

# Title IX Hearing Board Training 2021

## I. Working with law enforcement

- A. When a complainant wishes to make a police report as well as reporting to College officials we coordinate investigations with the appropriate agency.
- B. Try to limit the number of times the complainant has to share the experience.
- C. We do not want anything we do to hamper the criminal investigation.
- D. Law Enforcement is aware of our time guidelines.
- E. We may not unreasonably delay our investigation to allow for police investigation to conclude.
- F. The existence of a police report does not mean we will have access to that report or related evidence.

## II. Differences and Similarities between our process and law enforcement process

- A. Both involve the taking of an initial report
- B. Both involve interviewing the complainant, respondent and any potential witnesses as well as the gathering of evidence
- C. Evidence might include clothing, bedding, pictures, text messages, emails, other communications, and SANE kit and other forensic materials.
- D. Once all interviews, evidence collecting and documentation is complete police reports are subject to internal review and then submitted to the County Attorney for review. (On campus our materials go to the Title IX Coordinator.)
- E. A charging decision is made and on the criminal side a summons or arrest warrant will be issued, followed by an initial court appearance, pre-trial conferences and trial if a plea agreement is not reached. This could go on for months if not years.
- F. On the Luther side, once a charging decision is made both parties are notified and a hearing board is convened. (There is now also an option for alternative mediation)
- G. Much like a pre-trial conference both parties meet with authorities and review all materials.
- H. Luther process must take place in a reasonable amount of time. (The goal is generally 60 days but this can be affected by a number of factors)
- I. Court system could use jury trial or a bench trial but will decide guilty or not guilty and apply sentencing according to law.
- J. Our system with the Board will conclude with a finding of responsible or not responsible and sanctions will be applied according to policy.

## III. Standardized Field Sobriety Testing

- A. Reason for standardized testing (Accepted as reliable indicators and consistency)
- B. Indicators an officer might observe to request SFST
- C. SFST are divided attention tests

- D. One legged stand
- E. Walk and Turn
- F. Finger to nose
- G. Horizontal Gaze Nystagmus
- H. Preliminary breath test.

**IV.** Any questions