

Live Hearing Process for Track A and Track B

1. **Written Notice of the Hearing.** The University will provide at least 10 business days written notice to Participants of the hearing.
2. **Challenges to the Hearing Officer.** Either Party may challenge the fairness, impartiality, or objectivity of a Hearing Officer. The challenge must be submitted in writing to the hearing officer through the Department of Investigation and Adjudication (DIA) within 5 business days after receiving notice of the identity of the hearing officer.
3. **Hearing Officer Duties at the Hearing.** The Hearing Officer will rule on all procedural matters and on objections regarding exhibits and testimony of participants at the hearing, may question participants who testify at the hearing, and is entitled to have the advice and assistance of legal counsel from the Office of General Counsel of The University of Texas System.
4. **Access to Evidence.** Each Party will have access to all of the evidence from the investigation.
5. **Separate Rooms and Virtual Participation.** At the request of either Party, the University will provide the hearing to occur with the Parties located in separate rooms with technology enabling the Hearing Officer and the Parties to simultaneously see and hear the Participants answering questions.
6. **Opening Statements.** Each Party may make opening and closing statements.
7. **Privileged Information Excluded.** No person will be required to disclose information protected under a legally recognized privilege.
8. **Advisor of Choice.** Each Party must have an Advisor. Each Party may have an Advisor of their choice at the hearing. If a Party does not have an Advisor, the University must provide one. Advisors are not permitted to actively participate in the hearing, except for asking questions of the other Party and any other Witnesses. In addition, Witnesses may have an Advisor of their choice at the hearing.
9. **Questioning Participants.** The Hearing Officer may, at their discretion, ask questions during the hearing of any Party or Witness and may be the first person to ask questions of any Participants. Each Party's Advisor will have an opportunity to ask relevant questions and follow-up questions of the other Party and of any witnesses that participate in the hearing, including questions that challenge credibility. The Parties will not be permitted to personally ask questions of the other Party or any witnesses that participate in the hearing.
10. **Hearing Officer Determination.** The Hearing Officer will prepare an initial draft written determination.
 - a. If the Respondent is found responsible for any alleged violations, the initial draft determination letter will be referred to the appropriate decision makers for decision regarding disciplinary sanctions, as follows:
 - i. If the Respondent is a student, it will be referred to the Department of Investigation and Adjudication (DIA) for disciplinary sanctions decision. Prior to issuing a disciplinary sanction, DIA will consult with the Title IX Coordinator regarding the finding of violation;
 - ii. If the Respondent is a faculty member, it will be referred to the Executive Vice President and Provost for discipline decision; and
 - iii. If the Respondent is a staff member, it will be referred to the Chief Human Resources Officer for discipline decision.
 - b. Decision makers will provide the discipline decisions to the Hearing Officer within 10 business days of the Hearing Officer's referral to the decision maker.

- c. The Hearing Officer will send a copy of the completed written determination letter concurrently to the Parties, the Title IX Coordinator, and the Dean of Students or Executive Vice President and Provost or Chief Human Resources Officer within 21 business days from when the hearing concludes.
11. **Appeal of Hearing Determination** (initiated by the Complainant or Respondent).
- a. **Basis for Appeal.** Either Party may appeal a Hearing Officer's determination regarding a Respondent's responsibility under the Grievance Process or from the University's dismissal of a Formal Complaint within 10 business days of such a determination.
 - b. **Impartial Appellate Officer.** Both Parties will be notified in writing when an appeal is filed and the appeal procedures will apply equally for both Parties.
 - c. **Statement of Support.** Any non-appealing Party (or the University) will have 7 business days from the notification of an appeal to submit a written statement in support of the outcome.
 - d. **Final Determination.** The decision maker on the appeal will release a written decision within 21 business days from the date of the appeal.