



Practical Tips From Title IX Hearing Officers


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What We Will Cover



- Brief overview of different phases of the Title IX Hearing Process
- Roles and responsibilities of the hearing coordinator, Title IX coordinator, and the hearing officer prior to and during the hearing
- Tips for efficiency in each phase of the hearing process, including pre-hearing preparations and follow up after the hearing is finished



'I'm not a cat': Lawyer gets stuck on Zoom kitten filter during court case



Grievance Process Overview

- 01 Initiation of the Title IX Grievance Process
- 02 Investigation & Evidence Review Process
- 03 Pre-Hearing Meetings
- 04 Hearing
- 05 Sanctioning (if applicable)
- 06 Appeal
- 07 Final Sanctioning Determination (if applicable)

Important Roles In The Title IX Process

Title IX Coordinator

- Communicate with the parties prior to the Hearing
- Oversee the Title IX Process
- Facilitate Informal Resolution as appropriate

Title IX Investigator

- Conduct the Investigation into the Complaint
- Identify disputed and undisputed facts

Support Person

- Provide support to the parties throughout the Hearing
- Often present with the student in their location

Advisor

- Collaborate with the student to prepare questions for the other party and witnesses at the Hearing
- May directly question the other party and witnesses (based on when the related alleged conduct occurred)



Important Roles In The Title IX Process

Hearing Officer

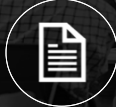
- Gather evidence through:
 - Reading the Investigation Report
 - Testimony at Hearing
- Conduct the Hearing
- Make factual & policy findings
- Make a sanctioning recommendation

Hearing Coordinator

- Serve as the primary point of contact for Hearing logistics
- Coordinate with witnesses to plan their attendance at the Hearing
- Manage the Hearing recording




Documents





Prior to any proceedings Hearing Officers should obtain the following documents:


- ✓ Final Investigative Report
- ✓ All attachments, including audio and video
- ✓ Notice of Investigation
- ✓ Relevant policy



Practical Tips Throughout the Hearing Process




Pre-Hearing Meetings



Questions for the Hearing Officer and Hearing Coordinator

- ? Is there a script or outline to cover at the meeting?
- ? Who attends the pre-hearing meetings?
- ? Who will cover each topic?



Pre-Hearing Meetings



Topics to be Covered

Hearing Coordinator:

- Introductions and participant roles
- Advisors and Support Persons
- Important Timelines

Hearing Officer:

- Hearing process and logistics
- Burden of Proof and Evidence
- Scope of the Hearing



Pre-Hearing Meetings



Reserve Sufficient Time for Pre-Hearing Meetings

- An average prehearing meeting lasts approximately one hour.
- If necessary, put a time limit in place.

Stay on Track

- Easy to get "into the weeds"
- Stay in your lane




Preparing for the Hearing



- » Evidence submitted by parties before the Hearing
- » Witness availability and schedule
- » Hearing link or location
- » Accommodations/Visual Separation
- » Breakout Rooms
- » Recording
- » Communication during the Hearing
- » If provided for in policy, assign an advisor or reader to the parties in advance of the hearing



Preparing for the Hearing



For Hearing Officers:


- Log in early
- Be familiar with case file
- Prepare – but be flexible

For Hearing Coordinators:

- Confirm witnesses with Hearing Officer
- Confirm who will be in attendance at the Hearing



During the Hearing



Introductions Before the Hearing Begins


- Meet with parties and advisors individually

Tips for Opening Statements


- Listen
- Harassing?
- Provide option for time warning

Tips for Questioning

- Types of questions
- Flexibility
- If you find a question by the parties is not relevant, explain why
- If parties submit written questions, ask them to be numbered




Trauma-Informed Approach



Trauma-Informed: Basic knowledge of how traumatic experiences/stress might be impacting the person sitting across from us

Techniques:

- Avoid “Why did you...” ask “Help me understand...” or “Walk me through your decision...” instead
- Do not push for *unnecessary* details
- Use their words: “You said he ‘pushed’ you, tell me more about how he pushed you.”
- Be careful about “rapport building”
- Be Prepared for a Non-Linear Narrative



During the Hearing



- » Referring to the Report or attachments during the Hearing
- » Allow for breaks for parties to discuss with their advisor
- » Check-in about witness timing



During the Hearing



- Party Closing Statements** (if allowed)
 - Need to be given by the party (not advisor)
 - Relevant to scope
- Hearing Officer Closing**
 - Discuss Decision Timeframe
 - Direct parties where to send objections, if allowed
 - Remind them not to contact the Hearing Officer after the conclusion of Hearing



After the Hearing



- ✓ Download and save the recording
- ✓ Send the recording to the hearing officer as soon as possible
- ✓ Sanctions





QUESTIONS?