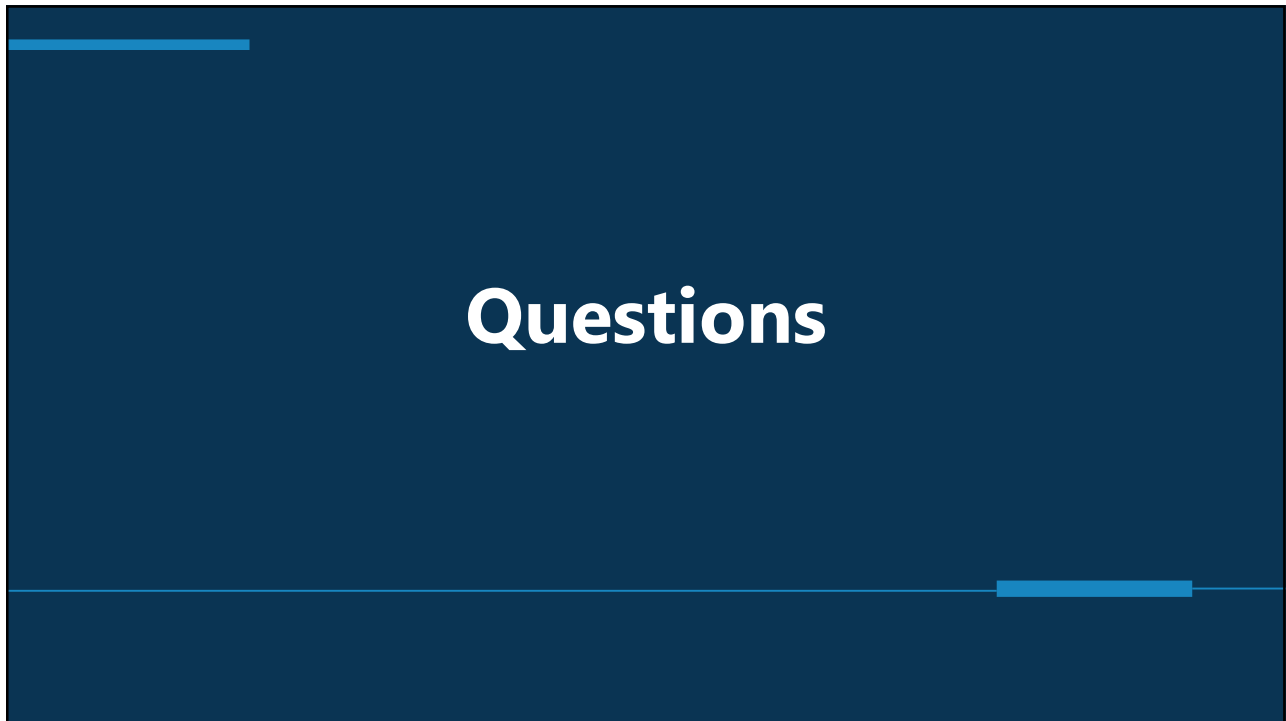


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Advisors

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Advisors

Who should we be primarily communicating with?

Can the advisor communicate on behalf of the student (when student is not present)?

Should records and evidence be shared with advisors?

Who should be provided as an advisor if a party does not have one?

Does the advisor need to be trained?

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Investigation

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Investigation

If the investigation uncovers other policy violations, should those be referred to student conduct by the investigator?

How far should the investigative report go in reaching conclusions?

How can we get feedback on the investigative report?

Can we interview witnesses not identified by the parties? Is that equitable?

If an extension is provided to one party, how do you ensure parties are treated equally?

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Hearing

Who should be interviewed first?

Should the advisor make opening/closing statements?

What should the role of presenter be?

