9/14/26

STUDENT & FACULTY CONDUCT COMMITTEE HEARING PANEL:

FORMAL RESOLUTION PROCEDURES

2026-2027

STUDENT & FACULTY CONDUCT COMMITTEE HEARING PANEL (PANEL)

HEARING PROCEDURES (Please note there are also Title IX Specific Procedures)

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Student & Faculty Conduct Committee Formal Hearing Procedures

A. INTRODUCTION

New Mexico Tech follows Administrative Law in its grievance/resolution processes. The Hearing Panel (Panel) of the Student & Faculty Conduct Committee (SFCC) assists in implementing formal resolution or grievance process for alleged Academic Integrity & Academic Research Misconduct Policy and non-academic the Student Code of Conduct Policy violations for New Mexico Tech (NMT). The SFCC provides a fair and impartial hearing to determine if a student's behavior has violated the Student Code of Conduct and to determine what, if any, sanction should be imposed. Complaints of Student Code of Conduct violations are referred to the SFCC for a hearing by the Dean of Students Office (DOSO), Office of Academic Affairs, Office of Graduate Studies (OGS) or an Administrative Units (e.g. Office of Residential Life, Study Abroad) for the adjudication of formal student and student group conduct resolution.

Alleged student Sexual Misconduct cases that do not raise to the level of a Title IX violation or that is not under the jurisdiction of Title IX, may be adjudicated under Tech's Sexual Misconduct Policy and these hearing procedures. Those alleged student Sexual Misconduct cases that fall under Title IX jurisdiction must follow NMT Title IX Resolution Procedures.

B. PARTIES TO THE COMPLAINT

In SFCC cases, the University is the formal complainant and the respondent (accused) is the individual/s (e.g. club) alleged by the University to be in violation of the Student Code of Conduct. For the purpose of these procedures, the parties are identified as the University presenter and the respondent student/s. In cases involving student sexual misconduct violations, the impacted person is the individual who asserts that they experienced sexual misconduct (e.g. sexual harassment, intimate partner violence, sexual assault or stalking) by the respondent.

The University appoints a presenter to bring the University's case before the SFCC or its designated panel. Both the respondent and the impacted person (sexual misconduct cases) may be accompanied by one (1) support person (advisor/advocate) in a non-participatory role at the prehearing conference (sexual misconduct cases) and hearing. If a respondent is represented by an attorney as an advisor, the University's attorney may also be present. Students may request the services of an advisor/advocate through the DOSO or OGS if one is available and willing to serve in that role. Advisors/advocates can serve in a support role and help individuals prepare for their case before the Panel.

The respondent must submit the name of any advocate or attorney to the DOSO or OGS before the prehearing conference, and must give immediate notice to the DOSO/OGS if there is any change in an advocate or attorney. Advisors can accompany students at any time during the investigation process, interviews, meetings, pre-hearings, hearings or during the appeal process, if needed.

C. COMMITTEE AND PANELS

The Faculty Senate appoints faculty members to the SFCC, whereas student members are appointed by Student Government Association (undergraduates) and the Graduate Student Association (graduates) or the Dean of Student or Dean of Graduate Studies as needed.

Panels are drawn from the SFCC to hear individual cases. A SFCC Panel consists of the Panel Chair and a panel of six (6) other voting members. The SFCC Chair normally serves as the Panel Chair, but may delegate that role to another SFCC member.

Panel members are not advocates for either side. The Panel shall be impartial and fairly consider the information presented at the hearing and may ask questions of the parties and their witnesses. Using a clear and convincing as the standard of proof, the Panel shall decide if it was more likely than not whether the respondent violated the Student Code of Conduct and, if so, assign appropriate sanctions. The Panel may not talk privately (outside of the hearing room) about the complaint with the parties or their advocates.

All panelists must attend annual training prior to serving on the Panel. Panelists for sexual misconduct cases must have additional training as directed by the Title IX Coordinator or designee.

