

**Office of Equity**  
**University-Appointed Process**  
**Advisor Training**

**May 24-25, 2021**

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



# Learning Objective

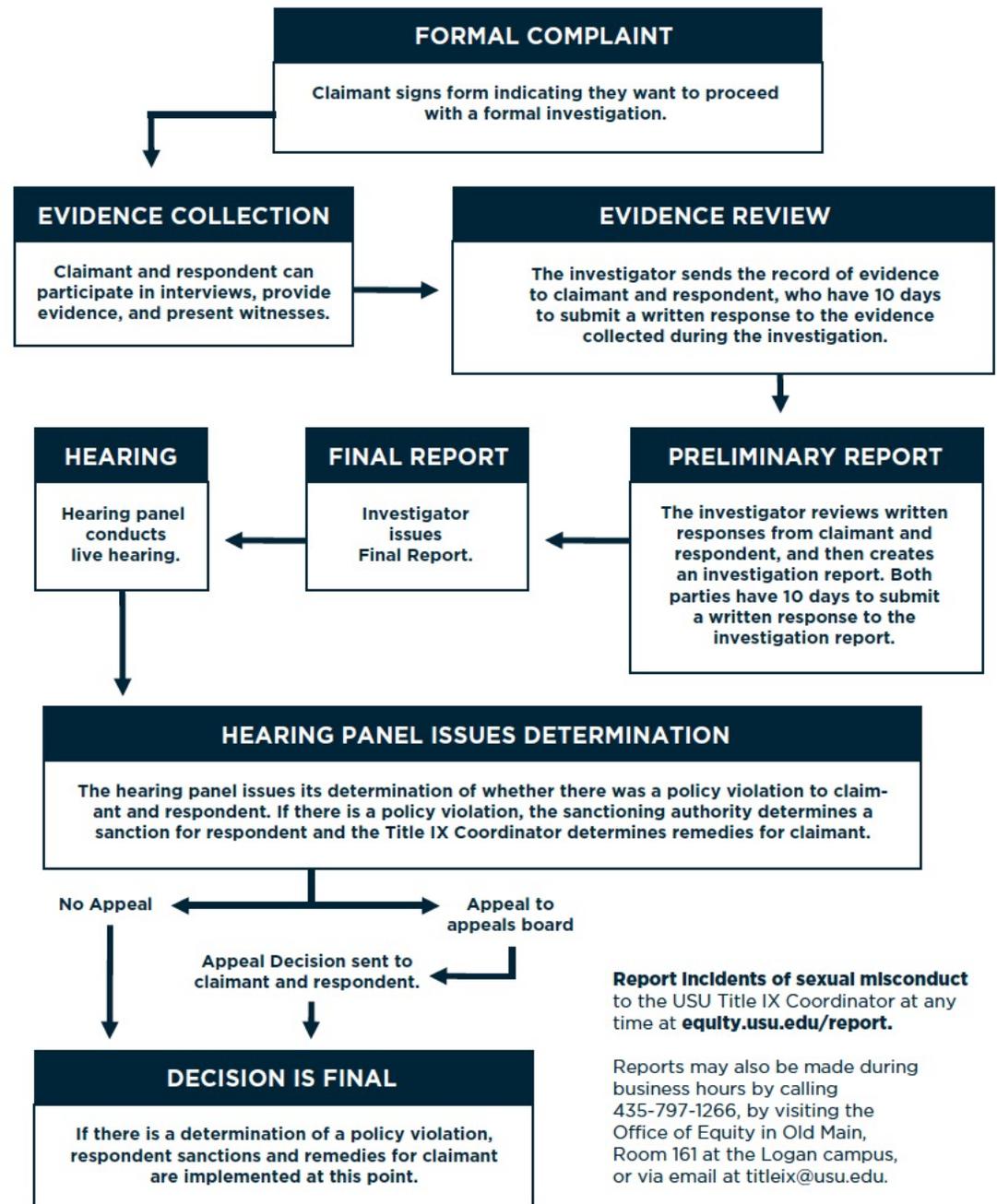
- Understand the university-appointed process advisor's role and responsibilities as they relate to the formal investigation process for USU interim policies and procedures  
339/339A/339B



# 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](http://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](mailto:titleix@usu.edu).

