



# Facilitating Pre-Hearing Meetings

# IN THIS CHAPTER

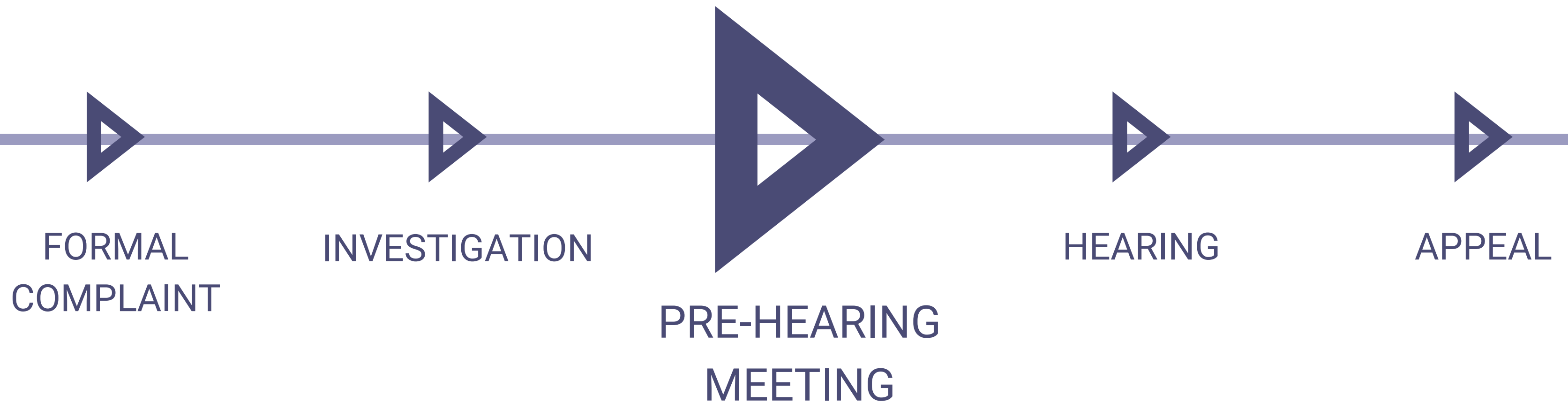


FACILITATING PRE-  
HEARING MEETINGS

# What is the Pre-Hearing Meeting?

- Meeting before the hearing to walk through guidelines, expectations, and more for Parties, Advisors, and the Decision-Maker
- Led by the Title IX Coordinator or Decision-Maker(s)
- Not mandated by Title IX regulations, but permitted
- Prepares all Parties (and the Decision-Maker) for the live hearing
- Seen as a best practice for Title IX hearings
- If allegations involve staff or faculty, pre-hearing meetings are particularly important

# When is the Pre-Hearing Meeting?



It is held following the issuance of investigation report and after Parties and their Advisors have had the opportunity to review and respond to evidence.

# Pre-Hearing Checklist



Clarify purpose of hearing



Reiterate standard of evidence



Discuss hearing procedures



Review rights and responsibilities

# Pre-Hearing Checklist



Confirm Witness attendance



Explain relevancy of evidence

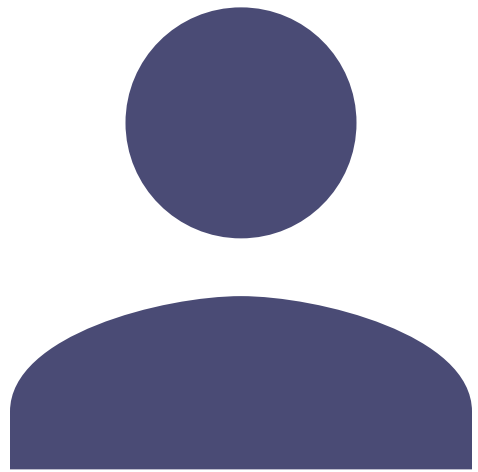


Review logistics and needs



Answer Parties' questions

# Who is Seated at the Table?

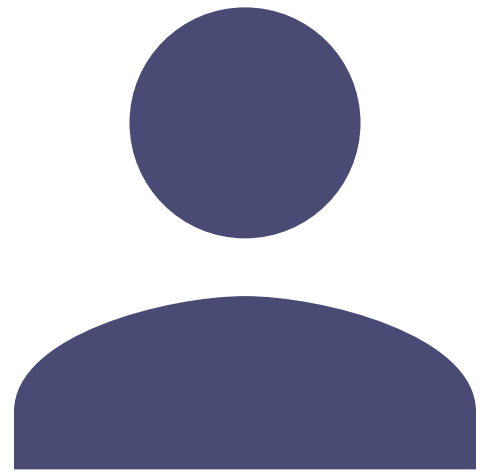


## Decision-Maker

- Conducts the pre-hearing conference
- Sets deadlines for Witness disclosures
- Sets the hearing date
- Advises all present of the rules and procedures to be followed at the hearing

The Decision-Maker sets the “rules of the road.”

# Who is Seated at the Table?

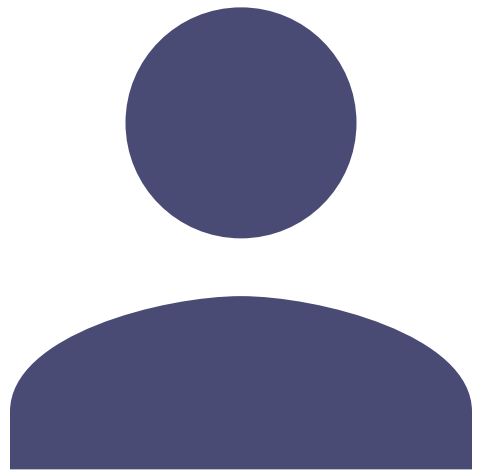


## Title IX Coordinator

- Requests Witnesses to appear at the hearing
- Facilitates the hearing itself (logistical)
- Serves as the record-keeper of the hearing

The Title IX Coordinator is the overseer of the Title IX process.

