

OEO Hearing Panel Protocols

Respondents and Complainants may request reasonable safety measures, including but not limited to police presence, be put in place during the OEO Hearing Panel if the parties are physically present in the same geographic location. Such a request will be implemented at the university's discretion unless the hearing is conducted virtually.

In OEO Hearing Panels, Respondents and Complainants have a right to an Advisor of choice/support person in accordance with the restrictions stated in the OEO Hearing Panel Adjudication Process.

The Hearing Panel will be conducted by a Panel of three voting faculty or staff members. One of the members will serve as Chair and two faculty or staff members of the Hearing Panel will serve as voting members. Hearing Panelists are to have no conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. If a member of the Hearing Panel feels that their previous contact with the case or the parties involved will prevent them from rendering a fair decision, the Panelist must request that they not be assigned to the OEO Hearing Panel. Complainants and Respondents will be informed of the Hearing Panelists assigned to their case. Upon receiving notification of the assigned Hearing Panelists, a Respondent or Complainant may request that a Panelist be replaced if the party can show a bias on the part of the Panelist. To make such a request, a Respondent or Complainant must contact the OEO or designee immediately, setting forth their reasons in writing. The OEO or designee will review all requests. Any decision to remove a Hearing Panelist is at the discretion of the OEO or designee.

If a Respondent, Complainant, Respondent Witness or Complainant Witness fails to appear at an OEO Hearing Panel after being properly notified of its date and time, the OEO Hearing Panel will proceed; the determination on whether or not the Respondent is responsible for violating policy will be rendered on the basis of the Case File and the information provided by those in attendance at the OEO Hearing Panel. The decision to postpone an OEO Hearing Panel for cause is at the discretion of the OEO or designee and will be communicated to each party/person.

The OEO Hearing Panel will not be audio and/or video recorded; the OEO Hearing Panel deliberation will not be recorded. No party/person may make their own recordings of the OEO Hearing Panel.

For virtual Hearing Panels, the OEO will have a staff member in the Zoom meeting to manage the administrative and technical aspects of Zoom so the Hearing Panelists can

focus solely on the adjudication of the case. The OEO staff member will not participate in the adjudication process or be present while the Hearing Panelists deliberate.

The start of the Hearing Panel includes the Chair meeting participants to discuss procedural information and answer questions from the participants (provide an overview of the proceedings). The length of these meetings cannot be predetermined.

An OEO Hearing Panel will proceed in accordance with the procedures below; however, Hearing Panelists may ask additional questions at any time. The Chair has the authority to prohibit information from being shared that violates the rights of a party, is not allowed by the OEO Hearing Panel Adjudication Process or bears no relevancy to the adjudication of the case. The Chair also has the authority to instruct Hearing Panelists to disregard information that violates the rights of a party, is prohibited by the OEO Hearing Panel Adjudication Process or bears no relevancy to the adjudication of the case.

The OEO Hearing Panel will generally follow the procedures below that are outlined through number 1-29. Hearing Panelists may ask additional questions at any time. Any participant, including the Panelists, may request a break at any point during the OEO Hearing Panel. Adaptations to the process may be made to ensure the fair review of cases including, but not limited to, if the OEO initiated the OEO Hearing Panel Adjudication Process without the authorization of the Complainant or to allow for multiple Complainants and/or Respondents; if this occurs, the Complainant(s) and the Respondent(s) will be notified of the adaptations prior to the OEO Hearing Panel. Any participant may be removed by the Chair if they violate the Rules of Decorum, adjudication procedures or procedures outlined in the OEO Website.

1. The Chair meets with each participant to discuss procedural information and answer questions. (overview)
2. The Hearing Panelists and participants are introduced. (If virtual, then the Complainant and Respondent are separately introduced to the Hearing Panelists)
3. The statement of the alleged policy violation(s) is presented by the Chair.
4. Procedures for the OEO Hearing Panel are explained; participants state any questions they have concerning rights or procedures.
5. The Complainant is allotted 3 minutes to make an opening statement that outlines the main points of their allegations.
6. The Respondent/s is allotted 3 minutes to make an opening statement that outlines the main points of their response to the allegations.
7. Administrative Witnesses (Investigator) will be called individually and provided an opportunity to share a verbal statement regarding the allegations.

- The Hearing Panelists will ask questions they have for each Administrative Witness.
 - The Hearing Panelists may request that an Administrative Witness return at a later point in the Case Review for further clarification.
- 8. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
- 9. The Complainant is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Complainant's opportunity to respond to any information or evidence included in the Case File (Investigative report) or that has been shared up until this point in the case review.
- 10. The Respondent is allotted time to share a full verbal statement which may include information regarding the allegations in this case. This is also the Respondent's opportunity to respond to any information or evidence included in the Case File (Investigative Report) or that has been shared up until this point in the case review.
- 11. A scheduled 10-minute break will occur unless all parties agree to continue without a break.
- 12. The Hearing Panelists will ask any questions they have for either the Respondent/s or the Complainant.
- 13. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
- 14. The Hearing Panelists can determine if they want to speak to the Complainant, Respondent or any witnesses for either individually.
 - The Hearing Panelists may request that a witness for the Complainant return at a later point in the Case Review for further clarification.
- 15. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
- 16. Administrative Witnesses (Investigator) asked by the Hearing Panelists to return later will be brought in individually, if applicable.
- 17. Any Complainant Witnesses asked by the Hearing Panelists to return later will be brought in individually, if applicable.
- 18. Any Respondent Witnesses asked by the Hearing Panelists to return later will be brought in individually, if applicable.
- 19. A scheduled 5-minute break will occur unless all parties agree to continue without a break.

