- What policies/procedures potentially

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- A proceeding held by the hearing officer or

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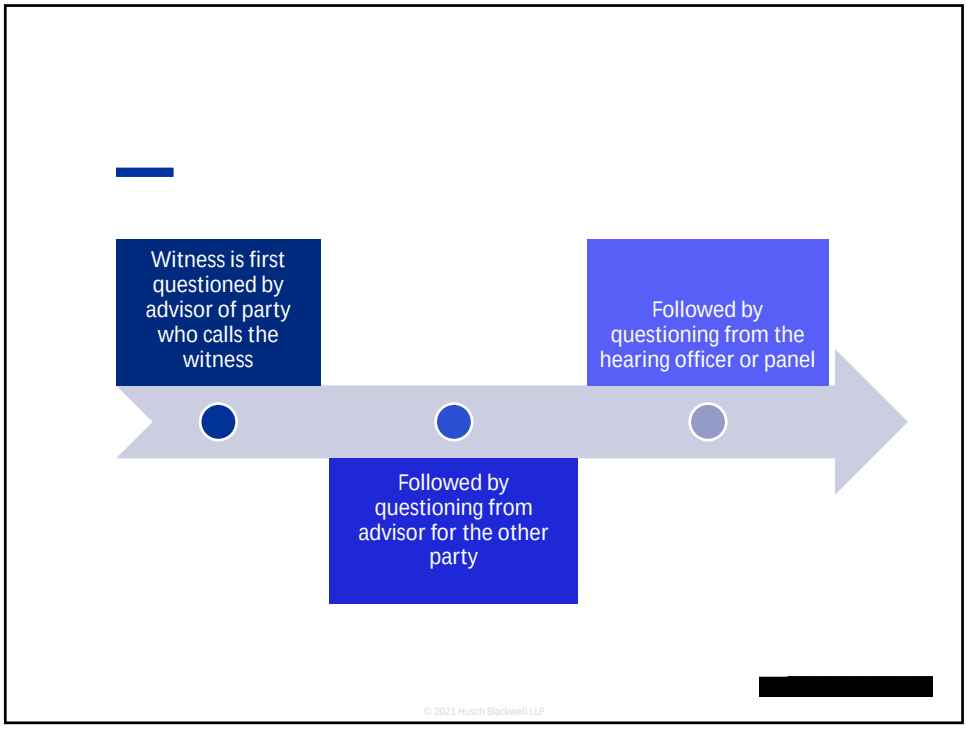

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- Ask relevant questions, including those

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- Review the nature of the allegations
- Review the definition of the particular type of sexual harassment alleged
- Consider facts that would support party's position that a given element of the sexual harassment is either met or not met
- Prioritize questioning to focus on the most compelling points
- Consider questions that will bear on credibility

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31

- Questions should be clear and precise
- Questions should advance a party's position with respect to one or more elements of the sexual harassment alleged
- Questions should be asked in a purposeful order
- Questions should be prioritized and edited for greatest effect

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32

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- The hearing officer or panel

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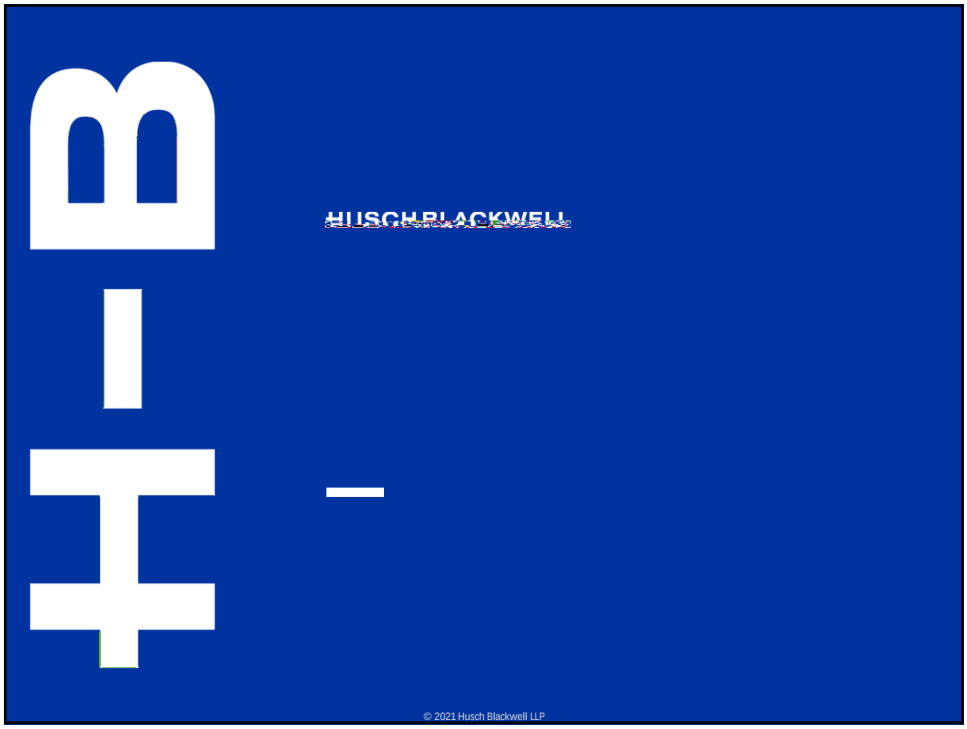

