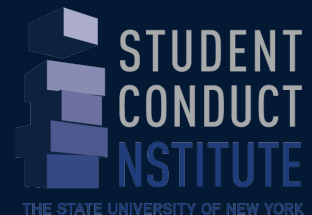
RECAP: EVIDENCE BASED DECISION-MAKING

Evidence-Based Decision Making

- Must it be excluded?
- If no, is it relevant?
 - Plain and ordinary meaning. Does it tend to make a material fact more or less likely to be true?
- If yes, is it authentic?
- If yes, is it **credible** and reliable?
 - Why (or why not) is it worthy of belief?
- If yes, does the evidence have weight?
 - Consider: Specialized evidence types



WEIGHING TESTIMONY & EVIDENCE



Direct



First-hand observations and evidence of the incident or its surrounding circumstances are direct evidence. This evidence is often given **CONSIDERABLE** weight (e.g. witness testimony of a first-hand account of the incident).

Corroborating



Statements or tangible materials that tend to confirm direct evidence regarding the incident may serve as corroborating evidence (e.g. video evidence, text message threads, security footage, swipe card records, business records, medical records).

Circumstantial



Statements or tangible materials that rely on an inference to connect it to a conclusion of fact (e.g. a photo of the location of the alleged sexual assault that show several empty vodka bottles and solo cups).

EVIDENCE WEIGHT



Not Responsible – revisiting restrictions



Responsible – sanction guidelines, prior history, readmission considerations



Considerations, resources, consistency, non-discrimination



DETERMINATION & REMEDY

Charge and Allegation

Describe Standard of Evidence

Sanction(s)
(if Responsible, consider readmission components)



Review of evidence relied upon to make a determination for a specific charge and allegation

Finding for each specific charge and allegation



FINDINGS AND RATIONALE



- Finding of Responsibility
- Policy Jurisdiction
- Formal Complaint Summary
- Investigatory Procedures
- Inspection and Review of Evidence
- Review of Investigative Report
- Delays and Adjournments
- Live Hearing Procedures Summary
- Appeal Rights
- Findings and Rationale
- Sanctions and Remedies



DETERMINATION NOTICE

Area	Considerations
Student Centered	Summary Letter
Capacity	Board Member Schedules, Timeframes, Deadlines
Skillsets	Board Members assigned to specific tasks
Style	Findings section may vary depending on the type of case; create an outline with your analysis mapped-out before drafting
Technology and Privacy	What are some considerations here? How is information shared and kept private?
Training	Senior board members may be better equipped to write rationales

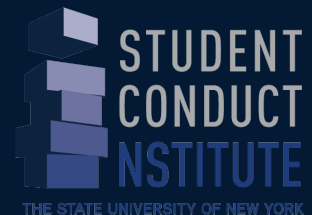


DETERMINATION NOTICE CONSIDERATIONS

- Simultaneous notification to the parties, their advisors, Title IX Office or Investigator. Consideration for the time/day.
- Supportive measures or interim restrictions remain in place through appeal
- Either party can appeal (same timeline)
- Preparation for any reactions during this time period



NOTIFICATION OF DETERMINATION



CASE PROCESS

POST HEARING OVERVIEW

(4,5,6)



Title IX Final Rules mandate both parties have access to an appeal:

- For (1) dismissal of formal complaint and (2) determination regarding responsibility
- On three appeal grounds:
 - **Procedural irregularity** that affected the outcome of the matter (i.e. failure to follow institution's own procedures);
 - **New evidence** that was not reasonably available at the time the determination or dismissal was made, that could affect the outcome of the matter;
 - TIX Coordinator, investigator, or decision-maker had a **conflict of interest or bias** for/against an individual party or complainants or respondents in general, that affected the outcome of the matter.

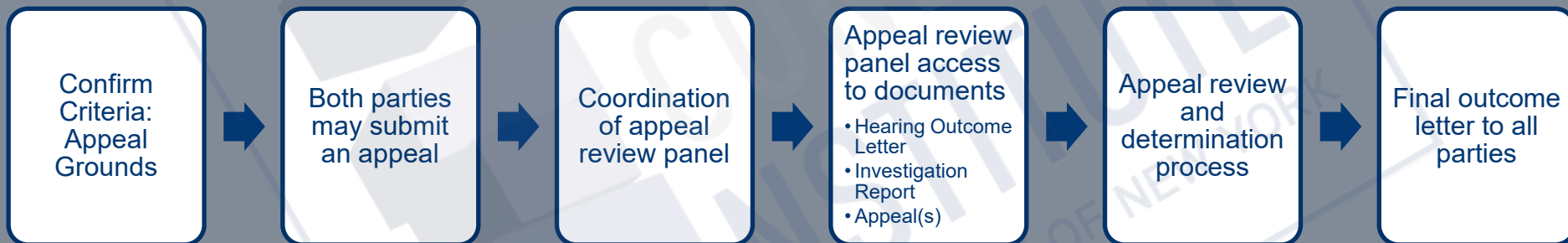


APPEAL



CASE PROCESS

5. APPEAL PROCESS DECONSTRUCTED



Key Players:



CASE PROCESS

6. DECISION DECONSTRUCTED IMPLEMENTATION

**Appeal
Response**

**Final
Outcome
Notification
to Students**

**Notification
to other
Offices/Units**

**Follow-Up
Services**

**Record
Keeping**

**Record
Request or
Readmission**

Key Players:



TIXC



Conduct
Staff



UPD



Hall Staff



He
Bo



Appeals
Board



Registrar

Thank you so much for joining us!

Please enter the code word in the link provided.



POST-TRAINING SURVEY

