


Agenda: July 29, 2020

- 9:00 am Introductions and Agenda - Jennifer Childress-White
 - 9:45 am PLU Context for Title IX Work - Dr. Joanna Royce-Davis
 - 10:15 am Break
 - 10:30 am New Regulations - Jennifer Childress-White / Dr. Eva Frey
 - 12:00 am Lunch break
 - 1:00 pm Evidence Standards - Valarie Zeeck, PLU Legal Counsel
 - 1:45 pm Break
 - 2:00 pm Review Meetings 101 - Jennifer Childress-White / Dr. Eva Frey**
 - 3:00 pm Dismiss
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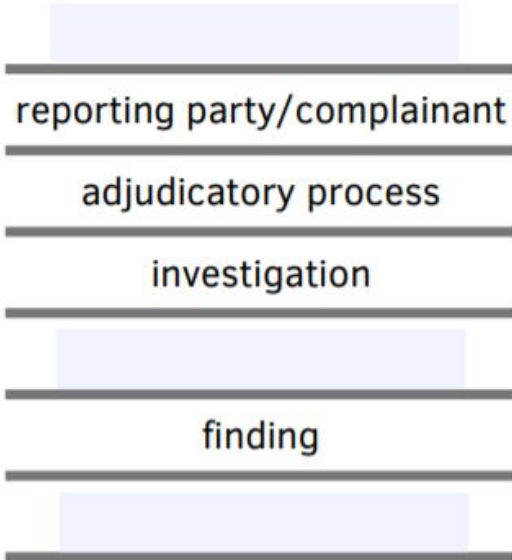
Review Meetings 101

Final Rule Requirements

Title IX Personnel Training 2020
Pacific Lutheran University

Language of Title IX

LANGUAGE OF TITLE IX:



What people learn from court t.v. and Netflix...not the same!



Who's Involved?

THREE Decision Makers - One designated lead

TWO Advisors

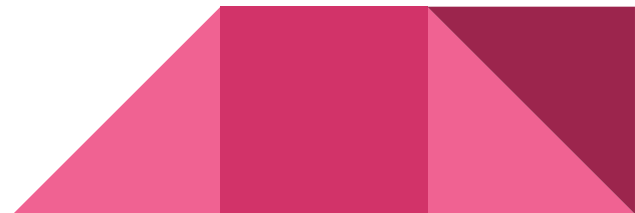
ONE Complainant

ONE Respondent

Witnesses

Title IX Coordinator

PLU Legal Counsel (if needed)



How will Review Meetings (aka Hearings) run?

Title IX Coordinator will coordinate all logistics, communication, etc for Review Meetings.

Review Meetings must be LIVE but can be either:


- In person
 - Commitment to a neutral, private space that has access to restroom facilities, good lighting, HVAC
 - Use of pipe/drape to create privacy
 - Meet up-to-date Covid-19 safety requirements
- Virtually
 - Use of technology, provided by PLU



General Flow of a Review Meeting/Hearing

1. Lead Decision Maker begins by introducing themselves and the other DMs serving
 - a. There will be a script to guide the Lead DM through the start of the meeting
 - i. Script will cover why we are meeting; who's in the meeting; the role of the DMs; how the meeting will proceed; and answer immediate procedural questions
2. Next, DMs will begin with asking questions directed to the Complainant, then Respondent, then any witnesses. These questions are generated from the investigative report.
3. Following the DMs questioning, the Lead DM will regulate the cross examination facilitated by the advisors. The DMs will decipher which questions are not relevant and inappropriate to ask, PRIOR to any answer.
 - i. Complainant
 - ii. Respondent

General Flow of a Review Meeting: continued

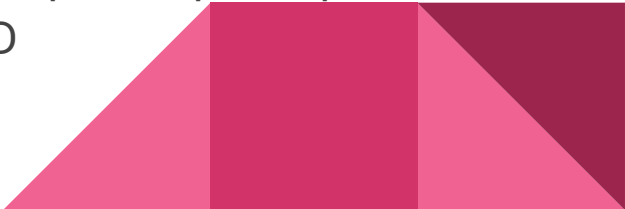
4. After cross-examination of the Complainant and Respondent, DMs can question any witnesses that may offer additional information; or clarification from the investigate report.
 5. After questions have come to conclusion, the Lead DM will ask Complainant and Respondent if there are additional comments or information they would like to offer.
 6. If none, the Lead DM explains post review meeting process-- including timeline for decision, who receives the decision, appeal process, and reminds parties of the Title IX Coordinator for resource and questions.
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Review Meetings must include:

- **Cross Examination**
 - Conducted directly, orally, and in real time by the student's advisor of choice and never by a student personally
 - If a complainant, respondent, or witness **CHOOSES NOT** to submit to cross-examination at the live hearing, the decision makers must **NOT RELY** on any statement of that party or witness in reaching a determination regarding responsibility
- **Advisors**
 - **IF A STUDENT DOES NOT HAVE AN ADVISOR** present at the live hearing, the school must provide an advisor of the school's choice to conduct cross-examination on behalf of the student
- **Recording of the live hearing**
 - Create an audio and/or video recording or transcript available for the parties to review



What should I expect as a Decision Maker

- You will be asked to serve with two others;
 - You will need to choose one person to serve as Lead DM.
 - You will be receiving an investigative report to review with your DM Team;
 - The Title IX Coordinator will serve as a point of contact for you;
 - The Title IX Coordinator will schedule all logistics and will update you accordingly to in-person/virtual/advisors/lawyers/witnesses/etc
 - You will need to review all prepared documents, establish questions from prepared documents;
 - DMs should feel comfortable with cross-examination and regulating questions of the advisor
 - Determine witnesses, if necessary, from the investigative report to participate in review meeting - EXPERT WITNESSES MUST BE ALLOWED
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Decision Makers: continued

- The DMs must come to a decision regarding responsibility by applying PLU's 'clear and convincing' standard of evidence.
- The DMs (who cannot be the same person as the Title IX Coordinator or the investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
- The Title IX Coordinator will help answer questions about letter formatting and will ensure that the letter is delivered to both parties



What should I expect as an Advisor?

- Advisors need to be knowledgeable about on and off campus resources for support and care;
- Advisors will be the only people allowed to ask questions during cross examination. Advisors are expected to serve in an unbiased manner;
- Advisors are another campus resource to navigate the Title IX formal process;
- Advisors may serve from the beginning of the formal Title IX process through appeal as a resource for the student;
- Complainant and Respondent may ask an advisor to NOT serve in the role at any time in the process; however, an advisor is REQUIRED for cross-examination

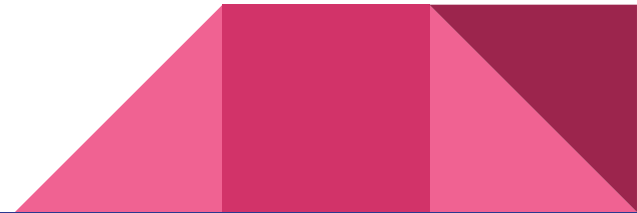


QUESTIONS?

COMMENTS?

THOUGHTS?

EMOJIS OR MEMES? (PLEASE SHARE IN CHAT BOX)



Homework

Investigative Report Review

Located in today's "Day 1 PDF Slides/Handouts/Notes folder on the Title IX Personnel Drive

