



To Hearing, Or Not To Hearing?

That is the Question...

May 29, 2024

DAN SCHORR, LLC

OUR SERVICES

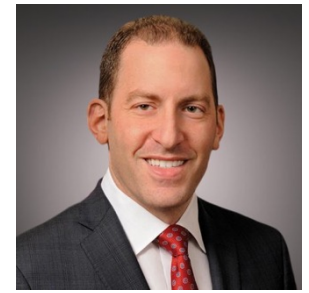
- Title IX, Civil Rights, and Misconduct Investigations
- Decision Makers and Hearing Officers
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- Interim Title IX Coordinator Coverage
- Expert Witness Testimony

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DAN SCHORR

President

New York



Dan Schorr is a former criminal prosecutor and municipal inspector general with more than 25 years of legal and investigative experience. He manages a variety of complex assignments, including investigations into sexual misconduct, Civil Rights, and fraud allegations at educational institutions, corporations, and government entities. In addition to specializing in Title IX investigations, Dan assists higher education and K-12 schools by conducting policy and program reviews, training personnel on all aspects of Title IX and Civil Rights compliance, and serving in hearing officer and Decision Maker roles. Dan is a pre-approved Sexual Misconduct Investigator for the United Educators ProResponse Expert Services Benefit.

ALYSSA-RAE MCGINN

Vice President

Boston



Alyssa-Rae McGinn has extensive experience leading a variety of complex investigations, with particular expertise in conducting investigations at educational institutions and corporations into allegations of sexual misconduct and identity-based harassment involving students, faculty, staff, and corporate leadership. Alyssa-Rae has also served as a decision maker and hearing chair for matters brought under the 2020 Title IX regulations and as an interim Title IX Coordinator to support and supplement the Title IX function at schools.

WHEN IS CROSS-EXAMINATION REQUIRED?

- Regulations require opportunity for cross-examination in Title IX cases:
 - ✓ At the postsecondary level,
 - ✓ Involving sex-based harassment, and
 - ✓ Involving one or more students as parties
- All other cases do not require cross-examination opportunity

OPTION A: NO LIVE HEARING

When a postsecondary institution chooses not to conduct a live hearing, the process for proposing and asking relevant and follow-up questions of parties and witnesses, including questions challenging credibility, must:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness (subject to review by decisionmaker); and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

OPTION B: LIVE HEARING (WITHOUT DIRECT ADVISOR QUESTIONING)

When a postsecondary institution chooses to conduct a live hearing **without direct advisor questioning**, the process for proposing and asking relevant and follow-up questions of parties and witnesses, including questions challenging credibility, must allow the decisionmaker to ask such questions, and allow each party to **propose such questions** that the party wants asked of any party or witness and have those **questions asked by the decisionmaker** (subject to review by decisionmaker).

OPTION C: LIVE HEARING (WITH DIRECT ADVISOR QUESTIONING)

When a postsecondary institution chooses to conduct a live hearing **with direct advisor questioning**, the process for proposing and asking relevant and follow-up questions of parties and witnesses, including questions challenging credibility, must allow the decisionmaker to ask such questions, and allow each **party's advisor to ask** any party or witness such questions (subject to review by decisionmaker). Such questioning must never be conducted by a party personally.

THE TITLE IX AND CIVIL RIGHTS

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"Final Table is a compelling, timely, and fast-paced story of a sexual assault survivor's fight to regain control of her life in the face of fear, self-doubt, international intrigue, and looming retribution. Former sex crimes prosecutor Dan Schorr's nuanced and layered debut novel smashes stereotypes and cliches with a strikingly original and memorable narrative."

- **SUNNY HOSTIN**,
Emmy-Winning Co-Host of *The View* and best-selling author of *I Am These Truths* and *Summer on the Bluffs*



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