



Nebraska State
College System

CHADRON | PERU | WAYNE

Title IX Guidelines

Panel Hearing Script Template

Live Hearing Procedural Order

- 1.A. The Hearing Chairperson will:
 - 1.A.1. Briefly describe the purpose and context of the proceeding.
 - 1.A.2. Each participant will introduce themselves and their role.

- 1.B. The Hearing Chairperson will explain and ask the following:
 - 1.B.1. Responsibilities under FERPA and the importance of confidentiality.
 - 1.B.2. Hearing procedures.
 - 1.B.3. Are there any questions?

- 1.C. The Hearing Chairperson will summarize each charge against the Respondent(s) and include:
 - 1.C.1. Name of Policy Violation
 - 1.C.2. Section of Policy allegedly violated.
 - 1.C.3. Brief definition of the Policy Violation
 - 1.C.4. The date, time, and location of each alleged incident.
 - 1.C.5. Description of alleged conduct.

- 1.D. The Hearing Chairperson will confirm with the Respondent(s) that they do not accept responsibility for the charge(s).

1.A. Chairperson Introductory Statement

1.A.1- Good [morning/afternoon]. Today is [Date]. This is a formal hearing before the [Recipient] [Hearing Panel]. My name is [Chairperson Full Name], and I serve as today's hearing chairperson. The [Hearing Body] has been convened for the purpose of hearing information regarding a complaint involving Respondent [Respondent's Full Name], who has been charged with allegedly violating the [College/University]'s [Policy]. This hearing is designed to allow all relevant information to come forward to the [Hearing Body] before determining whether [College/University] policy has been violated.

1.A.2- At this time, I would like the members of the [Hearing Body] and all other participants in the hearing to introduce themselves and their role for recording purposes.

My name is [Chairperson's Full Name] and I am serving as the Chair of this hearing.

I will now ask my fellow [Hearing Panel] members to introduce themselves.

I will ask the remaining participants to introduce themselves in the following order:

Complainant
Complainant's Advisor
Respondent
Respondent's Advisor
Investigator(s)
[Title IX Coordinator]

1.B.1 Acknowledgement of Recording & Confidentiality Expectations

The [Hearing Panel] members, the Respondent, the Complainant, their Advisors, the Investigator(s), and all others present are reminded that the [College/University] maintains the confidentiality of this hearing. This hearing is being recorded. This recording will be the only official record of the live hearing.

This recording is the property of the [Recipient] and will be maintained in compliance with federal and state law and the [College/University] records retention policy. After this matter concludes, any party wishing to review this recording should submit a written request to the [Title IX Coordinator or Administrator]. The [Title IX Coordinator or Administrator] has the authority to grant that request as permitted by law.

There are to be no recordings made other than the official recording made by the institution. I ask that each participant please affirm for me that you are not making a separate recording of this meeting [, and that no unauthorized persons are present with you or able to see/hear this hearing]. **[Obtain an audible confirmation from everyone before proceeding.]** All personally identifiable information of students on this recording is protected under the Family Educational Rights and Privacy Act as part of their education record.

1.B.2 Hearing Procedures

This is an administrative hearing and not a court of law. Our goal is to ensure that all parties have a fair opportunity to have their information presented. As Chair, I am here to facilitate this process and serve as a voting member of this [Hearing Panel]. I reserve the right postpone this hearing and/or dismiss anyone from this hearing who is disruptive, non-cooperative, uncivil, or behaves in manner that interferes with the [Hearing Panel]'s ability to hear and make a decision regarding this complaint. Please do not interrupt those trying to speak. If you have a question, wait for an appropriate pause and then ask for any clarification you need.

The Investigator is present to provide an overview of the investigation and respond to questions from the [Hearing Panel] and parties regarding any evidence, information, or testimony collected during the investigation. Although the Investigator will have an opportunity to address the [Hearing Panel], we reserve the right to ask the Investigator clarifying questions at any time during this hearing. The investigator will be the only witness who remains present for the entirety of the hearing.

Advisors, you are present to advise your party and conduct cross-examination of the parties and any witnesses who appear at this hearing. You do not have an active role in this hearing beyond this role and may not provide evidence, interrupt the hearing process, or object to questions posed to your advisee. You may speak to the party you are advising but you must do so in a manner that is not disruptive. If you choose to behave in a manner that is disruptive, you may be dismissed from this hearing. The parties may request breaks and/or to confer privately with advisors at any time during the hearing.

Everyone who is participating in this hearing has a duty to be honest and truthful. If it is determined that the Respondent, Complainant, [registered student organization], or [student witnesses] have made intentional false or misleading statements in this hearing, the student or student organization may be subject to potential disciplinary actions under the [Policy]. [Any employee determined to have made intentional false or misleading statements in this hearing may be subject to potential disciplinary action under the [Policy].]

