

Decorum and Avoiding Conflicts of Interest and Bias

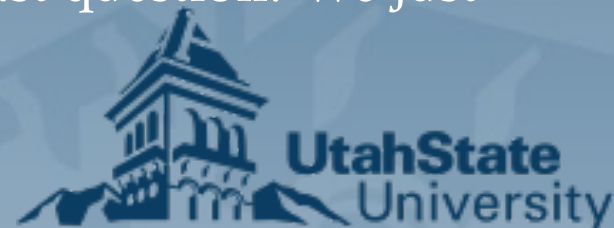
May 24-25, 2021



Panel Decorum

- At the outset, remind the parties that they can take a break if they need one.
- Call a recess if either party appears to be in distress.
- Treat all parties with dignity and respect.
- Make fairness a goal.
- Explain side bar conversations to help prevent fear of the unknown.

e.g. “We have to discuss an issue related to the last question. We just need a few moments.”



Panel Decorum

- When you are going to ask a difficult line of questioning, signal to the party you are asking.

e.g. “I am going to ask some questions that may be difficult to answer. I want to remind you that you can take your time and let us know if you need a break.”
- Consider how you phrase things and, when possible, talk about what happened with sensitivity.



Panel Decorum

- When possible, reference profanity and/or racial slurs without using the word in questions and determinations.

e.g. F-word; N-word; B****h

- Avoid asking questions or seeking information about what a Claimant was wearing prior to an incident of alleged sexual misconduct.

- Don't draw conclusions based on a party's appearance.

e.g. That one party shows up in jeans and another shows up in a suit should not make a difference.



Avoiding Bias

- Don't let a party's gender or race influence your beliefs about the case, the evidence, their credibility, or the appropriate sanction. Those things only matter as an element of discrimination. A party's account should not be more or less believed because of their race, gender, religion, etc.
- Focus on what the evidence (including the parties' and witnesses' statements) tells you, not what you believe should happen in a situation like this or what you know to have occurred in other similar situations.



Avoiding Bias

- Ask yourself (both individually and as a panel):
 - Have I reached this conclusion, decision, or sanction based on the evidence, or based on something else?
 - Would I have come to this same conclusion if the Claimant or Respondent were a different race or gender?



Avoiding Bias

- Am I making this decision because of bias towards the Claimant or the Respondent, or because of Claimants or Respondents in general?

If there is a concern that your decision is based on something other than the evidence, go back to the evidence and look again.

Conflict and Bias Check

- Before you are empaneled, you will be asked:
 - *At this stage, could you please identify whether you have either personal or professional ties to the Respondent, or personal or professional ties to the Claimant, that could affect your ability to participate in the hearing process with objectivity.*
 - *Could you please confirm that you will be able to disregard each party's status as Claimant or Respondent, and that you will render impartial judgment based on the evidence presented to you.*



Conflict and Bias Check

- If your answer to the first question is yes, and/or your answer to the second question is no, you should be honest about that and admit that you cannot serve impartially.



Thank You!

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

Executive Director

Alison Adams-Perlac, alison.adams-perlac@usu.edu

Title IX Coordinator

Hilary Renshaw, hilary.renshaw@usu.edu

Case Coordinator

Kimiko Smith, kimiko.smith@usu.edu

Senior Equity Investigators

Jeris Kendall, jeris.kendall@usu.edu

Steven Rammell, steve.rammell@usu.edu

Senior Prevention Specialist

Emmalee Fishburn, emmalee.fishburn@usu.edu

Prevention Specialists

Jodie Goodman, jodie.goodman@usu.edu

Tanisha Barker, tanisha.barker@usu.edu

Katie Freeman, katie.freeman@usu.edu

Supportive Measures Specialist

Rachel Bernardo, rachel.bernardo@usu.edu

Data Analyst

Raj Dwarapureddi, raj.dwarapureddi@usu.edu

Staff Assistant

Carolyn Baker, carolyn.baker@usu.edu

equity.usu.edu

sexualrespect.usu.edu

