

ATIXA Process Steps Checklist: Pre-Hearing, Hearing, and Appeal

ATIXA outlines the step-by-step process for hearings that ensures compliance with the new OCR Title IX Regulations.



Pre-Hearing

- 1. Provide Notice of Hearing (location, time, hearing decision-maker identification, conflict check, individuals attending, specific charges) to all Parties/Advisors
- 2. Conduct Meetings between Chair/Decision-maker and Parties/Advisors (optional)
- 3. Make Evidence and/or Question Rulings by Chair/Decision-Maker; Circulate to all Parties/Advisors (optional)
- 4. Revise/Disseminate Materials to Parties/Panel
- 5. Review of Investigation Reports/Materials by Decision-maker
- 6. Witness, Party, Decision-maker Logistics
- 7. Technology Arrangements
- 8. Technology Test
- 9. Obtain Assurance that Advisors are in Place and Willing to Cross-Examine
- 10. Determine whether any Parties/Witnesses may Refuse to Testify at Hearing
- 11. Arrange for any Necessary Alternates (Decision-makers and/or Advisors)
- 12. Allow Challenge to any Decision-Maker on Basis of Bias/Conflict and Opportunity for Self-Recusal by any Decision-maker
- 13. Prepare and Refine Hearing Script
- 14. Prepare Questions from Decision-maker
- 15. Prepare Checklist of all Applicable Policy Elements
- 16. Set an "Order of Go" for Witness Testimony
- 17. Review Logistics with Parties, Advisors, Witnesses, Decision-maker, Sanctioning Authorities (if applicable), and/or Hearing Facilitator/Case Manager (if any)
- 18. Arrange for any Directly Related Evidence to be Available at Hearing
- 19. Inform Parties to Prepare Impact Statements for Submission at Start of Hearing
- 20. Check in with Parties for any Access, Accommodation, Interpreter Needs, Etc.
- 21. Review and Complete any Step above that was not Accomplished Pre-Hearing



Hearing

- 22. Turn on Recording Equipment and make sure it is Functioning Properly
- 23. Introduce All Participants
- 24. Review and Clarify Applicable Procedures; Answer Any Procedural Questions
- 25. Solicit Impact Statements from Parties
- 26. Swear in Witnesses/Parties or Provide Reminder of Applicable Policy on Truthful Testimony/ Honor Code
- 27. Disseminate/Distribute Materials as Necessary
- 28. Make any Evidence Rulings Necessary (Relevant v. Directly Related)
- 29. Read Hearing Script
- 30. Invite Testimony from Investigator(s)
- 31. Decision-maker Questioning of Investigator(s)
- 32. Advisors Questioning of Investigator(s) (Complainant, Respondent, and then any additional Follow-up)
- 33. Rulings on Questions/Testimony by Chair/Decision-maker (applies to 29-31)
- 34. Take Break
- 35. Invite Testimony from Complainant (Opening Statement allowed?)
- 36. Decision-maker Questioning of Complainant
- 37. Advisors Questioning of Complainant (Respondent, Complainant, and then any Additional Follow-up)
- 38. Rulings on Questions/Testimony by Chair/Decision-maker (applies to 34-36)
- 39. Take Break
- 40. Invite Testimony from Respondent (Opening Statement allowed? Can also slot after Complainant's opening statement, if preferred)
- 41. Decision-maker Questioning of Respondent
- 42. Advisors Questioning of Respondent (Complainant, Respondent, and Then Any Additional Follow-up)



Hearing

- 43. Rulings on Questions/Testimony by Chair/Decision-maker (applies to 39-42)
- 44. Take Break
- 45. Invite Testimony from Witnesses (try to order this list logically if possible)
- 46. Decision-maker Questioning of Witnesses
- 47. Advisors Questioning of Witnesses (Respondent, Complainant, and then any additional Follow-up)
- 48. Rulings on Questions/Testimony by Chair/Decision-maker (applies to 44-46)
- 49. Any Remaining Questions for Complainant (Decision-maker, Respondent Advisor, and Complainant Advisor)
- 50. Any Remaining Questions for Respondent (Decision-maker, Complainant Advisor, and Respondent Advisor)
- 51. Take Break
- 52. Closing Statements (Complainant, Respondent)
- 53. Dismiss Parties/Advisors for Deliberation
- 54. Deliberate (Closed Session)
- 55. Make Finding
- 56. Make Responsibility Determination by Standard of Proof
- 57. Prepare Summary of Rationale
- 58. Review Impact Statements; Chair/Decision-maker Confer as Necessary with Sanctioning Authorities (if necessary)
- 59. Draft Notice of Outcome
- 60. Circulate Draft Notice of Outcome to Title IX Coordinator/Legal Counsel/Etc. (optional; avoid conflicts)
- 61. Share Notice of Outcome with the Parties/Advisors
- 62. Maintain Recordkeeping Protocol





Appeal

- 63. Accept Timely Appeal Requests from Parties
- 64. Submit Timely Appeal Requests for Review by Appropriate Appeal Decision-maker
- 65. Notify the Other Party in Writing That a Timely Appeal was Filed and Invite Them to Submit a Written Statement in Support of, or Challenging, the Outcome
- 66. Consider Valid Appeal Grounds and Determine which, if any, Are Met (by standard of proof)
- 67. Review Any Written Statements Received from the Parties
- 68. Grant or Deny Appeal
- 69. If Granted, Direct Remand or Other Appropriate Action, Accordingly
- 70. Draft Notice of Outcome
- 71. Circulate Draft Notice of Outcome to Title IX Coordinator/Legal Counsel/Etc. (optional; avoid conflicts)
- 72. Share Notice of Outcome with the Parties/Advisors

CONTACT INFORMATION

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