



**Discrimination is Prohibited**

- Race
- Ethnicity
- Color
- National Origin
- Age
- Religion
- Disability
- Protected Veteran Status
- Sex
- Sexual Orientation
- Gender
- Gender Identity
- Gender Expression
- Pregnancy
- Pregnancy-related conditions
- Genetic Information

A photograph of a young man with short dark hair, wearing a white long-sleeved shirt, blue jeans, and a black backpack. He is standing in a hallway with a glass door and a wooden floor, looking towards the camera.

## State and Federal Laws

prohibiting discrimination



TITLE VII

TITLE VI

TITLE IX

AMERICANS WITH  
DISABILITIES ACT

## State and Federal Laws

prohibiting discrimination



Prohibits discrimination in employment on the basis of sex, race, color, national origin, or religion.

CLOSE

TITLE VII

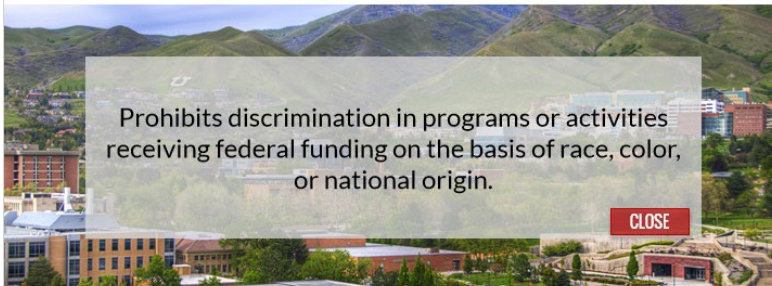
TITLE VI

TITLE IX

AMERICANS WITH  
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## State and Federal Laws

prohibiting discrimination



TITLE VII

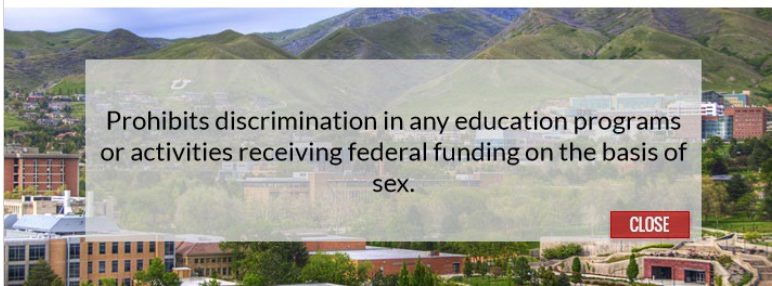
TITLE VI

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## State and Federal Laws

prohibiting discrimination



TITLE VII

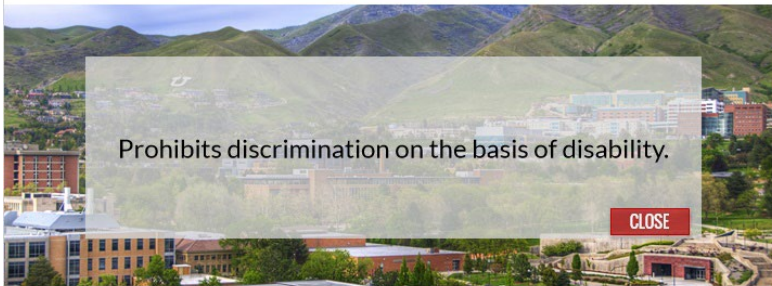
TITLE VI

TITLE IX

AMERICANS WITH  
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## State and Federal Laws

prohibiting discrimination



TITLE VII

TITLE VI

TITLE IX

AMERICANS WITH  
DISABILITIES ACT

## About this Training

- 1 Why hearings are convened
- 2 The hearing process
- 3 Your role in the process
- 4 General FAQs





## Hearing Roles

**Complainant:** The individual who allegedly experienced discrimination in violation of University policy.

**Respondent:** The person(s) alleged to have engaged in prohibited discrimination.

**Hearing Coordinator:** Secretary of the committee who facilitates committee work.

**Hearing Chair:** Individual selected to lead a hearing committee.

**OEO Consultant:** OEO employee who investigated the complaint of discrimination.

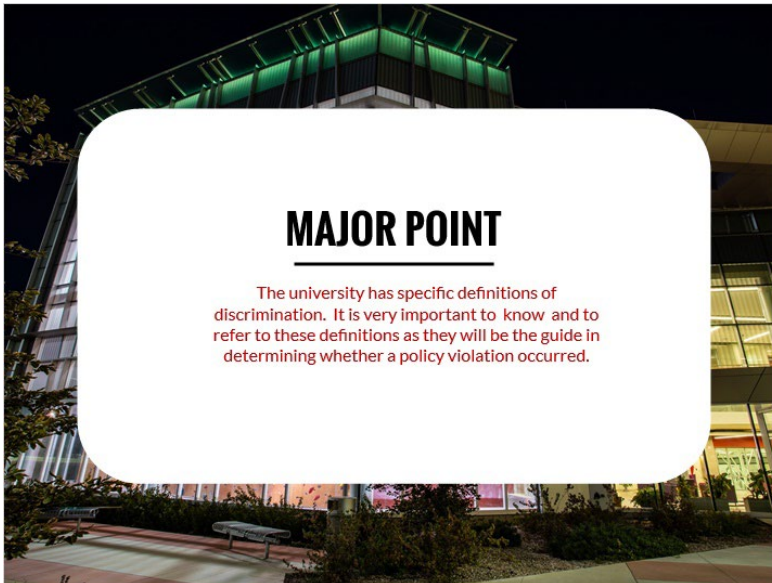
**Advisors:** An individual of the complainant's or respondent's choice, who may or may not be an attorney, to be present and assist during a hearing. In sexual misconduct cases, the university will appoint an advisor if the party does not have one.

