



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.



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ATIXA Process Steps Checklist

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

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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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