

OEO Hearing Protocols

Following finalization of the investigation process, the OEO will convene a hearing panel in accordance with OEO policy (Policies 1302 and 1324) and all other OEO adjudication procedures published on the OEO website. The OEO panel will conduct a hearing at which all parties to the investigation will have the opportunity to attend and participate prior to making a determination regarding responsibility for alleged violation(s) of OEO policy within the case before the panel.

All parties will be notified by the OEO office of the date and time of the hearing. Witnesses may be invited to attend the hearing to answer questions by the panel and/or the parties, at the discretion of the hearing panel chair. Parties are permitted to attend the OEO hearing in its entirety; however, witnesses are only permitted to be present to answer questions or provide information and will be asked to leave the hearing upon completion of their testimony before the panel. The hearing panel chair may, at their discretion, request that a witness return to the hearing at a later time to answer additional questions of the panel and/or the parties. All hearing participants, including hearing panel members, may request a break at any point during the hearing.

The hearing panel chair has the authority to direct all proceedings during the hearing and may, at their discretion, deviate from the following six procedures to ensure the fair adjudication of the case before the panel; however, generally:

- The hearing panel chair begins the hearing by introducing all participants, including the hearing panel members, parties, support persons, members of OEO staff or their designee and witnesses (when they appear before the panel, if applicable);
- The hearing panel chair provides a brief explanation of the OEO hearing protocols and rules of decorum and provides participants the opportunity to ask any questions they may have regarding the OEO hearing process;
- Each party is allotted 3 minutes to make an opening statement to the hearing panel, during which time parties may outline the main points of their allegations or respond to allegations relating to the case before the panel;
- All parties are allotted time to share a full verbal statement regarding the facts of the case and are permitted to respond to any information or evidence included within the final investigation report, after which the hearing panel has the opportunity to ask any questions they may have of each party;
- The hearing panel chair will introduce any witnesses invited by the panel to participate in the hearing, after which the panel may, at its discretion, allow the witness to provide a statement and/or answer questions presented by the panel and/or the parties;
- Each party will be allotted 10 minutes to make a closing statement to the hearing panel. Parties are not permitted to introduce new evidence or information during the closing

statement but rather the closing statement provides an opportunity for the parties to summarize information already discussed and to make a statement regarding impact related to the policy violation allegation(s). If a party has prepared a written closing statement, they have the option to request that the closing statement be read aloud by the hearing panel chair.

Participation in the hearing is voluntary for all parties and witnesses. If a party or witness fails to appear at the OEO hearing after being properly notified of the date and time of the hearing, the hearing will proceed as scheduled. If parties or witnesses fail to appear at the OEO hearing, the determination regarding responsibility for alleged violation(s) of OEO policy within the case before the panel will be rendered on the basis of the final investigation report, including all evidence included within the report's appendices and the information provided by those in attendance at the OEO hearing.

The decision to postpone an OEO hearing for cause will be made at the discretion of the Director of the OEO or designee and will be communicated to all parties and to all witnesses invited by the panel to participate in the hearing.

No aspect of the OEO hearings, including the hearing before the parties and hearing panel members' deliberations are to be video or audio recorded. No participant in the OEO hearing is permitted to make their own recordings during the OEO hearing or deliberations process.

OEO hearings will include OEO staff member(s) or designee(s) to manage the administrative and technical aspects of the virtual meeting to allow hearing panel members to focus solely on the hearing proceedings and adjudication of the case before the panel. No member of OEO staff will participate in the adjudication process or be present while the hearing panel members deliberate.

The hearing panel chair has the authority and responsibility to prohibit information that 1) violates the rights of any party, 2) is prohibited by OEO policy or any other OEO adjudication procedures as published on the OEO website, or 3) has no relevancy to the adjudication of the case before the panel to be shared during the OEO hearing process. The hearing panel chair also has the authority to instruct hearing panel members to disregard information that violates the rights of any party, is prohibited by OEO policy or any other OEO adjudication procedures and published on the OEO website or has no relevancy to the adjudication of the case before the panel.

Following the completion of the OEO hearing, the hearing panel members will excuse participants and enter closed deliberations for the purpose of reaching a determination regarding responsibility for alleged violation(s) of OEO policy within the case before the panel. No parties, support persons, witnesses or members of OEO staff will be permitted to attend the

private deliberations of the hearing panel. The hearing panel may, at their discretion, confer privately with a member of OEO staff or a designee to request guidance on OEO policy or procedure.

The hearing panel will determine, by a majority vote of the panel, whether each respondent is or is not responsible for each alleged policy violation in accordance with OEO policy.

The OEO will concurrently contact the complainant(s) and respondent(s) via email within five business days after the date of the OEO hearing to provide the determination on responsibility and, if applicable, sanctions and remedies rendered by the OEO panel. The panel determination will include the panel's rationale for each determination on responsibility, along with overall remedies and sanctions, if applicable. If neither party submits an appeal of the Hearing Panel's determination within the timeline set by OEO policy and procedure, the panel's decision in the case is final as of the next calendar day following the appeal deadline.