**Support Person:** An individual of the complainant's or respondent's choosing, who may provide support during the hearing, but will not participate in the hearing proceedings.

**Witness:** Individual with knowledge of the issue and are called to provide information the hearing.



## 1.6 Understanding Definitions



## Discrimination

Policy 1-012

Discrimination means treating someone differently, i.e., **disadvantaging the person**, on the basis of being a member of a protected class described in university policy when:

- such conduct **adversely affects** a term or condition of an individual's employment, education, living environment, or participation in a university program or activity; or
- a person's membership in a protected class is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, health care, or other participation in a university program or activity.



## Examples of Discrimination

- Sydney was denied a promotion because her supervisor knew she was pregnant.
- Eduardo's co-workers keep on referring to him as Jose because he is Hispanic.
- James, who is 62, was not selected to work on a project because his supervisor said he didn't think someone his age could keep up.
- Dawnell, who has a documented learning disability, was not allowed to have more time to complete her final exam.
- Fatima believes that she is being treated differently because she wears a hijab.



## Sexual Misconduct

A range of behaviors that are sexual in nature which are unwanted or uninvited:

- Sexual and gender-based harassment
- Intimate partner violence
- Nonconsensual sexual contact
- Nonconsensual sexual penetration
- Sexual exploitation
- Sexual violence



## Sexual or Gender-Based Harassment

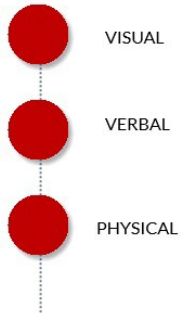
- Quid Pro Quo- An employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct

**OR**

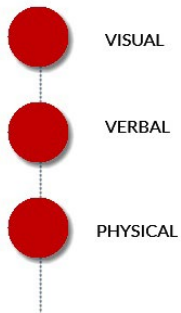
- Unwelcome conduct that is sexual in nature or based on someone's sex/gender and determined by a reasonable person to be:
  - a) so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's programs or activities; or
  - b) is sufficiently severe or pervasive that it has the purpose or effect of interfering with or creating an intimidating, hostile or offensive environment in a university program or activity.



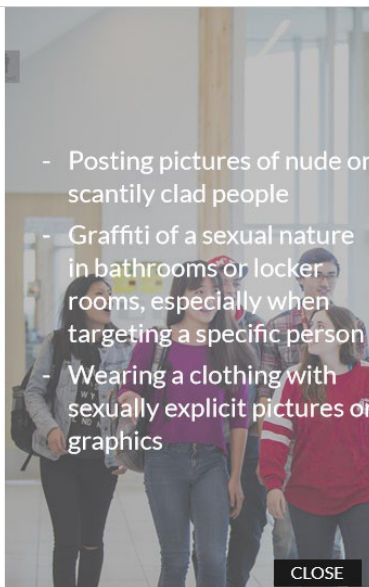
## Examples of Sexual Harassment



## Examples of Sexual Harassment



- Posting pictures of nude or scantily clad people
- Graffiti of a sexual nature in bathrooms or locker rooms, especially when targeting a specific person
- Wearing a clothing with sexually explicit pictures or graphics





## Examples of Sexual Harassment



VISUAL



VERBAL



PHYSICAL

- A teacher or supervisor asking for sexual favors from students or staff
- Telling or emailing jokes or stories of a sexual nature
- Howling, catcalling or whistling
- Commenting on someone's sexual abilities, body parts or clothing
- Calling someone degrading names of a sexual nature

CLOSE

## Examples of Sexual Harassment



VISUAL



VERBAL



PHYSICAL

- Making lewd gestures such as licking lips suggestively, gyrating hips, etc.
- Following someone or blocking his or her way so a person can't get away
- Unwanted physical contact
- Exposing private body parts including mooning and flashing
- Pulling off clothing, flipping up skirts or bra snapping

CLOSE

## Other Types of Sexual Harassment

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Statutory Rape:** Sexual intercourse with a person who is under the age of consent.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Domestic Violence:** Violence committed by a current or former spouse or intimate partner of the victim.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.



## Knowledge Check

Quid pro quo harassment occurs when a promotion or job benefit is directly tied to an unwelcome sexual advance.

- True  
 False



.

*(True/False, 1 points, 1 attempt permitted)*

## Knowledge Check

If sexual harassment occurred at a university-sponsored after-hours party, the university-affiliated person can be held responsible.

- True
- False



## Knowledge Check

Steve asked Julie out on a date and Julie accepted. Steve thought the date went well. Julie thought the date did not go well. Steve called Julie two days later and asked her out on a second date. Julie said no. Steve sent Julie text messages and also called her three more times to see if she changed her mind. Julie said she still did not want to go out on a date and asked Steve to no longer text or call her. Steve continued to text and call Julie. Julie was frightened because Steve's texts came more often, and each text sounded angrier than the previous one.

