

## SPOTLIGHT ON Higher Education

# Hon. Risë Jones Pichon (Ret.)



### Tell us about your background and what brought you to JAMS.

I served as a superior court judge in Santa Clara County from 1998 until my retirement in April 2019. I joined JAMS as a mediator/arbitrator in May 2019. While on the superior court, I was elected to serve as presiding judge in 2015 and 2016, and I am the first person of color to serve in this position in Santa Clara County. Before that, I served as a judge of the municipal court from 1984 to 1998. My prior work as an attorney included service as a deputy county counsel from 1979 to 1983 and a deputy public defender from 1976 to 1979.

I am member of the Santa Clara University Board of Regents and currently serve as its vice president. I am also a member of the Santa Clara University Law School Advisory Board and served on the Santa Clara University Markkula Center for Applied Ethics Advisory Board for over 10 years.

Many of my colleagues from the superior court joined JAMS after they retired from the bench. Having heard how much they enjoyed being at JAMS and knowing the outstanding reputation of the organization, I felt it would be an honor and a privilege to work there as well, and I aspired to be invited to join upon my retirement.

### How did your background and experience prepare you to serve as a hearing officer for Title IX cases?

I served as a judicial officer for 36 years. I know how to conduct hearings and preside over cases. I realize that when parties find themselves in this situation, special consideration must be given to each, as everyone is different, as well as their circumstances. I know how to treat people, respondents and complainants alike, and I consider the sensitivities attached to each.

I also come from a family of educators. My mother taught high school, and my brother taught elementary school, was a

principal and later became an administrator in a school district. And my husband taught at a community college for 35 years. I have experience as an instructor, having taught at a local community college, the California Judicial College and The National Judicial College. I have been a frequent guest lecturer at high schools, colleges and universities. With this background,

and in the context of Title IX hearings, I am especially sensitive to the effort of many institutions to make disciplinary proceedings an educational experience for those involved.

### Virtual proceedings are more popular than ever. In your experience, what are some best practices to effectively resolve disputes virtually?

Technological proficiency is essential. JAMS provides excellent training on the use of virtual videoconferencing platforms. Despite the distance associated with the remote nature of

the process, it is critical to create an environment where all participants feel they are being heard by the person who will make important decisions regarding their case. Developing a rapport with each of the participants will help them talk about their experiences and openly discuss sensitive issues that may be difficult to share with others. It is important to listen carefully, to give each person sufficient time to present his or her side and to avoid any distractions so that you can give each participant your full attention.

### What are the most important skills to successfully mediate Title IX cases?

For the most part, a neutral will be hearing cases involving college students who find themselves in unfortunate situations and are probably experiencing many different and wide-ranging emotions. They must feel that they are in a safe space where they will be listened to without judgment, be treated fairly and with compassion and empathy, and feel confident that



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a just decision will be made. It is important to communicate effectively, both verbally and nonverbally; to analyze the facts; and to apply the law and stay abreast of the law and the process. Being a good writer is essential to delivering a decision that is comprehensive and understood by all.

**Why should higher education institutions enlist a third-party neutral entity to help resolve their Title IX disputes?**

The hearings will involve students, faculty and staff. To create an atmosphere of trust and fairness, there must be some distance between the participants and the decision-maker. If some participants feel that there may be some familiarity between the decision-maker and other participants, they may not trust the process or the decision. This lack of trust can be long-lasting, and these feelings and perspectives may very well transfer to a university or college's entire Title IX program or other disciplinary processes, or even a party's view of the entire justice system itself.

By using JAMS, higher education institutions can send a clear and distinct message that they are making the conscious decision to use an organization that provides only neutral services and no advisory or investigative services, one with an exemplary reputation in alternative dispute resolution built over more than 40 years.

**Flexibility and an understanding of campus culture are important when serving as a Title IX hearing officer. Tell us about your experience in the higher education setting.**

I have served as the Distinguished Jurist in Residence at Santa Clara University School of Law for the past two years. Until the pandemic, I was on campus two days a week to visit with students, be a mentor and establish a presence there. I was occasionally asked to speak to classes and to participate on panels. I also had an assigned office. I have served on many boards and commissions at the university, and I am on campus on a regular basis.

I understand that the ADR process in a higher education setting must not feel like it's occurring in a courtroom. It is not an extension of the civil or criminal justice system. The campus environment is a relaxed setting—a place of learning, friendship-building and growth. The ADR process must operate differently than it does in a resolution center or an attorney's office.

**What are some best practices to effectively facilitate the Title IX informal resolution process?**

The neutral sets the tone in the room. In order for all of the participants to feel comfortable enough to speak openly, the neutral must be comfortable, know the procedures and the law, and be able to take control without being overbearing. The neutral should be pleasant, attentive, personable and confident while maintaining good eye contact and actively listening. The neutral also needs to be creative in order to identify paths forward for the parties.

**In your opinion, why are restorative justice techniques important in the context of resolving Title IX cases?**

For quite some time, I have questioned the effectiveness of applying punitive discipline and zero tolerance to all cases. There must be a safe setting where disputes can be openly discussed and potentially resolved. Depending on the circumstances of a particular incident, it may be wise to allow the parties to discuss a problem and to listen to each other so that they can try to understand the other side. Knowing how to resolve a dispute is a very important life skill. The field of ADR includes mediation as well as the formal and informal resolution of disputes. Allowing students to develop these skills as they work through their issues may prove to be an invaluable experience that they can take with them beyond the campus setting.

*Hon. Risë Jones Pichon (Ret.) is a JAMS neutral based in Northern California. She is available nationwide as a mediator, arbitrator and Title IX hearing officer. To schedule a case, visit [jamsadr.com/pichon](https://jamsadr.com/pichon) or call 408.346.0733.*

To learn more about the innovative conflict resolution strategies offered by JAMS Solutions for Higher Education, visit [jamsadr.com/solutions](https://jamsadr.com/solutions) or contact Jennifer Sambito at [solutions@jamsadr.com](mailto:solutions@jamsadr.com).

