



EMORY
UNIVERSITY

Department of Title IX
Office of Diversity, Equity,
and Inclusion

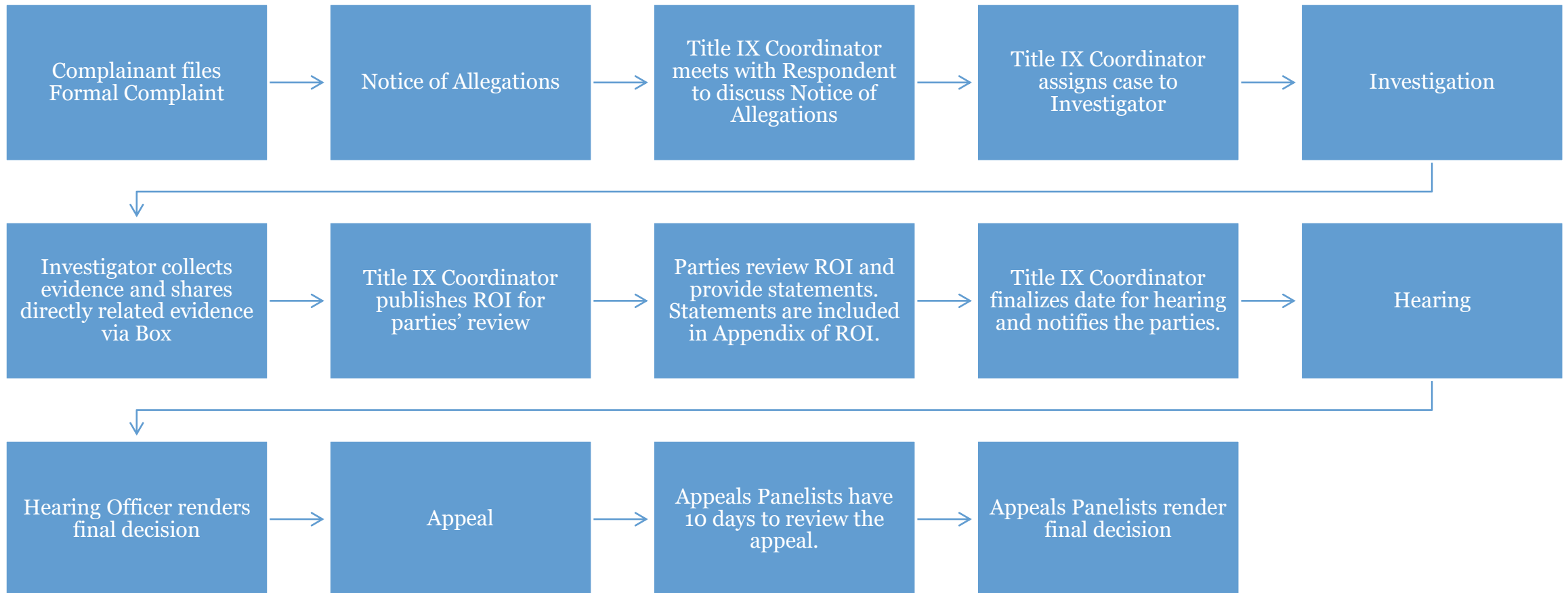
Emory University Advisor Lunch and Learn

Emory University
Department of Title IX
October 20, 2020

Agenda

- Welcome/Overview of Agenda, Yolanda Buckner
- Overview of the Title IX Complaint Process, Judith Pannell
- The Role of the Advisor, Nicole Babcock
 - University Title IX Advisors
 - Cross-Examination Advisors
- Advisor Selection, Nicole Babcock
- Areas of Focus/Expectations for Advisors, Judith Pannell
- Scenarios, Nicole Babcock
- Q&A, Nicole Babcock

Title IX Process Overview



Types of Advisors

- Emory offers two types of trained Title IX advisors for Complainants and Respondents who have not identified their own advisors (attorney or otherwise).
 - 1. University Title IX Advisors (not mandatory)
 - 2. Cross-Examination Advisor (mandatory)

The Role of the University Title IX Advisor

- The University Title IX advisors **support** Complainants or Respondents through the investigation and adjudication process.
 - Types of **support**:
 - Connecting to support services and providing general support;
 - Clarifying questions about the investigation and adjudication process;
 - Assisting in reporting instances of retaliation, violations of protective measures, etc.;
 - Attending meetings or proceedings throughout the investigative and adjudication process.
- The University Title IX advisor may accompany the Complainant or Respondent to any meeting or hearing through the course of the Title IX process.

