



ADVISOR & HEARING PANELIST TRAINING

New Rules, New Policy, New Procedures

Scope of SIU's Policy and Procedure

- Interim Policy – (expected) applies to events from August 14, 2020, until August 1, 2024.
- The applicable federal regulations require LIVE hearings for that policy (not for prior nor subsequent policy).
- Sexual Harassment, Sexual Assault, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking, and Retaliation ONLY
 - *But you can be an “advisor” for any case if asked and you want to be*
 - *OEC will ask for hearing officers, you can decline if you want*
- Applies to EVERYONE
 - *Student Conduct Code*
- Old policy and procedures for events prior to August 14, 2020.
- There will be a new policy in place expected as of August 1, 2024, for events that happen August 1, 2024, or after.
- Presumption of NON-Responsibility

When Does the Policy Apply

- Formal Complaint
- Process A and B
- Process A
 - *Educational Program/Activity: SIU has control over both Respondent and Context of Conduct*
 - *In US*
- Process B
 - *Extended Jurisdiction: Control of Respondent*
 - *Deprive C of access*
 - *Substantial University Interest*

Who is Involved

- Complainant
- Respondent
- Investigator
- Title IX Coordinator
- Hearing Chair
- Hearing Panel
- Advisor
- Confidential Advisor*
- Appeals Officer
- TAT – Threat Assessment Team

Definitions

- Advisor
 - *Person chosen by a party or appointed by SIU to accompany party to meetings related to resolution process, to advise party, and to pose questions for witnesses, parties, and others, at hearings*
- Complainant
 - *Person who is the actual victim*
- Respondent
 - *Person who is accused*

Definitions

- Dating Violence
 - *Violence, on the basis of sex, committed by a person who has been in a romantic or intimate relationship with complainant*
- Domestic Violence
 - *Violence, on the basis of sex*
 - Current/Former Spouse or Partner
 - Share a child
 - Cohabitated with as a spouse or partner
 - Anyone protected under Illinois law
 - NOT ROOMMATES (Anymore)

Definitions

- Educational Program or activity
 - *SIU has control over respondent and context of the conduct*
- Finding
 - *Decision of the Panel*
 - Panel: Hearing Officers, One Chair and two others
- Sanction
 - *Punishment given by Panel*
- Stalking
 - *Course of conduct, 2 or more independent actions...threatens, endangers...health, safety, emotional welfare, academics, employment*

Definitions

- Consent
 - *Voluntary, Knowing, Not Incapacitated*
 - *Incapacitated in not intoxicated*
 - *For Hearing Panel: Be consistent in definition, Be impartial and look at the facts, know the policy*
- Formal Grievance Process
 - *Signed Compliant, Investigation, Hearing*
- Preponderance of the Evidence
 - *More Likely True than Not True*

Consent

- Consent means a clear, affirmative, unambiguous and freely given agreement to engage in a specific sexual activity. Consent is demonstrated verbally or through actions that clearly indicate a willingness to engage in the specific sexual activity. Lack of verbal or physical resistance does not constitute consent. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person, and consent for a specific activity does not imply consent for any other activity. Use of alcohol, drugs, or other intoxicants does not diminish one's responsibility to obtain consent.
- Consent must be knowing and voluntary. To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of his/her actions. Consent cannot be given by an individual who is mentally or physically incapacitated through the effect of drugs, alcohol or other intoxicants or for any other reason. Consent cannot be given when it is coerced, forced, or obtained by use of duress, fear, threats, or violence. Consent is not implied by the existence of a prior or current relationship or participation in prior sexual activity. A person's manner of dress does not constitute consent. Consent to engage in sexual activity may be withdrawn at any time and is automatically withdrawn by a person who is no longer capable of giving consent.

Definitions

- Supportive Measures*
- Remedies
 - *Supportive Measures ordered by Panel*
- Retaliation
 - *Any act of reprisal, related to reporting, participating in, or NOT participating in a complaint of a violation on the policy*
- Sexual Assault (includes attempts)
 - *Forced, Non-Consensual*
 - Rape (penetration, no matter how slight...vagina, anus with any body part or object, or oral penetration of a sex organ)
 - Sodomy (oral or anal intercourse...)
 - Sexual Assault with an Object
 - Fondling (touching of PRIVATE body parts...buttocks, groin, breasts...for sexual gratification)
 - Also non-forced Incest or statutory rape