D. CASES OF SEXUAL MISCONDUCT

For hearings involving violations of sexual misconduct policy, the Panel memberships will consists of the Panel Chair and a panel of four (4) other voting Panelist. The hearing room logistics may be modified (e.g., remotely, Zoom) to accommodate special arrangements. The complainant/impacted person will be allowed to remain in the hearing room during the proceeding and leave with the others during the Panel's deliberation.

E. THE COMPLAINT AND SCHEDULING

When a complaint is not resolved informally, the appropriate office representative forwards the case to the SFCC Chair for a hearing. The appropriate office representative will notify the SFCC Chair, the University presenter, the respondent and, where applicable, the Title IX Coordinator and the impacted person, of the statement of the complaint, the Student Code of Conduct, and these procedures. Where more than one student is alleged to have violated the Student Code of Conduct in a related incident, SFCC proceedings generally will be held together. The Chair has the discretion to hold separate hearings upon a student's request prior to the prehearing conference.

The SFCC will strive to complete a hearing within one month of the student's request for a hearing, not including periods when the University is not in session. The Conduct Code Coordinator will be responsible for scheduling a prehearing conference and the hearing, taking

into account the parties' schedules (and the impacted person's schedule, if applicable) as appropriate. The appropriate office representative generally will provide at least 5-day notice before the prehearing conference. In cases of sexual misconduct, the Title IX Coordinator may assist and serve as hearing secretary.

F. STUDENT STATUS DURING THE PROCESS

A respondent ordinarily is allowed to continue the status of a student-in-good-standing pending the outcome of the SFCC hearing. However, in certain cases, the Vice President for Academic Affairs or Vice President for Student Affairs or their designee may administer an Interim Suspension, pending the SFCC's hearing and decision, as provided in the Student Code of Conduct. In such situations, the SFCC should hold a hearing as soon as possible.

In complaints of alleged academic dishonesty or academic research misconduct, any grade affected will be redacted from the transcript pending a disposition from the Panel.

G. PREHEARING CONFERENCE

The Panel Chair will convene a prehearing conference to plan for the hearing and discuss the topics outlined in Appendix A of these procedures. In cases involving alleged sexual misconduct, the Panel Chair and/or Title IX Coordinator will conduct the prehearing conference/meeting. The University presenter (non-sexual misconduct cases), the accused student, and their advocate, appropriate office representative, and the Panel Chair can attend the prehearing conference. If applicable (sexual misconduct cases), the impacted person also has the right to attend a separate prehearing conference and bring an advocate, but is not required to do so. The Title IX Coordinator will also attend the prehearing conference for sexual misconduct cases. If either party does not attend the prehearing conference, the Panel Chair will determine whether and how that absence will affect the scheduling and presentations at the hearing.

The parties shall be informed of the names of the Panel Chair and potential members of the Panel at the prehearing conference. At that time, either party may ask that the Panel Chair to recuse them self from the hearing due to a direct relationship with the case or being a reporting party or witness. At that same time, either party may challenge the panel member(s) and/or collegiate representative(s) on the ground of conflict of interest or bias. The Panel Chair, after hearing arguments, will decide whether a Panel member should be removed/disqualified from Panel. If a quorum (5) is lost because of a successful challenge, a new person will be appointed from the SFCC. A party who learns after the prehearing conference of a potential conflict must immediately notify the Panel Chair or appropriate office representative of an objection. In a case involving sexual misconduct, the impacted person has the same rights described in this paragraph as the parties.

The parties will identify the witnesses they intend to present at the hearing. The Panel Chair or the Panel may, in its discretion, exclude from the hearing witnesses who were not previously identified to the other party.

All evidence that will be presented at the formal hearing should be made available to the parties if not already done so. The Chair will rule on any new evidence that was not previously and reasonable available or known prior to the prehearing. The hearing secretary will make the appropriate copies for the parties and the panel.

Any special requests or accommodations for the hearing should be present at the time of the prehearing conference.

The University is committed to informal resolution of complaints whenever possible. During the prehearing conference and up to 24 hours prior to a hearing, the respondent or the impacted person, when applicable, can accept an informal resolution previously offered.

