

ATIXA

Title IX Hearing Officer & Decision-Maker Training & Certification Course

SAMPLE AGENDA

AGENDA – DAY ONE “PROCEDURES”

9:00a.m. – 10:15a.m.

- Understanding the purposes, history, and goals of administering a hearing
- The legal underpinnings of administrative hearings
- What is your mission? Interactive exercise.
- Procedural overview – what is the role of a hearing and your role in it?

10:15a.m.-10:30a.m. – Break

10:30a.m.-12:00p.m.

- Due Process overview
 - Substantive due process
 - Standard of proof
 - Reasonable conclusion based on relevant and credible evidence
 - Arbitrary and capricious standards
 - Essential fairness
 - Procedural due process
 - The right to confront
 - The role of transparency
 - Rationale for outcome
 - Procedural protections (managing advisors, etc.)
 - The role of investigators/investigation report in the hearing process
 - The role of the chair
 - The role of the institutional process advisor
 - Boundaries, bias, and conflict-of-interest

12:00p.m.-1:30p.m. – Lunch

1:30p.m.-3:15p.m

- Questioning skills and techniques
- Managing cross-examination
- Analysis and decision-making
 - Corroboration
 - Credibility
 - Relevance
 - Applying the standard of proof

3:15p.m.-3:30p.m. – Break

3:30p.m.-5:00p.m.

- Evidence, admissibility, prior sexual history
- Deliberation, rationales and record-keeping
- Question & Answer time

AGENDA -- DAY TWO "SUBSTANCE"

9:00a.m. – 10:15a.m.

- Procedural fairness, equity and transparency as required by Title IX and VAWA Section 304
- Sexual misconduct
 - Non-consensual sexual intercourse, contact, and sexual exploitation
 - Force, consent, and incapacity

10:15a.m.-10:30a.m. – Break

10:30a.m.-12:00p.m.

- Extended discussion of affirmative consent
- Sexual Harassment
 - Unwelcome, sexual, sex-based, gender-based
 - Hostile environment, discriminatory impact
 - The reasonable person standard

12:00p.m.-1:30p.m. – Lunch

1:30p.m.-3:15p.m

- Free speech, academic freedom, and the merely offensive
- Stalking
- IPV

3:15p.m.-3:30p.m. – Break

3:30p.m.-5:00p.m.

- Evidence, admissibility, prior sexual history
- Case Studies
- Interactive Analysis