

SEXUAL MISCONDUCT HEARING OVERVIEW

A Training for Title IX Personnel

July 2020

AGENDA

1. Pre-Hearing
2. Hearing
3. Determination
4. Hearing Participation
5. Sanctions

PRE-HEARING

- ▶ Parties will receive a copy of the investigation report and all evidence that was submitted with 10 days to review
- ▶ An overview of what the hearing process
 - ▶ Role of the Advisor
 - ▶ Relevant questions
 - ▶ Questions

HEARING

- Private and closed to spectators
- Individual decision maker (Hearing Officer)
 - Questioning
 - Render decision
- Moderator- for procedural integrity
- Live
- Questions/Cross Examination in real time
- Audio Recorded
- Same room or other room optional

DETERMINATION

A determination will be provided in writing to the parties simultaneously. It must include:

1. Allegations
2. Charges with rationale
3. Sanctions with rationale
4. Remedies with rationale
5. Information on Appeal process

HEARING PARTICIPATION

- ▶ No one is compelled to attend or participate
- ▶ If an opportunity for questioning (cross) is not available, information may have to be excluded from decision
- ▶ A party may inform the University that they do not plan to participate in the hearing
- ▶ Hearing will start in absentia if a party does not provide notice of absence or tardiness

DECISIONS & SANCTIONS

POSSIBLE OUTCOMES

- Responsible
- Not Responsible
 - Insufficient
 - Sufficient

POSSIBLE SANCTIONS

- Behavioral
 - NCD
 - Loss of privilege
 - Removal from housing
 - Expulsion/Termination
 - Suspension/Administrative Leave
- Educational
 - Reflection assignment
 - Training assignment