

CONSIDERATIONS FOR HOW TO PREPARE FOR THE HEARING

The following are considerations for how to prepare for your scheduled hearing. Please note: these are recommendations and are NOT required. Parties and their Advisors should prepare for the hearing in a way that works best for them.

- Read and review the Final Investigation Report – make note of any pages, evidence, etc. that you want to reference during the hearing.
- If you (via your Advisor) plan to ask questions during cross-examination, prepare questions for the following parties: Complainant, Respondent, and Witnesses. If you prepare questions ahead of time, you may submit them to the Hearing Chair via email prior to your hearing for pre-determination of relevance.
- Have an idea of what you plan to share during your testimony, if anything. Will you re-tell your side of the story, or do you prefer to refer the Hearing Panel to your testimony from your investigation interview?
- Have an idea of what you plan to share during cross-examination, if anything. You have the option to answer all, some, or none of the questions.
- Determine if you want to give a closing statement during the Hearing; if so, you may prepare one in advance or give one on the spot. Whatever works best for you.
- Determine if you want to submit an impact statement; if so, be sure to submit it to the Deputy Title IX Coordinator via email prior to the hearing.
- Make a plan for communicating with your Advisor during the hearing. Will you be in the same room? Will you be in different locations and communicate in breakout rooms?

RECOMMENDED RESOURCES TO REVIEW

The following are recommended resources to review prior to your scheduled hearing. Please note: these are recommendations and are NOT required. Parties and their Advisors should prepare for the hearing in a way that works best for them.

- Title IX & Civil Rights Policy – which can be found at: tiffin.edu/about/title-ix-and-civil-rights/
- Title IX Formal Grievance Process: Role of Advisors Brochure
- Title IX Formal Grievance Process: Hearing Procedures Brochure
- Final Investigation Report
- Party Rights & Responsibilities (found in this brochure)

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

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

TITLE IX FORMAL GRIEVANCE PROCESS: PREPARING FOR THE HEARING



TIPS FOR PREPARING QUESTIONS

To avoid unfocused questioning, it is helpful to draft questions that align with policy language and to structure questions around what must be proven or disproven. Consider the following:

- Who do I need to prepare questions for? Complainant, Respondent, Witnesses, etc.
- Does the question help connect the alleged conduct to the policy definition, or help show a lack of connection to the policy definition?
- Does the question address credibility or inconsistencies in the other party's arguments?
- Is the question tied to evidence, testimony, or an area of dispute between parties?

CLOSING STATEMENTS

A strong closing statement should be clear, respectful, evidence-based, and tied directly to the University policy and standard of proof. The goal of a closing statement is to help the Hearing Panel see how the facts, credibility, and policy align in your favor. A closing statement may include, but is not limited to:

- A summary of how the alleged conduct does/does not meet the policy definition - connecting facts to policy elements.
- A summary of corroborating evidence and witness testimony.
- A credibility analysis focusing on consistencies/inconsistencies in evidence - addressing any shortcomings or inconsistencies in the other party's key arguments.

IMPACT STATEMENTS

The parties may each submit a written impact statement **prior to the hearing** for the consideration of the Hearing Panel at the sanction stage of the process (if applicable) when a determination of responsibility is reached.

The Hearing Chair will ensure that each party has an opportunity to review any impact statement submitted by the other party. The Hearing Panel may – at their discretion – consider the statements when determining appropriate sanctions, but they are not binding.

PARTY RIGHTS & RESPONSIBILITIES

1. **Right to Advanced Notice of Allegations** – You have the right to receive advance notice of the alleged policy violations. This was provided to you in the Notice of Investigation & Allegations letter.
2. **Right to Have an Advisor Conduct Cross-Examination of the Other Party & Witness(es)** – You have the right to have your Advisor ask questions of the other party and the requested witnesses.
3. **Right to Choose to Participate in Cross-Examination** – You have the right to not submit to cross-examination. This means that you can choose to participate in all, some, or none of the questioning. However, if you do not participate, the Decision-maker(s) can only rely on whatever evidence is available through the investigation and hearing in making the ultimate determination of responsibility.
4. **Right to Request Witnesses** – You have the right to request witnesses to be interviewed during the investigation process and to request witnesses to attend the hearing to answer questions. The list of witnesses who participated and rationale for witnesses who did not participate in the investigation process was outlined in the investigation report. All witnesses who participated in the investigation will be invited to attend the hearing.
5. **Right to Access the Final Investigation Report Prior to the Hearing** – You have the right to have access to the information in the final investigation report to prepare for the hearing. Both parties and their advisors will be provided with electronic access to the final investigation report for a minimum of 10-business-days prior to the hearing.
6. **Right to File an Appeal** – You have the right to file an appeal of the Hearing Panel's decision based on the grounds for appeal outlined in the Title IX & Civil Rights Policy. More information on appeals will come when the Title IX Coordinator provides you with the written decision in the Notice of Outcome letter.
7. **Right to Access Supportive Measures** – You have the right to supportive measures during this process, even after the hearing. Please contact the Title IX Coordinator at any time for assistance with supportive measures.
8. **Right to be Protected from Retaliation** – You have the right to be protected from retaliation. If you should experience any form of retaliation due to your participation in the hearing or for your decision not to participate, please notify the Title IX Coordinator immediately. Likewise, do not retaliate against other individuals based on their participation or non-participation in the hearing.
9. **Responsibility to Provide Truthful Information** – To the extent you choose to provide information in the hearing, that information is expected to be truthful. Failure to provide truthful information may result in disciplinary action against you.
10. **Responsibility to Protect the Privacy and Integrity of the Hearing** – You also have the responsibility to protect the privacy and integrity of the hearing. This means that you must participate from a private location where no one other than those approved to participate may hear or view any portion of the hearing. This includes not recording, sharing, streaming, capturing images, or allowing other individuals access to the hearing.
11. **Responsibility to Follow the Rules of Decorum** – You have the responsibility to abide by and follow the Hearing Chair's directions and the rules of decorum.

During the Hearing, parties will be asked to acknowledge that they understand and agree to abide by these rights and responsibilities. If you have questions about these rights and responsibilities prior to the hearing, email: OfficeofTIXCR@tiffin.edu.