*Additional information for the Decision-Maker, not intended to be read aloud.*

Read aloud by Decision-Maker.

***Response/action by the Decision-Maker.***

*Response/action by someone other than the Decision-Maker.*

# **I. Call to Order**

*The hearing begins with all participants in the (virtual) room, including witnesses, so that the Decision-Maker may make introductions and explain the procedures. All participants will have already been provided with the Hearing File (hard copy if on campus; electronic if virtual).*

*Recording Starts (Equity Office)*

Today is **[DATE]** and it is **[TIME].** We are in **[LOCATION].** Each of you have been provided with the Hearing File which includes the investigate report and supporting evidence that we received and had the opportunity to review at least 10 days prior to this hearing. The hearing will now begin. Good afternoon, my name is **[DECISION-MAKER NAME],** and I will be serving as the Decision-Maker of this Title IX Formal Grievance Process Hearing. My role is to oversee the Hearing that will be conducted today and to make a final determination regarding the allegations. Please note that today’s hearing is being recorded by the Equity Office, so please speak clearly for the recorder. This recording represents the sole official verbatim record of the Title IX Hearing and is the property of Delta College. No other recordings are permitted.

1. **Identify all Parties Present**

At this time, I will ask the participants to please introduce themselves.

* Would the complainant introduce themselves? *Complainant responds.*
* Would the complainant’s Advisor introduce themselves? *Advisor responds.*
* Would the respondent introduce themselves? *Respondent responds.*
* Would the respondent’s Advisor introduce themselves? *Advisor responds.*
* Would any witnesses introduce themselves (if present)? *Witness responds.*
* Would the Title IX Coordinator/Investigator please introduce themselves? *Investigator responds.*
* Would any other individuals present please introduce themselves and state their role? (HR, Equity Office, etc.) *Any other individuals present respond.*

1. **Preliminary Comments**

Thank you all for being here today. As a reminder, the role of an Advisor is to advise and support the complainant or respondent. I will be monitoring the participation of the Advisors. If an Advisor fails to act in accordance with hearing procedures, the Advisor will be required to leave the hearing.

Also, please remember that this is a Delta College hearing, not a court of law. Formal rules of evidence are not applicable to any part of this hearing. It is expected that everyone will conduct themselves with civility and that any information presented will be relevant to the issues to be resolved at this hearing. The submission of any information which is not relevant to the issues to be resolved today is not permitted. Deviation from the prescribed procedures will not invalidate a decision or hearing unless significant prejudice to the complainant or the respondent may result.

1. **Honesty Statements**

Delta College expects that all information presented will be truthful and accurate. Be advised that any deliberately false and/or malicious accusations are a serious offense and will be subject to appropriate disciplinary action.

* Complainant **[Name]**: Do you understand the honesty statement?
* Respondent **[Name]**: Do you understand the honesty statement?
* Witness **[Name]**: Do you understand the honesty statement? (if applicable)

**DISMISSAL OF WITNESSES**

Witnesses, other than the respondent and the complainant, are present in the hearing only while offering their information. You will be asked to reenter to offer your testimony. Please do not discuss the case with each other while waiting. Would all witnesses, other than the respondent and the complainant, please leave the room and wait in **[LOCATION]?**

*Note regarding witnesses: If a witness is not present for the honesty statement when it is first read, the honesty statement will need to be read again during the time in which the witness presents their information. If a witness is on the phone their Student ID will need to be confirmed for identity purposes.*

1. **Announcement of Allegations**

This hearing is being held today to consider an allegation that the respondent, violated the Title IX Sexual Harassment Policy. This allegation was made by the complainant. The objective of this hearing is to review the facts of this case as outlined in the investigation report and as presented by the parties here today, to determine whether or not the respondent violated the Title IX Sexual Harassment Policy as alleged. As the Decision-Maker I will consider all information included in the investigation report and any information presented during the hearing today. The standard of proof used in this hearing is that of a preponderance of the evidence; that is, I will decide whether it is more likely than not that a violation of the Title IX Sexual Harassment Policy did occur.

**[RESPONDENT NAME],** the respondent, has been alleged to have violated the following provision/s of the Title IX Sexual Harassment Policy:

**[SITE SPECIFIC CHARGES FROM POLICY]**

Would the respondent please respond to the charge/s which I have just read indicating whether you accept responsibility for violating this/these provision/s of the Title IX Sexual Harassment Policy? *Respondent responds.*

*If the respondent does not accept responsibility for violating each of the provisions of the Title IX Sexual Harassment Policy listed above, then the hearing shall proceed. If the respondent does accept responsibility for violating each of the provisions of the Policy, then the hearing shall proceed with the presentation of information limited to that which should be considered in the imposition of sanctions.*

**Ask Complainant [Name]**

1. Are you aware of the charges at issue today and do you understand them?
   * *Complainant responds.*
   * *If the complainant says “no,” clarify what they do not understand.*
2. Did you receive a copy of the policy or information about where to access it online?
   * *Complainant responds.*
   * *If the complainant says “no,” clarify when it was provided.*

**Ask Respondent [Name]**

1. Are you aware of the charges at issue today and do you understand them?
   * *Respondent responds.*
   * *If the respondent says “no,” clarify what they do not understand.*
2. Did you receive a copy of the policy or information about where to access it online?
   * *Respondent responds.*
   * *If the respondent says “no,” clarify when it was provided.*
3. **Hearing Conditions**

I would like to call attention to the hearing outline that you received with your hearing notice and is again provided for you today. This outlines the structure that will be followed in today’s hearing. Please make note of the conditions listed at the top. Are there are any items that need to be clarified or addressed before we begin?

