

Student Title IX Hearing Guide

The Information contained in this guide is only a reference, and does not replace the full detailed process outlined in the [Student Title IX Policies and Procedures Handbook](#).

Can I Meet with Someone Before the Hearing to Ask Questions?

Absolutely. Community Standards will schedule a meeting with you and your advisor before the hearing to explain the process and answer any questions as you prepare.

You can also contact Student Outreach and Support (SOS) at 315.443.4357 or email studentsupport@syr.edu. Additional resources are on the last page of this guide.

Who Will be at the Hearing?

- ❖ **Hearing Officer:** This is the individual who determines whether a student violated a University policy. This individual leads the hearing, listens to the parties and witnesses, and asks questions.
- ❖ **Community Standards Staff:** This individual is the liaison between everyone participating in the hearing and Community Standards. This individual often operates the logistics of the hearing (i.e. scheduling, technology, witness coordination, formal communications), and provides procedural advice/information on University policies and procedures.
- ❖ **Complainant:** The individual who experienced the alleged misconduct.
- ❖ **Respondent:** The individual who is being accused of violating University policy.
- ❖ **Complainant's Advisor:** The individual who advises the Complainant and asks questions to the other parties and witnesses on behalf of the Complainant.
- ❖ **Respondent's Advisor:** The individual who advises the Respondent and asks questions to the other parties and witnesses on behalf of the Respondent.

How Long is the Hearing?

Hearings are usually scheduled for between one to two business days. The length of a hearing will depend on the number of parties involved, the number of questions for each party, and the number of participating witnesses.

Witnesses are only present in the hearing for their testimony, which typically lasts 30 to 60 minutes.

Can I Take a Break During the Hearing?

Absolutely, please ask whenever you need to take a break. If you need to talk to your advisor privately, or if you just need a moment to yourself, do not hesitate to ask the hearing officer for a break at any point.

What if I Have a Class During my Hearing?

Community Standards will provide a notice to your faculty informing them that you are “assisting in a sensitive and confidential University matter” and requesting that you be excused. It is your responsibility to provide Community Standards with your faculty’s information, and to make up any work missed.

What if I Don't Participate in the Hearing?

It is always a student’s right to choose if they want to participate in a hearing process. If you do not attend the hearing, the Hearing Officer may or may not consider prior information you offered during the investigation. The decision to consider prior statements or information offered by an individual who declines to attend the hearing depends on the relevance and reliability of the statement/information, which is a determination the Hearing Officer makes.

The University recommends all parties and witnesses attend hearings to provide the Hearing Officer with the most clear and accurate information available to make a decision in a case. Choosing not to participate will not be grounds to appeal the decision of the Hearing Officer.

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What is the Format of the Hearing?

The hearing will take place virtually through Zoom. Please arrange a quiet place, with no other participants watching or listening to the hearing. Participants are expected to keep their cameras on throughout the hearing. If you do not want to see another party, you can cover their camera on your screen.

- ❖ If you want to be in the same space as your advisor, that is fine, but you must log into the hearing under your name.
- ❖ If you do not have a private space for the hearing, Community Standards will provide you with one as long as you request it in advance.
- ❖ Hearings will generally consist of the following steps, allowing the parties equal opportunities at each stage:
 - ❖ **Introductions:** All parties will introduce themselves and their role on the record;
 - ❖ **Review of Procedural Rules:** The Hearing Officer will explain the rules for the hearing.
 - ❖ **Opening Statements:** Each party will provide a brief (1-3 minute) opening statement explaining what they plan to address at the hearing. This is not a retelling of the incident.
 - ❖ **Presentation of Information and Testimony:** This is where each party will highlight or clarify any specific points in the investigation report for the Hearing Officer that you believe are important. Remember, the Hearing Officer has read the full file; you do not have to retell your experience for them.
 - ❖ **Questions of the Parties:** The Hearing Officer will ask any clarifying questions of the parties first, then their advisors each have a chance to question the other party(ies). You only have to answer the questions the Hearing Officer instructs you to answer, wait for them to tell you if you can answer.
 - ❖ **Witnesses:** Confirmed witnesses will be brought into the hearing one at a time to provide any relevant information they may have. Witnesses will be questioned first by the Hearing Officer, then by the advisor of each party. Questions for witnesses will be to clarify any information in the case file and to assess credibility.
 - ❖ **Closing Remarks:** Each party will have the chance to provide a closing statement to summarize any information they wish to reemphasize for the Hearing Officer. Closing statements are not a time to introduce new arguments or to provide counterarguments to statements from other parties. This is the last opportunity to speak to the Hearing Officer before the hearing ends and they deliberate on your case. It is recommended that you prepare a statement in advance with your advisor.
 - ❖ **Reminders from the Hearing Officer/Community Standards:** The hearing Officer and/or Community Standards staff will explain the next steps in the process and provide an opportunity for parties to ask any logistical questions.
 - ❖ **Deliberations/Outcome:** The Hearing Officer will deliberate and provide their decision to the Director of Community Standards (or designee) to communicate to the parties within fifteen (15) business days of the end of the hearing. If there is a finding of responsibility, the Director (or designee) will assign any appropriate sanctions and communicate the decision to all parties at the same time.

