

# Making the Most of the Pre-Hearing Meeting: A Guide for Advisors and Complainants in Campus Sexual Assault Proceedings



Preparing for a campus sexual assault or dating violence hearing can be one of the most challenging aspects of an advisor's role. Colleges and universities have flexibility in how they design their hearing processes, which leads to a variety of approaches. Even experienced advisors must approach each case with attention to detail. One of the most critical steps in this preparation is the pre-hearing meeting.

This guide outlines key information advisors and complainants should have before a hearing. If they don't already know the answers to these questions, the pre-hearing meeting is an opportunity to ask Title IX coordinators or hearing officials to ensure they are prepared. This list is intended to serve as a resource and not necessarily a checklist.

## LOGISTICS

- Confirm that both the complainant and advisor have information about date and time of hearing and any necessary virtual meeting links or physical location information. Complainant and the advisor should also request any accommodations necessary to participate in the hearing.
- Will the hearing be recorded? Will the recording include both audio and video?
- Will the hearing be held virtually or in person?

### Virtual Hearings

- Who do I contact for a tech issue?

### In-Person Hearings

- Am I able to visit the space, see a photo of, or receive a description about the layout of the hearing room?
- Where should we park? Is a parking pass needed to park on campus? If yes, who will provide the pass?
- Will Wi-Fi be available?

## FORMAT

- How many people will be on the hearing panel? If the hearing panel has more than one person, will all members ask questions?
- Can you describe the order of the hearing in detail?
- Will the parties have an opportunity to provide openings and/or closing statements? If so, are there time limits on those statements?
- What is the process to request a break? May advisors request breaks or does it need to be requested by the parties?
- If the hearing extends all day, is there a set time for breaks or meals?
- If we need to communicate with the hearing chair, what is the process to do so?

### Virtual Hearings

- Are cameras required to be on for the entire hearing?
- Are cameras required to be on during questioning?
- If references to the report are made, will it be screen shared by the institution?
- Will the institution provide breakout rooms for each party and their advisor to consult?

### In-Person Hearings

- Will I be required to see the respondent?
- Is there a space where parties and advisors can consult privately?

## WITNESSES

- Will the institution confirm which witnesses are expected to participate prior to the hearing?
- Will the investigator be available to answer questions from decision-makers and advisors?
- How are witnesses being scheduled? Are they expected to be available for the entire hearing or at a specific time?

- Which party's advisor will question the witnesses first?
- Which witnesses will be available for questioning? Do the parties need to submit a witness list in advance of the hearing?

## QUESTIONING

- In what order will the parties and witnesses be questioned?
- Can the parties be questioned by their own advisor at any point during the hearing?
- Will the investigator be available for questions?
- Can the parties be questioned again by the Panel after the Panel questions the witnesses?
- Are there rules of decorum? If so, who enforces those rules? What happens if they are violated?
- Can a party choose to participate in some parts of the hearing, but not others? For example, can a party answer questions from the decision-maker, but elect not to answer questions from the other party's advisor? If a party chooses to only participate in some aspects of the hearing, can the decision-maker draw a negative inference?