

# Hearing Panelist – What is your Role?

**Title IX & Equity Training** August 2022  
Andy Hayes, Assistant Vice Chancellor & Title IX Coordinator, MU



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*I'm making a decision! Stop confusing me with facts!*

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## Hearing Panel

- **Panel of 3** that make recommendations or findings on each alleged policy violations, as well as sanctions and remedial actions, after considering evidence presented at a hearing
- Available for both **Title IX** and **Equity** proceedings
- Led by Hearing Officer or Hearing Panel Chair
- Panelists selected from the Hearing Panelist Pool
- Annual training required for all Panelists
- Recommendations or determinations regarding responsibility, sanctions and remedial actions **require majority vote** by the Hearing Panel



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## HEARINGS – AY 2022

|        | TITLE IX | EQUITY |
|--------|----------|--------|
| MIZZOU | 3        | 5      |
| S&T    | 1        | 0      |
| UMKC   | 0        | 0      |
| UMSL   | 0        | 0      |

## Hearing Panel Members

### Title IX

- Hearing Officer
- 2 University members randomly selected from pool

### Equity

- Hearing Panel Chair
- 3 University members randomly selected from pool (including chair)

- ❖ Up to 2 alternates may be designated
- ❖ Good faith attempt will be made for Hearing Panel to include at least one faculty member and one administrator or staff member

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## Panelists → Fair, Unbiased & Impartial

### FAIRNESS

- Treat both Parties equitably and with respect
- Provide equal opportunity for each Party to present witnesses and offer evidence
- Allow each Party to exercise their rights under the CRRs

### UNBIASED

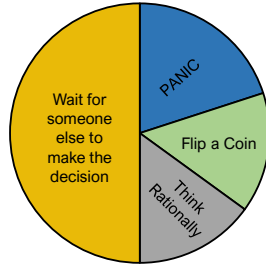
- Approach hearing with an open mind
- Maintain neutral position throughout the hearing while considering the testimony and evidence as it is presented
- If you've had prior dealings with a Party, let the Title IX Coordinator/Equity Officer know

### IMPARTIALITY

- Don't base credibility determinations on whether an individual is the Complainant or Respondent
- Only form an opinion at the conclusion of the evidence
- Don't let personal feelings affect your judgment or how you treat individuals

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How [not]  
to make a  
decision



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## Recusal/Objections

### RECUSAL – YOU WANT TO WITHDRAW

- 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 you have a COI or bias, or you feel you cannot make an objective determination, **you must recuse!**

*Not every case is right for you  
... and that is okay!*

### OBJECTION – PARTY DOES NOT WANT YOU

- Parties will be provided Panelists names in the Notice of Hearing
- Party must raise all objections in writing to the Title IX Coordinator/Equity Officer at least 15 business days prior to the hearing
- Hearing Panelists will be unseated and replaced if the Title IX Coordinator concludes that **good cause** exists for the removal.
- Title IX Coordinator/Equity Officer will provide a written response to all Parties addressing any objections to the Hearing Panel members.
- If a Hearing Panelist is unseated, the Pool Chair will be asked to randomly select another member from the pool to serve.

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## Hearing Officer's Role – Title IX Hearing

- Participate on the Hearing Panel and preside over the hearing.
- Has discretion to dismiss any person from the hearing under certain circumstances.
- Make final ruling regarding relevancy and admissibility of any evidence offered at the hearing and procedural questions not otherwise answered which arise during the hearing.
- Prepare a written determination reflecting the decision of the Hearing Panel regarding responsibility, sanctions and remedial actions, if any, and deliver it to the Title IX Coordinator.
- 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.

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## Other Panelist's Role – Title IX Hearing

- 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.

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## Hearing Panel Chair's Role – Equity Hearing

- 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 Equity Support Persons.
- Shall arrange for recording of the hearing, whether by audio, video, digital or stenographic means.
- Determine by final ruling the relevancy, and admissibility of any evidence offered at the hearing and procedural questions which arise during the hearing and which are not covered by these general rules, whose ruling shall be final, unless the Chair presents the question to the Hearing Panel at the request of a member of the Hearing Panel, in which event, the ruling of the Hearing Panel by majority vote shall be final.
- Prepare a written determination regarding responsibility and deliver it to the Provost (or Designee) (for Faculty Respondents) or the Equity Officer (for Student Respondents).

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## Other Panelist's Role – Equity Hearing

- 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.
- A Hearing Panel may question witnesses or evidence introduced by the Investigator, the Complainant or the Respondent at any time during the hearing process.
- A Hearing Panel may call additional witnesses and submit documentary evidence.
- A Hearing Panel may exclude a witness proposed by the Investigator, the Complainant or the Respondent if it is determined their testimony would be redundant or not relevant.
- A Hearing Panel may dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the rulings of the Hearing Panel Chair.
- 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 based on a preponderance of the evidence
  - If a *Student or Student Organization Respondent* is found responsible by a majority of the Hearing Panel, the Hearing Panel will determine the appropriate sanctions which will be imposed by the Equity Officer.
  - If a *Faculty Respondent* is found responsible by a majority of the Hearing Panel, the Hearing Panel will recommend appropriate sanctions to the Provost, who will determine and impose the appropriate sanctions.

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**TIPS & TRICKS**

- ✓ Meet ahead of time with the other Panelists
- ✓ Seek advice of the assigned OGC attorney
- ✓ Prepare for a full day
  - Clear your calendar
  - Plan meals
  - Notify loved ones
  - Make necessary arrangements
- ✓ Be mindful of your social media
- ✓ Read your case packets beforehand!

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