

LIVE HEARINGS FOR TITLE IX INVESTIGATORS

Preparing to be Cross-Examined

What to expect?

- The advisors for the parties and the hearing officer may each have questions for you:
 - To clarify what is included in your investigation report,
 - To better understand the process you followed during the investigation, and
 - To challenge your factual findings and conclusions.
- Depending on the complexity of the case and the style of the advisors, you may undergo questioning for five minutes or five hours. On average, expect questioning to last between 30 minutes and two hours.

What to do before the day of the hearing?

- Review your investigation report to refresh yourself on it.
- Review the Live Hearing Outline for Witnesses. You should receive this document from the Coordinator. If you have any questions, reach out to the Coordinator in advance.
- Clear your calendar during the entire hearing
 - If you are not asked to sit in on the entire hearing, you can plan to get other work done while you aren't actively participating, but consider yourself "on call."
 - Work with the Coordinator to plan for when you are expected to join the video hearing, but be flexible.
- Have contact information (email/phone) for the Facilitator/Coordinator, in case you need to reach them during the hearing.
- Test your computer system using whatever software will be used at the hearing.

What to do the day of the hearing?

- Monitor your emails/phone for updates about when you need to join the hearing.
- Dress appropriately – business casual or what you normally wear to work.
- Eliminate distractions when you are being questioned. Turn off email, cell phone, etc.
- During questioning:
 - Be truthful.
 - Listen carefully to the question that is being asked and allow the advisor to get the complete question out.
 - Pause briefly in case there will be any ruling by the hearing officer that is not relevant.
 - In the event of a relevancy objection/ruling, wait for the hearing officer to direct you to answer before proceeding.
 - Answer the question that is being asked. You don't need to go into extensive detail. It is the advisor's job to elicit the necessary information from you.
 - Sometimes "yes" or "no" is sufficient
 - "I don't know" is an acceptable answer, too.
 - Avoid using gestures (like nodding) or informal responses such as "uh-uh" or "mm-hmmm."
 - If you don't hear or understand a question, ask for clarification or restatement.
 - It's okay to ask for reasonable breaks if you need to.
 - Don't take it personally if an advisor seems aggressive, leading or accusatory. That's their job and each advisor has their own style.
 - They cannot badger you, but they have a right to ask tough questions about the evidence.

What to do after the hearing?

- It is in the hearing officer's hands now to make a decision.
 - Do not stress if the hearing officer reaches a different decision than you did about any of the facts. Often times, new evidence or information has been made available and/or reasonable minds can differ on these cases. They are often close calls!
- Reflect on what came up during the hearing to see if there's anything you might do differently going forward as part of your investigation process.