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Title IX Hearings in a Post Regulatory World

Jody Shipper
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Your Facilitator



Jody Shipper, J.D.

Co-Founder and Managing Director

Jody Shipper is a nationally-recognized subject-matter expert with more than 20 years of experience in Title IX and related fields. She is known for her insight into best-in-class programming, policies, and community outreach aimed at addressing sexual misconduct on campus. She lectures extensively at universities and conferences throughout the U.S. on Title IX, VAWA, harassment, and implementation of best and emerging practices. Jody received her J.D. from the University of California, Hastings College of Law and her bachelor's degree from Georgetown University's School of Foreign Service.



Overview of Day Two

Let's Practice!

- Pre-Hearing Preparation
- Testimony and Cross Examination

Pre-Hearing

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The investigation is complete!

It is time to schedule the hearing...

Rapid Fire #1

Using the chat box, share your "To Do" List for coordinating the hearing.





Rapid Fire Recap

Arranging for space

Arranging technology

Scheduling pre-hearing meetings with parties & advisors

Scheduling prehearing meetings of the panel

Providing report and record to panel and parties

Scheduling the hearing

Accommodations

Call for written submissions

Conflict checks

Other considerations?

You and your team did a great job scheduling the hearing and arranging all the logistics!

||| Rapid Fire #2

It is now one week prior to the hearing. You have already received and reviewed the report and record and you will be meeting with the rest of the panel (or spending some quite time by yourself) to prepare for the hearing.

Use the chat box to share what you plan to discuss/think about during the prehearing meeting.



Rapid Fire Recap

Development of introductory comments

Initial discussion of the evidence

Areas for further exploration

List of questions for the parties and the witnesses

Anticipation of potential issues

Logistics

Review of any written submissions by the parties

Other considerations?

Break Out!

#1

Say hi!

Pick a scribe

Discuss

- All groups: Areas or topics that you would like to explore further in the hearing
- Groups 1 & 2: Complainant
- Groups 3 & 4: Respondent
- Groups 5 & 6: Witnesses

Email your responses to Jody

- jody@grandriversolutions.com

Report Out

Groups 1 & 2: Complainant
Groups 3 & 4: Respondent
Groups 5 & 6: Witnesses

Logical connection between the evidence and facts at issue

Assists in coming to the conclusion – it is “of consequence”

Tends to make a fact more or less probable than it would be without that evidence



The Hearing

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Break Out!

#2



Say hi again



Select a member of your group to take notes and to report out to the whole group



Discuss the following...



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Report Out



Questions Submitted by Complainant

For Respondent

1. You knew complainant was too drunk to have sex, but you didn't care, isn't that right?
2. In fact, you made sure she was drunk so that you could do whatever you wanted to her?
3. Isn't it true that you kept refilling the Complainant's beer because you were trying to get her drunk?
4. This is not the first time you have gotten a girl drunk at a party, is it?
5. It also isn't the first time that you walked a drunk girl home and then had sex with her while she was passed out?
6. You've hooked up with a lot of girls, haven't you?
7. This isn't the first time that a girl accused you of rape, is it?
8. You have been in trouble with the College before, haven't you?

For Kelsea

1. You've had a crush on Caleb for a really long time, isn't that true?
2. You are lying for him about how drunk Complainant was that night to get in his good graces, aren't you?

For Maxwell

1. When Caleb and Complainant got back to your suite that night, you said you spoke to them for about a minute. Isn't it true that you spoke to Caleb and that Complainant didn't say anything?
2. Isn't it true that this isn't the first time that Caleb brought a really drunk girl home?
3. Isn't it true that you would say anything to protect a guy who's been accused of sexual assault?
4. Isn't it true that you've been accused of taking advantage of girls?
5. Why are you covering for your buddy?

Questions Submitted by Respondent

For Complainant

1. You admit that you initiated the sex by taking off Caleb's pants, isn't that correct?
2. If you believed that you were raped, why didn't you go to counseling or the college's rape advocates after hooking up with Caleb?
3. You indicated that you were sick for days, but isn't it true that you posted a video to your YouTube site the morning after you say that Caleb raped you?
4. If you were so sick, how did you do that?
5. Why do you say you went to get a rape test when you know you just went to get Plan B?
6. Isn't it true that you make stuff up a lot?
7. Isn't it true you were once hospitalized for imagining things?

For Mateo

1. Isn't it true that Complainant is very sexually experienced?
2. Isn't it true that Complainant has hooked up with several of your friends?
3. Isn't it true that you don't like Complainant?

For Christine

1. Do you know Complainant well?
2. Have you drunk with her before?
3. You were with Complainant for most of the night, correct?
4. You stated that she wasn't very drunk, isn't that true?

Questions?



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