

## Title IX Administrative Hearing Guide Involving Students as Respondents

As detailed in the document, "[Title IX Sexual Harassment Cases involving Students as Respondents](#)", a live hearing is required to resolve an investigation of allegations of Title IX Sexual Harassment in the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*. This document is intended to be a guide for students involved in the Title IX Administrative Hearing which describes the roles of the participants in the hearing, the structure of the hearing, and the Rules of Decorum.

### **Roles of the participants in the Title IX Student Hearing:**

The following information is intended to provide an explanation of the roles of the participants in the live administrative hearings.

#### **Parties:**

- The **Complainant** is an individual who has reported being or is alleged to be the victim of conduct that could constitute covered Title IX Sexual Harassment as defined in the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*. The Complainant must be participating in or attempting to participate in a University education program or activity at the time the complaint is filed.
- The **Respondent** is a student who has been reported to have allegedly engaged in conduct that may constitute Title IX Sexual Harassment as defined in the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*.

#### **Investigating Student Conduct Officer (ISCO):**

- The **ISCO** is a University staff member who is authorized by the University to investigate potential violations of *The Student Code* and therefore, the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*. The ISCO will write an investigative report to be shared with the Parties, their respective Advisors, and the Hearing Body to review ahead of the administrative hearing.

#### **Advisor:**

- An **Advisor** is an individual who will assist a party throughout the hearing. The advisor is active during a hearing for the specific purpose of questioning the parties, witnesses and investigating student conduct officer.

#### **Support Person:**

- A **Support Person** is an individual selected by a party to provide support and guidance and may not directly address or question the hearing body, the investigating student conduct officer, or witnesses.

#### **Witness:**

- A **Witness** is an individual who may or may not have been interviewed as part of the investigation.

#### **Expert Witness:**

- An **Expert Witness** is an individual who may or may not have been interviewed as part of the investigation. At the hearing, they may provide subject matter knowledge regarding the case.

## **Hearing Body:**

- A **Hearing Body** consists of 3 staff members (1 Hearing Chair and 2 Hearing Officers), none of whom are the Title IX Coordinator, the Investigating Student Conduct Officer (ISCO), the Advisor or the Appeal Officer.
- A **Hearing Chair** is a University staff member that is authorized to establish and uphold the rules of decorum and determine relevancy of proposed questions. The Hearing Chair does not participate in the private deliberations with the Hearing Officers and therefore does not contribute to the determination following the hearing.
- The **Hearing Officers** are University staff members who are authorized as the decision makers regarding potential violations of *The Responsibilities of Community Life: The Student Code* which includes the *Policy Against Discrimination, Harassment and Related Interpersonal Violence*.

### ***Title IX Administrative Hearing Process Involving Students as Respondents***

This section outlines the structure of the live administrative hearing, explains the Hearing Officers responsibilities following the live hearing, and an explanation of the appeal process.

While this is a general flow of the hearing, parties may ask procedural questions directed to the Hearing Chair during the hearing. Reasonable delays and/or breaks, including the temporary adjournment of the hearing, may be anticipated.

#### **Introduction of all participants**

Hearing Chair, Hearing Officers, Complainant, Respondent, Support Persons, Advisors, Witnesses, and ISCO will each introduce themselves and their role in the hearing.

#### **The Hearing Chair will review the Hearing Expectations**

The Hearing Chair will review the Rules of Decorum and the virtual hearing expectations.

#### **The Hearing Chair will review the Hearing Process and Proceedings**

The hearing will begin with opening statements by both parties, transition to questions from the Hearing Officers, and questions from Advisors to the Complainant, Respondent, and Witnesses. Following that, the Complainant and Respondent are permitted to give an optional closing statement.

#### **Opening Statements by Complainant and Respondent**

Each party is given the opportunity to provide an opening statement. This statement is in response to the allegations, investigation report and documentation. This may be limited to 10 minutes.

#### **Questions from the Hearing Officers, and Advisors of Parties, Witnesses and ISCO**

The Hearing Officers and Advisors may ask questions of the Complainant, Respondent, Witnesses, and if necessary, the ISCO.

#### **Closing Statements by Complainant and Respondent**

Each party is given the opportunity to provide a closing statement. This statement is in response to the allegations, investigation report, documentation and additional information shared in the live hearing. This may be limited to 10 minutes.

#### **Concluding Remarks**

The hearing chair will conclude and explain the deliberation and notification of determination.

**AT THIS POINT, THE LIVE PORTION OF HEARING OFFICIALLY CONCLUDES.**

**Impact Statement**

At the conclusion of the live portion of the hearing, parties will have 1 business day from the conclusion of the live portion of the hearing to submit an optional written impact statement to [hearings@uconn.edu](mailto:hearings@uconn.edu). Parties may include any information about how this experience has impacted them as an individual or any other information they deem important to share. If it is determined that there is a violation of *The Student Code*, any submitted statements will be shared with the Hearing Officers to consider during the sanctioning.

**Deliberation and Determination of Findings**

The Hearing Officers will meet in private following the live hearing and use the preponderance of the evidence standard to deliberate and determine if a violation of *The Student Code* had occurred.

**Sanctioning**

Should the Hearing Officers determine that there is a violation of *The Student Code*, Hearing Officers will determine appropriate sanctions.

**Notification of Outcome**

At the conclusion of the deliberation, the parties will receive written notification which will include the outcome, including rationales, sanctions (if applicable) and steps to appeal.

**Appeals**

Party's may appeal the hearing outcome by submitting the electronic appeal form (included in the written notification) and any supplemental documentation (if applicable) within five (5) business days of the written notification of the decision, indicating the grounds for the appeal. Should a party submit an appeal, they will receive written confirmation of receipt and the submitted information will be shared with the other party.

Should an appeal be submitted within the 5 business days, the submitted information will be sent to an appellate officer who will review the appeal and case information and render a decision. Parties will receive a written notice of this decision.

## **Title IX Rules of Decorum for Administrative Hearings**

Each of the participants' roles are defined in a manner which does not disturb the proceedings. The following Rules of Decorum are to be observed in the hearing and applied equally to all participants.

- Participant's chosen names and gender pronouns will be honored.
- The Hearing Chair will determine if a posed question(s) (from the Hearing Officers and/or Advisors) is relevant. When the Hearing Chair determines a question has been "asked and answered" or is otherwise not relevant, the Hearing Officer(s) and/or Advisor must move on.
- Questions are used to identify consistency or understand a fact; they may not include accusations within the text of the question.

The Hearing Chair has the sole discretion to determine if the Rules of Decorum have been violated and will notify the participant responsible of any violation of the Rules. The Hearing Chair shall have discretion to remove the participant or allow them to continue participating in the hearing or other part of the process.

Should the Hearing Chair remove a Party's Advisor, the Party may select a different Advisor of their choice, or accept an Advisor provided by the institution for the limited purpose of cross-examination at the hearing. If the Advisor is removed following the cross-examination, the hearing will proceed absent of assigning a new Advisor. If the party accepts a new Advisor provided by the University, the hearing will be rescheduled preferably within 5 business days. A party cannot serve as their own advisor in this circumstance.

Should the Hearing Chair remove a Support Person, the party may request a brief break to select a new Support Person. If they are unable to identify a new Support Person, the hearing will continue and will not be rescheduled.

Reasonable delays and/or breaks, including the temporary adjournment of the hearing, may be anticipated.