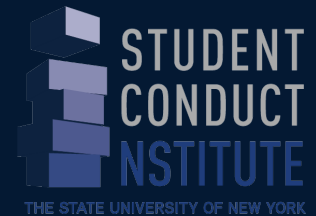
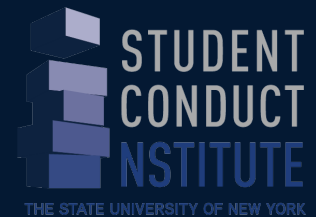


END OF 2ND BREAK

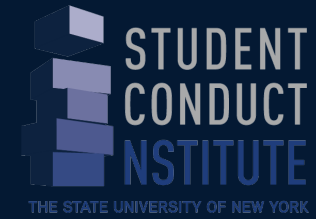


THE HEARING



CASE PROCESS DECONSTRUCTED

4. HEARING



**Introduction
and
Expectations**



**Referral
Information,
Claims,
Opening
Statement**



**Cross
Examination
& Board
Questions**



Conclusion

Key Players:



TIXC



Conduct
Staff



UPD



Hall Staff



Hearing
Board



Appeals
Board



Registrar



Technology Check,
Recording Set, Materials



Introductions, Expectations
(e.g. privacy, decorum)



State the purpose



Due process rights
acknowledgement



Discuss flow of meeting



OPENING (INTRO / EXPECTATIONS)



Review of referral
information, evidence
review, witness review



Review of the allegations
and claims



Opening Statements



COMPLAINT REVIEW, OPENING STATEMENTS



Questions: Complainant,
Respondent, Witnesses



Relevancy Determinations



Board Questions



CROSS EXAMINATION, QUESTIONING



Closing Statements



Impact Statement
submissions



Next Steps

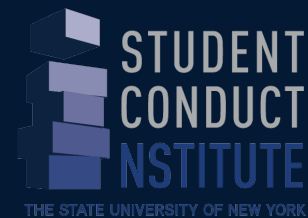


Decision Making Process
begins!



THE CLOSE

THE DECISION



CASE PROCESS

4. HEARING

POST HEARING OVERVIEW (4,5,6)



CASE PROCESS

ROAD TO RATIONALE

4. HEARING

Deliberation



**Determination
& Remedy**



Rationale



Establish roles, assess board member strengths



Review allegations, claims, evidence, hearing notes



Re: roles – establish a notetaker or start a recording



Scheduling, flexibility

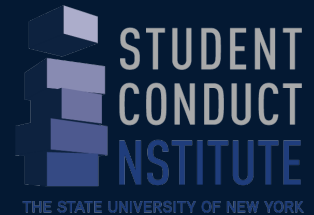


Seek connections, or lack thereof



DELIBERATION

EVIDENCE-BASED DECISION MAKING





- Exclusion Status
- Relevancy
- Authenticity
- Credibility/ Reliability
- Weight

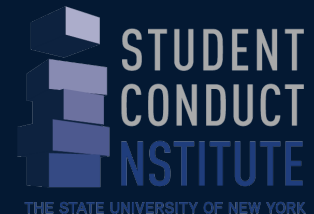
RECAP: EVIDENCE BASED DECISION- MAKING

Evidence-Based Decision Making

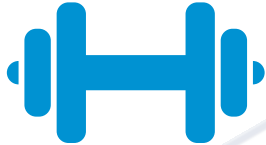
- Must it be excluded?
- If no, is it relevant?
 - Plain and ordinary meaning. Does it tend to make a material fact more or less likely to be true?
- If yes, is it authentic?
- If yes, is it credible and reliable?
 - Why (or why not) is it worthy of belief?
- If yes, does the evidence have weight?
 - Consider: Specialized evidence types



WEIGHING TESTIMONY & EVIDENCE



Direct



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).

Corroborating



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).

Circumstantial



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).

EVIDENCE WEIGHT



Not Responsible – revisiting restrictions



Responsible – sanction guidelines, prior history, readmission considerations



Considerations, resources, consistency, non-discrimination



DETERMINATION & REMEDY

Charge and Allegation

Describe Standard of Evidence

Sanction(s)
(if Responsible, consider readmission components)



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

Finding for each specific charge and allegation



The State University of New York

FINDINGS AND RATIONALE



- Closing Statements
- Impact of Sanctions
- Proportionality
- Consistency
- Prior Disciplinary History
- Educational Mission



DETERMINING SANCTIONS



- 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

Area	Considerations
Student Centered	Summary Letter
Capacity	Board Member Schedules, Timeframes, Deadlines
Skillsets	Board Members assigned to specific tasks
Style	Findings section may vary depending on the type of case; Create an outline with your analysis mapped-out before drafting
Technology & Privacy	What are some considerations here? How is information shared and kept private?
Training	Senior board members may be better equipped to write rationales

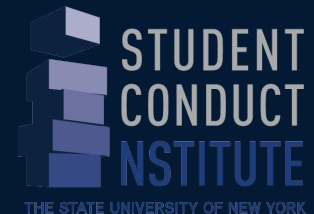


DETERMINATION NOTICE CONSIDERATIONS

- Supportive measures or interim restrictions remain in place through appeal
- Either party can appeal (same timeline)
- Preparation for any reactions during this time-period



NOTIFICATION OF DETERMINATION



CASE PROCESS

POST HEARING OVERVIEW

4. HEARING

(4,5,6)

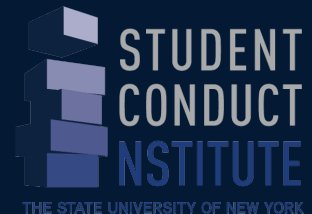


Title IX Final Rules mandate both parties have access to an appeal:

- 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.

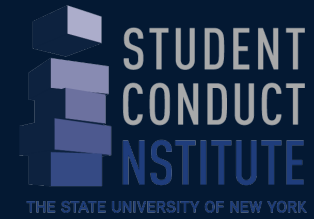


APPEAL



CASE PROCESS DECONSTRUCTED

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



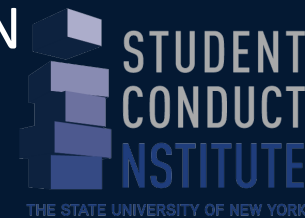
Appeals
Board



Registrar

CASE PROCESS DECONSTRUCTED

6. DECISION IMPLEMENTATION



CODE WORD: MUG



**Appeal
Response**

**Final
Outcome
Notification
to Students**

**Notification
to other
Offices/Units**

**Follow-Up
Services**

**Record
Keeping**

**Record
Request or
Readmission**

Key Players:



TIXC



Conduct
Staff



UPD



Hall Staff



Heads
of Houses



Appeals
Board



Registrar

Thank you so much for joining us!

Please enter the code word in the link provided.



POST-TRAINING SURVEY CODE WORD: MUG





The State University
of New York