Definitions

- Sexual Harassment
 - *Educational*
 - *Quid Pro Quo*
 - Severe, Pervasive, AND Objectively Offensive (this is changing for the next policy!)
 - *Denies equal educational access*
 - *Employment*
 - *Based on Title VII*
 - *Quid Pro Quo*
 - *When used as a basis for employment decisions*
 - *Hostile Environment*
- Sexual Misconduct
 - *Act of a sexual nature that disrupts or negatively impacts the educational mission*

SPOO: If it's SPOO Discriminatory Effect is a given

- Severe
 - *Verbal (lower level)*
 - *Touching, Force, Privacy Invasion, Violence/Threat of, Age, Explicit, Power Difference*
- Pervasive
 - *Conduct or Effects of Conduct*
 - *Totality, Facts specific, Frequency, Can C remove self, Damage, Openly practices, Denies access, Persistent, Changes terms/conditions*
- AND
- Objectively Offensive
 - *Unwelcome, Reasonable Person, Similarly Situated, Community Standard*

Definitions

- Title IX Coordinator
 - *Oversees TIX policies and procedures*
 - *Nick Wortman*

Incapacitation

- What does it look like
 - *Slurred speech*
 - *Falling*
 - *Blacking out*
 - *Throwing Up*
 - *Trouble walking*
 - *Weird Behavior*
 - *Both parties*
 - *Did R give C alcohol*

3 Questions

- Force
 - *Could include threats, coercion*
- Incapacitation
 - *Known or reasonably should have known*
 - *Can victim make decisions based on their mental/physical state*
 - *Blackouts*
- Clear words or actions = Consent
 - *Silence = Not Consent, unless actions prove otherwise*
 - *Can be withdrawn*
 - *For every act*
 - *At the time of the act*

Confidential Advisor

Rose Robinson-Berkman

- Required under state law
- For students only
 - *Staff must be offered supportive measures too*
 - *Usually through OEC*
- Professional Trained to provide support to survivors of sexual misconduct and GBV
- Duties
 - *Inform victim of reporting options*
 - *Inform victim of OPs and NCOs*
 - *Confidential Support*
 - *Secure supportive measures*
 - *Assist in making reports*
 - *Medical Advocacy*

Types of Supportive Measures Cannot Be Disciplinary or Punitive

- Housing
- Work
- Academic
- Dining
- Referrals
- Safety Planning
- Setting up appointments with other offices

Identifying a Person in Need

- Alienated
- Mental Health Concerns
- New or Sudden Changes in Behavior
- New or Sudden Difficulties in School/Work
- New health problems
- What to do?
 - *Saluki Cares Report*
 - *SAFE Report?*

Resources

- Know your resources
 - *Other Confidential Resources*
 - Health Services and CAPS (Do not report anything to OEC)
 - Survivor Empowerment Center
 - *Ops*
 - *Other*
 - Victim Advocates at Police Departments

Things to Know

- CA will reach out to student to offer Assistance (as will OEC)
- They are Confidential (but now have to report Supportive Measures to TIXC)
- No costs associated with the CA office
- Victims can change their minds
- Schedule an appointment
 - 453-4429
 - *Walk-Ins*
 - *Saluki Health Portal*

Mandated Reporters

- You are still a mandated reporter
 - *You do not need to report if you are asked to be an advisor, as it will have been already reported*
 - *What if, as an advisor, you are given information that may not be known to others?*
 - May have to drop out, if you know they are going to lie
 - *You do NOT have privilege*
- safe.siu.edu
- Not mandated to make a complaint
 - *You are mandate to make a REPORT*

Criminal, Civil, University Proceedings

- Criminal: Law Enforcement is Involved
- Civil: Lawsuit
- University: Procedures
- OEC obtains information about cases with SIU DPS.
 - *Law Enforcement Agencies have more avenues to find information*
 - Search warrants

DPS (Local Law Enforcement)

Ben Newman

- Criminal
 - *Arrest if Probable Cause to do so*
 - If not, it goes to State's Attorney
- Explains process to Victim
- Report = Criminal Complaint
 - *Unless Informational*
 - *State's Attorney has ultimate decision making powers*
 - May decide to charge, dismiss charge, change charge
- Criminal Complaint not needed for University Complaint
- DPS will interview, collect evidence, write report
 - *Fingerprints, biological, video, phone, etc.*

DPS, OEC, Other Agencies

- Work together
- Depends on jurisdiction and what the victim wants
- Jurisdiction depends on where something happened
- Copies of reports
- Sharing information