H. THE HEARING

1.) Decorum

The Panel Chair is responsible for maintaining an orderly, fair, impartial and respectful hearing. The Chair has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person. All electronic devices must be turned off during the entire hearing, except for an official hearing recording device.

2.) Record of Hearing

Investigations, meetings with the parties, prehearing conferences, and hearings are closed to the public. Guests may be permitted to attend with agreement from both parties and the Panel Chair and, when applicable, the impacted person. The hearing secretary or appropriate office representative shall keep an official recording of each hearing. No camera, TV, or other equipment other than that used by hearing secretary or appropriate office representative to keep the official record of the hearing will be permitted in the hearing room. In sexual misconduct cases, technology accommodation may be utilized upon request by the Title IX Coordinator.

A copy of the correspondence, the complaint, responses, the exhibits presented at the hearing, the recording of the hearing, and the Hearing Panels' disposition shall be maintained in a file in the appropriate office (e.g. DOSO, Office of Academic Affairs, OGS, Administrative unit). In cases of sexual misconduct, these records will be maintained in a file in the Title IX office.

3.) Attendance

If the respondent does not appear in person at the hearing, the Panel may elect to either (1) vote to suspend the respondent until a hearing is held (serious cases); (2) vote to place

a hold on the respondent's student record, preventing the respondent from registering or obtaining a transcript until they appear; (3) vote to proceed with the hearing in the absence of the student: or (4) vote to reschedule the formal hearing and prehearing if necessary. A respondent choosing not to appear may provide the Panel with a written statement signed and dated by the respondent prior to the scheduled hearing.

4.) Standard of Evidence

To establish that a respondent violated the Student Code of Conduct, the University presenter must persuade a majority of the Panel that it is more likely than not (i.e., 50% and a feather) that the student committed the violation. This standard of proof is also known as a preponderance of evidence. This is less stringent than a beyond a reasonable doubt standards used in criminal courts.

5.) Hearing/Adjudication File

Within 7 calendar days of the Notice of Hearing, the Hearing Coordinator or their Designee will provide a copy of the Final Interview Report of relevant evidence (and Parties' responses, if any in a sexual misconduct case) to the Hearing Panel and the Parties. Parties can share copies with their Advocates as needed.

6) Evidence Review Prior to the Hearing

For hearings involving sexual misconduct, the Chair and Panel members are expected to review the report prepared by the Title IX Investigator prior to the hearing. The person(s) who requested the hearing (the Respondent and/or the impacted person) may provide a written rebuttal to the Title IX Investigator report. The written rebuttal must be received by the Student Conduct Coordinator at least five calendar days before the hearing, during the informal process or during the investigation process. The Chair and Panel members are expected to review any submitted rebuttal prior to the hearing. These records are confidential and should not be disseminated outside of Hearing Panel.

All directly related evidence provided to parties during review phase is available for use at the hearing.

7) Case Presentation

The parties are expected to be prepared for a clear, complete yet economical presentation of their cases. The Panel Chair may impose reasonable time limits on any phase of the proceedings.

Each party may offer reliable information relevant to the issue and may object to the information offered by the other party. The Panel Chair and the Panel have discretion to determine what information can be fairly included or excluded.

The parties may also introduce relevant written documents, objects, films, or other materials as exhibits. Each party is responsible for bringing copies of written materials in sufficient number for distribution to panel members and the opposing party at the hearing. The appropriate office representative or Title IX Coordinator can assist the students with the copies if those documents are submitted at least 48 hours prior to the prehearing conference.

Parties should offer witnesses in person whenever possible. Each party is responsible for getting its own witnesses to the hearing. If reasonable efforts to accommodate their schedules are not successful, the unavailability of a witness is not grounds for postponement of the hearing. If an important witness prefers not to testify, the parties may ask the Panel Chair to assist in encouraging the witness to testify. When necessary, witnesses may present information by telephone, video conference or signed written statement. After a party's witness presents information, the other Party may ask questions, and then Panel members may ask questions.