The Role of the University Title IX Advisor

- University Title IX advisors, if present at any meetings or hearing, are restricted to consulting their advisees.
 - University advisors may not intervene in a meeting or hearing or address the investigator or hearing officer directly, unless invited to do so.
- University advisors may assist in drafting written submissions, but the submission must come from the Complainant or Respondent and not the adviser.

The Role of the Cross-Examination Advisor

- To assist the Complainant or Respondent in conducting cross-examination of the other party and witnesses on behalf of the Complainant or Respondent.
- To abide by the rules of Hearing Decorum set forth by the Hearing Officer and by the rules set forth in Emory's Policy.

Selection of University Title IX Advisor

- Prior to any meeting with the Complainant or Respondent, the TIX Coordinator will inform the Complainant or Respondent of their right to have an advisor present during any meeting or hearing.
- If the Complainant or Respondent requests a Title IX University Advisor, the TIX Coordinator will reach out to the advisor(s) to determine their availability.
- If the advisor is available (and there is no conflict of interest), the TIX Coordinator will connect the Complainant and Respondent by email and request that they find a time to meet.*

*If the advisee is a student, the student will be required to complete a FERPA waiver authorizing release of their student record to you before the TIX Coordinator can share documents or information related to the complaint with you.

Selection of Cross-Examination Advisor

- The TIX Coordinator, prior to the hearing, will confirm whether the Complainant and Respondent have a cross-examination advisor (not the University Title IX Advisor);
- If the Complainant or Respondent requests a cross-examination advisor, the TIX Coordinator will reach out to the advisor(s) to determine their availability.
- If the advisor is available (and there is no conflict of interest), the TIX Coordinator will send the cross-examination advisor a Letter of Engagement;
- Once the letter is signed, the Title IX Coordinator will connect the Complainant and Respondent by email and request that they find a time to meet prior to the hearing;*
- DTIX will provide Box access to the Cross-Examination Advisor so that they can review the complaint materials.

Areas of Focus for the University Title IX Advisor

- Meeting with the Title IX Coordinator;
- Assistance in
 - connecting with resources;
 - contemplating helpful supportive measures;
 - understanding the Title IX complaint process, including the informal resolution process;
 - understanding how the hearing officer will analyze the allegations;
 - drafting a statement or organizing thoughts;

Areas of Focus for the University Title IX Advisor

- Assistance in
 - identifying witnesses;
 - gathering evidence relevant to the allegations;
 - reviewing relevant evidence and the Report of Investigation (ROI).
- Meeting with the Cross-Examination Advisor;
- Attending the Hearing;
- Assistance with decisions regarding appeal and preparation of the appeal.

Expectations for Cross-Examination Advisors

- Review of complaint materials prior to meeting with Complainant or Respondent;
- Determination as to how Complainant or Respondent would like advisor to cross-examine other party and witnesses;
- Understanding of hearing process, including review of rules of Hearing Decorum, Hearing Script and Emory Policy regarding hearings prior to the hearing;
- Understanding of relevance determinations;
- Participation in Pre-Hearing Conference, if requested by the Hearing Officer.

Scenario 1

- As a University Title IX Advisor, you are assigned to work with Rita Taylor (Staff Respondent), who is alleged to have engaged in non-consensual sexual contact with Complainant, Moira Ahmed, (a graduate student) on December 20, 2021 (yes, it's the future, when gatherings may once again be permitted. Don't we all want to image ourselves past 2020?). Rita tells you that she remembers seeing Moira at the Department holiday party, but she drank 8 glasses of wine that night, and she does not recall engaging in any sexual activities with Moira. Rita tells you that if she engaged in sexual activity that night, it was not consensual.
 - **What do you advise?**
 - **What evidence would you suggest Rita begin gathering for the investigator?**
 - **Could Moira request an informal resolution?**

Scenario 2

- As a University Title IX Advisor, you are assigned to work with Hailey Roma (Student Complainant) who is alleging non-consensual sexual contact by Felix Moses (Student Respondent). Hailey has expressed to you that the Title IX Process is very difficult for her. She's struggling to complete assignments because of her incessant anxiety. She expresses that she isn't sure she'll be able to make it through the entire investigative and hearing processes.
 - **What do you advise?**
 - **Assume the Hearing Officer finds that Felix is not responsible. Hailey and Felix still have two years left in school. What would you advise Hailey regarding next steps?**
 - **What would you do if you were Felix' advisor?**



Advice from Our Veteran Advisors



Questions?