

TITLE IX GRIEVANCE PROCESS: LIVE HEARING

If a report is not resolved informally, Chamberlain will conduct a live hearing. Live hearings are facilitated by a designated Decision-Maker. The Decision Maker will be selected by the Office of Equity and Access. The Decision-Maker consists of a panel of no fewer than three (3) members, designated from the hearing panel.

Cross-examination during the live hearing will be conducted directly, orally and in real-time by the party's advisor and not by a party personally. The Decision-Maker will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. Only relevant cross-examination questions (as well as other questions deemed pertinent at the discretion of the Decision-Maker) may be asked of a party or witness. Before a Complainant, Respondent or witness answers a cross-examination question, the Decision-Maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.

Rape shield protections are applied to Complainants, deeming irrelevant questions and evidence about a Complainant's prior sexual behavior unless offered to prove that someone other than the Respondent committed the alleged Sexual Harassment or offered to prove consent.

As of August 24, 2021 and pursuant to the Department of Education's August 24, 2021 guidance, the Decision-Maker may consider statements from a party or witness who are not present at the live hearing in reaching a determination regarding responsibility, so long as the questions are otherwise permissible. However, the Decision-Maker will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer questions.

At the request of either party, Chamberlain will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. Live hearings may be conducted with all parties physically present in the same geographic location or, at Chamberlain's discretion, any or all parties, witnesses and other participants may appear at the live hearing virtually. An audio or audiovisual recording or transcript, of any live hearing, will be created and maintained for seven (7) years.

Individuals participating in the live hearing cannot be disruptive and must follow the policies and procedures set by Chamberlain. The Decision-Maker has the authority to enforce decorum.