



Fall 2025

Title IX Training

Live Hearing Advisors

Agenda

- **Review Role and Responsibilities**
- **2020 Title IX Final Rule: Live Hearing Procedures**
- **Review Documents**
- **Discuss Common Pitfalls**
- **Q&A**

How Do We Get to the Live Hearing?



Anticipated Timeframe

- Collin College will endeavor to expedite all formal complaint investigations and resolutions.
- Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for Collin College to delay its investigation, the Formal Resolution Process should be completed within a reasonably prompt time frame.
- Collin College may temporarily delay or grant a limited extension of the time frame for good cause as long as both parties are notified in writing of the delay or extension and the reason(s) for the action.
- The anticipated time frame from receipt of the formal complaint through the investigation and Live Hearing phases, culminating with the Live Hearing Officer's *Written Determination of Responsibility*, is 60 College District business days.

Advisors' Roles During the Investigation Phase

- In accordance with Title IX, both parties will have equal right to be accompanied by an advisor of their choice (e.g., family member, friend, legal counsel) to interviews and meetings with the Investigators.
 - However, only the party may speak on their own behalf.
 - Collin College retains the right to limit the role of both parties' advisors in interviews and meetings with the Investigators.
 - Should a party's advisor continuously speak on the party's behalf, become combative, or otherwise disrupt the proceedings, the Investigators reserves the right to ask them to leave or to end the proceedings and reschedule for a later date.
- Collin College will not provide an advisor for either party during the Investigation phase of the Title IX Formal Resolution Process.

Assigning a Live Hearing Advisor to the Case

- **The Investigators will ascertain whether each party will provide their own Live Hearing Advisor.**
- **If a party is unable to obtain a Live Hearing Advisor, Collin College will provide one (1) free of charge.**
- **Title IX Coordinators, Deputy Title IX Coordinators, Informal Resolution Facilitators, Investigators, Removal Challenge Officers, Live Hearing Officers, and Appeal Decision Makers cannot serve as Live Hearing Advisors.**
- **Collin College maintains a pool of trained Live Hearing Advisors.**

Assigning a Live Hearing Advisor to the Case (Cont.)

- When a Live Hearing Advisor is needed to serve on a case, a call will be sent by the Title IX Coordinator, Deputy Title IX Coordinator, or designee to the entire pool through Collin College email.
- The Title IX Coordinator, Deputy Title IX Coordinator, or designee will assign a Live Hearing Advisor from the individuals who respond stating they are available.
- Please respond to all call to serve emails as soon as possible.

Live Hearing Advisor's Role

- The Live Hearing Advisor will assist either the Complainant or Respondent during the Live Hearing.
- The Live Hearing Advisor's sole purpose is to conduct cross-examination for the party during the Live Hearing.
- The Live Hearing Advisor is not the party's attorney, and they are not there to "win" the case for their party.
- The Live Hearing Advisor must be free from conflicts of interest or bias for or against the parties.
- The Live Hearing Advisor must conduct a prompt, fair, impartial, unbiased, and equitable process from receipt of the link to access a secured electronic folder containing all information and evidence that is directly related to the allegation(s) to receipt of the *Written Determination of Responsibility*.

Link to Secured Electronic Folder

- Prior to writing the *Investigation Report* the Investigators will send to both parties and their respective Live Hearing Advisors a link to access a secured electronic folder.
- This electronic folder will contain all the information and evidence that is directly related to the allegation(s), including:
 1. The evidence upon which Collin College does not intend to rely in reaching a determination,
 2. Inculpatory evidence (i.e., evidence that can establish an individual's involvement in an act or their guilt), and
 3. Exculpatory evidence (i.e., evidence that can exonerate an individual).
- This is intended to allow each party to meaningfully respond to the evidence prior to the conclusion of the Investigation.
- The Live Hearing Advisor's role begins when the link to the secured electronic folder is sent to both parties.

Investigation Report

- The Investigators will write an *Investigation Report* that fairly summarizes the Investigation and includes all relevant evidence.
- The Investigators will simultaneously send the parties and their respective Live Hearing Advisors the draft of the *Investigation Report* in electronic format or hard copy and will give them 10 College District business days to inspect, review, and respond to the document prior to finalizing it.
- College District business days exclude:
 1. Weekends (i.e., Saturdays and Sundays)
 2. National holidays recognized by Collin College
 3. College District closures

Investigation Report (Cont.)

