

Question Submission for SSM Training

Submitted by:

08/3/2023 6:02 pm

1. Evidence, credibility, and standard of proof

How does standard of proof evince credibility?

2. Investigations, hearing, and decorum

Are students provided the bylaws of a hearing decorum?

3. Questioning

When international students are involved, do they lose their visa status when considered culpable?

4. Deliberation and Statement of Fact

Is statement of fact founded on corroborated evidence that does not necessarily rely on hearsay?

5. Sanctioning

Is it pretty common to have several violations all at once?

6. Readings

It wasn't clear on the Doe hearing that he won the \$1983 reparations request.

Question Submission for SSM Training

Submitted by:

08/9/2023 10:44 am

1. Evidence, credibility, and standard of proof

When are expert witnesses allowed? Is hearsay allowed?

2. Investigations, hearing, and decorum

Is the committee allowed to ask questions in a Title IX case? Can we discuss the exclusionary rule? The clarification is confusing. Can I use my work laptop to keep a list of questions/notes after reviewing materials from the investigation as long as they're deleted at the conclusion of the hearing?

3. Questioning

What are recognition prompts?

4. Deliberation and Statement of Fact

What if consensus is not reached?

5. Sanctioning

When is Dismissal in Abeyance appropriate?

6. Readings

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Question Submission for SSM Training

Submitted by:

08/10/2023 2:26 pm

1. Evidence, credibility, and standard of proof

I don't really have one

2. Investigations, hearing, and decorum

If a late submission is allowed, does the hearing stop at that point so all parties can review?

3. Questioning

I don't really have one

4. Deliberation and Statement of Fact

I don't really have one

5. Sanctioning

Formal Sanction options state through graduation, is this undergrad? What if they continue onto grad school at UIUC?

6. Readings

I don't really have one

Question Submission for SSM Training

Submitted by:

08/11/2023 10:12 am

1. Evidence, credibility, and standard of proof

No questions

2. Investigations, hearing, and decorum

No questions

3. Questioning

1. Are "why" questions ever NOT appropriate (outside of contexts where they would already be inappropriate, like leading or multiple choice, etc.)? 2. Could you please review "recognition prompts" during live training? I don't think I caught that in the video (it was on the slide), and i reviewed it several times. 3. Do Parties ever ask questions of the panel, such as "why is that relevant?", and how would we need to answer? I could see a panel member asking a totally relevant question that might hit a sore spot and a Party not wanting to answer it.

4. Deliberation and Statement of Fact

No questions

5. Sanctioning

No questions

6. Readings

1. Re the OSU case, does the Party trying to use an expert witness have to demonstrate why their testimony is relevant before they can use them, and if so, who is in charge of approving them?

Question Submission for SSM Training

Submitted by:

08/12/2023 4:32 pm

1. Evidence, credibility, and standard of proof

Can you talk more about whether submissions of "sworn affidavits" are accepted as evidence? And why/not? How are we (OSCR) educating respondents around the acceptability of types of evidence and the evidence submission timeline? (We discussed this a quite a bit in relation to the most recent business meeting for SCSD but revisiting with the larger group and new members seems like a good plan). Sometimes it is difficult to discern whether "evidence" is relevant. Can you talk a little more about tactics members can use to sift through evidence packets and determine relevance? I'm specifically thinking of some recent 90+ page evidence packets that had a lot of spurious content.

2. Investigations, hearing, and decorum

Can we revisit our plans for directing students to speak for themselves and not have their advisor speak for them? And our plans for addressing the use of lawyers in hearings as advisors?

3. Questioning

What might be some examples of inappropriate decorum for subcommittee members (particularly student members) as it relates to interacting with or questioning a responded and/or their advisor? What tactics can students (and members in general) use to avoid "taking the bait" with particularly contentious hearing participants?

4. Deliberation and Statement of Fact

Why do we not record the deliberation phase for internal purposes?

5. Sanctioning

No specific questions.

6. Readings

No specific questions.

Question Submission for SSM Training

Submitted by:

08/14/2023 11:05 am

1. Evidence, credibility, and standard of proof

Are there any planned changes to the preponderance of evidence standard that we should be aware of?

2. Investigations, hearing, and decorum

Starting Fall 2023, all approved study abroad programs will count as being in residence. Does this change Title IX policy?