What type of sexual harassment is this?

- stalking
- dating violence
- quid pro quo





## Other Types of Sexual Misconduct

### Intimate Partner Violence

Actual or threatened physical violence, intimidation, or other forms of emotional, physical or sexual abuse that would cause a reasonable person to fear harm to self or others. For this policy, "intimate relationship" means marriage, domestic partnership, engagement, casual or serious romantic involvement, and dating, whether in a current or former relationship. Intimate Partner Violence can occur between persons of any sex, sexual orientation, gender, gender identity, or gender expression, and it can occur in any type of intimate relationship including monogamous, non-committed, and relationships involving more than two partners. Intimate Partner Violence can be a single act or a pattern of behavior. Intimate Partner Violence is sometimes referred to as, and includes behaviors that would be considered, dating violence, domestic violence, or relationship abuse. Examples of Intimate Partner Violence include, but are not limited to, situations in which the following behaviors are directed toward a partner in a current or former intimate relationship: hitting, kicking, strangling, or other violence; property damage; and threat of violence to one's self, one's partner, or the family members, friends, pets, or personal property of the partner.



## Other Types of Sexual Misconduct

### Nonconsensual Contact or Penetration

**Nonconsensual Sexual Contact** means any physical contact with another person of a sexual nature without that person's consent. The touching of a person's intimate parts (such as genitalia, groin, breast, buttocks, mouth, or clothing covering same); touching a person with one's own intimate parts; or forcing a person to touch another's intimate parts would be violations of this policy if they occur without consent.

**Nonconsensual Sexual Penetration** means the sexual penetration of any bodily opening with any object or body part without consent. This could be committed by force, threat, intimidation, or through exploitation of another's mental or physical condition (such as lack of consciousness, incapacitation due to drugs or alcohol, age, or disability) of which the respondent was actually aware or which a reasonable person in the respondent's position should have been aware.





## Other Types of Sexual Misconduct

### Sexual Exploitation

Taking sexual advantage of another person and includes, without limitation: indecent exposure; causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; causing the prostitution of another person; recording, photographing, or transmitting images of private sexual activity and/or the intimate parts of another person without consent; allowing third parties to observe private sexual acts without consent; engaging in voyeurism without consent; and knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

## Knowledge Check

Match each description to the right type of sexual misconduct.

1. Taylor and Kennedy have been dating for six months. Taylor frequently hits Kennedy.
2. Jordan's coworker, Alex, comes up behind her and kisses her on the neck.
3. During a party off campus, another student placed his penis in Cameron's mouth without his consent.
4. Brett found out that their former partner put video of them having sex online.



## Section Wrap-Up

- Discrimination means treating someone differently, i.e., **disadvantaging the person**, on the basis of being a member of a protected class in employment, education, or other university activities.
- Protected class categories are: race, ethnicity, color, national origin, age, religion, disability, protected veteran status, sex, sexual orientation, gender identity, gender expression, and genetic information.
- Sexual misconduct is an umbrella term for behaviors of a sexual nature that are unwanted and uninvited, and includes: sexual harassment, intimate partner violence, nonconsensual sexual contact, nonconsensual sexual penetration, sexual exploitation.



## Section Completed

Please continue to [module 2](#)





## Hearing Committee Training

### Module 2 Hearing Process

## Investigative Process

### Overview



#### Complaint filed with OEO

If an individual believes they have experienced discrimination, they have the right to file a formal complaint with OEO and request an investigation about the treatment they have experienced.



#### Complaint is assigned to OEO Consultant

If the complaint is accepted, it will be assigned to an OEO consultant who will complete the investigation.



#### Investigation is completed

The OEO Consultant will interview the complainant and the respondent, and witnesses to the alleged behavior. Evidence related to the case may be collected. This information will be used to determine whether or not a violation of policy occurred.



## Investigative Process

### Non-Sexual Misconduct Cases



#### Written report is issued

The OEO Consultant will issue a written report detailing their findings- that either there was a policy violation- known as a cause finding, or that there was insufficient evidence of a policy violation.



#### Report is sent to parties

The report is sent to both parties in the case. Parties have 10 days to submit responses or requests for additional investigation prior to the report becoming final.



#### Parties may request hearing

If either the complainant or the respondent disagree with the findings of the final report, they may request a hearing to review those findings.



## Investigative Process

### Sexual Misconduct Cases



#### Draft report is issued

The OEO Consultant will issue a draft written report, including summary of evidence, and a recommendation about whether sexual misconduct occurred.



#### Draft report is sent to parties

The parties will have 10 days to review the report and the directly related evidence, and submit a response to OEO. Once the report is final, parties will have another 10 days to review the report and evidence.



#### Administrative Recommendation

If OEO recommends that a violation of policy has occurred, an appropriate administrator such as supervisor, chair, dean or vice president will review the information and prepare a sanctioning recommendation.



#### Hearing Committee Convenes

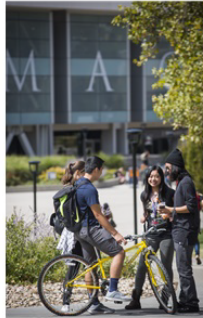
A hearing committee will always convene for sexual misconduct cases. The committee will be decide whether sexual misconduct occurred, determine appropriate sanctions or corrective measures for the respondent, and remedies for the complainant.