In sexual misconduct cases, the Title IX Coordinator ask witnesses identified by hearing panel and parties to make themselves available for the hearing. Parties should help ensure their witness attend the hearing.

In sexual misconduct cases, Parties are not permitted to directly cross-examine the other Party, Hearing Support/Advocates can ask those questions. These questions should be directed to the Panel Chair. The Party should not immediately answer the question until the Chair determines relevancy:

1. If relevant, the Party will be instructed to answer the question
2. If not relevant or impermissible, the Chair will explain why and instruct the Party to not answer the question and ask the Support Person to frame the question or ask a different question,
3. If not relevant or the question had previously been asked, the Chair will explain and instruct the Support Person to move on to their next questions if any.

In sexual misconduct cases, Parties and their Support Persons should submit their questions in advance at the Pre-Hearing Conference so the Chair has time to review and have a response if the questions are asked. If new questions come up, the Chair will evaluate them when they are asked.

The Panel Chair will exclude witnesses from those parts of the hearing in which they do not testify. However, in sexual misconduct cases, the impacted person and their advocate may be present in the hearing room throughout the proceedings, not including the deliberative session. The Title IX Coordinator will also be present in sexual misconduct cases and serve are the hearing secretary.

Based on issued court orders or preference of the impacted person, a remote site with video conferencing capabilities may be established. It is up to the individual with the court order against them to contact the courts (i.e. the judge who issues the order) to request a stay of the order for the campus proceedings. The Title IX Coordinator can assist with the request, if given adequate notice. If an impacted person wishes to remain in the hearing room, various accommodations with dividers/partitions or Zoom can be made to prevent direct visual contact of the Parties.

See NMT Title IX Procedure's Appendix D: Timeframes for Title IX Procedure for more related timelines for sexual misconduct cases.

I. PANEL DELIBERATIONS AND DECISION

At the end of the hearing, the Panel will retire to deliberate in closed session. The Chair, Secretary, and Panel members may attend.

The task of the Panel is more than determining responsibility; it is one of assessing the qualifications of the respondent (if determined responsible for the conduct) for continuing membership in the University community in light of the individual's record of conduct and responsiveness to opportunities, advice, and counsel. The Panel decides the issues based on the information presented by the parties at the hearing and determines whether the University presenter persuaded them that the respondent violated specified subdivisions of the Student Code of Conduct. The Panel must be prepared to make a judgment based on the information provided even if it is not complete.

Each Panel member will vote on whether or not the respondent is responsible for violating the Student Code of Conduct for each alleged charge. A majority vote of Panel members is required to find a violation. If a respondent is found responsible for one or more items, the Panel will next vote on appropriate sanctions, as listed in the Student Code of Conduct.

The Panel's decision will be communicated in writing to the parties and to the impacted person and Title IX Coordinator in sexual misconduct cases no later than one week following the hearing. No one participating in the deliberations will give any party verbal information about the decision or the deliberations.

J. APPEAL

A respondent and/or impacted person student who is dissatisfied with the decision of the SFCC may file a request for appeal with the appellate officer according to the Administrative Procedure – Procedures for Resolving Student Code of Conduct Violations.

APPENDIX A

STUDENT & FACULTY CONDUCT COMMITTEE
PREHEARING CONFERENCE

(For Title IX & Sexual Misconduct Cases and there is an option for this meeting to be conduct separately for Parties. This is optional but recommended for other cases)

New Mexico Tech or Complainant (Sexual Misconduct) vs. Student

Date:
Time:
Place:

Purposes for the Prehearing Conference are:

1. To identify the advocates or attorneys of the parties.

2. To review the complaint.

3. To describe the procedures to be followed at the regular hearing (Appendix B).

4. To review the date, time, and place for the hearing.

5. To identify the panel members (6 required for a quorum).

6. To identify if a department/college representative will be appointed from the accused student's major (not applicable when the accused is a student organization or in cases of sexual misconduct). This person is a voting member of the panel.

