

Training for Title IX: Rules of Evidence

Facilitator: Fleischmann, Ken

Attendees:

Abioye, Alechia	Investigator/Advisor
Armbruster, Anastasia	Hearing/Appeal Panelist
Bauer, Dan	Administrator
Bush, Cynthia	Hearing/Appeal Panelist
Butler, Isaac	Administrator
Crannage, Andy	Hearing/Appeal Panelist
Frampton, Tristan	Hearing/Appeal Panelist
French, Heather	Administrator
Guimaraes, Andrea	Investigator/Advisor
Harp, Carlin	Investigator/Advisor
Harter, Jill	Investigator/Advisor
Jellen, Ben	Hearing/Appeal Panelist
Jones, Rebecca	Administrator
Klucker, Sarah	Hearing/Appeal Panelist
Paige, Ryan	Investigator/Advisor
Patterson, Scott	Investigator/Advisor
Peters, Goldie	Hearing/Appeal Panelist
Stiffler, Dan	Hearing/Appeal Panelist
Teshome, Besu	Hearing/Appeal Panelist
Treptow, Shelene	Hearing/Appeal Panelist
Woodhouse, Ivory	Investigator/Advisor

Training Outline:

1. Introduction (Dan Bauer – 5 minutes)
2. Focal Point of Investigation and Live Hearing (Ken Fleischmann – 5 minutes)
3. “Prohibited behaviors and Consent definition review (Dan Bauer – 5 minutes)
4. Definitions & Guidelines (Ken Fleischmann – 15-30 minutes)
 - a. Definitions:
 - i. Relevant Fact: Evidence or information that shows whether or not a fact is more likely or less likely to be true
 - ii. Relevant Issue: Element of the offence, consent, credibility
 - b. Guidelines:
 - a. What facts is a party trying to prove?
 - b. Does information help prove or disprove the fact?
 - c. Is the fact or issue important in deciding the case?
 - c. Examples of evidence that is not relevant
 - d. Privileged information
 - e. Evidence of prior sexual behavior unless it goes to prove it was someone else or proves consent
 - f. Repetitive questions on cross examination
 - g. Hearsay – information made by someone else not at the hearing

- h. In hearings:
 - i. can't use report if person won't be present for cross examination
 - ii. Expert witness – can't consider their testimony or report about other people who are subject to cross examination
 - iii. Text or emails – in hearing need parties to be present for cross examination
 - iv. Video