

Office of Equity

Information for Process Advisors

Office of Equity
Logan Campus
Old Main, Room 161
435-797-1266





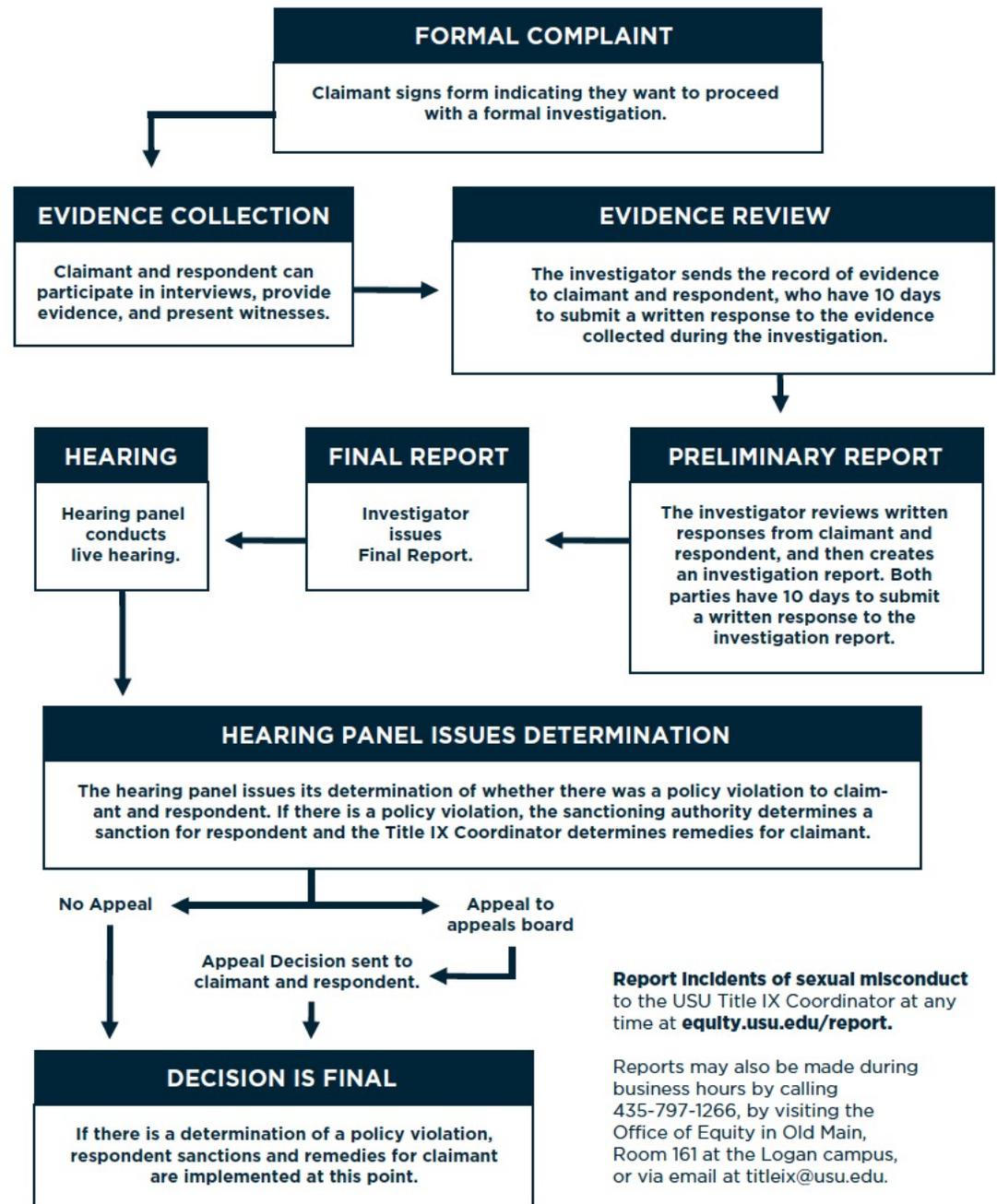
Purpose

Provide information about the process advisor role and responsibilities as they relate to the formal investigation process for USU interim policies and procedures 339/339A/339B

USU's Formal Investigation Process

INTERIM USU SEXUAL MISCONDUCT FORMAL INVESTIGATION GRIEVANCE PROCESS

Parties may seek supportive measures throughout the process.