## Selecting Committee Members

- Once a hearing of any type is scheduled, the hearing coordinator will select three individuals from a pool of eligible committee members.



- The committee will consist of the committee chair, and one committee member of the same status as the complainant (student, staff, or faculty), and one committee member of the same status as the respondent (student, staff, or faculty).
- If you are selected to participate on a hearing committee, you will be invited via email. This email will contain the names of the complainant and respondent.

### MAJOR POINT

In order to provide an objective and fair hearing, each committee shall take precautions to avoid any conflict of interest or bias regarding either the complainant or respondent should not of committee members. Committee members shall recuse themselves in any case where the respondent or complainant is a family member, friend, or acquaintance of the committee member, or where the relationship as likely to result in bias, for or against the Complainant or Respondent. Individuals shall avoid any communication that would preclude their making a fair and objective decision, and shall avoid any individual communication with a party.

## Knowledge Check

Last semester, you had a class with the respondent in this case. You completed a group assignment with them, and have a hard time believing they would engage in any kind of sexual misconduct. Do you need to recuse yourself?

- Yes  
 No



## Knowledge Check

You have been asked to sit on a hearing committee. You are familiar with the names of both the respondent and the complainant as they have worked for the University for many years. Do you need to recuse yourself?

- Yes  
 No



## Committee Expectations

- **Avoid pre-judgment of facts:** Committee members must objectively evaluate all relevant evidence, and ensure that credibility determinations not be based upon a person's status as a complainant, respondent or witness.
- **Committee members must presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility has been made at the conclusion of the hearing process.**
- **Avoid stereotypes:** Committee members must not rely on stereotypes related to protected classes in the deliberation process. Committee members are expected to be aware of implicit and unconscious biases. **Committee should not rely on sex stereotypes in sexual misconduct cases.**



## Conducting a Hearing

### Personal Statements

The complainant and respondent will have an opportunity to make a personal statement related to complaint. If the complainant or respondent has an advisor, that advisor can also make an opening statement.

NOTE: statement from the complainant should include what remedies the complainant is seeking, if the complainant does not include that in the statement, the committee should ask the complainant to identify what remedy or relief they are seeking.

[More](#) 

## Conducting a Hearing, continued

### Calling Witnesses/ Reviewing Evidence

The complainant, respondent, and committee will have an opportunity to call and question witnesses, present evidence, make closing remarks.

### Committee Q&A

Committee members will have the opportunity to ask questions of any parties or witnesses present.

### Cross Examination

Parties will have an opportunity to cross-examine each other and witnesses through their advisors.

[More](#) 

## Conducting a Hearing, continued

### Sanction Recommendation

Respondent's administrator will speak about recommendations for sanctions or corrective measures.

### Deliberation

The committee will review and discuss the information presented vote to uphold or overturn the findings and/ recommendations made in the OEO report.

### Report

Within 10 calendar days of the hearing, the committee will provide its written report simultaneously to the parties, their advisors, and the OEO.



## Questioning Witnesses

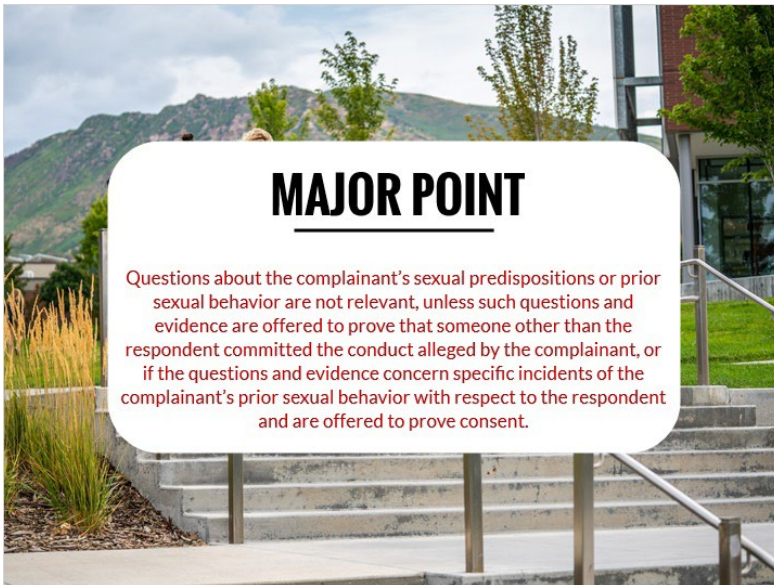


- Respectful and non-confrontational,
- Relevant to facts asserted and limited to necessary details
- Non-repetitive
- Non-judgmental. Judgment is made only after all of the facts submitted and weighed under the preponderance of the evidence standard.

**“Will the answer to the question help to determine a fact at issue?”**

or

**“ Am I seeking information to satisfy curiosity about a person or the event?”**



### **MAJOR POINT**

Questions about the complainant's sexual predispositions or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

## Confrontational Questioning

- Why did you decide to drink so much that night?
- If you didn't want to have intercourse, why did you allow him to touch your breast?
- Why didn't turn away when she tried to kiss you?
- Why didn't scream or call out for help?
- Why didn't tell them directly to stop?
- If you don't remember the details, how are we supposed to understand what happened?