7. To identify and exchange the names of potential witnesses that may be scheduled to appear.

8. In non-sexual misconduct cases, to discuss an informal resolution of the complaint.

9. To resolve special considerations, answer other questions, or share information prior to the hearing.

APPENDIX B

TECH'S FORMAL STUDENT DISCIPLINE HEARINGS
ORDER OF PROCEEDINGS

Case #: _____- New Mexico Tech vs. Respondent Student.
_____

Date: _____ Time:_____ Location:_____

Notify: Panel, Administrator, Respondent/s, Complainant, Advisors, Witnesses, and Title IX Coordinator, if needed.

1. Call to order by the Chairperson.

2. Announcements and opening remarks by the Chair, including such items as:
   a. Notice that the hearing is being recorded (turn on recorder).
   b. Reminder to turn off all cell phones.
   c. State the date, time, name of the case and case # for the recorder.
   d. Identification of the parties attending the hearing.
   e. Review the standard of evidence (i.e. preponderance of evidence standard).
   f. Witnesses are dismissed to go to the waiting room until their turn to be questioned.
   g. The Respondent and Complainants may be present in the room during the hearing if they so desired.

3. Opening the hearing by the Chair, including such items as:
   a. Presentation of the complaint/s and alleged specific rules/policies violated.
   b. Poll the panel for bias, prejudice or preformed judgment.
   c. Allow both parties to challenge any of the panel members

4. Chair will ask Respondent/s to responds to the complaint (responsible or not responsible).

5. Opening comments (5-10 minutes each), University Presenter and then Respondent/s.
   a. Presenter-
   b. Respondent-
   c. Respondent 2 (etc.)- (if more than 1 Respondent)

6. Investigator Presentation of the Final Investigation Report. The Investigator(s) will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the panel and then by the Parties. The Investigator may attend the duration of the hearing or be excused after their testimony at the Chair's discretion.

7. Institute Presenter presents relevant evidence about the alleged violation
   a. Respondent/s may question Presenter.

b. Panel members may question Presenter.

7. Respondent/s present information about the alleged violation.
   a. University Presenter may question Respondent/s. The Complainant may present advanced questions to the Presenter to ask Respondent/s
   b. Panel members may question Respondent/s.

8. Witnesses may be called one at a time by the Presenter to testify:
   a. Hearing Secretary will escort witnesses in and out of the room
   b. Presenter questions the witness
   c. Respondent may question the witness.
   d. Panel members may question witness.

9. Witnesses may be called one at a time by the Respondent/s to testify:
   a. Hearing Secretary will escort witness in and out of the room
   b. Respondent questions the witness
   c. Presenter may question witness. Complainant/s may present advance questions to the Presenter to ask witness
   d. Panel members may question witness.

10. Closing comments (5-10 minutes), University Presenter and then Respondent. University Presenter can read an impact statement from the Complainant, if any.

11. Hearing is closed by the Chairperson. Time is recorded.

12. Panel retires to deliberate (closed meeting, recorder is turned off).
    a. The Panel finds the Respondent responsible or not responsible for Student Code of Conduct violations alleged in the complaint. A determination must be made for each complaint/charge.
    b. If responsible, the Panel decides on appropriate sanctions.
    c. The Panel's decision will be reported in writing to the parties (included impacted person in sexual misconduct cases) by the Chair and copied to the Title IX Coordinator (sexual misconduct case).

Special Notes:

Each party is permitted one (1) advisor as support at the hearing however the advisor will have no active role in the hearing. The advisor can consult with their advisee and the Parties/advisee can address the Chair with any questions. If the advisor attempts to be actively involved, the Chair will provide the advisor a warning of protocol. If the advisor continues to intervene or is disruptive, the advisor will be asked to leave the room.

A request for a brief recess can be made by either Party or Panelist. Individuals should be confined to separate rooms as needed. The secretary can organize utilization of the local restrooms. Parties and panel members should not discuss the hearing during any the brief recess.

Water bottles will be provided by the Hearing Secretary. Food items are not permitted at the formal hearing. Special needs and accommodations should be presented at the Prehearing Conference.

