

You're the Problem, It's You: Difficult Process Participants

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ASCA is committed to making our events accessible. We encourage you to engage in sessions in ways that fit your abilities and comfort level. In addition to any requested accommodations and use of assistive devices and technology, we encourage attendees to drink or eat during session, stretch, stand up, fidget, stim, take breaks, wear headphones for noise and stimulation reduction, and/or engage in helpful focus/ regulation practices such as deep breathing, doodling, using a silent phone app, and more. In general, please engage so far as you feel emotionally and physically able to do so—it is okay to push your comfort zone, and to also prioritize your well-being.

We encourage all attendees to understand that focus and engagement can look and feel different for each individual, and that while unfamiliar behaviors may sometimes be initially distracting, they are not intentionally disruptive. ASCA spaces should feel comfortable and accessible. If you have any concerns with accessibility, please let Central Office know as soon as possible.

A top-down view of a black vinyl record with a white center label. The record is slightly tilted, showing its grooves and the reflective surface of the label. The background is a plain, light gray.

Topics to Cover

1. Policy Considerations



2. Campus Partners

3. Advisers & Attorneys

Learning Outcomes

Strategies and methods for dealing with difficult process participants.

Resources to aid new and continuing conduct and Title IX professionals in responding to difficult parties.

An understanding of why equitable responses are important for all parties.



Policy Considerations



Dealing With
Difficult Parties

Drafting Flexible Policies

- Providing the institution flexibility while avoiding being vague
- Include explicit discretion for the office director at key process steps
 - e.g., case resolution options, notification to campus partners, issuance of supportive measures
- Maintain consistency in experience and execution

“Advisers who exceed the scope of their role or otherwise do not comport with reasonable rules of decorum for meetings and proceedings will be cautioned and may be removed from the process at Vanderbilt’s sole discretion.”

24-25 Vanderbilt Sexual Misconduct Policy, pg. 37

Improving Accessibility

- Use relatable language to explain processes based on the target population
- Hyperlink references within a policy
- Create visual aids for viewers to help understand more complex processes
- Highlighting process rights for each party
- Explaining the decision-making process and scope of appeal options available to specific populations (student/staff/faculty)



Process Consistency

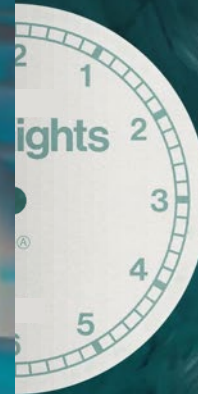
- Consistent Terminology
 - Definitions section
 - Capitalizing defined terms
 - Cross-referencing
 - Making sure to review older terms from all portions of a policy
- Consistent Implementation of External Investigators, Advisers, or Decision Makers
 - Focusing on a consistent experience for students in your process
 - Planning for inter-population cases (student v. faculty/staff)

Practical Tips

Don't expect perfection in one year of revisions.

Document feedback throughout the year to integrate into annual revisions.

Involve campus partners in the review process to gain a "fresh set of eyes."



Campus Partners



Engaging with Difficult
Campus Partners

Establishing Relationships


- Hold meet and greets regularly and when new staff join
- Build rapport outside of casework
 - Social events
 - Campus-wide events
- Collaboratively supporting other offices' missions and goals
- Stay up-to-date on developments in your campus partners' staffing and office structures

Cross-Training

- Provide regular training to campus partners on your policies and processes
 - Average case timelines
 - Role of campus partners in your process
 - Outcomes and sanctioning process
- Be open to receiving cross-training from campus partners
- Develop tailored curriculums for campus partners based on their office's needs and role in your process

Connect Regularly

- Create a standing meeting for key campus partner groups to connect about ongoing cases and projects
- Outline preferred communication styles (email/text/call)
- Document communication between offices to maintain transparency and to build out a SoP for future similar cases


Send

From

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Title

Title IX-Student Affairs Working Group

Required

Title IX Office, Student Accountability, Project Safe Center, Office of General Counsel

Optional

Recurrence

Occurs every 2 week(s) on Friday effective 1/10/2025 until 6/26/2025 from 2:30 PM to 3:00 PM [Edit Recurrence](#)

Location

Zoom [Room Finder](#)

Practical Tips

Set up a
“working
group”

Proactively
gather
feedback on
how you can
be a better
partner

Be upfront
with partners
to avoid
surprises or
heavy lifts



Advisers & Attorneys

Shaping Adviser or
Attorney
Participation to
Reduce Conflict



Setting Expectations

- Hold a standard training for all new advisers or process participants
 - Include rules of decorum and expectations for the role
 - Share availability expectations and timeframe for a standard case
- Research and be clear about the role an adviser can play in your process based on institutional policy and state/federal law
- Reiterate the adviser's role at the beginning of each meeting they attend
- Create a way to hold advisers accountable
- Adviser \neq attorney

Adviser: A person who can assist the Parties during investigations, Hearings, Informal Resolution Processes, and any other stage of the processes covered by the Policies, although they are not permitted to participate directly apart from conducting cross -examination at a Hearing. Vanderbilt will provide Parties with a list of persons who have been identified and received training by Vanderbilt to serve as Advisers at no cost to Parties (Vanderbilt Advisers), but Parties retain the right to select another Adviser if they so choose. Parties may only have one Adviser participating in the Title IX process at a time. Advisers are expected to participate in the process in a timely manner that does not unreasonably delay the investigation or resolution process.

Directing Communication to Party

- Student processes are part of a student's growth and development while in college
- If seeking to avoid the creation of an attorney-client relationship, do not allow advisers to speak for their parties unless specifically allowed (e.g., Title IX cross-examination)
- Have parties drive their processes by requiring them to submit:
 - Process questions
 - Evidence
 - Transcript Corrections
 - Responses to reports and appeals

Standardizing Language

- Use template language to ensure consistency of language and experience
- Create an adviser-specific section in your policy
- Standardized responses create more consistent process experiences and outcomes
 - Include references or cites to policy
- Allows for timely response and reduces administrative burden
- Build in space to add case-specific details (names, case numbers, etc.)
- Minimizes the chance of differential treatment of parties

Practical Tips

Establish an adviser pool to pull from regularly

Build out adviser-specific resources for both institutional and party-hired advisers

Be clear with advisers when they are overstepping and be open to helping a party find a new adviser if needed



Questions?

Side B

Track Seven

Track Eight

Track Nine

Track Ten

Track Eleven

Track Twelve