39

- Review and confirm Title IX jurisdiction before conducting hearing
- Remain open to informal resolution
- Make good use of one or more pre-hearing conferences – , access to evidence, discuss attendance and sequencing, answer questions, address concerns, etc.
- Virtual hearings: internet connection, how evidence will be accessed, keep cameras on, maintain role of advisor as "silent advisor"
- Ensure the hearing officer or panel has been trained and is prepared to maintain order, display impartiality, and address relevancy and other issues during the hearing

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40

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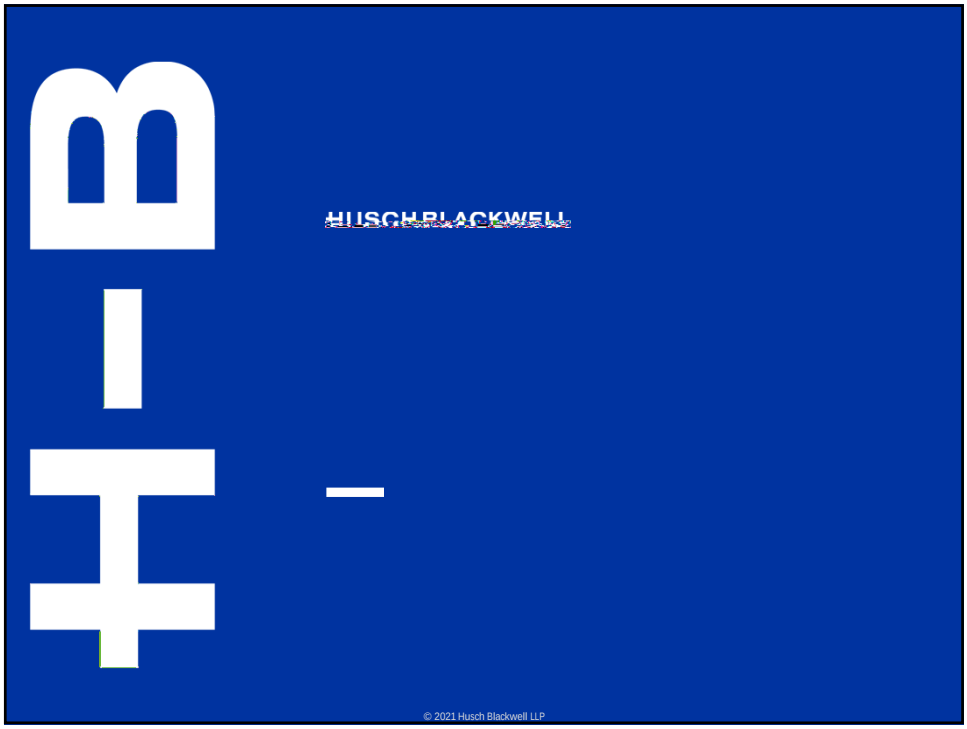

41

- Applied *Bostock* to Title IX
- *Bostock* determined that Title VII prohibits discrimination because of sexual orientation or gender identity
- Discrimination based on sex includes discrimination based on gender identity
- Determined that policy restricting restroom use to restroom corresponding with sex at birth violated Title IX

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42

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