APPENDIX C

TECH'S FORMAL STUDENT DISCIPLINE HEARINGS
ORDER OF PROCEEDINGS
Sexual Misconduct Cases

Case #: _____- Complainant vs. Respondent Student.
_____

Date: _____ Time:_____ Location:_____

Notify: Panelist, Administrator, Respondent/s, Complainant, Advisors, Witnesses, and Title IX Coordinator, if needed.

1. Call to order by the Chairperson.

2. Announcements and opening remarks by the Chair, including such items as:
   a. Notice that the hearing is being recorded (turn on recorder).
   b. Reminder to turn off all cell phones.
   c. State the date, time, name of the case and case # for the recorder.
   d. Identification of the parties attending the hearing. A person assisting a party with a disability, or a language interpreter, may attend because presence is required by law and/or necessary to conduct the hearing.
   e. Review the standard of evidence (i.e. preponderance of evidence standard).
   f. Witnesses are dismissed to go to the waiting room until their turn to be questioned.
   g. The Respondent and Complainants may be present in the room during the hearing if they so desired.

3. Opening the hearing by the Chair, including such items as:
   a. Presentation of the Complaint/s and alleged specific rules/policies violated.
   b. Role of the investigation was unbiased fact-finding and the Parties were able to respond to the report.
   c. Poll the Panelists for bias, prejudice or preformed judgment.
   d. Allow both parties an opportunity to challenge any of the panel members

4. Chair will ask Respondent/s to responds to the complaint (responsible or not responsible).

5. Opening Statements of Relevant Information (5-10 minutes each)-Optional for Parties
   a. By Complainant
   b. By Respondent
   c. Respondent 2 (etc.)- (if more than 1 Respondent)

6. Investigator Presentation of the Final Investigation Report. The Investigator will present a summary of the Final Investigation Report, including a review of the facts that are contested and those that are not. The Investigator may be questioned first by the panel and then by the Parties through their Advocates. See 7.c. below that specifies that all questions are subject to the Chair's relevance determination. If the Parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult

with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not an issue at the hearing, the Chair should not permit irrelevant questions that probe for Investigator bias. The Investigator may attend the duration of the hearing or be excused after their testimony at the Chair's discretion.

7. The Chairs will call the Complainant (if present) to provide relevant information and submit to questioning about the alleged violation.
   a. Decision-makers ask questions and clarification.
   b. The Chair will facilitate questions of the Complainant first by their Advocate and then cross-examination by the Respondent/s Advocate.
   c. All questions are subject to the Chair's relevance determination. The Advocate will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted). The proceeding will pause to allow the Chair to consider the question (and state it if it has not already been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance. The Chair will limit or disallow questions they deem not appropriate on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), seek or pertain to impermissible evidence, or are abusive and has the final say on all questions and relevance determinations. The Decision-maker may consult with legal counsel on any admissibility questions.

8. The Chair will call the Respondent (if present) to provide relevant information and submit questioning about the alleged violation.
   a. Decision-makers ask questions and clarification.
   b. The Chair will facilitate questions of the Complainant first by their Advocate and then cross-examination by the Respondent/s Advocate.
   c. All questions are subject to the Chair's relevance determination.

9. The Chair directs the Complainant to call witnesses one at a time to testify:
   a. Title IX Coordinator or Hearing Secretary will escort witnesses in and out of the room
   b. All questions are subject to the Chair's relevance determination.
   c. The Complainant will first ask questions of the witness
   d. The Respondent may question the witness.
   e. Decision-makers may question the witness.

10. The Chair directs the Respondent to call witnesses one at a time to testify:
    a. Title IX Coordinator or Hearing Secretary will escort witnesses in and out of the room
    b. All questions are subject to the Chair's relevance determination.
    c. The Respondent will first ask questions of the witness
    d. The Complainant may question the witness.
    e. Decision-makers may question the witness.