## 2.16 Confrontational Questioning, 2

### Confrontational Questioning, continued

- Tell me how you gained consent?
- We understand you told OEO you had a lot to drink that night. It would be helpful to understand how much you drank and how that affected you. Could you tell us more about that?
- We understand that your friend offered you a ride from the party when he left. We understand that you decided to stay. Can you tell us more about that decision?



## Cross Examinations

- In **sexual misconduct hearings**, the complainant's and respondent's chosen or appointed advisor will be responsible for conducting cross examinations. They will ask their questions through the committee chair, who will relay the question to the witness or party.
- In **sexual misconduct hearings**, If a party or witness does not submit them to live questions and cross-examination, the Committee may not use on any statement of that party and/or witness testimony provided in the OEO report in reaching a determination regarding responsibility.
- In hearings **not involving sexual misconduct**, the parties may ask questions directly to the committee chair without an advisor.



## Deliberation

- 1 Review relevant discrimination and other university policies and definitions.
- 2 Review evidence and testimony.
- 3 Review how each piece of evidence or testimony either supports or does not support the allegation.



## Preponderance of the Evidence

more likely than not

If the majority of the information tilts the scale to the direction that there was a policy violation, then the preponderance of evidence exists to show that there was a policy violation, which the OEO refers to as a cause finding. OEO calls this insufficient evidence.



### Notes:

As you weigh the evidence, you will be asked to determine whether the PREPONDERANCE OF THE EVIDENCE supports the allegation or not. *Preponderance of the evidence* is a legal standard meaning “more likely than not,” and is the standard OEO uses in determining if the alleged policy violation occurred.

One way to think about determining preponderance of evidence is to use mental scale. If, after hearing all the information, the majority of the information tilts the scale to the side pointing to a policy violation, then a preponderance of the evidence exists to show that there was a policy violation, which the OEO refers to as a cause finding.

If the majority of the information tips the scale to the direction that there was no policy violation, then the preponderance of evidence shows that there is not enough evidence to show discrimination or sexual misconduct occurred. OEO calls this *insufficient evidence*, meaning that there was insufficient evidence to support the allegation.

## Evaluating Evidence

### Types of Evidence:

- Performance evaluations
- Student transcripts
- Disciplinary action records
- Informal reprimands
- Other written documentation
- Social media posts





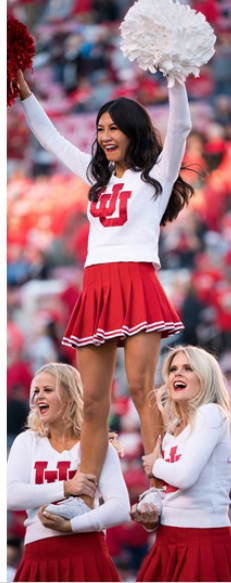
## Making a Decision

### Committee votes :

- Open ballot
- Secret ballot

### Written report:

- Identification of the allegations potentially constituting a policy violation.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses site visits, methods use to gather evidence and hearings held.
- Findings of fact supporting the determination
- Conclusions regarding the application of the recipient's code of conduct to the facts.
- A statement of, and rationale for, the results as to each allegation, including a determination regarding responsibility, any disciplinary sanctions on the respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity



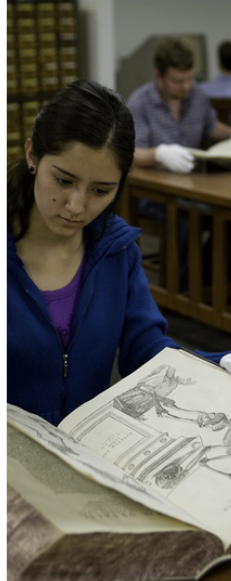
## Section Wrap-Up

- Individuals who believe they have experienced discrimination, they have right to file a formal complaint and request an investigation.
- Allegations not involving sexual misconduct will go to hearing only if one of the parties makes hearing request after an OEO consultant has made a finding about whether university policy was violated.
- Allegations involving sexual misconduct will always have a hearing to determine whether university policy was violated.
- Hearings committees will consist of members, with one member being the same status as the complainant, and one committee member being the same status as the respondent.
- Individuals should decline participation on a hearing committee if they have a conflict of interest or bias.



## Section Wrap-Up, continued

- Every hearing will follow a similar agenda: Personal statements, witness evidence, committee Q&A, advisor questioning, sanction recommendation, committee deliberation, and report generation.
- As part of the hearing process, the committee will be able to ask questions to the complainant and respondent about the complaint. Any questioning, regardless of the type of alleged discrimination, should be relevant to determining whether a policy violation occurred.
- During the hearing, parties will be able to cross-examine witnesses and the other party through the committee chair.
  - In sexual misconduct hearings, the complainant and respondent's chosen or appointed advisor will be responsible for conducting cross examination.
  - In hearings not involving sexual misconduct, the parties may ask questions directly to the committee chair if they do not have an advisor



## Section Wrap-Up, continued

- The committee will deliberate to determine whether the evidence supports or does not support that discrimination or sexual misconduct has occurred.
- The Preponderance of the Evidence standard, which means "more likely than not," will be used to determine if a policy violation occurred.
- A majority vote will be required for all decisions about policy violations.
- Within 10 calendar days of the hearing, the committee will submit its written report to the parties, their advisors, and the OEO/AA. The report will contain its findings about whether or not a policy violation occurred, and if so, the appropriate disciplinary sanction or corrective measures to be implemented, and any remedies for the complainant that are reasonable in light of the circumstances



## Section Completed

Please continue to module 3



## Hearing Committee Training

Module 3

Understanding Trauma

## Trauma and the Brain



Trauma can affect anyone, regardless of gender



Both the complainant and the respondent may have experienced trauma



It's important to understand how experiencing some forms of sexual misconduct, may be traumatic.



