Interim Sexual Misconduct Administrative Hearing
Frequently Asked Questions

Please see USU Policy and Procedures 339, 339A, 339B

(1) Who will be at the hearing?

Only the following individuals are allowed at the hearing:

- Hearing panel members;
- Hearing officer;
- University legal counsel;
- Claimant;
- Claimant's process advisor and/or support person;
- Respondent
- Respondent’s process advisor and/or support person;
- A University law enforcement officer;
- The Title IX Coordinator or their designee;
- The sanctioning authority or their designee; and,
- Witnesses, including expert witnesses. Witnesses will be present only at the time of their testimony and will not be permitted to hear the testimony of other witnesses.

(2) What if I don’t want to physically attend the hearing?

You can request to attend the hearing via videoconferencing, as long as all the participants at the hearing can see and hear you for the entire proceeding, with the exception of recesses.

You will need to make this request, in writing, to the Office of Equity investigator no later than five business days before the hearing.

(3) What’s the role of the process advisor at a hearing?

You must have a process advisor at the hearing. The process advisor may give the opening statement for you at the hearing. Your process advisor will ask questions and cross-examine the parties and witnesses on your behalf. The process advisor may also ask questions regarding sanctions. You, personally, cannot ask these questions at the hearing.

(4) What if I don’t have a process advisor for the hearing?

The university will appoint you a process advisor if you don’t have one for the hearing for the purpose of conducting cross-examination.

(5) Am I required to give an opening statement and present evidence and witnesses at the hearing?
You have the opportunity to present an opening statement, or have your process advisor present the opening statement on your behalf. You can also present relevant evidence and witnesses, including both fact and expert witnesses.

You may waive the opportunity to provide an opening statement and/or to present evidence and/or witnesses.

(6) **Will I be asked questions at the hearing?**

Members of the hearing panel, and each party (through their process advisor), are allowed to ask relevant questions and follow-up questions of you and the witnesses, including questions that challenge credibility.

Questioning of the parties is conducted directly, orally, and in real time by the hearing panel and/or a party’s process advisor, but never by a party personally.

(7) **What if I or one of my witnesses refuses to answer a question?**

Parties and witnesses are not required to submit to questioning by either the hearing panel or a party; however, not answering a question may impact the hearing panel’s credibility analysis of a certain party or witness.

(8) **Who is the sanctioning authority?**

For students, the sanctioning authority is the Director of Student Conduct and Community Standards. For faculty, the sanctioning authority is the Provost. For staff, the sanctioning authority is the Respondent’s supervisor.

(9) **What standard of evidence is used to determine whether Respondent violated policy?**

The standard of proof that is used to determine whether a Respondent violated this policy is preponderance of the evidence standard. Preponderance of the Evidence means that, based on the evidence, it is more likely than not that a policy violation occurred.

(10) **What can I expect after the hearing?**

The hearing panel will determine whether Respondent violated Policy by a preponderance of the evidence and will issue a written determination. The determination will include:

- Each alleged incident of Sexual Misconduct;
- A description of the procedural history taken by the University from the receipt of the Formal Complaint through the Determination;
- Findings of Fact supporting the Determination;
- Conclusions regarding the application of this policy to the facts;
- A statement of, and rationale for, its decision with regard to each allegation;
• Any Sanction(s) the University plans to impose on the Respondent; and,
• Whether and/or what Remedies the University will provide the Claimant.