- The Live Hearing Advisor should meet with their party to review the draft *Investigation Report*.
- During this time, the Live Hearing Advisor should assist their party with:
 - Writing their response to the draft *Investigation Report*, if necessary.
 - Developing the questions they would like to have the Live Hearing Advisor ask the other party, Witnesses, and/or Investigators during cross-examination.
 - Understanding the Live Hearing procedures.
- The parties and/or their respective Live Hearing Advisors should send any edits or additions to the draft *Investigation Report* to the Investigators by the stated deadline.

Investigation Report (Cont.)

- The Investigators will include all edits and additions received by the stated deadline as addendums at the end of the final document.
- The Investigators will complete the final *Investigation Report* at least 10 College District business days prior to the Live Hearing.
- The Investigators will simultaneously send the parties and their respective Live Hearing Advisors the final *Investigation Report* in electronic format or hard copy.
- The Live Hearing Advisor should meet with their party to again to review the final *Investigation Report* and prepare for the Live Hearing.

Notifying the Parties of the Live Hearing

- The appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will notify the parties, their respective Live Hearing Advisors, the Investigators, the Live Hearing Officer, and any Witnesses in writing of the date, time, and place of the Live Hearing.
- If a party needs to postpone the Live Hearing due to unavoidable circumstances, the party must contact the appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee no later than three (3) College District business days prior to the Live Hearing.
- It is at the sole discretion of the appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee to postpone the Live Hearing for good cause as long as all parties involved are notified of the new date, time, and location.

Notifying the Parties of the Live Hearing (Cont.)

- If a party does not contact the appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee by the stated deadline and does not appear for the Live Hearing, the Live Hearing Officer retains the right to proceed with the Live Hearing and render a determination of responsibility in the party's absence.
- The Live Hearing will be rescheduled due to unavoidable circumstances no more than two (2) times.

Pre-Live Hearing Meeting

- If either the Complainant and/or Respondent request it, the Live Hearing Officer can meet with each party and their Live Hearing Advisor separately prior to the Live Hearing.
- The purpose of this meeting is to allow the Live Hearing Officer to:
 - Review the cross-examination questions each party would like to ask during the Live Hearing,
 - Determine the relevancy of the proposed questions, and
 - Respond with an appropriate rationale if a question is denied.
- These meetings must be done in a timely manner so that each party has an opportunity to evaluate the Live Hearing Officer's response and generate new questions, if necessary.

During the Live Hearing

- **The Live Hearing Advisor should:**
 - Consult with, discuss, and address issues of concern with their party, as needed.
 - Offer support to their party.

- **The Live Hearing Advisor should not:**
 - Speak on their party's behalf.
 - Participate in any portion of the Live Hearing other than cross-examination.
 - Delay, disrupt, or interfere with the proceedings.

- **Collin College reserves the right to take appropriate action regarding any Live Hearing Advisor who disrupts the process or does not abide by the restrictions on their participation.**

Live Hearing Procedures

- The Live Hearing Officer will conduct the Live Hearing on the specified date and time.
- The Live Hearing will be conducted in a designated room at the appropriate Collin College campus, another location designated by Collin College, and/or via Zoom or other web conferencing software approved by Collin College.
- When Live Hearings are held via Zoom or other web conferencing software approved by Collin College, all participants are required to have their cameras on while speaking.
- The Live Hearing Officer must record the Live Hearing.
 - This will be done using the recording function in Zoom or other web conferencing software approved by Collin College so there will be both an audio and video recording of the Live Hearing.

Live Hearing Procedures (Cont.)

- **The Live Hearing will generally proceed as follows:**
 1. Live Hearing Officer's Opening Remarks (No More Than 10 Minutes)
 2. Investigators' Review of the Investigation (No More Than 10 Minutes)
 3. Complainant's Statement (No More Than 20 Minutes)
 4. Respondent's Statement (No More Than 20 Minutes)
 5. Complainant's Rebuttal (No More Than 10 Minutes)
 6. Respondent's Rebuttal (No More Than 10 Minutes)
 7. Live Hearing Officer Questions the Complainant and Respondent (No More Than 20 Minutes Per Party)
 8. Witness Statements and Cross-Examination of the Parties and Witnesses (No More Than 20 Minutes for Each Party and Witness)
 9. Complainant's Closing Statement (No More Than 5 Minutes)
 10. Respondent's Closing Statement (No More Than 5 Minutes)
 11. Live Hearing Officer Concludes the Live Hearing (No More Than 5 Minutes)

Witnesses

- The Complainant and Respondent cannot speak to the Witnesses at any time during the Live Hearing.
- The Live Hearing Officer will call each Witness one (1) at a time to give their statement.
- The Live Hearing Officer will ask each Witness relevant questions and follow-up questions, including those bearing on credibility.
- The Live Hearing Officer will permit each party's Live Hearing Advisor to ask each Witness any relevant questions and follow-up questions, including those bearing on credibility.
- The Live Hearing Officer will dismiss each Witness after they have given their statement and answered any questions.