Report incidents of sexual misconduct to the USU Title IX Coordinator at any time at equity.usu.edu/report.

Reports may also be made during business hours by calling 435-797-1266, by visiting the Office of Equity in Old Main, Room 161 at the Logan campus, or via email at titleix@usu.edu.

Sexual Misconduct Formal Investigation Process

- A sexual misconduct formal investigation under USU interim policy and procedures 339/339A/339B, is an *administrative process* where a hearing panel determines whether or not there was a preponderance of the evidence of a policy violation.

Parties Access to a Process Advisor

- Both parties (Claimant and Respondent) have a right to a process advisor throughout the entire formal investigation process (including meetings, interviews, live hearing)
- Parties must sign a release of information for their process advisor

- Under University Policy and applicable law, students and employees are responsible for navigating and participating in all Office of Equity processes to which they may be a party or a witness.
- With some limitations, University Policy allows students and employees to involve a process advisor who may, but need not be, an attorney. A process advisor's purpose is to help navigate the grievance process, including during a formal investigation or an informal resolution. If you do not have a process advisor and the case proceeds to a hearing, the University will appoint one to you for the hearing only. Process advisors may not also serve as a witness.
- You may, at your discretion, grant the University permission to release information about your educational and/or employment records by marking the "information release authorization" boxes below.
- Further, you may, at your discretion designate your process advisor as a representative authorized to accept and convey information by completing this form. While the process advisor can accept and convey information on your behalf, **a process advisor cannot provide direct evidence in lieu of your participation in an Office of Equity process or engage in other activities on your behalf that require your direct participation and/or personal presence.**
- You must submit your completed form to the Office of Equity on the Logan campus or email it to titleix@usu.edu. Please note that your process advisor has **no expiration date**; however, you may revoke your designation at any time by completing this same form and returning it to the same office.

INFORMATION

Name: _____ A-Number: _____
Email: _____ Phone: _____

PROCESS ADVISOR INFORMATION

Name: _____ Entity/Organization: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Email: _____ Phone: _____
Relation to Party: _____

INFORMATION RELEASE AUTHORIZATION (CHECK ALL THAT APPLY)

- | | | |
|--|---|--|
| <input type="checkbox"/> Office of Equity investigation information (including without limitation interview records, notices, collected evidence, investigation report, allegations/responses, case status, deadlines, next steps, etc.) | <input type="checkbox"/> Information available to the Office of the Registrar (including without limitation grades, GPA, financial aid information, billing information, academic progress information, loan information, etc.) | <input type="checkbox"/> Other: _____

_____ |
| <input type="checkbox"/> Office of Equity supportive measures information (including without limitation support requests and responses, relevant grades or related academic information, etc.) | <input type="checkbox"/> Access to all records maintained by the Office of Equity and the Office of the Registrar, including all of the above examples | _____

_____ |

CERTIFICATION SECTION

I hereby **release** the information above to the designated process advisor. I hereby **revoke** my previously issued authorization.

SIGNATURE: _____ DATE: _____

A copy of this form should be maintained by the student and University Office

Release of Information Form

equity.usu.edu



Who can Serve as a Process Advisor?

- Any person, including an attorney, chosen by a party or the University, to advise and assist the party in the process.
- A process advisor may be a parent, legal guardian, a USU faculty member, a USU Student Association Student Advocate, an attorney, etc.
- An individual who is a witness in the case may not also serve as an advisor.

University-Appointed Process Advisors

- For sexual misconduct cases, the University will appoint a process advisor after the final report is issued and prior to the hearing:
 - At a party's request, or
 - If a party has not appointed a process advisor and has not requested one prior to the hearing.



