

# Student Conduct Hearing Administrator Training

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*Department of Student Conduct and Community Standards  
Title IX Office  
Human Resources  
Ethics and Compliance  
Office of the General Counsel  
Victim Advocate Program*

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Office of the General Counsel  
Ethics and Compliance  
Human Resources*

# Serving Impartially:

**Reducing Actual Bias, Perceived Bias, and Conflicts of Interest**



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# Objectives

- Describe types of bias
- Identify policy sections at play
- Create and utilize strategies to address potential claims of bias/conflict of interest
- Identify and minimize other sources of challenges to impartiality





# Types of bias

- Actual Bias—Genuine prejudice by a person (e.g., judge or juror) against another person or subject; existence of a state of mind that lead to the inference that the person will not act impartially.
- Perceived Bias—in the absence of actual bias, when a reasonable, disinterested observer would have concerns about a person's ability to be impartial



# Conflict of Interest

- Situationally based
- Generally, a circumstance in which one's personal beliefs or fortunes are in opposition to one's job, assignment, or appointment
  - How do we determine which should prevail?



# Student Conduct Code

Bases for Appeal. Appeal reviews are not a “re-hearing” of a student conduct matter, rather, a review of process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following bases...

b. Bias Review. That the proceedings were not conducted without bias or prejudice on the part of the hearing body. May include but is not limited to demonstration of a conflict of interest, or failure to objectively evaluate all relevant information.



# Title IX Compliance Policy

- c. Grounds for Appeal. The appeal must state one or more of the following grounds...
  - iii. Actual conflict of interest or actual bias by an administrator or decisionmaker that affected the outcome.



# What does it mean?

- Demonstration of actual bias or actual COI on the part of a decisionmaker = new hearing (for both processes)
- Demonstration of something less in a student conduct process = possibility of a new hearing





# COI/Actual Bias Avoidance

- Do you have a stake in the outcome?
- Do you know any of the parties?
  - (and what does it mean to “know” a party?)
- Do you know something about the case already?



# Sources of Perceived Bias Claims

- Discovery of social media or public support of a group, event, or movement the party perceives as adverse
- Discovery of an undisclosed COI, or undisclosed prior history with a party or witness
- Belief of not being treated fairly (subjective or objective)



# Pre-Hearing

- Social Media check
- Review case materials
  - Develop a process for reviewing case materials
    - Use this process every time you serve
  - Identities of parties and witnesses, courses of study, context of incident(s)
  - Alert administrator/facilitator of any issues ahead of time
    - What could happen as a result?
  - Create questions ahead of time



# During the Hearing

- “I treat everyone the same.” Ok, but...
- Manner of asking questions
- Body language (even on Zoom)
- Reduce or eliminate table talk
- Use implicit bias-outsmarting techniques to improve questioning
- Assume every case will be appealed, by everyone
  - Creation of transcripts



# After the Hearing

- Maintain confidentiality
- Respond to inquiries if there are appeals
- Ask for debrief or Q&A opportunities, especially for the first few hearings
- Review transcripts, if they are made, to identify areas of improvement



# Questions?

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**Thank you!**

