

Crafting Relevant & Effective Questions in Title IX Hearings

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CRAFTING RELEVANT & EFFECTIVE QUESTIONS IN TITLE IX HEARINGS

Meet Your Presenters



Liz DeChellis
Partner & Director of
Title IX Services



Stephanie Slone
Attorney Adjudicator



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AGENDA



- I. Title IX Hearing Questions Overview
- II. Relevant Questions for Parties in a Title IX Hearing
- III. Relevant Questions for Investigators in a Title IX Hearing
- IV. Sample Hearing Questions
- V. Q&A

Purpose of a Title IX Hearing

Allow the Hearing Officer to determine whether or not the Respondent is responsible for violating school policy based on the incident(s) in the Title IX complaint.



Title IX Hearings Differ from Investigations



Witnessed
by the
Other Party



Access to the
Report or
Some Evidence
Gathered



Areas in
Dispute May Be
Narrowed



Questioning by
the Other
Party's Advisor
in Real-Time



Let's look at a hearing in progress right now...



Purpose of the Investigation Report



- ⇒ "Laying the Foundation"
- ⇒ Establishes witness statements and perspectives
- ⇒ Highlights relevant documents
- ⇒ Provides policy language

Rejection of Questions



Policy Standards for Question Rejection:

- ⇒ Repetitive
- ⇒ Irrelevant
- ⇒ Argumentative
- ⇒ Harassing

Relevant Questions for Parties in a Title IX Hearing



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Relevant Questions for Parties

Questions directly related to the allegation

- ⇒ Revisit the scope of the investigation
- ⇒ Does the question ultimately help the Hearing Officer make a decision?



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Relevant Questions for Parties

Questions that speak directly to policy definitions

- ⇒ Consent
- ⇒ Incapacitation
- ⇒ Nature of conduct



Relevant Questions for Parties

Examples:

1. Prior to the incident, how would you describe your relationship with Respondent?
2. Based on the investigation report, the first allegation is that Respondent repeatedly asked you to go to lunch. Tell me more about these invitations.



Not Relevant Questions for Parties

Questions About Incidents Outside the Scope of the Hearing

- ⇒ Character Witness
- ⇒ Prior Sexual History
- ⇒ Questions About Time Frames Before/After Alleged Misconduct



Not Relevant Questions for Parties

Examples:

1. "How can you tell someone you love them if they sexually assaulted you?"
2. "You are making it seem like it really affected you, but during the time, you did not seem affected or bothered."
3. Has there ever been a time when a sexual partner has said no to you and you tried to initiate sex anyway?



Identify Relevant Complainant Questions



Scope: Student employee Tara (Complainant) alleged that on April 21, 2025 student employee James (Respondent) engaged in the following non-consensual conduct:

- Respondent attempted to prevent complainant from leaving their job at the Rec Center by blocking her with his body and putting his hands on her waist.
- Respondent slapped complainant's buttocks when he let her pass
- Respondent then followed Complainant to her car.

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Identify Relevant Complainant Questions



Scope: Student employee Tara alleged that on April 21, 2025 student employee James engaged in the following non-consensual conduct:

- Respondent attempted to prevent Complainant from leaving their job at the Rec Center by blocking her with his body and putting his hands on her waist.
- Respondent slapped Complainant's buttocks when he let her pass
- Respondent then followed Complainant to her car.

1. Can you describe your relationship with Respondent prior to the April 21, 2025 incident?
2. Have you and Respondent spent time together outside of work since this incident?
3. Did you ask for a change in work schedule to avoid Respondent?
4. Can you describe the positioning when Respondent blocked you from leaving?

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Relevant Questions for Investigators in a Title IX Hearing



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Limited Relevant Questions for Investigators



- ⇒ Missing attachments
- ⇒ Typos
- ⇒ Date Errors



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Not Relevant Question for Investigators

- ? Why didn't you interview my suggested witness?
- ? Why didn't you use my submitted evidence in your report?
- ? What are your qualifications?
- ? How many times have you found in favor of Complainant/Respondent?
- ? How did you determine credibility for Complainant/Respondent/Witness?



Sample Hearing Questions



Surprisingly Relevant Questions

- ⇒ Did you eat dinner?
- ⇒ Do you know why your mom was driving near the University's biology building at 1:00 am on Christmas Eve?
- ⇒ Is it typical for you to take a shower before going to bed?
- ⇒ How do your friends know you are intoxicated?
- ⇒ What is the Amtrak schedule for the route between Sacramento and Bakersfield?



QUESTIONS?