11. Closing Statements (5-10 minutes), Complainant then and then Respondent.

11. Hearing is closed by the Chair.

12. Decision-makers will enter into the Deliberation and Determination Phase of the process (closed meeting, recorder is turned off).

a. The Decision-makers must find the Respondent responsible or not responsible for Student Code of Conduct violation/s alleged in the complaint. A determination must be made for each complaint/charge.
b. If responsible and based on any previous issues, the Decision-makers decides on appropriate sanctions.
c. If responsible, Decision-makers ask the Title IX Coordinator if there have been any similar violation and the related sanctions that were administered so this information can be considered in the current sanctioning phase.
d. The Decision-maker's decision will be reported in writing to the parties (included impacted person in sexual misconduct cases) by the Chair and copied to the Title IX Coordinator (sexual misconduct case).

Special Notes:

The Title IX Coordinator will serve as the Hearing Secretary and be present during the hearings and deliberations for cases involving sexual misconduct.

Special arrangements will be made to accommodate Complainants who do not want to directly confronted or see the Respondent during a hearing.

Each Party is permitted one (1) Advisor/Hearing Support Person at the hearing however the advisor will have no active role in the hearing other that question their Party and cross-examine the other Party. The Advisor can consult with their advisee and the advisee can address the Chair with any questions. If the advisor attempts to be actively involved, the Chair will provide the Advisor a warning of protocol. If the Advisor continues to intervene or is disruptive, the advisor will be asked to leave the room.

A request for a brief recess can be made by either Party or the Decision-makers. Individuals should be confined to separate rooms as needed. The secretary can organize utilization of the local restrooms. Parties and Decision-makers should not discuss the hearing during any the brief recess.

Water bottles will be provided by the hearing secretary. Food items are not permitted at the formal hearing. Special needs and accommodations should be presented at the prehearing conference.

Relevancy Determinations

- Hearing panel may hear arguments regarding relevancy of a question on the spot or may tell parties to reserve arguments for appeal (incorrect relevancy determination could be an alleged procedural
- error on appeal)
- Must allow question if relevant, even if misleading or assumes facts
- not in evidence
- Can establish rule that duplicative questions are not relevant
- Exclude questions with caution

Cannot prohibit a party from conferring with his or her advisor during the hearing

- Likely can prohibit conferring when a question is pending
- Could also discourage from conferring when a question is pending by warning that such conduct will be considered when weighing the party's credibility

Title IX Coordinator or another individual who is not a decisionmaker to enforce procedural rules at the hearing

- Decisionmaker must still determine relevancy issues

APPENDIX D

TECH'S FORMAL STUDENT DISCIPLINE HEARINGS
PREPARE SCRIPT (Chair, Decision-makers)
Sexual Misconduct Cases

Prepare script of opening remarks

- Provide general explanation of reason for hearing
- Explain hearing panel's role in the complaint process
- Confirm hearing panel has reviewed investigation report
- Explain hearing process to parties:
  - Process for hearing panel and advisors to ask questions
  - Advise party and advisor on advisor's role
  - Parameters for permitted questions
  - Discuss what type of evidence may be considered (relevant)
  - Instruct parties they do not need to repeat information included in the investigation report
  - Process for presenting arguments
  - Time limitations

Prepare script to use before each party/witness testifies

- Confirm that no one else is in the room (if virtual hearing)
- Inform party/witness of recording and its use
- Explain possible uses of party's/witness's statements
- Explain that the hearing panel may need to ask difficult, detailed questions
- Ask party not to read into questions
- Tell party/witness if question unclear, let hearing panel know
- Tell party/witness okay to ask for break and pre-determine breaks
- Instruct witness regarding confidentiality
- Assure/warn party/witness regarding policy prohibiting retaliation
- Advise party/witness on alcohol or other policy waiver
- Obtain commitment to tell truth

Prepare script to use prior to dismissing each party/witness who testifies

- Ask parties if any more questions for this party/witness
- Remind witness of instructions regarding confidentiality
- Remind regarding policy prohibiting retaliation

Prepare script of closing remarks

- Remind regarding policy prohibiting retaliation
- Explain that questions related to the process or resources should be directed to the Title IX Coordinator