

# Process Advisor Training:

## Questioning Skill Building

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# Today's Presentation, Recap, and Questions

- Previous presentation embedded within today's materials
- Your lingering questions?
- Questions from Sarah/Lori:
  - Would it be helpful to have a packet of typical materials used, such as:
    - Investigation report template
    - Letter drafts
    - Hearing outlines
    - Supportive measures
    - Policy/procedures
    - Other items?



## The Process Advisor Role (from past training)

- Requirements for providing Process Advisors under Title IX and/or Clery Act
- Available for both Complainant and Respondent
  - Note: **The complainant or respondent can select anyone to serve in this role**
- Position Responsibilities
  - Accompany complainant and respondent to meetings with investigators, coordinator, and hearing officer/hearing facilitator;
  - Review evidence and investigation reports;
  - **Cross examine the opposing party at the hearing;**
  - Support the party in understanding SNC policy and process
  - Act in the best interest of advisee, but set appropriate boundaries



## Likely Hearing Structure (from past training)

- Opening instructions, introductions
- Opening statements by both parties
- Questioning of the Complainant
  - By the Process Advisor for Complainant
  - By the Process Advisor for Respondent
  - By the Hearing Officer (as needed)
- Questioning of the Respondent
  - By the Process Advisors for Respondent
  - By the Process Advisor for Complainant
  - By the Hearing Officer (as needed)
- Questioning of any Witnesses
  - By the Process Advisor for Complainant and Respondent
  - By the Hearing Officer (as needed)
- Closing statements by both parties
- Closing



## Questioning at Hearings (from past training)

- At the hearing, process advisors *must be allowed* to cross-examine the other party and all witnesses.
  - The complainant and respondent **MUST** have an advisor present at the hearing.
- Only relevant examination/cross-examination and other questions may be asked of a party or witness.
  - Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- Frame questions in ways that allow for the most useful answers and presentation of the investigation materials.
- [Evidence Admissibility and Standard of Proof](#)



# Questioning and Cross Examination

- At all points in time - show respect to everyone involved.
- Ask direct questions; avoid multi-part or confusing questions.
- Remain seated while questioning.
- Pause after you ask a question, to allow the Hearing Officer to determine the relevance of your question.
- Ask the Hearing Officer to rule on a question if you are concerned about what is being asked.
- Be supportive of your advisee while they are being questioned.
- If you think your advisee needs the question clarified or repeated, ask!



## Questioning and Cross Examination, cont.

- Prep your advisee that it may be helpful to pause before answering, pose the question again to themselves in their head, make sure they understand what is being asked, compose their thoughts in response, and then answer.
- If your advisee wants to pause to discuss a question or answer with you, they can do so, and you can also make a request to pause or confer before they answer.
- Additional tips, per ATIXA's advisor training:
  - Don't try intimidation tactics. They will likely backfire.
  - Do not try to be too tricky, either, for the same reasons.



## Q & A and Tips from the Judges

- Helpful guidance from our resident experts, Judge Mark Warpinski and Judge Marc Hammer!





## Cross Examination - Question Development

Sophia was taking a science class with Tim. They often flirted with one another, and Tim asked Sophia to go on a date with him one evening. They went to dinner together off campus, and then came back to Tim's room to spend time with one another. They watched a movie and briefly cuddled, and Sophia decided to return back to her residence hall room around 10:00 PM. They left the residence hall together, holding hands, and walking toward Sophia's residence hall.

While Tim was walking Sophia home, she started to act in a sexual manner. She kept grabbing Tim's hands and placing them on her breasts and sticking her hands on his groin. Tim asked Sophia to stop, and she did for a short time, but then would continue to touch him (or try to force him to touch her). When they got back to her residence hall, Sophia asked Tim to kiss her. Tim declined, saying that he knew it was against campus policy to remove his mask. Sophia then forcefully removed his mask and gave him a kiss while also touching his buttocks.

Tim lightly pushed Sophia away and returned to his residence hall. He felt uneasy about what took place and started experiencing nightmares about escalated encounters.

**Practice formulating cross-examination questions you might ask as a Process Advisor for the COMPLAINANT.**



## Cross Examination - Question Development

Matt and Susie are newly dating. Susie is the star of the college's swim team. Matt is proud to be dating Susie, and brags to all of his friends about Susie's skills. One night Matt secretly video tapes Susie having sex with him. At the time, Susie says she is completely unaware of the taping.

Matt shares the video via Snapchat with many of his friends. The video quickly makes its way around campus. Susie's friend shows the video to her, and Susie reports the incident to the Title IX Coordinator.

**Practice formulating cross-examination questions you might ask as a Process Advisor for the RESPONDENT.**



## Cross Examination - Question Development

The Women in Business organization has received state-wide accolades for their work, and is attending the national competition. Professor Jones is the faculty advisor for the organization and has served in this role for 10 years. Professor Jones is well-respected by the college community.

Taylor joined the organization this year, and immediately became one of the stars of the competition team. Taylor is gender non-conforming. Professor Jones, seeing the potential in Taylor, provides extra coaching to Taylor. They develop a special bond, and it did not seem odd to Taylor when Professor Jones invited Taylor to her hotel room at the national competition.

In the room, Professor Jones strokes Taylor's leg, and tells Taylor that she has never felt this way about a student before. Professor Jones shares that she is very attracted to Taylor. Professor Jones takes her shirt off, and forces herself onto Taylor despite Taylor's demands to stop.

**Practice formulating cross-examination questions you might ask as a Process Advisor for the RESPONDENT or COMPLAINANT.**



# Questions?

- Additional learning opportunities
  - Online resources
    - [Process Advisor Training: ATIXA](#)
    - [snc.edu/titleix](https://snc.edu/titleix) (for policy, procedure, and other documents)

**Thank you!**