# Who is Seated at the Table?



## Complainant

- Victim of the alleged misconduct (may also be the reporting party)
- May have questions about the process and how it works
- Pre-hearing conference allows them to “put a face” to the Decision-Maker

# Who is Seated at the Table?



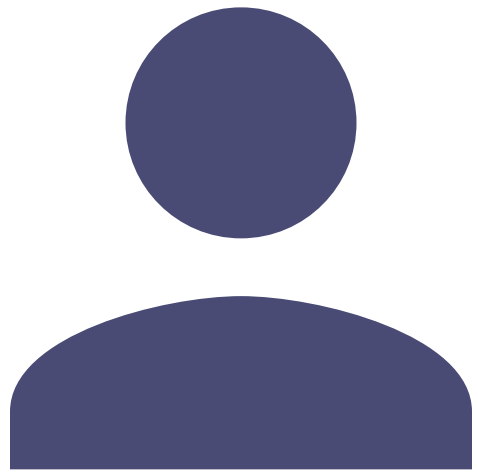
## Complainant's Advisor

- Represents the interests of the Complainant
- Only individual allowed to cross-examine Respondent and Witnesses, as the Complainant is prohibited from conducting cross-examination
- Has the opportunity to clarify evidentiary issues and questions during the pre-hearing conference
- Establishes Witnesses expected to be called for the hearing
- Becomes acquainted with the rules and procedures of the hearing

Remember an Advisor can be an attorney or not.

It is the Complainant's choice.

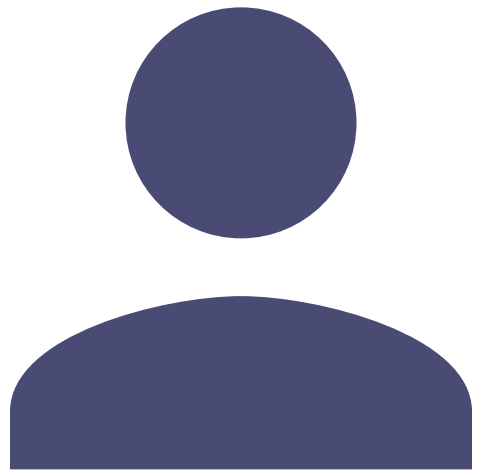
# Who is seated at the table?



## Respondent

- Reported to be the perpetrator of the alleged misconduct
- May have questions about the process and how it works
- Pre-hearing conference allows them to "put a face" to the Decision-Maker

# Who is seated at the table?



## Respondent's Advisor

- Represents the interests of the Respondent
- Only individual allowed to cross-examine Respondent and Witnesses, as the Complainant is prohibited from conducting cross-examination
- Has the opportunity to clarify evidentiary issues and questions during the pre-hearing conference
- Establishes Witnesses expected to be called for the hearing
- Becomes acquainted with the rules and procedures of the hearing

Remember an Advisor can be an attorney or not.  
It is the Respondent's choice.

# Pre-Hearing Checklist



Be aware that parties may select non-attorney Advisors.

Acknowledge power imbalances that might be created.

# Importance of the Pre-Hearing Meeting

**Most individuals have not participated in this type of hearing.**

- The many “unknowns” surrounding the live hearing may be anxiety-inducing for the Parties
- Pre-hearing meetings may help ease some anxiety because the Decision-Maker addresses many of the “unknowns” associated with the live hearing
- Unfortunately, this does not mean that the Parties will not be anxious during the hearing

# Benefit to the Parties and Advisors

Allows Parties to put a face with the name of the Decision-Maker

Parties may begin to fully understand the hearing process

The process and potential consequences of the Title IX process may become "real"

# Benefit to the Parties and Advisors

After the pre-hearing meeting, some parties may decide to move forward with informal resolution (if permitted)

May make the live hearing more efficient, focused, and effective

# Benefits to the Decision-Maker

- Clarifies the authority of the Decision-Maker(s) in front of the Advisors and Parties
- Ensures Parties and Advisors have the same understanding of and expectations for the live hearing
- Anticipates any issues and troubleshoot before the hearing begins
- Slows the process down to allow more thoughtful decision-making

# Coordinating the Pre-Hearing Meeting

- Schedule with the Parties separately
- Ensure the meeting occurs well before the anticipated hearing date to accommodate any requests for changes or special needs
- Provide an Advisor if the Party does not already have one
- Ask Parties to bring their list of cross-examination questions for review
- Select your videoconferencing platform for the hearing
- Send a written summary of the pre-hearing meeting to all Parties and Advisors upon conclusion

# Sample Meeting Agenda

**1**

## Introductions

- Parties
- Advisors
- Title IX Team

**2**

## Hearing preparation

- Confirm Parties' access to investigative report and evidence
- Confirm Witness participation

**3**

## Review procedure

- Consult your school policy
- If your policy does not establish procedures, create a flow for the hearing

# Sample Meeting Agenda

## 4

### Outline live hearing rules

- Authority of the Decision-Maker at the hearing  
(Permission to speak, requests for breaks, etc.)
- Consequences of not submitting to cross-examination
- Expectations of rules and decorum  
(punctuality, inclusive language, prohibited behavior, etc.)
- Relevance under Title IX

# Sample Meeting Agenda

5

## Establish Timeframe

- Share date and time for live hearing
- Explain potential length of hearing
- Discuss technology logistics

6

## Answer Questions

- Discuss any barriers, concerns, needs, or worries
- Ensure no questions are left unanswered, this is the time to clarify for all parties

# A Decision-Maker's Perspective