Communication with the Office of Equity and Party

- Once a release of information is complete, a process advisor may be cc'd on communications to the party from the Office of Equity. *However, the party needs to communicate directly with the Office of Equity and/or hearing panel and must actively participate in the process.*
- A process advisor cannot speak on behalf of the party in any email, meeting, or interview. The Office of Equity will direct communications to the party and not the process advisor.

Helpful Information for Process Advisors

- Policy and Procedures 339/339A/339B provide information about the process and are found at equity.usu.edu
- Process Advisors can reach out to the Office of Equity for any questions about policy and procedure
- Recognize the party will be required to speak for themselves throughout the investigation process; however, the process advisor will ask questions on the party's behalf at the hearing

Helpful Information for Process Advisors

- All evidence collected by the Office of Equity will be in the Box Record folder that is shared with the process advisor and party
- Information about resources are available at sexualrespect.usu.edu
- Informational materials are at equity.usu.edu including flowcharts, timeframes, information sheets, etc.

USU's Sexual Respect Website

- Support resources
- Reporting resources
- Prevention and education efforts
- University policies
- University working groups and committees
- Coordinated Community Response Team

UtahStateUniversity | Sexual Respect

QUICK LINKS MYUSU SEARCH

Education Resources Amnesty University Oversight University Policies CRT **File a Report**

Sexual Respect

Creating a Campus Culture of Respect

USU resources are continuing to provide services despite the **COVID-19 Pandemic**. Click on a link below to learn how to access the resource you need.

USU strives to create a learning and working environment free from sexual misconduct. If you have experienced sexual misconduct (hostile environment, quid pro quo, sexual assault, relationship violence, or stalking), USU offers many resources and services to help you heal and succeed at USU.

All members of the Utah State community have a role to play in preventing sexual misconduct. Learn how to become an [Upstander](#) and about other [prevention efforts](#) at USU.

Utah State University "I Ask" Campaign Overview

Watch L... Share

Trained Advocates

Confidential advocacy and counseling.

Advocates help you navigate your options, seek medical attention, get a sexual assault forensic exam, and receive counseling. SAAVI offers referrals to services wherever you are located.

435-797-7273 (24/7 hotline)
TSC 311, Logan campus
saavi.usu.edu

Confidential Resource

Counseling Services

Same-day crisis appointments and mental health services.

Information you share with CAPS is confidential and kept separate from your academic record. CAPS works with Statewide Campuses to ensure all USU students have access to mental health services.

435-797-1012 (M-F, 8-5)
TSC 306, Logan campus
aggiewellness.usu.edu

Confidential Resource

Title IX Coordinator

Report sexual misconduct or access supportive measures.

Your information is shared on a limited basis to provide [supportive measures](#) or to investigate a complaint. The Title IX Coordinator serves all USU students and employees.

435-797-1266 (M-F, 8-5)
Old Main 161, Logan campus
equity.usu.edu

Reporting Resource

Police & Safety

Get help in an emergency or report a crime on campus.

Report a crime on campus, request a security escort, or get help identifying the local law enforcement agency you should report to. If you are in danger, call **911** immediately.

435-797-1939 (24/7/365)
800 E 1250 N., Logan
dps.usu.edu

Reporting Resource

Hearing

- At the hearing, and if requested by the party, the process advisor may read an opening and/or closing statement.
- At the hearing, the process advisor will engage in cross-examination on behalf of the party for the other party, any witnesses, and any others who have provided information as part of the hearing process.
- The process advisor is not allowed to answer questions on behalf of the party.



Hearing Overview

Hearings are generally scheduled for two hours.

- Hearing Chair reviews hearing rules
- Office of Equity Opening Statement
- Claimant Opening Statement
- Respondent Opening Statement
- Panel questions Claimant
- Respondent questions Claimant



Hearing Overview

- Panel questions Respondent
- Claimant questions Respondent
- Panel questions Witness 1
- Claimant's process advisor questions Witness 1
- Respondent's process advisor questions Witness 1
- Additional witnesses questioned as listed above
- Claimant Closing Statement (if time)
- Respondent Closing Statement (if time)



Opening Statements

- The claimant and respondent can provide an opening statement.
- The party should decide whether they will give an opening statement, or if the process advisor will give it on their behalf.

