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 statement of the school’s procedures, a statement that the parties have a right to make the initial determination, responsibilities, and
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