BREAK
THE HEARING
<table>
<thead>
<tr>
<th><strong>THE OPENING (INTRO / EXPECTATIONS)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Technology Check, Recording Set, Materials</td>
</tr>
<tr>
<td>Introductions, Expectations (e.g. privacy, decorum)</td>
</tr>
<tr>
<td>State the purpose</td>
</tr>
<tr>
<td>Due process rights acknowledgement</td>
</tr>
<tr>
<td>Discuss flow of the meeting</td>
</tr>
</tbody>
</table>
Review of referral information, evidence review, witness review

Review of the allegations and claims

Opening Statements

COMPLAINT REVIEW, OPENING STATEMENTS
CROSS EXAMINATION, QUESTIONING

Questions: Complainant, Respondent, Witnesses

Relevancy Determinations

Board Questions
Closing Statements
Impact Statement submissions
Next Steps
Decision Making Process begins!
THE DECISION
CASE PROCESS
POST HEARING OVERVIEW  (4,5,6)

Deliberation → Sanction Determination (if applicable) and Remedies → Rationale Writing → Appeal → Decision Implementation → Ongoing Support
<table>
<thead>
<tr>
<th><strong>DELIBERATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish roles, assess board member strengths</td>
</tr>
<tr>
<td>Review allegations, claims, evidence, hearing notes</td>
</tr>
<tr>
<td>Re: roles – establish a notetaker or start a recording</td>
</tr>
<tr>
<td>Scheduling, flexibility</td>
</tr>
<tr>
<td>Seek connections, or lack thereof</td>
</tr>
</tbody>
</table>
EVIDENCE-BASED DECISION MAKING
RECAP: EVIDENCE BASED DECISION-MAKING

- Exclusion Status
- Relevancy
- Authenticity
- Credibility/Reliability
- Weight
Evidence-Based Decision Making

• Must it be excluded?
• If no, is it relevant?
  o Plain and ordinary meaning. Does it tend to make a material fact more or less likely to be true?
• If yes, is it authentic?
• If yes, is it credible and reliable?
  o Why (or why not) is it worthy of belief?
• If yes, does the evidence have weight?
  o Consider: Specialized evidence types
<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td>First-hand observations and evidence of the incident or its surrounding circumstances are direct evidence. This evidence is often given CONSIDERABLE weight (e.g. witness testimony of a first-hand account of the incident).</td>
</tr>
<tr>
<td>Corroborating</td>
<td>Statements or tangible materials that tend to confirm direct evidence regarding the incident may serve as corroborating evidence (e.g. video evidence, text message threads, security footage, swipe card records, business records, medical records).</td>
</tr>
<tr>
<td>Circumstantial</td>
<td>Statements or tangible materials that rely on an inference to connect it to a conclusion of fact (e.g. a photo of the location of the alleged sexual assault that show several empty vodka bottles and solo cups).</td>
</tr>
</tbody>
</table>
DETERMINATION & REMEDY

Not Responsible – revisiting restrictions

Responsible – sanction guidelines, prior history, readmission considerations

Considerations, resources, consistency, non-discrimination
FINDINGS AND RATIONALE

Charge and Allegation

Review of evidence relied upon to make a determination for a specific charge and allegation

Describe Standard of Evidence

Finding for each specific charge and allegation

Sanction(s)
(if Responsible, consider readmission components)
• Finding of Responsibility
• Policy Jurisdiction
• Formal Complaint Summary
• Investigatory Procedures
• Inspection and Review of Evidence
• Review of Investigative Report
• Delays and Adjournments
• Live Hearing Procedures Summary
• Appeal Rights
• Findings and Rationale
• Sanctions and Remedies

DETERMINATION NOTICE
<table>
<thead>
<tr>
<th>Area</th>
<th>Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Centered</td>
<td>Summary Letter</td>
</tr>
<tr>
<td>Capacity</td>
<td>Board Member Schedules, Timeframes, Deadlines</td>
</tr>
<tr>
<td>Skillsets</td>
<td>Board Members assigned to specific tasks</td>
</tr>
<tr>
<td>Style</td>
<td>Findings section may vary depending on the type of case; create an outline with your analysis mapped-out before drafting</td>
</tr>
<tr>
<td>Technology and Privacy</td>
<td>What are some considerations here? How is information shared and kept private?</td>
</tr>
<tr>
<td>Training</td>
<td>Senior board members may be better equipped to write rationales</td>
</tr>
</tbody>
</table>
• Supportive measures or interim restrictions remain in place through appeal

• Either party can appeal (same timeline)

• Preparation for any reactions during this time period
CASE PROCESS
POST HEARING OVERVIEW (4,5,6)

Deliberation → Sanction Determination (if applicable) and Remedies → Rationale Writing → Appeal → Decision Implementation → Ongoing Support
Title IX Final Rules mandate both parties have access to an appeal:

- For (1) dismissal of formal complaint and (2) determination regarding responsibility
- On three appeal grounds:
  - **Procedural irregularity** that affected the outcome of the matter (i.e. failure to follow institution’s own procedures);
  - **New evidence** that was not reasonably available at the time the determination or dismissal was made, that could affect the outcome of the matter;
  - TIX Coordinator, investigator, or decision-maker had a **conflict of interest or bias** for/against an individual party or complainants or respondents in general, that affected the outcome of the matter.
5. APPEAL PROCESS

CONFIRM CRITERIA: APPEAL GROUNDS

Both parties may submit an appeal

COORDINATION OF APPEAL REVIEW PANEL

APPEAL REVIEW PANEL ACCESS TO DOCUMENTS
- Hearing Outcome Letter
- Investigation Report
- Appeal(s)

APPEAL REVIEW AND DETERMINATION PROCESS

FINAL OUTCOME LETTER TO ALL PARTIES

Key Players:
- TIXC
- Conduct Staff
- UPD
- Hall Staff
- Hearing Board
- Appeals Board
- Registrar
CASE PROCESS
DECISION
IMPLEMENTATION

6. DECISION IMPLEMENTATION

CASE PROCESS
DECISION
IMPLEMENTATION

Key Players:
- TIXC
- Conduct Staff
- UPD
- Hall Staff
- Hearing Board
- Appeals Board
- Registrar

- Appeal Response
- Final Outcome Notification to Students
- Notification to other Offices/Units
- Follow-Up Services
- Record Keeping
- Record Request or Readmission
Thank you so much for joining us!

Please enter the code word in the link provided.