Reporting to DPS

- 453-3771
- 911
- Trueblood Hall Basement

Jurisdiction of OEC

- Program or Activity
- In US
- Accepted Jurisdiction
- Any building owned or controlled by student org
- On-line or in person
- No time limits
 - *But...Can we do anything?*
 - Graduated, left SIU, No witnesses still available, etc.
 - *Only applies to something that took place AFTER August 14, 2020, and before August 1, 2024.*
 - Old policy applies (120 days) if the incident took place before August 14, 2020
 - New Regs are NOT retroactive

Rights under Regs

- Right to present witnesses/be heard
- Right to Due Process/mount defense
- Right to know evidence for/against
- Gather and present evidence/witnesses
- Have an advisor
- Written notice
- Inspect and review evidence and final report
- Right to include “directly related evidence” to hearing, even if investigator left out of report
- Ask, through and advisor, relevant questions at hearing

Due Process

- Legal protections ensuring that no one will be deprived of education or employment without fairness in process
- Substantive
 - *Due process in decision*
 - Impartiality, fair, decision based on fact, etc.
- Procedural
 - *Due process in process*
 - Notice, consistency, allegations provided, etc.

Questions? Break?

Process

- Allegations
 - *Is it Title IX?*
 - *PR, SAFE report, Email, Walk-In*
 - *Emergency Removal = Title IX and TAT= Appealable*
- Confidential Advisor
 - *Will Reach out*
- OEC
 - *Will Reach out*
 - *VAWA Brochure or P/P*
 - *Amnesty*
 - *Advisor*
 - *CA*
- Supportive Measures
 - *OEC*
 - *CA*

Process

- TAT
 - *If needed*
 - *TIXC wants to file a complaint*
 - *Only if C doesn't want to file a complaint*
 - *Health or Safety*
- Assessment
 - *Jurisdiction*
 - *Violation*
- Formal Complaint
 - *After interview (Complainant does not have to speak to us or make a formal complaint)*
 - *OEC writes complaint*
 - *Get info and witnesses*
 - *Signed by C*
 - *R are presumed NOT Responsible*
 - *Until after the panel decides*
 - *Complaints are presumed to have been made in good faith*
 - *False Reports*

Process

- Investigation
- Formal complaint
 - Informal Resolution
 - *At any time in process*
 - *Both parties must agree (voluntary and written)*
 - *Will not go through the formal complaint process if IR is agreed upon by parties and TIXC*
 - *R may accept responsibility*
 - *If agreement is made, no appeal*

Process-Notice of Complaint

- Notice of complaint
 - *Notice that parties may have advisors*
 - *Summary of allegations*
 - *ID of parties*
 - *Policies implicated*
 - *Description of possible sanctions*
 - *Retaliation policy*
 - *Names of Investigators*
 - *Etc.*

Process-Investigation Continued

- Dismissal
 - *Mandatory*
 - Not a violation of policy even if everything is true
 - Conduct did not occur in educational program or activity or there is no control over respondent
 - *Process B?*
 - Not in US
 - *Discretionary*
 - C withdraws complaint
 - R is no longer enrolled or employed (can't come back to SIU)
 - *If only a leave of absence, case will proceed*
 - Circumstances exist that prevent SIU from gathering evidence or going forward

Process-Investigation Continued

- Counterclaims
- Thorough, impartial investigation
 - *All interviews recorded*
- Meet with Respondent
 - *They do not have to meet with OEC*
 - *Info and Witnesses*
- Meet with Witnesses
 - *We can't force witnesses to come speak with us or come to a hearing*
 - *Although...*
- Gather Evidence
 - *Documentation?*
 - *Video?*
- Prompt
- Write statements and send to parties and witnesses

Process Continued

- Investigative Report
- Gather, assess, and synthesize
- Comment Period
 - *Share report with parties electronically, comment*
 - *Finish report and send to TIXC, then to parties (no time limit)*
- Hearing set
 - *Information given*
 - *Can request a different time, at least 5 days prior*
- Pre-Hearing (Maybe)
 - *Determine relevance*
- Hearing
- Finding (7 days)
- Sanctions/Remedies
- Appeal

Advisor Rights

- Advisor must be “eligible and available”
 - *May have to adjust schedule*
 - *We can give a little leeway, just let us know*
- You do not HAVE to be an Advisor
- Conflicts of Interest
- Do not have to be a lawyer and aren't acting as one when you are an advisor