This portion of the hearing will not include impact statements from the Complainant or Respondent. These statements will be read by the [Hearing Panel] prior to the sanctioning portion of deliberation only if a violation of [College/University] policy is found to have occurred. Please do not introduce any impact evidence during this portion of the hearing. [You may go ahead and submit impact statements to me now, if you have not done so already, for the [Hearing Panel]'s potential consideration after a finding is made.]

The procedure for this hearing will be to have the Investigator first introduce the complaint, the subsequent investigation, and provide a summary of the evidence that is contested and the evidence that is agreed upon by the parties. The Investigator will then be questioned by the [Hearing Body] and then by the Complainant and the Respondent through their respective Advisors.

[Complainant's Full Name] will then be given the opportunity to make an opening statement. [Complainant's First Name] will then be questioned by the [Hearing Body], by their Advisor, and then by [Respondent's First Name] through their Advisor.

[Respondent's First Name] will then be given an opportunity to make an opening statement, and they will be questioned by the [Hearing Body], by their Advisor, and then by [Complainant's First Name] through their Advisor.

Each individual witness will then be asked to present any information they have about the reported incident(s), in the established order provided to you, pre-hearing. Each witness will then be questioned by the [Hearing Body]. [Complainant's First Name] and [Respondent's First Name] will each be given an opportunity to question each witness through their respective Advisors.

Each question must be approved by the Chair before a participant may respond. I reserve the right to rephrase and/or not allow questions that are not relevant to the charges or which have already been answered by the participant. I will remind all parties and witnesses to pause after each question before answering, to allow me to rule on the relevance of the question.

Both [Complainant's First Name] and [Respondent's First Name] will be given the opportunity to make any closing statements before the [Hearing Body] begins its deliberation.

At the conclusion of the hearing, the [Hearing Panel] will deliberate in closed session to determine if the information provided during the hearing substantiates that [Respondent's Full Name] violated the [College/University]'s [Policy]. by [Standard of Evidence]. If one or more violations are determined, the [Hearing Body] will then review any submitted impact statements and decide on sanctions.

1.B.3- Are there any questions regarding this procedure?

1.C. Formal Charges

1.C.1- [Respondent's Full Name], you have been charged with allegedly violating the following sections from the [College/University]'s [Policy]:

1.C.2- [Insert full text of alleged policy violations]

1.C.4./1.C.5- These charges stem from a report alleging that you were involved in [description of alleged conduct] on [Date] [at/in] [Location]. [Add additional information regarding the alleged conduct as appropriate. EXAMPLE: It is alleged that these activities occurred while [Complainant's Full Name] was incapacitated from alcohol and/or drugs. [Complainant's First Name] further alleges that you may have provided them with alcohol such to cause their incapacity.] – **IF NECESSARY**

1.D.1- [Respondent's First Name], it is the [Panel]'s understanding that you [accept/do not accept] responsibility for these violation(s), is this correct? **require audible response**

Investigator's Case Introduction

At this time, we will ask Investigator [Investigator's Full Name] to introduce the complaint.

Investigator's statement

I will now open the floor to the [Hearing Body] members for questions for the Investigator.

Questioned by [Hearing Body]

[Complainant's First Name], your Advisor may now proceed with asking the investigator any questions you may have.

Questioned by Complainant's Advisor

[Respondent's First Name], your Advisor may now proceed with asking the investigator any questions you may have.

Questioned by Respondent's Advisor

Are there any additional questions for the Investigator from the [Hearing Body] or any party at this time?

Additional questions

Thank you for your time, [Investigator's First Name], we ask that you remain for the duration of the hearing to respond to additional questions should they arise.

Testimony of Parties and Witnesses

I would like to confirm that each party intends to fully participate in this hearing.

[Complainant’s Full Name], is it your intention to answer all questions posed to you during this hearing?
require audible response

[Respondent’s Full Name], is it your intention to answer all questions posed to you during this hearing?
require audible response

At this time, we will proceed with opening statements, first from the Complainant and then from the Respondent.

[Complainant’s Full Name], you may now make your opening statement.

Complainant’s opening statement

I will now open the floor to the [Hearing Panel] members for questions for [Complainant’s First Name].

Questioned by [Hearing Panel]

[Complainant’s First Name], your Advisor may now proceed with asking any questions they may have for you.

Questioned by Complainant’s Advisor

[Respondent’s First Name], your Advisor may now proceed with asking [Complainant’s First Name] any questions you may have.

Questioned by Respondent’s Advisor

Are there any additional questions for [Complainant’s First Name] from the [Hearing Panel] or any party at this time?

Additional questions

At this time, we will now ask Respondent [Respondent’s Full Name] to make their opening statement.

Respondent’s opening statement

I will now open the floor to the [Hearing Body] members for questions for [Respondent’s First Name].