## Responding to Trauma



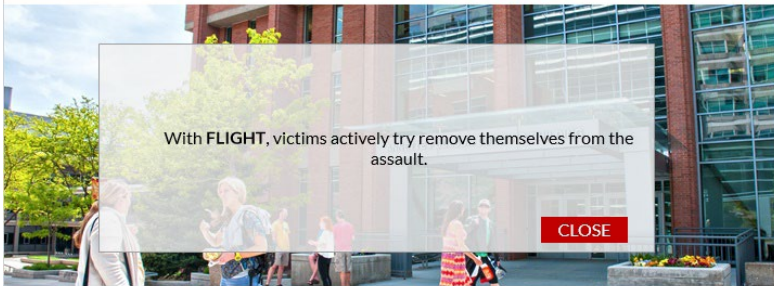
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## Responding to Trauma



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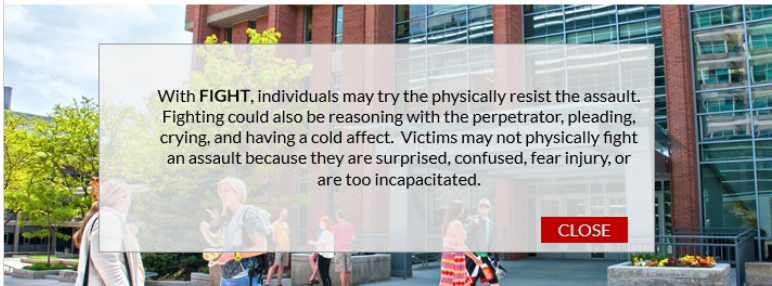
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## Responding to Trauma



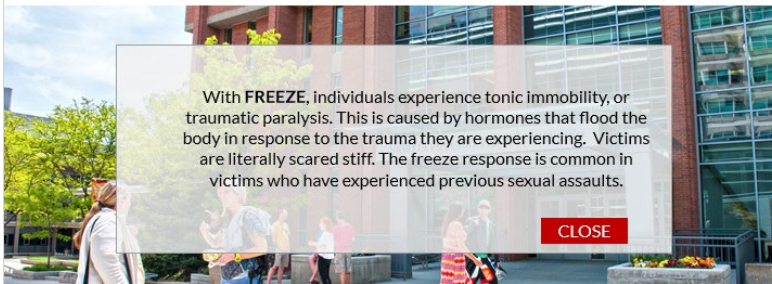
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## Responding to Trauma



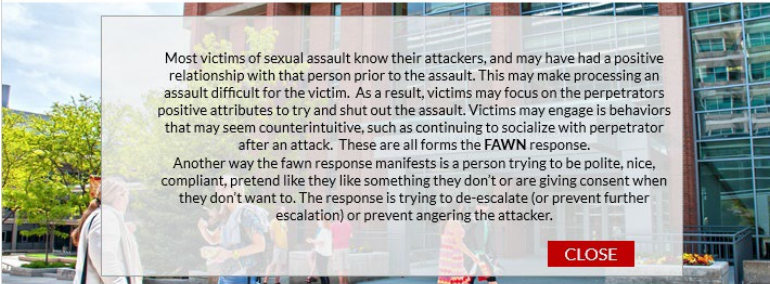
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## Responding to Trauma



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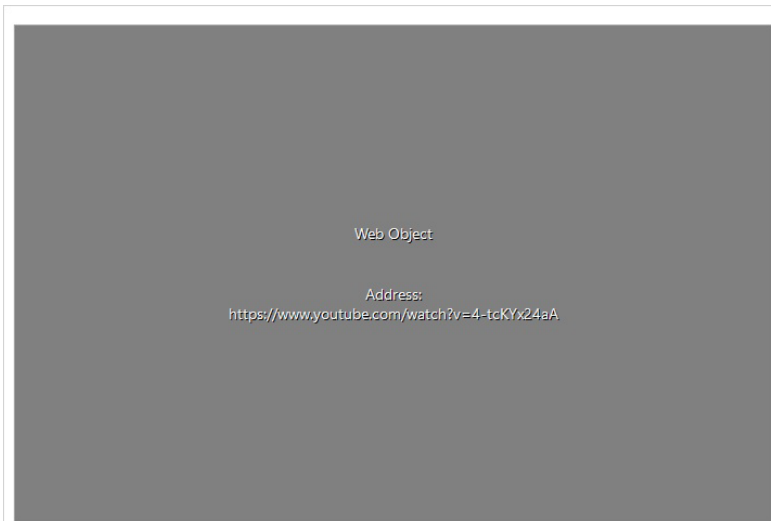
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## Responding to Trauma, continued

- Increased levels of stress hormones impair functioning of the brain, which can also lead to fragmented memories of the events, especially when combined with alcohol or other chemical consumption, which can also affect memory storage.
- Understand that a wide range of emotions and responses is normal after experiencing sexual violence. Because a victim does not appear emotional, does not mean they are not feeling emotional. Some victims/survivors of trauma may have a flat affect, may cry, may laugh, or may present with a wide variety of responses when dealing with or discussing the traumatic event.
- These trauma responses last and can be triggered throughout a person's life- day, weeks, years after the experience. As committee members, you may be presented with how the complainant behaved after, not just during the alleged encounter or encounters.