Advisor Rules

- Party can have Advisor for all parts of FGP
 - *They may change Advisors*
 - Must provide notice of change
 - *Must have for Hearing*
 - If they come without one, we will appoint
- Advisor of Choice (see above)
 - *Pool*
- Interviews
 - *Help prepare*
 - *Potted Plant Rule*
- Hearing
- Confidentiality

Advisors

- Must have for Hearing
 - *One will be appointed if party doesn't have one*
- Cross
- Other roles may be limited
- Must follow guidelines
 - *Relevant*
 - *Professional*
- If they won't ask questions, we have to find someone who will
- They can choose anyone
 - *Attorney, mother, etc.*
 - *Panel is authority over the Advisor, make them play by the rules*

Sharing information with Advisor

- OEC must have a written release
- Privacy
 - *Expected to keep information private*
 - *Cannot share the records*

Intake

- Your name will be provided to the parties
- They may contact you
- You can discuss whether or not you are available
- They may need you to help assist them find another Advisor if you are not available
- They may also need other assistance
 - *Confidential Advisor*
 - *Survivor Empowerment Center*
 - *Counseling*
 - *Attorney for Criminal Case*
 - *Etc.*

Trauma Informed Intake

- When using a trauma informed approach, it is imperative to understand what trauma is and how trauma affects individuals' responses to services and the interview process. Policies and procedures should be developed with the goal of avoiding victim re-traumatization, increasing the safety of all, and increasing the effectiveness and efficiency of interactions with victims.
- A trauma-informed approach begins with understanding the physical, social, and emotional impact of trauma. This includes victim-centered practices. It incorporates the following elements which are the goals for today's training:
 - Increase understanding of the neurobiology of trauma
 - Increase knowledge of trauma informed interview strategies
 - Learn specific strategies to utilize when interviewing trauma survivors

A trauma-informed interview generally contains the following strategies:

- Demonstrating genuine empathy and a nonjudgmental stance.
- Establish an initial level of trust.
- Ensuring a safe and comfortable environment (emotionally and physically); is the interview space welcoming, inviting, and comfortable? Are there clear exits?
- Encouraging and allowing victims to ask questions.
- Allowing some time and space for the victim to process the experience.
- Providing the victim as much control over and during the interview as possible.
- Focusing on sensory memories.
- Explaining why a difficult question is being asked.

Things to avoid in a trauma-informed interview:

- Asking “why” questions that can be perceived as blaming.
- Requests for a chronological account (remember the order in which the brain encodes memories may be significantly impacted by stress hormones making this question very difficult for a trauma survivor to answer).
- Reacting with disbelief.
- Minimizing what happened.
- Reacting with blame, criticism, or judgement.

Hearing Panel Role

- Uphold Process
 - *Chair*
 - *Panelists*
- Maintain standards
- Be impartial
 - *Ask Questions*
- Follow guidelines set by policy and procedure
 - *Don't have to agree with policy, but must uphold the policy*

Hearing

- Pre-Hearing meeting (Chair)
 - *Relevancy Questions*
 - *Either side can request*
 - *Both sides have should be allowed to be at the meeting*
 - *Stipulations?*
- Hearing
 - *Cross-Examine*
 - *If you refuse, you'll be removed (Advisor)*
 - *No direct questioning by the parties*
 - *Hearing Chair decides the relevance of questions*
 - *Advise*
 - *Don't be disruptive or you'll be removed*
 - *May be up against an attorney*

Hearings

- Panel
 - *Chair will decide relevance and procedure*
 - Panel will ask questions
 - *All questions asked at hearing must be relevant*
 - *What is relevant*
 - Questions about the event (who, what, when, where)
 - Corroboration
 - Gaps in report
 - Be kind, patient, neutral, flexible, and ask open ended questions (Short questions...people have short attention spans)
 - Past disciplinary history of R (only at sanctioning stage)
 - Written Impact Statement-only after a finding is made
 - *What is NOT relevant*
 - Incidents not directly related to the case at hand, unless to show a pattern
 - Character of the parties
 - C sexual predisposition or prior sexual behavior, unless
 - *Used to prove the someone other than R did the action*
 - *Or based on prior activity with the R and used to prove Consent*

Hearings

- Investigators will be witnesses
- TIXC not involved but must be at hearing
- Parties and Witnesses DO NOT have to come to hearing, NOW, but that may effect credibility
- There will be a script
- Live, but not necessarily in person
- Recorded

What you as a hearing officer/advisor should do before the hearing

- Read Complaint
- Read Policy
- Read Report
 - *More than once?*
 - *Make sure you look at appendix!*
- Make notes to ask questions
- Note who you should ask what
- Note what you want to know and why (Is it relevant?)

