

## **SCB Panel Hearing General Provisions**

- I. Pre-Hearing Support Meeting
  - A. Notification of the scheduled Pre-Hearing Support Meeting will be sent to the Respondent via their University email address.
  - B. At the Pre-Hearing Support Meeting the Respondent will have an opportunity to discuss the Complaint with OSCCS. Additionally, OSCCS will outline the proceedings of an SCB Panel Hearing and answer any questions of the Respondent.
  - C. The role of OSCCS in a Panel Hearing is to guide the parties in preparation of the proceedings.
- II. Scheduling of Pre-Hearing meeting and Panel Hearings
  - A. OSCCS, in consultation with the SCB Chair, will set the date of the Pre-Hearing and SCB Panel Hearing. The Panel Hearings are conducted remotely via Zoom conference. Requests for an in-person hearing may be made to the SCB Chair.
  - B. Notification of the Pre-Hearing and Panel Hearing dates will be sent to the parties via their University email address.
  - C. Pre-Hearings and Panel Hearings may be scheduled at any time, including during the summer and University breaks.
  - D. The meeting will not be delayed due to scheduling conflicts of Respondent's preferred Support Person.

### III. Panel Hearing Case Packets

- A. OSCCS will communicate with the Respondent and the Complainant via their University email address to provide a Panel Hearing checklist document which will assist the parties in preparation for the Pre-Hearing and Panel Hearing including creating a Panel Hearing case packet. Before the Pre-Hearing, each party must provide the information required as part of their Panel Hearing case packet. OSCCS will provide due dates for these materials. Panel Hearing case packet materials will include:
1. the name, email, and telephone number of all requested Witnesses they plan to present at the SCB Panel Hearing;
    - a. For a Phase 2 Hearing, Parties are allowed to submit up to five written character Witness statements. These must be submitted as a part of their Panel Hearing case packet materials.
  2. the name, email, and telephone number of their Support Person (if any); and
  3. copies of any relevant evidentiary materials, including documents and multimedia (e.g., pictures or videos), they wish to include as exhibits for the SCB Panel Hearing.
- B. The SCB Panel Hearing case packet is limited to 20 pages in length for each phase of the SCB Panel Hearing. An exception to the length of the SCB Panel Hearing case packet may be requested to the SCB Chair at the Pre-Hearing.
- C. Documents requiring translations to English must be submitted at least ten (10) Business Days prior to the Pre-Hearing.

- D. If a party requests to include the opinion or recommendation of medical professionals or other experts, such opinion or recommendation must be submitted at least ten (10) Business Days prior to the Pre-Hearing. A party submitting documentation from a medical professional or other expert also should submit a copy of the expert's curriculum vitae.
- E. SCB Panel Hearing case packets generally will be made available digitally for review to both parties and the SCB Chair before the Pre-Hearing.
- F. If a party requests additional Witnesses or to add or modify documents in the SCB Panel Hearing case packet after the submissions period described above, the SCB Chair shall determine whether to grant such a request and allow such changes.
- G. Following the Pre-Hearing, OSCCS will prepare final SCB Panel Hearing case packets, incorporating any changes made pursuant to the decisions made by the SCB Chair as a result of the Pre-Hearing. The final SCB Panel Hearing case packets will include a list of the approved Witnesses and evidence for use during the SCB Panel Hearing.
- H. Final SCB Panel Hearing case packets will be made available to the SCB Hearing panel and parties generally two (2) Business Days in advance of the SCB Panel Hearing date.

#### IV. Conflicts of Interest

- A. OSCCS will provide the names and titles of each member of the SCB Hearing panel to the parties.

- B. Any party who believes one or more of the SCB Hearing panel members or the Student Conduct Administrator has a material conflict of interest or material bias must raise the concern and provide rationale within two (2) Business Days of the SCB Panel Hearing date notification so that OSCCS may evaluate the concern and find a substitute, if appropriate.

V. Pre-Hearing

- A. Only the following persons may be present at the Pre-Hearing: the parties and their Support Person, a representative of OSCCS, and a representative of the University's Office of General Counsel, who serves as an advisor to the SCB Chair and SCB Hearing panel.
- B. The SCB Chair will hold a Pre-Hearing generally no less than five (5) Business Days before the SCB Panel Hearing.
- C. At the Pre-Hearing, the parties shall be prepared to discuss the proposed Witnesses and evidence they wish to present at the SCB Panel Hearing, any evidentiary issues they anticipate at the SCB Panel Hearing, and any other matters that may require resolution by the SCB Chair. The SCB Chair may, at their sole discretion, confer separately with the Complainant or Respondent.
- D. The SCB Chair may, in their sole discretion, exclude from the SCB Panel Hearing any evidence or questions (or particular topics) of the parties and Witnesses based on relevance, including on the basis that they are repetitive or abusive.
- E. Following the Pre-Hearing, the SCB Chair may issue a Pre-Hearing Order regarding any decisions made by the SCB Chair.