20. The Complainant will be allotted time to make a statement that responds to anything shared in the Case File or during the OEO Hearing Panel Case Review.
21. The Respondent will be allotted time to make a statement that responds to anything shared in the Case File or during the OEO Hearing Panel Case Review.
22. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
23. The Hearing Panelists will ask any final questions they have for either the Respondent or the Complainant.
24. The Hearing Panelists will ask any final questions of the Administrative Witness (Investigator).
25. The Hearing Panelists will ask any final questions of any witness for either the Complainant or Respondent.
26. A scheduled 5-minute break will occur unless all parties agree to continue without a break.
27. The Complainant will be allotted 10 minutes to make a closing statement.
 - A closing statement is not permitted to introduce new evidence or information but is an opportunity to summarize what the Complainant has already shared, their final thoughts, their thoughts moving forward and any impact on the Complainant related to the allegation(s) of Policy 1302 Equal Opportunity and Non-Discrimination violation.
 - If the Complainant has a written closing statement they intend to read, but is unable to do so, the statement may be read aloud for the record by the Chair.
28. The Respondent will be allotted 10 minutes to make a closing statement.
 - A closing statement is not permitted to introduce new evidence or information but is an opportunity to summarize what the Respondent has already shared, their final thoughts, their thoughts moving forward and any impact on the Respondent related to the allegation(s) of Policy 1302 Equal Opportunity and Non-Discrimination violation.
 - If the Respondent has a written closing statement they intend to read, but is unable to do so, the statement may be read aloud for the record by the Chair.
29. The Hearing Panel will enter closed deliberation to determine responsibility for the

alleged policy violation(s). Determinations are based on a preponderance of the evidence and determined by a majority vote.

- The Hearing Panel will first vote to determine the Respondent to be responsible or not responsible for each alleged policy violation.
- If the Hearing Panel finds the Respondent responsible for violating policy, they will determine the sanctions and remedies to be rendered for the case if this is a student-to-student case. If this is an employee-to-employee/student case, then the case information is forwarded to the Respondent's supervisor who will determine the sanctions.
- If the Hearing Panel votes to find the Respondent not responsible for violating policy, they will not assign any sanctions.

The OEO will concurrently contact the Respondent and Complainant via email within **five business days** after the date of the OEO Hearing Panel Case Review with the availability and instructions to access the determination on responsibility and, if applicable, sanctions and remedies rendered at the OEO Hearing Panel Case Review.

This will include the Hearing Panelists' rationale for each determination on responsibility, along with overall remedies and sanctions, if applicable.

Once the Hearing Panel has determined responsibility at the conclusion of the OEO Hearing Panel Case Review, the OEO Hearing Panel Adjudication Process will continue through the final decision regardless of enrollment or employment status of either party.

If neither party submits an appeal of the Hearing Panel's determination within the timeline set by the procedures listed in Policy 1324, the Hearing Panel's decision in the case is final on the next calendar day following the appeal deadline. The OEO will communicate that final decision simultaneously to both parties, including any information for completing required sanctions.

Failure to complete, schedule, attend, or be on time for programs/meetings, failing to complete related assignments or failing to follow program expectations may result in a \$50 fine per program/meeting not completed by the deadline and a student account hold, which prevents class registration and is typically only removed once outstanding sanction(s) are verified as completed by the OEO. Repeated failure may result in an alleged policy violation of *Failure to Comply with a Disciplinary Outcome*.

All parties will be provided the Notice of Outcomes determined by the hearing panel. The OEO will provide the Notice of Outcomes to OSARP for the implementation of sanctions and accountability when applicable.

The OEO may collaborate with OSARP to initiate the Accountability Process if a student knowingly provides falsified or misleading information at an OEO Hearing Panel Case Review for alleged violation of the [Interference or Retaliation in a University Process](#) policy. An employee may be charged with misconduct under relevant university policies.

OEO may collaborate with OSARP to initiate the Accountability Process against a Complainant or Respondent if it receives information that a party discusses the case with a Hearing Panelist prior to the OEO Hearing Panel Case Review for alleged violation of the [Interference or Retaliation in a University Process](#) policy. An employee may be charged with misconduct under the relevant university policies.

OEO Hearing Panel Case Reviews are closed meetings; the University will maintain confidentiality of all information related to the case, unless legally required or allowed by law to disclose the information. The Respondent and Complainant shall receive notice of all rights they are guaranteed through the OEO Hearing Panel Adjudication Process. In OEO Hearing Panel Case Reviews, the technical rules of evidence applicable in civil and criminal cases do not apply.