### 3.5 How Trauma Affects Memory



#### Myths about Sexual Assault

**Myth 1:** Sexual assault and rape victims are always hysterical, emotional or crying following an attack.

**The Facts:** Sexual assault and rape victims may go through a wide range of emotions and responses following an attack, and just because a victim does not outwardly appear emotional does not mean she or he is not emotional.

**Myth 2:** Contradictory, partial or inaccurate statements mean the victim is lying.

**The Facts:** Stress, the consumption of drugs or alcohol (knowingly or unknowingly), discomfort and trauma may cause a victim to have difficulty clearly recounting the series of events surrounding their attack. Studies have shown that traumatic memories encode in our brains differently, mainly as unconnected, sensory, emotional fragments, which can lead to memory gaps and loss.

From: *The Facts Behind 8 Rape and Sexual Assault Myths*, Campus Safety



## Myths about Sexual Assault, continued

**Myth 3:** Avoiding eye contact, shifting in a chair or showing discomfort means a sexual assault victim is lying.

**The Facts:** Sexual assault and rape victims may be uncomfortable because they cannot recall everything clearly or answer every question, causing them to stammer when speaking, fidget in their chair or avoid eye contact as they strain to recall or feel shame.

**Myth 4:** If the victim didn't fight back or resist the assailant, she or he consented or the sexual activity was mutual and not forced.

**The Facts:** Sexual assault is a trauma that can cause the body to activate defensive strategies, such as freezing or appeasing the attacker. The freeze response is called "tonic-immobility" and is triggered by a flood of hormones that activate in response to a threat. There are many reasons why victims may not physically resist

From: *The Facts Behind 8 Rape and Sexual Assault Myths*, Campus Safety



## Myths about Sexual Assault, continued

**Myth 7:** All sexual assault victims are female, all perpetrators are male and sexual assaults only occur in the heterosexual population.

Other myths, such as the beliefs that the consequences of sexual assault are lesser for men than woman, and that women are non-violent, further act as barriers to an effective response.

**The Facts:** Sexual violence, including assault and rape, occurs in the LGBTQ community at similar rates to the straight community, and data from the National Intimate Partner and Sexual Violence Survey suggests around 1.7 percent of men are sexually assaulted in their lifetime.

Men and members of the LGBTQ community may be less likely to report sexual assault for the following reasons:

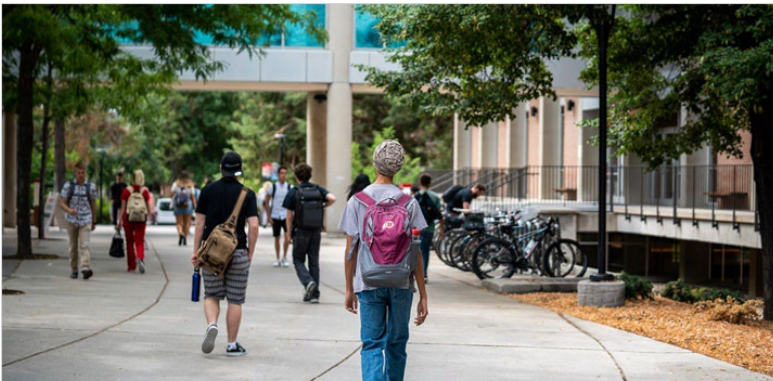
- Distrust of law enforcement
- The perceived impact on their masculinity
- Fear of being "outed" and homophobia
- Real or perceived belief that support structures are not geared toward them