Cross-Examination

- Relevance of questions are determined by Chair of Panel
 - *Ask Advisor why it's relevant*
 - *May go to credibility*
 - *If the question has already been asked (by panel) and answered, Chair can ask why they are being asked again and can deny it)*
- Chair must explain their decision
 - *Irrelevant, unduly repetitious, or abusive*
- MUST have Advisors for this
 - *Advisors can be reprimanded or removed from hearing is they don't follow the rules*

Questioning skills

- What is your goal?
 - *Learn facts*
 - *Establish a timeline*
 - *Understand perceptions*
 - *Several Sides to a story*
 - *Listen carefully*
 - You can summarize and ask if you are correct if you want
 - *Don't*
 - Ask because you're curious (have a purpose)
 - Chase a rabbit
 - Act shocked! You will hear A LOT of crazy stuff!

Questioning skills

- Focus on areas that are conflicting or gaps in information
 - *Maybe investigators didn't put something relevant in the report*
 - *Clarify*
- Get details
 - *If the questions doesn't have anything to do with the possible violation, it's not a good question*
 - Why did you get in the car?
 - *Not good, Victim blaming, Doesn't matter as to whether the assault took place or not*
- Don't leave a gap
- Establish rapport
- Understand some things are sensitive
- Keep you're cool
- Be patient and professional

Questioning skills

- Pay attention to alcohol/drug consumption (might impact memory)
- Understand rumors (heard) vs facts (witnessed)
- Start with broad questions, then move to narrow ones
- Follow your advisee's model, but don't enable them to harass the other party or witness
- Might ask about motivation
- Ask how they have been impacted by complaint or allegations made in the complaint
 - *Keep it simple, not a Victim Impact Statement*
- Ask witnesses how they know the parties
- Ask what someone said or did after the incident

Conducting Questioning at Hearing

- Nothing that is irrelevant
- Do not ask investigators about credibility of parties or witnesses
- Do not ask investigators about recommended findings, determinations
- Remain seated
- Pose questions orally, in writing, electronically
- Parties and witnesses will not answer until Chair determines relevance
 - *If irrelevant, Chair will state why*

Conducting Questioning at Hearing

- Chair may invite explanations or persuasive arguments from Advisors (on relevance)
- In advance of hearing
 - *Prepare a list of questions with Advisee*
 - Other things may come up in hearing too
 - *Good questions*
 - Names of those involved
 - Relationship b/w C and R
 - Relationship w/ W to C and R
 - Details of event
 - Effect of the event
 - Response to the incident
 - Reaction of the R to the complaint

Evidence (includes testimony)

- Must be relevant
- No rules of evidence, other than relevance
- Does it help prove or disprove
- Don't have to agree with investigators
- Don't really ask investigators what they believe, that shouldn't be used in your decision

Evidence Continued

- Can be any type of evidence
- Credible/Reliable
 - *Don't get too caught up in irrelevant stuff (memory errors, etc.)*
 - *Trauma Brain*
 - *Look at accuracy and reliability*
 - *Things may not seem truthful, doesn't mean they aren't*
 - *Plausible, Possible, can it be corroborated (especially by a witness with no dog in the fight), why would they lie, body language, pattern*

Evidence Continued

- Some evidence is worth more
 - *Video (really good)*
 - *Circumstantial (ok)*
 - *Witness (depends on the witness)*
 - *Documentation (really good)*
 - *Medical (is it really relevant, only get some much info, privileged info must have permission to have or use)*
- Avoid
 - *Character Evidence*
 - *Impact Statements (unless sanctioning)*

Hearing Panel

- Decides whether there is a violation or not
- Decides the sanctions in Process A
- Also process B if the respondent is a student
- Will send Notice of Outcome to TIXC
 - *What Policy was/was not violated*
 - *Procedural Steps taken*
 - *Findings of Facts*
 - *Conclusions*
 - *Sanctions*
 - *Remedies*
- TIXC will send to parties