# **II. Opening Statements**

At this time, we will begin the portion of the hearing during which information is presented for consideration in determining if the respondent has or has not violated the Title IX Sexual Harassment policy. The complainant and the respondent will be provided the opportunity to share introductory remarks, known as an opening statement. However, you are not required to do so.

1. **Complainant**
   1. Would the complainant like to make an opening statement?
   2. *Complainant makes opening statement, as desired.*
2. **Respondent**
   1. Would the respondent like to make an opening statement?
   2. *Respondent makes opening statement, as desired.*

# **III. Presentation of Information and Witnesses**

First, before the two parties present their information, we will have the Investigator present their investigative report. Know that this report is a compilation of facts, not a verbatim report, and is not appealable or rebuttable. I will consider all information included in this investigation report and any information presented during the hearing today.

1. **Investigator**
   1. *Investigator presents their report.*
      * Does the Complainant have any questions for the Investigator?
      * Does the Respondent have any questions for the Investigator?
      * ***Decision-Maker asks questions of the Investigator.***
2. **Complainant**

At this time, I will hear from the complainant and their witnesses (if applicable).

* 1. Is there anything you would like to share with me?
  2. Does the Respondent have any questions for the Complainant?
     + *Respondent’s Advisor asks questions.*
     + ***Decision-Maker asks questions of the complainant.***
  3. Invite first witness, if applicable, and follow below for each relevant witness.
     + Is there anything you would like to share with me?
     + *Respondent’s Advisor asks questions of witness(es).*
     + ***Decision-Maker asks questions of the witness(es).***

*To read after each witness is done:* Thank you very much for taking the time to participate in the hearing today. Your participation is appreciated. Please do not discuss with other potential witnesses the information you have shared with us today.

1. **Respondent**

At this time, I will hear from the respondent and their witnesses (if applicable).

1. Is there anything you would like to share with me?
2. Does the Respondent have any questions for the Respondent?
   * + *Complainant’s Advisor asks questions.*
     + ***Decision-Maker asks questions of the respondent.***
3. Invite first witness, if applicable, and follow below for each relevant witness.
   * + Is there anything you would like to share with me?
     + *Complainant’s Advisor asks questions of witness(es).*
     + ***Decision-Maker asks questions of the witness(es).***

*To read after each witness is done:* Thank you very much for taking the time to participate in the hearing today. Your participation is appreciated. Please do not discuss with other potential witnesses the information you have shared with us today.

1. **Final Questions**

***Allow one last opportunity for each party to ask questions of the other.*** *It is acceptable to allow each party to ask one or two questions they may have thought of during the course of the hearing. The idea is to be fair and to provide the opportunity for all possible information to be presented to the hearing panel.*

*Notes for the Decision-Maker during questioning:*

1. *Check on the timing of the incident, relevant chronology.*
2. *Establish the student’s perspective of what occurred.*
3. *Establish the facts of the incident.*
4. *Identify sources of the problem. For example, had the student(s) been drinking; how is the student doing academically; what is the student’s attitude, etc.*
   1. I would like to ask a couple of final questions before we move into closing statements.

* *To Complainant* ***[Name]****:*
* How has this situation affected you?
* *Complainant responds.*
* If found responsible, what do you believe to be an appropriate outcome and consequence for these allegations?
* *Complainant responds.*
* *To Respondent* ***[Name]****:*
* How has this situation affected you?
* *Respondent responds.*
* If found responsible, what do you believe to be an appropriate outcome and consequence for these allegations?
* *Respondent responds.*

# **IV. Closing Statements**

At this time, the complainant and the respondent will be provided the opportunity to make concluding remarks, known as closing statements. You are not required to do so. Are there any questions before we proceed?

1. Would the complainant in this case like to make a closing statement?

* *Complainant makes closing statement, as desired.*

2. Would the respondent in this case like to make a closing statement?

* *Respondent makes closing statement, as desired.*

3. Before we close, can the Investigator please tell me if there is any information that

was presented here today that doesn’t align with your previous investigation or any

other points you feel we need to know?

* *Investigator provides additional information, if necessary.*

# **V. Hearing Wrap-Up**

Thank you for attending today’s proceeding. A Notice of Outcome letter will be sent to you both via email to your Delta College issued email address within eight (8) business days. If you would like a hard copy mailed to you, please inform the Equity Office. Both parties will be permitted to file an appeal within five (5) business days. Specific details on how to do so will be included in the outcome letter. Thank you again. At this time, all parties are excused.

*Meeting ends.*

*Turn audio recorder off. (Equity Office)*

# **VI. Post-Hearing Deliberation, determination and sanctioning**

* *Complete the* [*Title IX Deliberation Statement form*](https://cm.maxient.com/reportingform.php?DeltaCollege&layout_id=71) *(one for each charge) within 5 business days of the hearing.*
* *Using the information provided in the Deliberation Statement, the Equity Office will draft a Notice of Outcome letter which you will be able to review and sign (electronically) before sending out.*