## VI. SCB Panel Hearing Procedures

- A. Only the following persons may be present during the SCB Panel Hearing: the SCB Hearing panel; the parties and their Support Person; Witnesses and their Support Person; a member of OSCCS; and a member of the University's Office of General Counsel, who serves as an advisor to the SCB Chair and SCB Hearing panel.
- B. The SCB Panel Hearing will proceed generally as follows during the Phase 1 – Responsibility Hearing and, if necessary, the Phase 2 – Sanctions Hearing.
  1. Introductions and Review of SCB Panel Hearing Procedures and Code Offenses under consideration by the SCB Hearing panel.
  2. Opening statements: Both parties shall have the opportunity to present statements briefly summarizing their respective cases and the evidence to be presented, subject to a time limit as determined by the SCB Chair.
  3. Complainant Case Presentation: The Complainant shall present evidence, including Witnesses. Except as otherwise directed by the SCB Chair, the Respondent and SCB Hearing panel may question the Complainant and the Complainant's Witnesses.
  4. Respondent Case Presentation: The Respondent shall have the opportunity to present evidence, including Witnesses. The Respondent may decide whether to testify on their own behalf during the SCB Panel Hearing. Except as otherwise directed by the SCB Chair, the Complainant and SCB Hearing Panel may question the Respondent and the Respondent's Witnesses.
  5. Closing Statements: Both parties shall have the opportunity to briefly present concluding remarks, subject to a time limit as determined by the SCB Chair.

- C. Rules of procedure applicable in court proceedings, including formal rules of evidence, are not applicable to the SCB Panel Hearing.
- D. Witnesses
  - 1. Witnesses and their Support Person may be present during the SCB Panel Hearing only when being questioned, unless the SCB Chair authorizes them to be present for another portion of the SCB Panel Hearing.
  - 2. A party is not obligated to call all Witnesses on the list. Each party may request permission to call Witnesses to rebut testimony offered by the other party.
  - 3. The SCB Chair may, on their own initiative, direct any University employee or Student to appear as a Witness at the SCB Panel Hearing. The SCB Chair also may request other Witnesses appear for the SCB Panel Hearing, including, but not limited to, medical or other experts.
  - 4. In cases referred to the SCB, OSCCS may be called as a Witness by the Complainant or the Respondent, or by the SCB Hearing panel itself.
- E. In any SCB Panel Hearing, the SCB Hearing panel may ask questions of any participant in the SCB Panel Hearing, including the Complainant, the Respondent, and any Witness. The SCB Hearing panel may also recall Witnesses and/or request that additional Witnesses be called.

- F. The SCB Chair may determine that it is appropriate for all questioning by the Complainant or Respondent to be directed through the SCB Chair or their designee. In such cases, the Complainant or Respondent will be permitted to submit questions of the other party and Witnesses to the SCB Chair at least five (5) Business Days in advance of the SCB Panel Hearing. If, after questions have been asked of the Complainant, Respondent or other Witness by the SCB Chair or SCB Hearing panel, the Complainant or Respondent believes that there are further questions that need to be asked of the other party or Witness, the Complainant or Respondent may advise the SCB Chair that they have additional questions and submit those questions to the SCB Chair for consideration. The SCB Chair or their designee retains discretion throughout this procedure regarding whether to accept and pose suggested questions.
- G. The SCB Chair may recess a SCB Panel Hearing if they conclude that the SCB Hearing panel requires additional evidence or information.
- H. Only relevant evidence that tends to prove or disprove the allegations and Offenses set forth in the Notice of Complaint shall be considered by the SCB Hearing panel. The SCB Chair shall rule on whether evidence or testimony will be considered.
- I. The Respondent and Complainant, including their Support Persons or any other person acting on their behalf, may not contact the SCB Hearing panel, including the SCB Chair, concerning any matter related to the SCB Panel Hearing at any time.
- J. No Respondent shall be subject to more than one SCB Panel Hearing on a Complaint(s) resulting from any incident alleged to be a violation of the Code. The SCB Hearing panel may consolidate all Complaints pending against a Respondent at the time of SCB Panel Hearing. Nothing in this provision shall prohibit a Panel Hearing on Complaints arising from acts which take place or are discovered after earlier Complaints are filed.

- K. A video recording shall be kept of all Pre-Hearings and SCB Panel Hearings at the expense of the University. The SCB Panel Hearing will be recorded only by the University; no other recordings are permitted. Deliberations of the SCB Hearing panels shall not be recorded. The Respondent and Complainant, but not Witnesses, may review such records in the Office of Student Conduct and Community Standards, but may not make copies. All recordings shall remain the property of the University.