

Panelist's Roles & Responsibilities

Training
September 2021

Hearing Panel

- What is a Hearing Panel?
 - Panel of three members that make a recommendation or finding on each of the alleged University policy violations and sanctions and remedial actions after consideration of evidence presented at a hearing
- Available for Title IX (600.030) process
- Used when a specific complaint is not resolved through the informal resolution process
- Comprised of three (3) members
- Designated Hearing Officer will be selected
- University Panelists will be selected from the Hearing Panelist Pool
- Annual training will be required for all Panelists
- Recommendations or determinations regarding responsibility, sanctions and remedial actions will require a majority vote by the Hearing Panel

2

Who are the Panel members?

- Title IX Hearing Panel
 - Hearing Officer
 - 2 University members randomly selected from Hearing Panelist pool
 - Good faith attempt will be made for Hearing Panel to include at least one faculty member and one administrator or staff member
 - Up to 2 alternates may be designated

3

Hearing Panelists

- Hearing Panelists must be fair, impartial and unbiased
- Must be able to approach the hearing with an open mind
- Maintain a neutral and unbiased position throughout the hearing while considering the testimony and evidence that is presented



4

Fairness

Treat	Treat both Parties equitably and with respect
Do not base	Do not base credibility determinations on whether an individual is a Complainant or Respondent
Provide	Provide equal opportunity for the Parties to present witnesses and other evidence
Allow	Allow both Parties to exercise their rights under the CRRs

5

Impartiality

1	2	3	4
Only form an opinion after the hearing process is complete	If you have had prior dealings with either Party, let the Title IX Coordinator know	Do not let personal feelings and/or prior dealings with either Party or a witness affect the way you treat the individual	Ask questions in a non-accusatory manner

6

Recusal of a Hearing Panel Member

- Hearing Panel members, including the Hearing Officer, shall not have a Conflict of Interest or Bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
- If a Hearing Panel member or Hearing Officer feels that they have a Conflict of Interest or Bias, or cannot make an objective determination, they must recuse themselves.
- Not every case is right for you ... and that is okay!

7

Objection to a Hearing Panel Member

- Parties must raise all objections to any panelist in writing to the Title IX Coordinator at least 15 business days prior to the hearing.
- Hearing Panel members will only be unseated and replaced if the Title IX Coordinator concludes that **good cause** exists for the removal.
 Good cause may include, but is not limited to, bias that would preclude an impartial hearing or circumstances in which the Hearing Panel member's involvement could impact the Party's work or learning environment due to current or potential interactions with the Hearing Panel member (e.g., a panel member being in the same department as either Party).
- The Title IX Coordinator will provide a written response to all Parties addressing any objections to the Hearing Panel members, including the Hearing Officer.

8

TITLE IX:
 For conduct falling under 600.020, the resolution process is 600.030.

- For complaints of sexual harassment against any Respondent, including any employee of the University.

9

Hearing Process Rules under 600.030 Hearing Officer Role - Procedurally

- *Hearing Officer* shall participate on the Hearing Panel and preside at the hearing, call the hearing to order, call the roll of the Hearing Panel and alternates in attendance, ascertain the presence or absence of the Investigator, the Complainant and the Respondent, confirm receipt of the Notice of Allegations and Notice of Hearing by the Parties, report any extensions requested or granted and establish the presence of any Advisors.
- The *Hearing Officer* may dismiss any person from the hearing, who interferes with or obstructs the hearing, fails to adhere to the Rules of Decorum, or fails to abide by the rulings of the *Hearing Officer*.
- Procedural questions which arise during the hearing and which are not covered by these general rules shall be determined by the *Hearing Officer*, whose ruling shall be final.
- The *Hearing Officer* will prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions and remedial actions, if any ("Hearing Panel Decision"), and deliver it to the Title IX Coordinator.

10

Hearing Process Rules under 600.030 Hearing Officer Role – Substantively

- The relevancy and admissibility of any evidence offered at the hearing shall be determined by the *Hearing Officer*, whose ruling shall be final.
- Before a Party or witness answers a question, the *Hearing Officer* must determine whether the question is relevant. If a question is excluded as not relevant, the *Hearing Officer* must explain the decision to exclude that question. Where the *Hearing Officer* permits a question to be answered, there is a presumption that the *Hearing Officer* found the question to be relevant.
- The Parties' Advisors may object to questions on limited grounds as set forth in the Rules of Decorum. The *Hearing Officer* will rule on such objections and that ruling shall be final.

11

Hearing Process Rules under 600.030 Hearing Panelists' Role

- At least five (5) business days prior to the hearing date, the final investigative report and all exhibits will be provided to the **Hearing Panel** members.
- The **Hearing Panel** may ask questions of the Parties or any witnesses including the Investigator at any time during the hearing.
- The **Hearing Panel** will deliberate with no others present, except any legal advisor to the **Hearing Panel**, to find whether the Respondent is responsible or not responsible for the policy violation(s) in question.
 - Finding(s) based on a preponderance of the evidence
 - If a Respondent is found responsible by a majority of the **Hearing Panel**, the **Hearing Panel** will determine appropriate sanctions and remedial actions by a majority vote.

12

Helpful Information

- Meet ahead of time with the other panelists
- Prepare for a full day
 - Plan meals, no other appointments, etc.
- Work with OGC on any issue
- Be mindful of your social media

13

Questions?