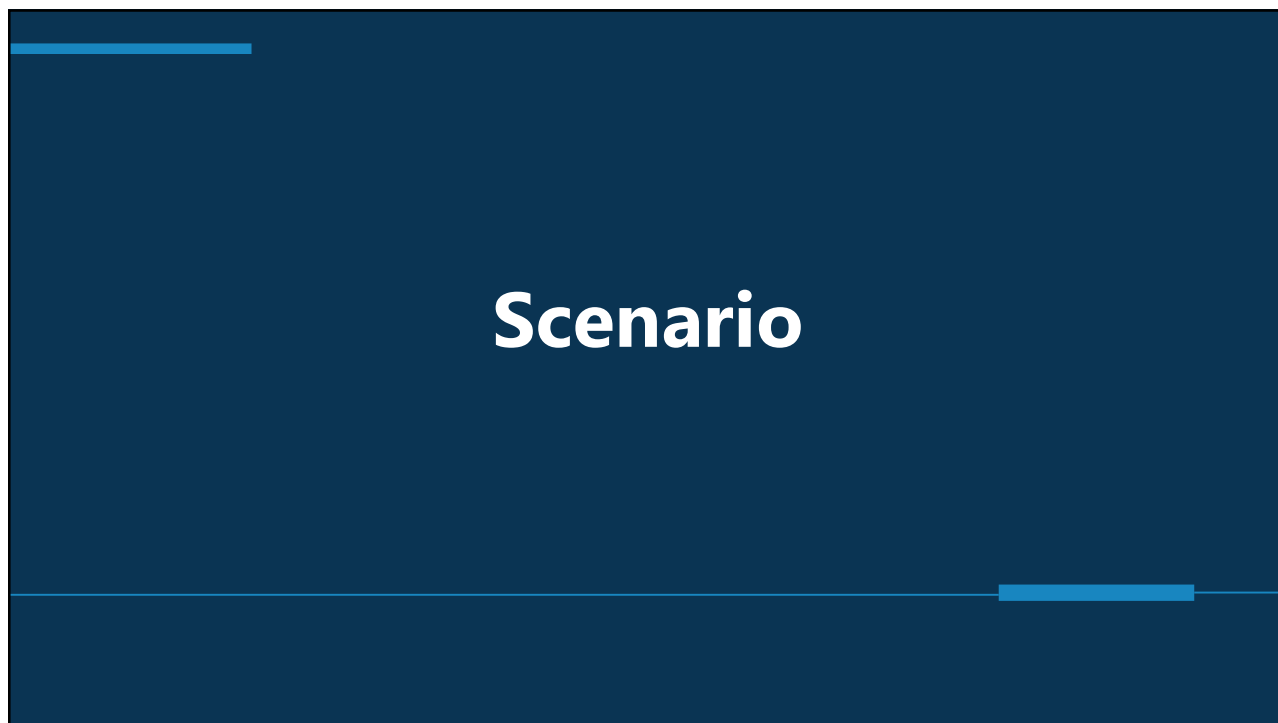
What are the terms and requirements for releasing video/audio recordings of the hearing?

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Scenario

- Anonymous report that:
 - Riley (student) has been sending inappropriate snap chat messages to Carter (student).
 - Riley is loitering outside Carter's dorm late at night.
 - Riley manipulated the cover photo on Carter's social media account to look like Carter had no clothes on.

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TIX Sexual Harassment?

Quid Pro Quo

Hostile Environment

Clery/VAWA Big 4:

- sexual assault
- dating violence
- domestic violence
- stalking

In a program or activity

In the United States

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Initial Meeting

- With whom do you meet?
- What do you say/what questions do you ask?
- What supportive measures might you offer?
- What if Carter does not want to sign a Formal Complaint?
- Is an emergency removal warranted?



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Complaint

Carter confirms the anonymous report:

- The messages included requests for sexual activity, threats of sexual assault, photographs of Riley's naked genitalia. Most of these are not available but were shown to Carter's friend, Nat.
- Carter has seen Riley outside the dorm at least 6 times at night.
- Carter deleted the social media page.

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Investigation

- Who will you interview?
- What do you say/what questions do you ask?
- What other evidence will you consider?
- What if there is an allegation of behavior from previous years, should you consider those?



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Advisors

- Parties can bring advisors to meetings.
- We recommend providing parties and their advisors the **Advisor Conduct Expectations** document prior to any meeting.
- Advisors can be allowed for witnesses; but it is not required.

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Evaluating the Evidence

The investigator found both the Complainant and the Respondent to be forthright and cooperative, as well as relatively consistent.

Each party arguably has a motive to achieve an outcome in their favor even if the situation does not warrant it. But there was no evidence of any such motive that was greater or less for either party.

The investigator should consider the logic of explanations and corroborating and contradicting evidence when considering credibility.

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Hearing

Carter and Riley used to date but had broken up when the conduct was alleged to have occurred.

- Is evidence of their prior sexual relationship relevant?

Riley does not attend the hearing.

- Can Riley's advisor cross examine Carter and other witnesses?

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Decision

- The decision-maker finds sufficient evidence that Riley engaged in the alleged sexual harassment.

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Appeal

Riley appeals, claiming:

- The decision-maker was biased (found Riley's advisor's questions irrelevant twice as often as the questions of Carter's advisor).
- The investigator did not provide all directly-related evidence to the parties (provided incomplete interview notes).
- The TIX Coordinator is biased (constantly promoting around campus how to report sexual harassment and sexual assault).

What facts or circumstances would make appeal on these bases more or less likely to succeed?

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