Today’s webinar is being conducted by the National Association of Clery Compliance Officers and Professionals (NACCOP).

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Agenda

- Structure
- Hearing Preparation
- The Hearing

Structure

Live Hearing

In-person

Virtual
"...enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions"
The Chair
- Board Chair
  - Manages the agenda
  - Determines relevancy of questions
  - Coordinates decision
- Procedural Chair
  - Logistics
  - Has no role in decisions, including relevancy

Chair-related Tasks
- Recording
- Introductions
- Order of Questioning
- Witness Management
- Enforcing Rules of Decorum

Decision-maker(s) Task
- Review Report
- Ask Questions
- Determine Relevancy
- Assess Credibility
- Make the Finding
- Produce the Written Determination
Live Hearings – Institution Specific

- Pre-hearing Meeting
- Rules of Decorum
- Hearing Script

Pre-hearing Tasks

- Attendance Confirmation
- Scheduling
- Action Items
Preparing the Parties

- Hearing format
- Vetting of questions for relevancy
- Irrelevant questions (rape shield/privilege)
- Impact of attendance
- Impact of participation
- Role of advisor
- Appointed advisor

Decision-maker Pre-work

- Review report
- Review allegations
- Review policy
- Draft relevant questions
Roles in the Hearing

- Complainant and Respondent
  - Subject to cross-examination
  - Can be questioned by the board
  - Do you allow for a verbal statement?

- Witnesses
  - Subject to cross-examination
  - Can be questioned by the board

Other Possible Personnel in Attendance

- General Counsel
  - Advise on process?

- Stenographer
  - Only needed if not recording

- Accommodation
  - Interpreter or mandated support person

- 2nd Advisor
  - Is a support person allowed? Union rep?
Mandatory Components

- Complainant Cross-Examination
- Respondent Cross-Examination
- Witness Cross-Examination

Optional Components

- Introductions
- Reading Allegation
- Review of Rights and Rules
- Opening/Closing Statements
- Decision-maker Questions

Decision-maker Questions (from the Regulations)

“The degree to which any inaccuracy, inconsistency, or implausibility in a narrative provided by a party or witness should affect a determination regarding responsibility is a matter to be decided by the decision-maker, after having the opportunity to ask questions of parties and witnesses, and to observe how parties and witnesses answer the questions posed by the other party.”
Advisor

- Each party’s advisor asks of other party and witnesses “all relevant questions and follow-up questions, including those challenging credibility.”
- “Only relevant cross-examination and other questions may be asked of a party or witness.”
- “…simply of posing questions intended to advance the asking party’s perspective…” (Preamble)
Questioning by the Advisors

Order of Questioning/Statements

Order of Questioning/Statements

Relevancy and Admissibility Determinations

- Past sexual history
- Privileged information
- Repetitive question
- New information
- Not probative of material fact

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**Reason for Relevancy Determination**

- Not a lengthy or complicated explanation
- Logic and common sense
- Shows neutrality
- May trigger appeal ("procedural irregularity")

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**“New Evidence” at the Hearing**

APPEAL GROUND: “New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter.”

- Allow
- Disallow
- Stop Hearing

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**Party Issues**

- Request for informal, disruptive, inappropriate question
- Not participating, no show, emotional...
Upcoming D. Stafford Virtual Classes

- Title IX Coordinator (11:00 AM - 5:00 PM Eastern)
  - May 3 - 7, 2021
  - October 4 - 8, 2021
- Combined Sexual Misconduct and Domestic/Dating Violence and Stalking Investigation (11:00 AM - 5:00 PM Eastern)
  - August 23 - 27, 2021
- Advanced Investigations (9:00 AM - 5:00 PM (Eastern Time))
  - June 7 - 11, 2021
  - November 8 - 12, 2021

Upcoming D. Stafford Virtual Classes

- Behavioral Intervention Team/Threat Assessment Team Training (10:00 AM - 5:30 PM Eastern)
  - June 22 - 24, 2021
  - December 1 - 3, 2021

8TH ANNUAL NACCOP CONFERENCE:
A Live, Virtual Event

Conference - July 21-23, 2021
Pre-Conferences - July 20, 2021

- Pre-Con #1 for CCOs: Addressing VAWA Policy Statements for Non-Title IX Procedures in the Annual Security Report
- Pre-Con #2 for CCOs: Developing Internal Memorandums of Understanding (MOUs) with Key Departments to Facilitate a Higher Level of Intra-Institutional Cooperation with Clery Act

2021 ADVANCED TRACK OPTION - Case Reviews: These sessions include a Case Review where attendees will participate in reviewing a sample incident report narrative to determine the correct classification and count for each report and to practice adding entries to the Daily Crime Log. This session will provide practitioners with an opportunity to apply their knowledge to real-world scenarios.

The finalized agenda will be released in the late Spring of 2021.

Register at www.naccop.org

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