# Parties Right to a Process Advisor

- Both parties 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
- Who can serve as a process advisor?

# Appointment as a Process Advisor

- 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.

# Appointment as a Process Advisor

- The Hearing Officer appoints process advisors and must address known or reported conflicts of interest/bias involving a process advisor.
- Each party may also raise concerns regarding perceived conflicts of interest and bias.
- Let the Hearing Officer know immediately if you believe there is a conflict of interest or self-identified bias.

# Reporting Requirements

- When appointed by the University AND acting in their role as a process advisor, a process advisor is not a reporting employee and is not required to report sexual misconduct they learn about in that role unless there is an immediate threat.
- However, they are required to connect their advisee with resources and information about the Office of Equity.

# Confidential but Not Privileged

Information shared with you as a process advisor by your advisee should be kept **confidential**, but it is **not privileged**.

# Scope of the Role

- Direct the party to appropriate sources of information in response to questions posed by the party
- Encourage the party to speak for themselves
- Answer questions the party has about policy and procedures



# Scope of the Role

- At the hearing, and if requested by the party, read an opening and/or closing statement at the hearing (that is written by the party)
- At the hearing, engage in cross-examination on behalf of the party based on questions received from them
- Remind the party about resources throughout the process

# Limits of the Role

## A process advisor should NOT:

- Provide legal advice.
- Develop a narrative, story, or statement for the party.
- Advocate for or against responsibility of a policy violation.
- Provide predictions or assessments of the matter.
- Make decisions for the party (e.g. whether they should participate in the hearing). Instead, tell the party you are there to provide information about the process but are not there to make decisions for them or on their behalf.

# Limits of the Role

## A process advisor should NOT:

- Elicit information about the case. You are not there to investigate the case or determine if the allegations occurred. Instead, focus on educating the individual concerning the process.
- Provide answers that may not be accurate. If you are unsure how to answer a question a party asks you, please reach out to the Office of Equity or the Office of Legal Affairs. You can ask a party to write their questions down and provide responses in writing.



# 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

### 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](http://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**  
[ggjewellness.usu.edu](http://ggjewellness.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](http://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](http://dps.usu.edu)

Reporting Resource

# Preparation to Serve in Role

- Review Policy and Procedures 339/339A/339B, particularly as they relate to the hearing and sanction process
- Read the final investigation report in the Box record folder that was shared with you electronically



# Meeting with the Party

- Meet with the party at least a few days prior to the hearing.
- Establish a communication method to use during the hearing, particularly if the hearing is remote: Teams, Text, Skype. The chat feature in Zoom will not be available. Parties and university-appointed process advisors do not have to share their cell phone numbers or other personal information, use whatever communication method is best for you.



# Preparing for the Hearing



# 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 questions Witness 1
- Respondent questions Witness 1
- Additional witnesses questioned as listed above
- Claimant Closing Statement (if time)
- Respondent Closing Statement (if time)



# Preparing for the Hearing

You will help the party plan and prepare for:

- Opening Statement
- Cross-Examination
- Closing Statement



# Opening Statements

- The claimant and respondent have the option to provide an opening statement.
- The party should decide whether they will give an opening statement, or if you will give it on their behalf.

# Opening Statements

- If the process advisor gives the opening statement, the party should provide a written statement for the process advisor to read.
- The opening statement should outline relevant information about the allegations including where it is located in the Record.

# Hearing Panel Questions

First, the hearing panel will ask questions of claimant. 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.
- The parties can then call witnesses. The hearing panel and both parties process advisors can ask questions of each witness.
- 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 addressed to the Hearing Panel for 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

You can provide the following information to help the party prepare for cross-examination:

- Review the definition of the particular type of sexual misconduct alleged.
- Consider facts in the box record folder that would support their 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.

# 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 from an adverse party, the panel may not rely on any statement of that party and/or witnesses (including any statement within the final investigation report and/or Record) in reaching a determination regarding responsibility.

# Submitting Questions

The party should submit their questions to the panel via email prior to the hearing. They can also submit questions they think of 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 you 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.
- If the process advisor will be giving the closing statement, the party should write down what they want you to say.

# Reminders for the Hearing



# General Considerations

- During the hearing, all parties should be in a private, quiet setting.
- Test your 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.





**QUESTION**

**ANSWER**

# Thank You!

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

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