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Role of the Advisor

Right to an Advisor:

Parties are permitted to have an advisor of their choice with them at any meeting or a hearing. The advisor may be any person, including an attorney, but an attorney is not required.

A party may decline to use an advisor for all stages of the formal or informal resolution process, with the exception of the hearing, where any questioning of the other party(ies) must be conducted by an advisor.

If a party does not have an advisor for the hearing, the University will provide an advisor, free of charge, for the purpose of cross-examination. This University-appointed advisor may be, but is not required to be, an attorney, and will attend the hearing and conduct questioning on behalf of that party.

Advisor Rights and Responsibilities:

1. **An advisor may** accompany their advisee to all meetings or proceedings related to the investigation and/or resolution of a report under the University's Procedures. This includes:
 - a. Interview(s) with their advisee;
 - b. Any formal hearing;
 - c. Any other event related to the investigation or resolution in which their advisee would be invited to participate in or attend.
2. **An advisor may** provide support and advice to the advisee at any Student TIX-related meetings and proceedings.
3. **An advisor may** receive copies of all correspondence from Student TIX Case Management and Community Standards. The advisee will complete a [FERPA release](#) prior to any communication to the Advisor. Please note, the role of an advisor, even advisors who are attorneys, does not prevent the University from corresponding directly with the advisee. However, advisors will be copied on all correspondence.
4. **An advisor may not** speak on behalf of the advisee during any interview or meeting, except at the hearing and only in the capacity of conducting cross-examination on behalf of the advisee.
5. **An advisor may not** submit written position statements, pre-hearing documents, or appeal documents on behalf of the advisee to be included in the record. All statements must be made directly by the advisee.
6. **An advisor may not** disrupt meetings or proceedings or fail to follow the rules of the hearing. In such cases, the advisor can be asked to leave and will not be permitted to serve as an advisor in any future University proceedings. If this occurs, the University will provide the student a new advisor to complete the process.
7. **An advisor must** have sufficient flexibility to attend interviews, receive documentation, and attend the hearing (if desired by the advisee).
8. **An advisor should** be knowledgeable about the [Sexual Harassment, Abuse and Assault Prevention Policy](#), the [Student Conduct Code](#), and the [University's formal and informal resolution procedures](#).

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Expectations in the Hearing

- ❖ **Respect:** All participants are expected to treat one another respectfully and conduct themselves professionally during any hearing process. Hearings are serious and should be treated as such. Disrespectful acts/comments may be addressed during the hearing by the Hearing Officer and/or Community Standards staff.
- ❖ **Speaking at the Hearing:** All participants will speak one at a time and avoid interrupting or talking over one another. Parties are expected to hold all comments until their designated opportunity to make statements in the hearing, or when instructed to answer a question by the Hearing Officer.
- ❖ **Recording:** The hearing will be recorded by the University. Parties and witnesses are not permitted to record the hearing.
- ❖ **Case File/Report:** The Hearing Officer will review the entire case file (including the report and responses) before the hearing. **Parties/Advisors do not need to restate all of the facts and information contained in the case file at the hearing**, but may choose to clarify or emphasize certain information for consideration.
- ❖ **Questioning:** The Hearing Officer is responsible for determining the relevance of any proposed questions in a hearing. After a question is presented by an advisor the Hearing Officer will determine if the question is relevant before a party answers. Parties and witnesses should not answer any question until the Hearing Officer has determined whether the question is relevant. The Hearing Officer will briefly explain any decision to exclude a question as not relevant.

Questions related to the following areas are considered **irrelevant** and **will not** be permitted:

- ❖ information protected by a legally-recognized privilege;
- ❖ any party's medical, psychological, and similar records, unless the party has given voluntary, written consent for disclosure of such information;
- ❖ information about the Complainant's prior sexual predisposition or prior sexual behavior, except in the following two circumstances only:
 - ❖ 1) questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant; and
 - ❖ 2) questions and evidence concerning specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Neither advisors nor parties are permitted to object to the Hearing Officer's decisions regarding relevance during a Hearing.

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Expectations in the Hearing

Please note that parties and their advisors are prohibited from contacting the Hearing Officer directly outside of the hearing. All inquiries about the hearing process should be directed to Community Standards.

For the full details about the Title IX Hearing process, refer to the [Student Title IX Policies and Procedures Handbook](#).

If you have any questions about the Hearing process, please contact Community Standards at 315.443.3728 or email studentconduct@syr.edu.

Resources

Student Title IX Case Management

Email: titleix@syr.edu

Phone: 315.443.0211

Dean of Students

Email: dos@syr.edu

Phone: 315.443.3415

Student Outreach and Support

Email: studentsupport@syr.edu

Phone: 315.443.4357

Barnes Center Counseling

Website: [Schedule an Appointment](#)

Phone: 315.443.8000 (Available 24/7)