Opening Statements

- The opening statement should outline relevant information about the allegations including where the evidence is located in the Record.

Hearing Panel Questions

- First, the hearing panel will ask claimant questions. Then, the panel will ask Respondent questions.

Cross-Examination

- The Claimant's process advisor will ask Respondent questions. Then, Respondent's process advisor will ask Claimant questions, if they are present at the hearing.
- The hearing panel and both parties' process advisors can ask questions of each witness called at the hearing.
- In some cases, parties and/or witnesses may be called out of order to accommodate their schedules.

Cross-Examination

- The party should decide what information is relevant and create questions that would help elicit that information from the opposing party and witness(es).
- Each party's process advisor is allowed to ask all relevant questions and follow-up questions, including those challenging credibility.
- Cross-examination must be performed by a party's process advisor.



Relevance

- All questions must be provided to the Hearing Panel so they can conduct a relevance determination.
- The Panel may exclude any question or require that a question be rephrased or restated at their discretion.
- Evidence is relevant if:
 - It has a tendency to make a fact more or less probable than it would otherwise be without the evidence;
 - The fact is of consequence in reaching a final determination regarding the alleged actions

Irrelevance

Questions about prior sexual history are generally considered irrelevant unless they are offered to prove:

- That there was consent; or,
- That an individual other than the respondent committed the alleged acts.

Cross-Examination

The following information may be helpful with regard to cross-examination:

- Review the definition in policy of the particular type(s) of sexual misconduct alleged.
- Consider facts in the box Record folder that would support your advisee's position that a given element of sexual misconduct is either met or not met.
- Prioritize questioning to focus on the most relevant evidence.
- Consider questions that will bear on credibility.



General Rules of Cross-Examination

- Objections by the party or process advisor to relevance determinations are not allowed.
- Only the person to whom a question is directed may answer. Process advisors are not permitted to answer the questions on behalf of the party.
- A process advisor must maintain decorum at all times during the hearing.

General Rules of Cross-Examination

- A party can decide not to answer a question; however, if a party or witness does not answer a question or does not attend the hearing, that may factor into a credibility assessment by the hearing panel.

Submitting Questions

The party should submit their questions to the hearing panel via email prior to the hearing. They can also submit questions during the hearing via email, in real time, at the hearing.



Closing Statements

- If time allows, the claimant and respondent have the option to give a closing statement.
- The party should decide whether they will give a closing statement or if the process advisor will give it on their behalf.

Closing Statements

- The closing statement is an opportunity to summarize for the hearing panel what the party believes the evidence shows and any other information the party wishes to highlight for the hearing panel.

General Considerations for the Hearing

- During the hearing, all parties should be in a private, quiet setting.
- The parties should test their internet connection prior to the hearing if the hearing is remote.
- The party must be visible on camera at all times but can use the 'pin' feature in Zoom to 'pin' the chair if they do not want to see the other party.

General Considerations

- In addition to a process advisor, the party can also have one support person.
- Other than the support person, no one else should be in the room with the party, especially witnesses.
- The hearing will most often be held electronically through Zoom or similar platforms, but an in-person hearing is possible.
- The hearing will be recorded.



Self-Care

Remember this is a challenging process for everyone involved and you should practice self-care as you engage in this process.



A close-up photograph of a white puzzle. One piece is missing, revealing a red surface underneath. The word 'ANSWER' is printed in white, bold, sans-serif capital letters on the red surface. The word 'QUESTION' is printed in red, bold, sans-serif capital letters on the white puzzle piece directly above the missing piece. The puzzle pieces are interlocking and have a slightly textured, matte finish.

QUESTION

ANSWER

Thank You!

Office of Equity
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equity.usu.edu

sexualrespect.usu.edu