Questioned by [Hearing Panel]

[Respondent’s First Name], your Advisor may now proceed with asking any questions they may have for you.

Questioned by Respondent’s Advisor

[Complainant’s First Name], your Advisor may now proceed with asking [Respondent’s First Name] any questions you may have.

Questioned by Complainant’s Advisor

Are there any additional questions for [Respondent’s First Name] from the [Hearing Panel] or any party at this time?

Additional questions

At this time, we will ask our first witness, [Witness Full Name], to join us.

Hearing chair admits witness to the hearing

[Witness Full Name], thank you for joining us for this hearing. [As a [Recipient] [student/employee]] you are expected to tell the truth during this proceeding. [If it is determined that you made intentional false or misleading statements in this hearing, you may be subject to potential disciplinary actions under the [Policy].] I would also like to remind you that as a witness you are required to provide only information that is relevant to the allegations. If your statement becomes repetitive or irrelevant, I reserve the right to redirect your statement. Please note that as the Chair I need to make a ruling regarding the relevance of each question before you respond. I ask that you pause for my decision before answering each question.

[Witness First Name], is it your intention to answer all questions posed to you today?

[Witness First Name] please start with explaining if and how you know [Complainant's Full Name].

Please explain if and how you know [Respondent's Full Name]. You may now make any statement you wish to provide.

I will now open the floor to the [Hearing Panel] members for questions for [Witness First Name].

Questioned by [Hearing Panel]

[Complainant's First Name], your Advisor may now proceed with asking any questions they may have for this witness.

Questioned by Complainant's Advisor

[Respondent's First Name] your Advisor may now proceed with asking any questions you may have for this witness.

Questioned by Respondent's Advisor

Are there any additional questions for [Witness First Name] from the [Hearing Panel] or any party at this time?

Additional questions

[Witness First Name], thank you for your time and participation. You are now dismissed from the hearing.

Hearing chair ensures witness exits the hearing

[REPEAT FOR EACH WITNESS]

After hearing the testimony of all participants, are there any additional questions for Complainant [Complainant's Full Name] from any [Hearing Panel] members at this time?

Questioned by [Hearing {Panel}]

[Complainant's First Name], does your Advisor have any additional questions for you?

Questioned by Complainant's Advisor

[Respondent's First Name], does your Advisor have any additional questions for [Complainant's First Name]?

Questioned by Respondent's Advisor

After hearing the testimony of all participants, are there any additional questions for Respondent [Respondent's Full Name] from any [Hearing Panel] members at this time?

Questioned by [Hearing Panel]

[Respondent's First Name], does your Advisor have any additional questions for you?

Questioned by Respondent's Advisor

[Complainant's First Name], does your Advisor have any additional questions for [Respondent's First Name]?

Questioned by Complainant's Advisor

Break for Closing Preparation

Now that the questioning portion of the hearing has concluded we will take a short break to allow the parties time to prepare their closing statements with their Advisors. Closing statements will be given first by the Complainant and then by the Respondent.

Closing Statements

[Complainant's Full Name], you may now make your closing statement.

[Respondent's Full Name], you may now make your closing statement.

Thank you to the participants for the information presented in today's hearing. At this time, the [Hearing Panel] will meet in closed session to deliberate whether the Respondent is responsible for violating the [College/University]'s [Policy]. The recording will be turned off during these closed deliberations. Per [College/University] policy, the Chair of the [Hearing Panel] will inform the [Title IX Coordinator or Administrator] of the decision(s) made by the [Hearing Panel] and the rationale for each decision and for any sanctions imposed in writing. The [Title IX Coordinator or Administrator] will communicate the outcome to the parties in writing, simultaneously, within 10 days of the end of the hearing.

Thank you all for your participation today. At this time, everyone but the [Hearing Body] members are dismissed.

Deliberation

At this time, I ask all [Hearing Panel] members to take a few minutes to gather their thoughts about the information presented during the hearing prior to beginning the deliberation discussion.

Pause for processing

As Chair, it is my responsibility to ensure that every member of this [Hearing Panel] actively participates, at least to some degree, in the deliberation process. During the deliberation period, we, the [Hearing Panel] members, should confer with one another openly, candidly, and respectfully. It is important that we ponder the language of each relevant policy provision as it relates to the facts presented, discuss the significance of each piece of evidence, and assess credibility. At some point during deliberations, each [Hearing Body] member should make a point to verbally express their opinion of whether the Respondent is responsible or not responsible for each of the alleged violations of [College/University] policy. Our standard of evidence is preponderance of the evidence.

Let us begin the discussion with all general thoughts, concerns, and considerations. Then we will move to deliberation of each specific allegation within each specific policy. Once discussion has concluded, we will move to a vote on each allegation. [While a consensus is desirable, the majority vote will rule].

The floor is now open for discussion.