



VIRTUAL HEARING BEST PRACTICES TIPS FROM PRACTITIONERS

An ATIXA Webinar | October 21, 2020

PRESENTERS



Emily Babb

(she/her/hers)

Interim Assoc. VP for Office of
Equal Opportunity & Civil
Rights/Title IX Coordinator
University of Virginia



Melissa Nichols

(she/her/hers)

Title IX & ADA/504 Coordinator
Furman University



Elizabeth Trayner, Ed.D.

(she/her/hers)

Title IX Coordinator
University of the Pacific

AGENDA



- 1 Campus Contexts
- 2 Pre-Hearing Communication
- 3 Choosing Technology
- 4 Hearing Preparation
- 5 Pre-Hearing Logistics Decisions
- 6 Hearing Communication
- 7 Lessons Learned

NOT FOR DISTRIBUTION

- 22,000 Students
- Public
- Bachelor's/Master's/Doctoral/
Professional Degrees
- Title IX Staff:
 - Title IX Coordinator
 - Deputy Title IX Coordinator
 - 3 full-time Investigators
 - Executive Assistant
- 1 Sexual Misconduct Policy/2
Procedures





- 2700 Students
- Private
- Four-year Residency Requirement
- Bachelor's/Master's Degrees
- Title IX Office of One
- 1 Sexual Misconduct Policy/2 Procedures

- 6500 Students
- Private
- Three campuses
- Bachelor's/Master's/Doctoral/
Professional Degrees
- Two full-time staff
- 1 Sexual Misconduct Policy/2
Procedures



NOT FOR DISTRIBUTION

PRE-HEARING COMMUNICATION



- Explain the hearing process
- Set privacy expectations
- Assess for needs
 - Technology access
 - Disability accommodations
 - Language services
 - Private space
- Share hearing materials
 - Parties & Advisors
 - Witnesses
 - Decision-makers

CHOOSING TECHNOLOGY



- Identify available platforms
 - Zoom
 - Microsoft Teams
 - WebEx
 - Others?
- Consider functionality needs
 - Separate rooms
 - Chat function
 - Captioning
 - Hide participant view
 - Ability to minimize interaction
 - Recording capability

HEARING PREPARATION



- Develop a checklist
- Pre-hearing meetings
 - Test Technology
- Customize script
- Identify staffing
 - Decision-maker(s) and alternate(s)
 - Hearing facilitator
 - Title IX Coordinator
- Determine if all participants will be remote

HEARING LOGISTICS DECISIONS



- Campus status (pandemic and post-pandemic)
- Technology
 - Recordings
 - Co-host
 - Exits and entrances
 - Back-up plan
 - Phone numbers
- Rules of decorum
- Information sharing and questions (Process A vs. Process B)
- Breaks
- Impact and mitigation statements
- Trauma-informed practices

VIRTUAL ROOM COORDINATION



Hearing Room
(Recorded)

Deliberation Room
(Not Recorded)

Complainant &
Advisor

Respondent &
Advisor

Witness Waiting
Room

Title IX Coordinator
& or Counsel

Main Hearing Room

HEARING COMMUNICATION



- Parties and Advisors
 - Private consultation
 - Cross-examination
- Questioning under Process B
- Multi-party hearings
- Decision-makers
 - Co-locate for hearing?
 - Deliberation
- Post-hearing debriefing

NOT FOR DISTRIBUTION

LESSONS LEARNED



- Don't host the hearing in the "main room"
- Practice with technology
- Have a back-up plan
- Follow your policy
- Address panelist engagement (e.g., facial expressions, multiple screens, etc.)

NOT FOR DISTRIBUTION

QUESTIONS?

NOT FOR DISTRIBUTION



CONTACT INFORMATION

Emily Babb

ecb6y@virginia.edu

Melissa Nichols

melissa.nichols@furman.edu

Elizabeth Trayner

etrayner@pacific.edu

The content of this webinar does not constitute training materials for the purpose of complying with the 2020 Title IX Regulations.

LIMITED LICENSE AND COPYRIGHT. BY PURCHASING, AND/OR RECEIVING, AND/OR USING ATIXA MATERIALS, YOU AGREE TO ACCEPT THIS LIMITED LICENSE AND BECOME A LICENSEE OF PROPRIETARY AND COPYRIGHTED ATIXA-OWNED MATERIALS. THE LICENSEE ACCEPTS ALL TERMS AND CONDITIONS OF THIS LICENSE, AND AGREES TO ABIDE BY ALL PROVISIONS. NO OTHER RIGHTS ARE PROVIDED, AND ALL OTHER RIGHTS ARE RESERVED. THESE MATERIALS ARE PROPRIETARY AND ARE LICENSED TO THE LICENSEE ONLY, FOR ITS USE. THIS LICENSE PERMITS THE LICENSEE TO USE THE MATERIALS PERSONALLY AND/OR INTERNALLY TO THE LICENSEE'S ORGANIZATION FOR TRAINING PURPOSES, ONLY. THESE MATERIALS MAY BE USED TO TRAIN TITLE IX PERSONNEL, AND THUS ARE SUBJECT TO 34 CFR PART 106.45(B)(10), REQUIRING ALL TRAINING MATERIALS TO BE POSTED PUBLICLY ON A WEBSITE. NO PUBLIC DISPLAY, SHARING, OR PUBLICATION OF THESE MATERIALS BY A LICENSEE/PURCHASER IS PERMITTED BY ATIXA. YOU ARE NOT AUTHORIZED TO COPY OR ADAPT THESE MATERIALS WITHOUT EXPLICIT WRITTEN PERMISSION FROM ATIXA. NO ONE MAY REMOVE THIS LICENSE LANGUAGE FROM ANY VERSION OF ATIXA MATERIALS. LICENSEES WILL RECEIVE A LINK TO THEIR MATERIALS FROM ATIXA. THAT LINK, AND THAT LINK ONLY, MAY BE POSTED TO THE LICENSEE'S WEBSITE FOR PURPOSES OF PERMITTING PUBLIC ACCESS OF THE MATERIALS FOR REVIEW/INSPECTION, ONLY. SHOULD ANY LICENSEE POST OR PERMIT SOMEONE TO POST THESE MATERIALS TO A PUBLIC WEBSITE OUTSIDE OF THE AUTHORIZED MATERIALS LINK, ATIXA WILL SEND A LETTER INSTRUCTING THE LICENSEE TO IMMEDIATELY REMOVE THE CONTENT FROM THE PUBLIC WEBSITE UPON PENALTY OF COPYRIGHT VIOLATION. THESE MATERIALS MAY NOT BE USED FOR ANY COMMERCIAL PURPOSE EXCEPT BY ATIXA.