3. Questioning

No questions.

4. Deliberation and Statement of Fact

Is the statement of fact written or typed and then given to the respondent at the end of the hearing?

5. Sanctioning

Are there specific time ranges for dismissal that we can only consider, or is that time period determined by the committee?

6. Readings

No questions.

Question Submission for SSM Training

Submitted by:

08/16/2023 10:18 pm

1. Evidence, credibility, and standard of proof

Regarding the preponderance exercise on a night at Kams, the trespassing charge might not be fully supported by the evidence presented. It was mentioned that if knowledge on the structure of Kams was known it might help better understand if the action was actually plausible. In a hearing, if something similar occurs where information on the environment helps but is lacking, what is the best option and will additional information be provided? And, if several kinds of evidence are presented but appear contradictory, how do we determine if and which one (format of evidence) possesses the most "truth", or is considered more authoritative?

2. Investigations, hearing, and decorum

The disciplinary history is not used for making decisions. What about relevant disciplinary history that may provide specific insight on a person's behavior or inclination of behaviors? How do we balance focusing specifically on case-specific evidence and responsibility with overall history (e.g., repetitive behaviors) that may present as aggravating factors?

3. Questioning

When asking questions, where are some things the questioner should look out for? When hearing and reviewing answers, are there any red flags?

4. Deliberation and Statement of Fact

Should a final determination occur first followed by gathering of evidence and facts supporting this determination, or from facts we derive a final decision? Is there a(n) (absolute?) most appropriate way/flow that maximizes impartiality and decreases the possibility of fitting evidence/statements to determination?

5. Sanctioning

How to handle character statements most appropriately? Does changing sanctions based on character statements challenge the soundness of the decision? During hearings, committee members are reviewing evidence and materials specific to this case and only consider those relevant to this case; therefore, can, or should, a person's behavior or the sanction that we determine as a result of this behavior be effectively influenced by their "usual" behaviors on others accounts?

6. Readings

In the case review file, what was, if there was, the problem of the hearing member asking John Doe the reason that Jane Roe would make this up? In general, how does capturing a lie affect the

interpretation of that party's overall credibility? When under the influence of alcohol and consent cannot be legally recognized as given, how are memories retrieved from the same state treated?

Question Submission for SSM Training

Submitted by:

08/17/2023 12:14 pm

1. Evidence, credibility, and standard of proof

When evaluating evidence, credibility, and the standard of proof, how do you maintain the integrity of objectivity when writing the narrative? What role do biases play in assessing the content and corroboration if witnesses may appear questionable? What could possibly deem them questionable outside of hard facts they attest to being privy to...similar to believing their input is rehearsed? Investigations, Hearings, and Decorum When conducting investigations or hearings, are considerations given to students who may be receiving services via DRES or who have documented accommodations (anxiety, bi-polar, depression, etc.)? What impact does/will those services/accommodations play in the investigative process?

2. Investigations, hearing, and decorum

When conducting investigations or hearings, are considerations given to students who may be receiving services via DRES or who have documented accommodations (anxiety, bi-polar, depression, etc.)? What impact does/will those services/accommodations play in the investigative process?

3. Questioning

How much allowance is given when questioning and responses don't align with interviews vs reports when the level of trauma may be high for that particular situation? You talked about the appropriateness of the 10-20 second moments of silence; however, when there is rambling during the questioning period, how do you shift the focus to make the interviewee still feel heard and open to sharing? Some people may ramble as a processing mechanism...how much consideration is given to that thought process?

4. Deliberation and Statement of Fact

None at this time

5. Sanctioning

After the seven-year Conduct Probation, does that information/reprimand automatically clear from their academic record or will the individual need to submit a formal request in writing? If the notice of Conduct Probation to the student's College and they take separate action, is that allowed in terms of receiving a double reprimand with a situation that has formally been resolved by OSCR? Are the additional educational sanctions/restrictions only set/managed by OSCR or will the student's College set any upon their return? If students are allowed to continue enrollment/attend courses/be awarded their degree, what does that look like if there are any Protection or Trespass Orders?

Would there ever be a situation where in person classes would move to Zoom to accommodate the student?

