



Title IX Hearing Procedures

Primary and Secondary Schools

- 1.** Parties (Complainant and Respondent) and the university representative, upon receipt of these Hearing Procedures, will have 10 business days to submit any written questions for any witness or another party. Written questions must be submitted to the Department of Investigation and Adjudication (DIA), which will forward written questions, if relevant as determined by the hearing officer, to the appropriate person. The hearing officer must explain to the party proposing the question any decision to exclude a question as not relevant.
- 2.** Written responses must be submitted to DIA no later than 10 business days after receiving the written questions.
- 3.** Hearings will be on Zoom or Teams and will be both audio- and video-recorded. The recording will be available for the parties to inspect and review, upon request. Only the parties and their advisor(s), witnesses identified by a party or the university representative, and the university representative will be provided an invitation to join the hearing. It is the responsibility of the parties and the university representative to ensure all witnesses whom they intend to call are available during the scheduled hearing time frame and have the necessary equipment to be seen and heard via Zoom or Teams. The University of Texas at Austin does not have the authority to compel any witness to participate in the hearing.
- 4.** The hearing officer will open the hearing by calling for introductions, giving a brief explanation of the hearing procedures, and answering any procedural questions. The rules of evidence that apply in courtrooms do not apply to this hearing. It is the responsibility of the parties and the university representative to be prepared to present exhibits at the hearing and to raise any objections to the exhibits submitted by others. The hearing officer will rule on any objections to exhibits.
- 5.** The university representative and the parties will be permitted to make opening statements.
- 6.** Witnesses may be called for the purpose of asking limited follow-up questions following their written responses. Witnesses do not need to be called for their testimony to be considered by the hearing officer. The university representative will have the first opportunity to call witnesses. After the university representative has finished questioning a witness, Complainant's advisor will have an opportunity to ask questions followed by the same opportunity for Respondent's advisor. The university representative and the parties' advisors will then each have an opportunity for follow-up questions. The hearing officer may ask questions of a witness at any time before the witness is excused.



- 7.** For any witness called by a party, the respective party's advisor will first have the opportunity for direct examination of the witness. The opposing party's advisor will then have an opportunity for cross examination of the witness, followed by an opportunity for questions from the university representative. Afterwards, there will be opportunities for re-direct examination by the party's advisor (who presented the witness), re-cross-examination by the opposing party's advisor, and follow-up questions from the university representative, in that order.
- 8.** The following process is required during questioning by the university representative or a party advisor: Before the witness answers a question, the hearing officer will rule as to whether the question is relevant to the allegation(s) at issue. The hearing officer may ask the advisor or party for an explanation as to why the question is relevant before ruling on the relevance of the question. If the hearing officer determines the question is relevant, the witness will answer it. If the hearing officer determines the question is not relevant, the hearing officer will explain his/her decision, and the witness will not answer the question.

For each witness, all questions by the university representative and advisors for each party are limited to (1) the witness's written responses to written questions submitted prior to the hearing, and (2) statements made by the witness during the hearing.

Advisors and the university representative should ask all questions they have for a witness when that witness is called to give testimony, even if they did not call the witness. Only in unusual circumstances will the hearing officer permit a party to call a witness whom they have already had an opportunity to question during the hearing. The hearing officer may limit questioning of any witness if it becomes redundant.

- 9.** The parties themselves will not be permitted to ask questions of another party or of any witness. Advisors are not permitted to actively advocate for parties during the hearing, except to ask questions of the parties and witnesses, including direct examination, cross-examination, and follow-up questions. Other than questioning, advisors' roles are limited to providing advice to the party they are advising.
- 10.** The university representative and the parties will be permitted to give closing statements.
- 11.** The provisions in the University of Texas at Austin's Handbook of Operating Procedures 3-3031 governing the applicable evidentiary standard and presumption of non-responsibility, the exclusion of privileged information, evidence of a Complainant's prior sexual history, the duties of and determinations by hearings officers, and appeals apply to proceedings governed by these hearing procedures, to the extent appropriate and feasible.