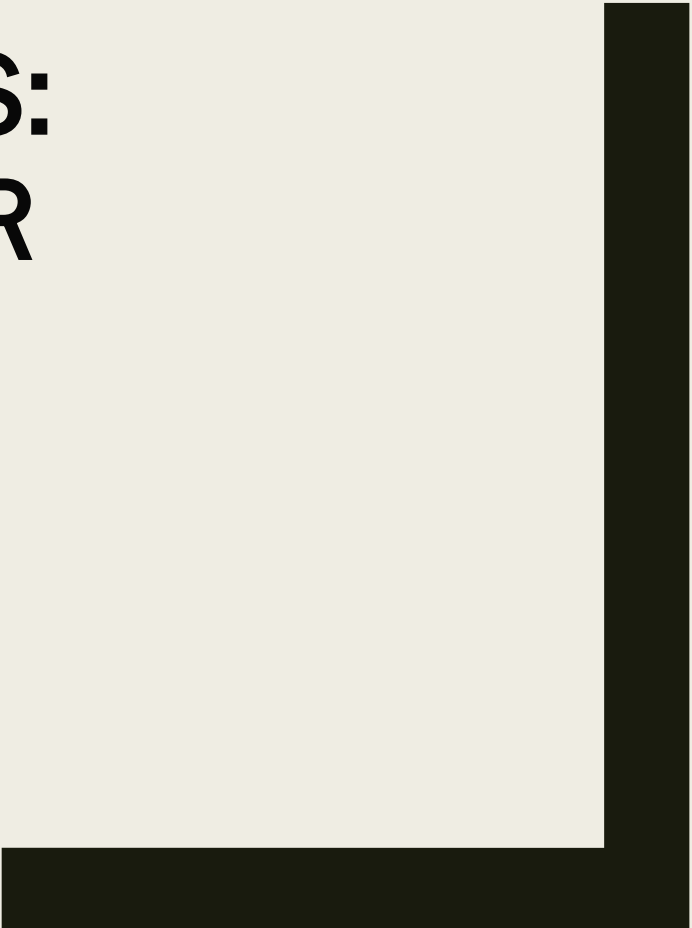




# **TITLE IX HEARINGS: INFORMATION FOR ADVISORS**

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# Today we will cover:

- Scope of the role
- Working with your party
- Cross-examination
  - *Basics*
  - *Preparing*
  - *Goals*
  - *Skill-building exercise*

# Role of advisor in SAIC hearings

- Different during the hearing stage than it is during the investigation stage
- To conduct cross-examination on behalf of the party. At SAIC, this includes:
  - *Assisting party in preparing for the hearing*
  - *Advising party of the goals of cross-examination*
  - *Helping the party develop questions*
  - *Neutrally relaying the party's desired questions*
- This does not include:
  - *Speaking for the party, making objections, presenting arguments, or engaging in any other active role*
- Always abiding by the rules of decorum and treating all parties with respect
  - *WHY IS THIS SO IMPORTANT?*

# Some cross-examination basics

- Point of cross-examination: a means by which the party establishes their case
- Two broad categories of cross-examination:
  - *Constructive*
  - *Destructive*
- And a third, for Title IX purposes: fleshing out the investigation

# SOME SPECIFIC CROSS-EXAMINATION GOALS/STRATEGIES

- To develop favorable matters from report/limit unfavorable matters from report
- To demonstrate that the witness has a motive to lie or has lack of motive to lie, bias or prejudice
- To establish that the witness could not have seen or heard what they claimed
- To challenge the witness's ability to recall the events accurately
- To impair the credibility of the witness
  - By getting them to admit that they made statements on a prior occasion contrary to their current testimony
  - By comparing to contradictory statements of another witness or document
- To bring to the decision maker's attention that the witness testifies evasively, hesitantly, belligerently, or so slowly that they seem to be struggling to support their testimony

# Preparing for cross-examination

- Master:
  - *The applicable sections of SAIC's policy*
  - *The prohibited categories of evidence*
- Thoroughly review all evidence and investigation report
- Consult with your party about their responses to the evidence and investigation report
- Share your thoughts on the evidence and investigation report
- Help party identify areas of strength and areas of weakness
- Help party develop questions to highlight areas of strength and explain areas of weakness



SKILL-BUILDING  
EXERCISE:  
THE ABC PARTY



# Issues and tips specific to Title IX hearings



Listen to the decision-maker!



Should you cross-examine every  
single witness?



What if you don't agree with  
your party?



# Fun bonus activity applying evidence in a sexual harassment matter

1. Unwelcome conduct (subjective and objective)
2. Severe
3. Pervasive
4. Objectively offensive
5. Effective denial of equal access to school's education program or activity



# QUESTIONS?

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