Live Hearings for Higher Education
Training & Certification Course Sample Agenda

Description:
Live Hearings for Higher Education is a one-day course focused on the skills needed to run an effective live hearing as part of the Title IX Formal Grievance Process; however, the content is also relevant for hearings involving other types of civil rights complaints or misconduct. Topics include hearing preparation, pre-hearing meetings, facilitating questioning or cross-examination, and deliberation. Both VAWA Section 304 and the Title IX Regulations require training for decision-makers, including how to facilitate a fair and impartial hearing proceeding.

This course — in conjunction with the Higher Education Decision-making course — meets the training requirements under both laws and is appropriate for individuals who will serve as hearing chairs, panelists, single decision-makers, administrative hearing facilitators, and party advisors.

This training is designed to serve as a complement to ATIXA’s Title IX Higher Education Decision-Maker course. For institutions offering a live hearing as part of their Formal Grievance Process, decision-makers should first enroll in the Decision-Maker course, which focuses on the core skills necessary to make a finding and determine appropriate sanctions in accordance with the law and ATIXA’s recommended best practices.

Participants are expected to complete the included Title IX Fundamentals online pre-learning experience or have pre-existing requisite knowledge of those concepts prior to the start of this course. If you have completed Title IX Fundamentals for another ATIXA course, you are not expected to complete it again.

Learning Outcomes:
After completing this training, participants will be able to…

▪ Identify the steps of a Title IX grievance process that precede the decision-making phase and the hearing
▪ Facilitate a pre-hearing meeting with the parties and/or their Advisors, including setting an appropriate witness list
▪ Explain the Title IX hearing process
▪ Manage review and comment before and during the hearing
▪ Collaborate with co-panelists pre-hearing to prepare questions in advance (if applicable)
▪ Conduct the Title IX hearing process, including serving as the Chair (if applicable)
▪ Determine whether questions asked in a hearing are relevant
▪ Manage advisors while empowering their advisory role

**Course Topics**

**Hearing Participants & Logistics**
- Who Should be Present?
- Considerations for Virtual Hearings
- The Necessity of a Hearing Facilitator
- Scheduling and Duration Considerations

**Chair Roles and Responsibilities**
- Make Key Evidence “Rulings”
- Manage Questioning
- Facilitate Deliberation
- Make and Finding/Final Determination (w/Panel)
- Draft a Notice of Rationale
- Manage Advisors

**Preparing for the Hearing**
- Must Do Hearing Prep
- Pre-Hearing Meetings/Rulings
- Day of the Hearing
- Managing Review and Comment
- How to Deal with the Introduction of Last-Minute Evidence

**The Hearing Script**
- Process Requirements
- Recommended Best Practices

**Effective Listening Skills**
- Building Rapport
- Active Listening

**Questioning by Decision-Maker(s)**
Managing Questioning
- Managing Advisors Asking Questions
- Reframing Inappropriate Questions
- Determining Relevance/Making Rulings
- Interacting with Advisors

Deliberation
- Operationalizing the Presumption of Innocence
- Adhering to the Standard of Proof
- Deliberation Models
- Managing a Split Decision

Communicating Outcomes
- Simultaneous, Written Notification
- Appeal Process

Operational Challenges
- Unexpected Participants
- Unexpected No-Shows
- Contradictory Testimony
- Silent Policy

Recordkeeping and Documentation
- What to Do with Your Hearing Notes/Marginalia
- How to Manage Various Edits Versions of the Rationale
- Logistics of Sending the Outcome Letter

Note: Training will include one morning and one afternoon break (approximately 15 minutes each) and a one-hour lunch break. Training start and end times for in-person events are determined by the host site. All virtual training sessions take place from 11 AM – 6 PM ET unless otherwise specified.