

The Hearing Steps

Title IX

01

Report Review and Response

Prior to the completion of the Investigative Report, each party and their advisor, if any, will receive the investigative report, for their review and written response. A party may submit a written response to the investigative report. Any written response provided by the party will be included and provided to the decision-maker(s). If no response is received, the College will proceed with issuing the report without the response. (IT9SHPGP 18.7.1)

02

Hearing

Can be conducted in-person or virtually. The decision-maker(s) will objectively evaluate all relevant evidence, both inculpatory and exculpatory, and reach a determination regarding responsibility as alleged in the formal complaint. (IT9SHPGP 20)

03

Questioning at the Hearing

The decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. This questioning is limited to cross-examination and does not include direct examination. Cross-examination must be conducted directly, orally, and in real time by the party's advisor and never by a party personally. Only relevant cross-examination may be asked. Before a complainant, respondent, or witness answers questions posed during cross-examination, they must await determination by the decision-maker(s) about whether the question is relevant. (IT9SHPGP 20.1)

04

Refusal of Cross-Examination

If a party, or witness, refuses to submit for cross-examination at the hearing, you may rely upon previous statements affording it the weight you deem appropriate. However, you also cannot draw any inferences regarding responsibility based upon their refusal to submit to cross-examination. (IT9SHPGP 20.3)

05

Written Determination

The College will make all reasonable attempts to issue a written decision within 30 days from the conclusion of the hearing. This timeframe may be extended for good cause. Should the timeframe be extended, the parties will be notified, in writing, about the extension and the reason for the extension. This written determination will include the sanction and be issued simultaneously to both parties. (IT9SHPGP 20.4-20.6)



06

Appeal

Either party may appeal a decision within 10 business days from the date of the written determination. Where the respondent's primary role with the College is a student, appeals under this section must be submitted, in writing, to the Executive Vice President of Student Affairs. The parties will be notified, in writing, if an appeal is filed. The non-appealing party shall have five business days from notification of the appeal to submit any response (IT9SHPGP 24)

07

Appeal Decision

Within 15 business days of receipt of all documents from the parties, including any response from the non-appealing party, the appeal decision-maker(s) will issue a final written decision which includes a rationale for the result. This final determination will be simultaneously provided to the parties. (IT9SHPGP 24.5)