

STEPS IN THE HEARING PROCESS

In accordance with Tiffin University's Title IX & Civil Rights Policy, the following outline represents an overview of the live virtual hearing procedures for the Title IX Formal Grievance Process.

1. WELCOME & PROCEDURAL REMINDERS

2. INTRODUCTIONS & OVERVIEW OF ROLES

- Hearing Chair & Panelists
- Title IX Coordinator/Deputy Coordinator
- Hearing Facilitator
- Complainant & Advisor
- Respondent & Advisor

3. OVERVIEW OF HEARING PROCESS

- Hearing Outline
- Relevance & Objections
- Party Testimony & Cross-Examination Overview
- Witness Testimony & Cross-Examination Overview
- Refusal to Submit to Cross Examination
- Communication with Advisors
- Breaks

4. PARTY RIGHTS AND RESPONSIBILITIES

5. REVIEW OF POLICY

6. COMPLAINANT TESTIMONY & CROSS-EXAMINATION

- Complainant may share their version of events from the alleged incident
- Cross-Examination of the Complainant

7. RESPONDENT TESTIMONY & CROSS-EXAMINATION

- Respondent may share their version of events from the alleged incident
- Cross-Examination of the Respondent

8. WITNESS TESTIMONY & CROSS-EXAMINATION

- Witness(es) may share their version of events from the alleged incident
- Cross-Examination of the Witness(es)

9. CLOSING STATEMENTS

- Each party may share their closing statement

10. CONCLUSION & NEXT STEPS

PROCEDURAL REMINDERS

- Cameras should be turned on at all times during the hearing.
- Microphones should be muted during the times when participants are not speaking to avoid background noise.
- If at any point during the hearing a participant needs a break, notify the Hearing Chair.
- In case of internet connectivity or technology issues, participants should check their TU email for updates and guidance from the Hearing Chair.
- Hearings are recorded via Zoom. No unauthorized recording is permitted.

For Questions Regarding the Hearing Procedures, email:
OfficeofTIXCR@tiffin.edu

TITLE IX FORMAL GRIEVANCE PROCESS: HEARING PROCEDURES



HEARING OVERVIEW

At the hearing, the three-member panel has the authority to hear and make determinations on all allegations of policy violations including those allegations that may not specifically fall within the Title IX & Civil Rights Policy.

Participants at the hearing may include the Hearing Chair, Hearing Panelists, the Hearing Facilitator, the Parties, Advisors to the Parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services. The Chair and/or the Title IX Coordinator will answer all questions of procedure.

JOINT HEARINGS

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual(s) of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

RECORDING HEARINGS

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The three-member panel, the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording.

[View the Full Title IX & Civil Rights Policy at: tiffin.edu/about/title-ix-and-civil-rights/](#)

CROSS-EXAMINATION, DECORUM & RELEVANCY DETERMINATIONS

The Parties and Witnesses will be invited to submit to questioning by the three-member panel and then by the Parties through their Advisors.

Parties are permitted to communicate with the Advisors at any time during the hearing, except while a question is pending. Advisors are not permitted to tell their parties how to answer questions as they are responding. If the party wishes to consult privately with their Advisor, they may do so. If lengthy private consultations are necessary, they may request a break.

All questions must be asked by an Advisor. The Hearing Chair must verbally declare each question to be relevant or not relevant before the question is answered. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. Parties should wait until the Hearing Chair has determined relevance before answering.

Relevant questions are those tending to prove or disprove a fact at issue, or those that go to credibility. Questions that are not relevant include:

- Repetitive questions that have already been asked and answered.
- Questions seeking information that is protected by a legally recognized privilege, such as attorney-client privilege, where that privilege has not been waived.
- Questions seeking to elicit information about the party's medical, psychological, or counseling records, unless the Party has given voluntary, written consent for their use in this process.
- Questions regarding the Complainant's sexual predisposition or prior sexual behavior, unless the questions are either:
 - Offered to prove that someone other than the Respondent committed the conduct
 - The questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent as are offered to prove consent.

ADVISOR DECORUM EXPECTATIONS

The Hearing is not a court proceeding, and is not nearly as formal. There are no "objections" and things like hearsay are not excluded. However, the Hearing Chair will be transparent about relevance determinations. If an Advisor has any questions or concerns regarding a relevance determination, they should inform the Hearing Chair and the Hearing Chair will consult with Advisors as appropriate. This will be permitted as long as it does not become disruptive.

If a party's Advisor of choice refuses to comply with the established rules of appropriateness for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

WITNESS PARTICIPATION

Witnesses who participated in the investigation will also be invited to participate in the hearing. Witness participation in the hearing is voluntary. Witness who choose to participate will only be present during the part of the hearing designated for witness testimony and cross-examination.

REFUSAL TO SUBMIT TO CROSS-EXAMINATION

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.