6. Readings

AMNESIA IMPACTING MEMORY This answered some of my questions; however, I would still like to discuss learning disabilities and special accommodations related to individuals who report. DOE vs OHIO Why, initially, were the text messages, witness accounts, and no prior history of disciplinary action considered by the school with reviewing the case? Why were the professors not consulted, initially, to attest to her state of mind/actions during the period of failure (studies); consequences of the failure (studies); period of time between academic concerns and finally reporting?

Question Submission for SSM Training

Submitted by:

08/17/2023 2:37 pm

1. Evidence, credibility, and standard of proof

When evidence sounds sketchy or the student seems to be lying, how do you get to the truth?

2. Investigations, hearing, and decorum

Can the accused student cross-examine the other student during a hearing? If something happens with two students at a study abroad experience, does the university become involved since they are out of the US?

3. Questioning

Is there a certain order the panel has to go in during questioning?

4. Deliberation and Statement of Fact

How much detail is needed about the student code violations in the statement of fact?

5. Sanctioning

How is educational sanctioning decided? By one person or the whole panel?

6. Readings

Why was the information about Jane Roe being given multiple chances to pass her classes not a part of the evidence given in the hearing? An expert witness was going to state that Jane Roe would be able to still make appropriate decisions with the amount of alcohol she consumed that night. Could the amount of drinks consumed have been wrong?

Question Submission for SSM Training

Submitted by:

08/17/2023 4:24 pm

1. Evidence, credibility, and standard of proof

- is lying to the panel as a witness considered a violation of the Student Code? - does the SCSD generally consider an extended stretch of time between incident and testimony alone to be sufficient to doubt the veracity of the testimony?

2. Investigations, hearing, and decorum

- if an advisor is initially present for a Hearing, but is removed for repeated belligerence, can the meeting continue, such as with a University-Provided Hearing Advisor? - is expert witness testimony rejected solely if it lacks sufficient relevance to the ongoing incident?

3. Questioning

- are SCSD members provided any further instruction on how to best phrase questions regarding sensitive subjects, such as sexual misconduct, for optimal outcomes?

4. Deliberation and Statement of Fact

- does the SCSD engage any specific measures during deliberation to prevent instances of groupthink, such as designating a specific "devil's advocate"? - should actual codes for specific sections of the Student Code that have been violated be included in a Statement of Fact, or is explanation of said sections sufficient (ex. "sexual assault" vs "sexual assault as per section 302.b.1")

5. Sanctioning

- do University Reprimand and University Censure differ in any way aside from the length that they remain on the disciplinary record? - is there an equivalent of the Sanctioning Guide for Education and Behavioral Sanctions, to provide examples of their typical application? - would intentional failure to appear before the panel be considered to fall under sections 11b or 11d of Sanctioning Guidance for sanctioning purposes?

6. Readings

- does the SCSD provide anti-assimilation strategies to those who have reported experiencing sexual misconduct, in order to improve recall and reduce amnesia relevant to statements, in line with the research conducted by Mechanic et al.? - does 302.o.2, "knowing falsification, distortion, or misrepresentation of information before a disciplinary body", have an established penalty norm or does it solely exist as an aggravating factor? I could not find an independent penalty in the Sanctioning Guidance, such as for when it is performed by a witness

Question Submission for SSM Training

Submitted by:

08/17/2023 7:11 pm

1. Evidence, credibility, and standard of proof

what are the best practices for gauging The credibility of evidence provided?

2. Investigations, hearing, and decorum

what does a typical look through of material provided look like?

3. Questioning

How should we be generating questions?

4. Deliberation and Statement of Fact

Is this only done with the committee and the advisers?

5. Sanctioning

Dose a hearing always end with a sanction.

6. Readings

When looking at Doe v. Ohio State Univ is this a typical case or something more advanced then what we will see.

Question Submission for SSM Training

Submitted by:

08/17/2023 8:58 pm

1. Evidence, credibility, and standard of proof

Are we able to request types of evidence be provided such as the layout of an apartment, building, or testimony by an expert?

2. Investigations, hearing, and decorum

What are the requirements, if any, to be an advisor? Are the hearings in person or online over zoom? if they are online, will they be moving to in person meetings any time soon? can we ask the chair about decorum or general questions if we are confused about some aspect of the hearing or investigative process?

