

Title IX Advisor Training

August 2020

POLICY STATEMENT:

Western Nebraska Community College is committed to providing an environment free from discrimination on the basis of sex and provides resources and services to assist students, faculty and staff in addressing issues involving sex discrimination. The College strictly prohibits any form of sexual harassment, which includes sexual harassment, sexual assault, dating violence, domestic violence, stalking, and retaliation (also referred to herein collectively as Prohibited Conduct). All reported incidents will be thoroughly investigated and those found responsible dealt with as necessary, whether criminally charged or handled through the College's Sexual Harassment Grievance and Investigation Procedure. Consistent with state and federal laws, this policy prohibits retaliation against a person for reporting discrimination and sexual harassment; or participating in the investigation or adjudication of such a complaint.

Parties:

- **Complainant** - means an individual who is alleged to be the victim of conduct that could constitute sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- **Respondent** - means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

Advisor means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

Steps to become an Advisor

1. Review Board Policy BP-721 Sexual Harassment (Regulatory Policy Standards)
2. Review the WNCC Sexual Harassment Grievance and Investigation Procedure.
3. Review the process flow charts.
4. Ask any questions you may have and communicate with the Title IX Coordinator, Kathy Ault, if any issues or questions arise.
5. Agree to attend future trainings as requested.

Other things to consider

- Availability
- FERPA and confidentiality
 - Mandatory Dismissal
- Live hearing and cross examination
- **Relevance** - The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

Other things to consider

- **Refusal to submit to cross-examination** - If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.
 - Appeals

Questions