From: *The Facts Behind 8 Rape and Sexual Assault Myths*, Campus Safety



## Section Completed

Please continue to module 4



## Hearing Committee Training

Module 4

The Hearing Coordinator and  
Hearing Chair



## The Hearing Coordinator

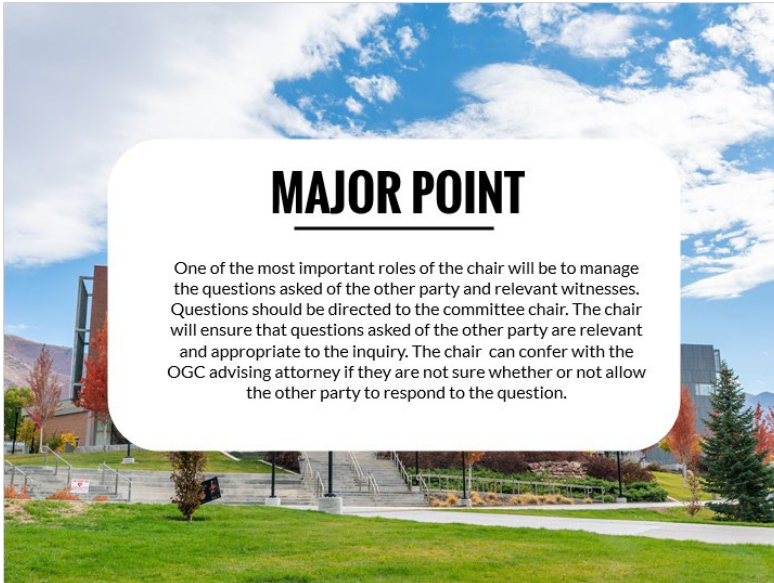
- Serving as the Secretary to the committee;
- Notifying the complainant, the respondent, the committee, and OEO of the time and place of the hearing;
- Notifying the complainant and the respondent of the names of the committee members and any witnesses requested by the complainant, the respondent, or the committee;
- Distributing the hearing procedure and any documentary evidence to the complainant and the respondent;
- Making appropriate technical arrangements, and, when requested as outlined below, appropriate physical accommodations;
- Arranging for an electronic audio and video recording of the hearing;
- And providing other reasonable support services at the committee's request.



## The Hearing Chair

- Officiate and conduct the hearing.
- Ensure the hearing is held in accordance with university policy. The OGC advising attorney will provide guidance.
- Provide leadership and ensure members are aware of their obligations and that the committee complies with its responsibilities.
- Work with the hearing coordinator to ensure that the parties are informed of the remaining time they each have allotted for their presentations.
- Ensure that the hearing remains professional and that all participants are respectful of the hearing process and those that are participating in the hearing.

## 4.4 Questioning in Hearing



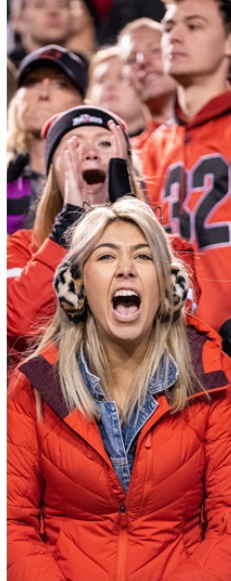
### Section Wrap-Up

- A hearing coordinator facilitates the work of the committee.
- The hearing coordinator will be an administrative support employee from either OGC or OEO.
- The coordinator serves as the secretary to the committee.
- The coordinator notifies the parties, committee, and OEO/AA of the time and place of the hearing.
- The chair makes appropriate technological arrangements, and, when requested, appropriate physical accommodations.



## Section Wrap-Up, continued

- Every hearing committee will have a chair to lead the group.
- The chair is an individual who has participated in previous hearings.
- The chair will ensure the hearing is held in accordance with
- The chair will ensure that the hearing remains professional at all times.
- The chair will manage the questioning of the parties and witnesses.
- The chair will draft the committee's findings.



## Section Completed

Please continue to module 5





## Hearing Committee Training

### Module 5 Technical Training and FAQs

## Video Conferencing

**Audio/Video Set-Up:** if possible, do a test of audio and video on your computer to make sure speakers, microphones, and cameras all work. Set up your camera so that your face can clearly be seen.

**Location:** find a location to participate in the hearing where you can give your full attention to the hearing and won't be distracted by environmental factors like talking, animal noises, etc. You also may want to use the features provided by the conferencing software to create a background if you don't want individuals to see your physical location.

**Dress and Decorum:** even though you may be participating in a hearing from your home or other non-work location, it is important to remember that this is a formal university activity, and dress appropriately. If you wouldn't show up to work wearing your pajamas, don't sign-on dressed in pajamas.



## Video Conferencing Education

- Zoom 101: <https://youtu.be/qsy2Ph6kSf8>
- Joining a Meeting & Configuring Audio: <https://youtu.be/-s76QHshQnY>
- Meeting Controls: [https://youtu.be/ygZ96J\\_z4AY](https://youtu.be/ygZ96J_z4AY)
- Sharing Your Screen: <https://youtu.be/YA6SGQIVmcA>
- Zoom Waiting Rooms: <https://youtu.be/ntaT7KEcids>
- Video Breakout Rooms: <https://youtu.be/jbPpdyn16sY>



## Hearing Process FAQs

**Q: What happens if the complainant or respondent does not attend with notifying the hearing committee, or without good cause?**

A: If either party does not show up without notification and/or good cause, the hearing committee may continue with the hearing. Neither party is required is required to be present for the hearing to proceed.

**Q: What if a party becomes disruptive during the hearing?**

A: The committee has the authority to exclude individuals from the hearing whose behavior is disruptive after first providing a warning.

**Q: How does the committee vote?**

A: The committee can vote either by open or secret ballot.





## FAQs, continued

**Q: Is the hearing a legal proceeding?**

A: No. The Hearing committee is formed to review the policies for the University.

**Q: Is there a record of the hearing?**

A: There is an audio and video recording of the hearing.

**Q: Could I be sued or face another legal consequence for participating in a hearing as a committee member?**

A: No. Under Utah law, committee members do not have individuals liability for participation on a hearing committee. The law also provide indemnification or defense in the event a committee member is named in a lawsuit.

[Ask another question to OEO](#)



## Training Completed



Thank you for participation in the training for hearing committees. You are now prepared to participate in a hearing.