HEARING OFFICER, DECISION MAKER TRAINING OUTLINE

Preliminary Matters: Christine
   Definition of sexual harassment in § 106.30
   Scope of the school’s education program or activity

Conducting Hearings: Christine
   Structural aspects of a hearing
   Developing the record (video or audio)
   Judicial demeanor and temperament
   Controlling disruptions
   Culture of respect
   Working with advisors
   Procedural due process essential elements

Decision Writing: Jaqualin
   Facts
   Rules
   Findings
   Decision
   Logic for decision-making
   A final decision must contain:
   1. Report of the portion of the school’s policies that were violated
   2. A description of the procedural steps that were taken by the school up to that point
   3. Findings of fact
   4. Conclusion – applying the facts to the portion of the school’s policy that applies
   5. A statement and rationale for the ultimate determination and responsibility
   6. Any disciplinary sanctions that the school will impose on the Respondent and state whether the school will provide remedies to Complainant
   7. A statement and rationale for any remedies for the Complainant addressing how those remedies will restore or preserve equal access
   8. A state of the school’s procedures, a statement that the parties have a right to appeal the initial determination regarding responsibility, and the permissible bases for appeal

Equity and Inclusion: Jaqualin
   Prejudice and you
   Biases (explicit and implicit)
     - Conflicts of Interest
Independence, impartiality, & integrity
Diversity and multiculturalism

Evidence: Daniel
  Burden of proof
  Evaluating evidence
  Relevance
  Rape Shield – When is a Complainant’s prior sexual activity relevant
  Hearsay
  Basic rules of evidence

Witness/Evidence Credibility: Daniel
  Exploring basic assumptions of credibility
  Witness self interest
  Demeanor evidence and credibility
  Excluding testimony of witnesses who do not submit to cross-examination
  Questioning and cross-examination

Use of Technology
  Decision makers must be trained on any technology to be used in a hearing

Non-Attorneys - Legal Research:
  Call your legal advisor

Practical exercises Alain