Deliberations

- ONLY decision makers
- No recordings
 - *Shred notes*
- Look at policy
- Look at complaint
- Go through evidence
 - *Facts*
- Vote
 - *Preponderance (more likely true than not true)*
- Violation?
 - *If yes, sanction*
 - Impact statements can be made by both parties
 - Stop, prevent, remedy (protect C and Community)

Confidentiality and Privacy

- Keep everything as private as possible
- Need to know
- FERPA
- Employment Rules
- Cannot guarantee Confidentiality (see above)

Weighing Evidence

- No rules of evidence
- If relevant and credible it will be used
- Certain evidence may go to credibility, not to the subject at hand
 - *Some people will have bad memories*
 - *Credibility will be determined by a variety of factors, that is for the Panel to determine.*
 - *Things to look for: Demeanor, Non-Cooperation, Not wanting to give explanations, Not logical or consistent (but see trauma informed information), no corroborating evidence (doesn't mean that something didn't happen)*
- Did drugs or alcohol play a role?
 - *What role?*
 - *Not a defense*
- Evidence can be direct, circumstantial, documentary, real, hearsay

Totality of the Circumstances

- Sex Based
- Mere utterance
- Reasonable person standard
- 1st amendment
- Humiliating, Threatening, Facts, What were the effects of the conduct
- SPOO/Quid Pro Quo/Hostile Environment

Findings

- Made by Panel
- Preponderance
- Written deliberation statement will be given to TIXC
- 7 business days provided to parties
 - *Notice of Outcome*
 - Violation?
 - Sanction
 - Remedies

Sanctions

■ Students

- *Probation*
- *Suspension*
- *Expulsion*
- *Alterations in Housing*
- *Class*
- *Community Service*
- *Mandated Assessment*
- *Mandatory Program*
- *Restriction on Activity*
- *Written Assignment*
- *Written Warning*
- *No Contact Order (can also be a supportive measure if mutual)*

Sanctions

- Organizational
 - *Training, etc.*
- Employee
 - *Based on CBA*

Written Findings

- Policy violated
- Procedural steps taken
- Rational for finding
- Sanctions
- Remedies
- Appeal process
- Give to TIXC
 - *Send to parties at the simultaneously*
 - *Final after appeal or date of appeal*

Questions? Break?

Appeals

- Grounds
 - *Procedural Irregularity*
 - *New Evidence*
 - *Conflict of Interest*
 - *Sanctions disproportionate to violation*
- Appeal to TIXC
 - *Will go to appeal officer who will be appointed within 7 days*
- Request will be denied if it doesn't fit the grounds
- Appeal Chair (single decision maker) will notify parties of appeal if there are grounds
- Everyone gets a chance to respond
- Appeal Chair will review responses and record
 - *Cannot substitute their own judgment*
 - *If new evidence: may be remanded for further investigation*

Appeals

- Appeal Chair can keep finding, modify, remand
- Appeal decision is final
- Sanctions are stayed during Appeal process

Conflict of Interest

- Conflict of Interest: a conflict between the private interests and the official responsibilities of a person in a position of trust (Merriam-Webster)
- Bias: a particular tendency, trend, inclination, feeling, or opinion, especially one that is preconceived or unreasoned, unreasonably hostile feelings or opinions about a social group; prejudice
- All pool members must be free from bias and conflicts
- Parties can ask that pool members be removed if they feel there is a conflict or bias

Implicit Bias

<http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>

- Implicit bias: attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- activated involuntarily and without an individual's awareness or intentional control
- feelings and attitudes about other people based on characteristics such as race, ethnicity, age, and appearance
- develop over the course of a lifetime beginning at a very early age through exposure to direct and indirect messages

Disparate Treatment and Impact

- Disparate treatment occurs where members of a protected class have been treated differently than others (purposely)
- Disparate Impact occurs when a certain practice makes it more difficult for a member of a certain protected class (unintentionally)

Fairness and Equity

[/www.cui.edu/academicprograms/education/perfecting-the-practice/blog/post/how-to-balance-equity-equality-and-fairness](http://www.cui.edu/academicprograms/education/perfecting-the-practice/blog/post/how-to-balance-equity-equality-and-fairness)

- Equal is defined as the same or exactly alike. [Equality]
- Fair is defined as just or appropriate in the circumstances. [Fairness]
- Equity is defined as the quality of being fair and impartial.

Technology

- Live Hearing
- Done by Zoom

Recordkeeping

- OEC keeps records for 7 years

Questions