3. Questioning

What are some ways to sift through seemingly relevant and meaningful information to find what is actually necessary to ask a question about? what are some techniques to refocus the conversation or questioning if a person gets off track?

4. Deliberation and Statement of Fact

How long do deliberations typically last?

5. Sanctioning

during training can you give a more comprehensive guideline about what sanction can be used where and what those sanctions mean for the student?

6. Readings

How does the OSCR interact with other university or university-affiliated organizations such as campus PD, McKinley Health Center, and businesses located near campus?

Question Submission for SSM Training

Submitted by:

08/18/2023 1:02 am

1. Evidence, credibility, and standard of proof

If a student claims text messages are doctored, like the example in the video, but the other party claims they are real, how would the committee go about finding the truth? Is it opinion based?

2. Investigations, hearing, and decorum

After 1st deliberation, what happens if we come up with more questions after discussing it all together?

3. Questioning

Is it okay to use an iPad for questions/notes if it's all deleted once the hearing is over? What can you infer, if anything, from someone refusing to answer a question?

4. Deliberation and Statement of Fact

What happens if during questions we find they have violated other codes - does that require a new hearing or can we add those violations after deliberating? Or do you figure this out during deliberation?

5. Sanctioning

Can you suspend someone with certain rules? Like if they get arrested or don't complete counseling agreed upon during suspension they get completely dismissed? Or would this be considered Dismissal in Abeyance?

6. Readings

Are respondents/complainants required to read these too? Is it apart of our responsibility to inform them of things if they don't? Can anyone listed in the reading ask questions, or do they give questions to the Chair and then they ask the questions?

Question Submission for SSM Training

Submitted by:

08/18/2023 1:54 am

1. Evidence, credibility, and standard of proof

With recordings in terms of the categories of evidence, do we consider if the audio or video recordings were taken with the consent of all parties involved? For example, let's say a complainant hides their phone in their pocket and takes a potentially incriminating audio recording of the respondent, which I imagine happens fairly often. Would evidence of this type be valid and credible for consideration?

2. Investigations, hearing, and decorum

Could we potentially clarify and review the change to Title IX noted on the canvas page before the video began? Would something like DNA/rape kit testing fall under expert witness testimony? What are some other/common examples of an expert witness? How long on average are the investigative reports? Are there sections we should prioritize or be most familiar with if given, say, that 300 page report from the video? What is a good indicator that we are well prepared? Where/to whom should we submit handwritten notes to be discarded? If hearings are still completely on zoom, where do our handwritten notes go?

3. Questioning

May we interject if an interviewee is giving a long answer and you'd like them to clarify something in their narrative? If so, what would be a pleasant/gentle way to do so? May we reference the investigative report if there is a contradiction in their answer?

4. Deliberation and Statement of Fact

How long do we typically have to write the statement of fact?

5. Sanctioning

Is a do not contact order considered a sanction and is that something within our scope, or is that to be determined by the parties? Reading through the sanctioning document, are the sections on marijuana updated in terms of possession/use of cannabis and/or cannabis paraphernalia?

6. Readings

In the discussion section of the article, it stated that there is a difference in memory compartmentalization and a disparity between sexual violence that was inflicted by a partner vs. that inflicted by a stranger. It seemed to imply that victims were better able to recall sexual abuse inflicted by a stranger on account of it being taken more seriously by authority figures, and they are more rehearsed in answering questions. How might we consider this and be more delicate when dealing with cases of rape that occurred between two partners? How do we avoid, when

questioning, appearing like we are downplaying these cases? Could asking about their prior relationship come off the wrong way, especially if they are already having trouble recalling the details?

Question Submission for SSM Training

Submitted by:

08/18/2023 5:15 pm

1. Evidence, credibility, and standard of proof

Is there any form of evidence that is inadmissible to a hearing?

2. Investigations, hearing, and decorum

How can a hearing chair determine when to exclude a participant? this could be oppressive if participant is the respondent.

3. Questioning

When is it appropriate for a question to solicit hearsay?

4. Deliberation and Statement of Fact

Should statements of fact be short?

5. Sanctioning

What is the most aggravated sanction available?

6. Readings

How should the hearing chair have handled the Roe/Doe situation (Doe V OSU)? In particular, Doe did not know that Roe had been offered admission based on Roe's assertion, but some administrators did know.