Cross-Examination of the Parties

- The Complainant and Respondent cannot speak to each other at any time during the Live Hearing.
- All cross-examination will be conducted only by the Complainant's Live Hearing Advisor and the Respondent's Live Hearing Advisor, respectively.
- Cross-examination will be conducted directly, orally, and in real time by the parties' respective Live Hearing Advisors and never by the parties personally.
- Live Hearing Advisors' roles will not be limited when cross-examination is permitted during the Live Hearing.

Cross-Examination of the Parties (Cont.)

- **The Live Hearing Officer will permit each party's Live Hearing Advisor to ask the other party any relevant questions and follow-up questions, including those bearing on credibility.**
- **The Live Hearing Officer has the responsibility to determine the relevancy of questions and explain in real time any decision not to permit a question.**
- **Questions and evidence concerning a Complainant's sexual predisposition or prior sexual behavior are irrelevant and not permitted, unless these questions are offered to prove that someone other than the Respondent committed the alleged misconduct or to prove consent.**

Refusal to Submit to Cross-Examination

- **A Complainant, Respondent, or Witness may refuse to submit to cross-examination during the Live Hearing.**
- **If a Complainant, Respondent, or Witness does not submit to cross-examination, that individual's statement(s) (i.e., the information obtained during the Investigation) may still be relied on by the Live Hearing Officer in reaching a determination regarding responsibility.**
- **Collin College is not permitted to draw an adverse inference based on the mere fact that an individual refused to submit to cross-examination.**

After the Live Hearing

- The Live Hearing Officer will send an email to the Complainant, Respondent, and their respective Live Hearing Advisors containing the link(s) to the audio recording, video recording, and/or transcript of the Live Hearing.
- The Live Hearing Officer will deliberate on the evidence provided and determine responsibility.
 - Collin College uses the preponderance of the evidence standard (i.e., more likely than not to have occurred).
 - Think of this as “50% plus a feather.”
 - It is critically important that the Live Hearing Officer does not use a higher standard of evidence when determining responsibility.

After the Live Hearing (Cont.)

- The Live Hearing Officer will compose the *Written Determination of Responsibility* which will:
 1. Identify the allegation(s) at issue;
 2. Describe the procedural steps taken throughout the case;
 3. Detail the findings of fact supporting the Live Hearing Officer's determination;
 4. Enumerate the conclusions regarding application of Collin College's Title IX policy;
 5. Contain a detailed statement and rationale as to the determination for each allegation;
 6. Clearly state any disciplinary sanctions being imposed (or recommended in the case of expulsion of a student or termination of an employee) on the Respondent and any remedies that must be provided to the Complainant; and
 7. Describe the procedures and permissible grounds for appeal.

After the Live Hearing (Cont.)

- The Live Hearing Officer or appropriate Title IX Coordinator, Deputy Title IX Coordinator, or designee will send the following documents to the parties and their respective Live Hearing Advisors simultaneously in electronic format or hard copy within 10 College District business days of the Live Hearing:
 - *Written Determination of Responsibility*
 - *Appeal Request Form*
 - Any Other Applicable Forms or Documents (e.g., *Permanent No-Contact Directive Acknowledgment Form*)
- The Live Hearing Advisor's obligation ends once they receive these documents from the Live Hearing Officer.

Appealing the Determination

- Either the Complainant or Respondent may appeal the Live Hearing Officer's determination.
- The appealing party must submit the completed *Appeal Request Form* within 10 College District business days of the Live Hearing Officer's determination.
- The only grounds for an appeal allowed under Title IX are:
 - Procedural irregularity that affected the outcome,
 - New evidence not reasonably available prior to the Live Hearing that could affect the outcome, and/or
 - Conflict of interest or bias by Collin College's participants that affected the outcome.

Written Determination Final

- The *Written Determination of Responsibility* will become final when:
 - The stated time period to file an appeal has passed for both parties and neither party appeals, or
 - The parties are notified that the Live Hearing Officer's determination was upheld after the appeal process has been exhausted for both parties.

Question & Answer Session



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