Complainant Guide to Full Hearings

This guide is an added resource for student complainants participating in the UW student conduct full hearing process. We know many complainants work with a Confidential Advocate (who might also be referred to as a University Resource or Support Advisor) throughout this process. This guide may be an additional source of information if you are working with an advocate. It may also be helpful to any Complainant who has chosen to not work with an advocate. Please know that you may consult an advocate at any time during the adjudication process. Please also know that whether and/or how much to use this guide is completely up to you. We only suggest that you use it as much or as little as you find it helpful to you as you work through this process.

Reading through this guide you will find explanations and examples that you can use to better understand the sequence of steps in the process and to prepare for the full hearing. This guide can be used alone or while working with the Confidential Advocate. If you’re already working with an advocate, you know they can help answer questions about the process, provide supportive measures, including academic advocacy, and connect you to additional support resources as needed.

It is important to know that the information in this guide is not legal advice. If you want to seek legal advice, you have the right to seek an advisor who is an attorney.

- **Disability Accommodations:** To request disability accommodations during this process, please contact the Hearing Coordinator or your Confidential Advocate as soon as possible in advance of the full hearing and, ideally, before the Prehearing Meeting.

- **Interpreter:** To request a qualified interpreter for those who are deaf and hard of hearing, or if you have not passed the English Language Proficiency Requirement and cannot readily communicate in or understand the English language, please contact the Hearing Coordinator.
Table of Contents

This guide begins with background information about conduct hearings. Then, starting with Section 2, the guide is organized using the same sequence that the full hearing process follows. (This is explained in the “What happens next” section.) Here is a list of the topics and where each section begins.

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1. Introduction to the hearing process

To help you navigate the full hearing process, the University recommends you work with a Confidential Advocate and/or an advisor of your choice. This guide has been developed to help you navigate and understand the full hearing process. In this section we will provide an overview of the hearing process and the individuals involved.

Who can help you?

As a Complainant, you may have up to two individuals accompany you throughout the hearing process. One person is an advisor, who may be any person you’d like; if you select to work with an attorney licensed to practice in Washington, an attorney may engage during the hearing in ways others serving as advisors cannot. For Complainants, the second person who may accompany you is usually a Confidential Advocate. If you have specific questions about the timeline or logistics, you may also reach out to the UW Hearing Coordinator for help.

Confidential Advocate:

The University of Washington has trained staff members dedicated to help you and other students through the full hearing process. Your Confidential Advocate is available to assist you from start to finish. They can do many things in their work with you, including the following:

- Explain your rights in the process
- Clarify how to comply with no contact orders
- Advocate for you on academic matters
- Walk you through the steps in the full hearing process
- Explain how to submit evidence and information to the Hearing Officer
- Participate in the Prehearing Meeting
- Help you feel prepared for the day of the full hearing itself

Please note: Your Confidential Advocate will serve in all ways to respect your privacy but information and conversations are confidential (like attorney-client or health care counselling sessions that are protected by laws as confidential communications). A Confidential Advocate can ask questions about the process and can ask for a break on your behalf, but cannot advocate on your behalf during the Prehearing Meeting or during the hearing.

Advisor:

You may ask that one additional person to be copied on all emails and/or participate in-person with you during the Prehearing Meeting and on the day of the hearing. This individual is called your “advisor.” An advisor can be, but does not have to be, an attorney. If your advisor is not an attorney, that individual may assist you but cannot speak on your behalf. If your advisor is an attorney (either licensed or given permission to practice in Washington State) that individual may advocate on your behalf during the process. To protect your privacy, we will ask you to sign a consent form allowing the University to share your information with your advisor. An advisor is optional, and if you choose to hire someone to serve in this role, the cost of hiring that person is your responsibility.

If you would like to have an advisor help you, we recommend that you include them as early as possible so that they have time to prepare fully, provide advice about submitting information, participate in the Prehearing Meeting (over zoom), and support you on the day of the full hearing.
UW Hearing Coordinator:
The Hearing Coordinator works with the Hearing Officer on case management and logistics. They cannot speak with you privately about the facts of your case, but they can help answer questions you may have about submitting witness and evidence forms, logistics for the Prehearing Meeting (over zoom), as well as logistics on the actual day of the hearing.

Hearing Officer:
The Hearing Officer is the decision-maker in this process. They will answer questions throughout the process. If you have a request or need help from the Hearings Office, you should contact the Hearing Coordinator instead of the Hearing Officer.

Why is this going to a full hearing?
The conduct matter is going to a full hearing (also known as “a full hearing has been initiated”) because the Conduct Officer determined through their investigation that the answer to the following two questions is “YES”:

- Considering the evidence gathered, is it possible that there may be a preponderance of the evidence indicating that a section of the Student Conduct Code was violated?
- If the Student Conduct Code was violated, is it possible that suspension or dismissal may be appropriate sanctions?

When the Conduct Officer determines the answers to both of these questions is yes, they must initiate a full hearing. It is important to understand that a final decision has not been made at this point. The decision making role transfers from the Conduct Officer to a Hearing Officer. The Hearing Officer will make these decisions after holding a full hearing. The Hearing Officer does not make any decisions based on the Conduct Officer’s decision to initiate a full hearing. This hearing process is an administrative one rather than a criminal one.

What happens next?
As a student party in this process, there are several things that may inform your understanding of full hearings. Below is a summary of key aspects of the process. This information is based on the University’s Student Governance Policy Chapter 210 (SGP 210) and WAC Chapter 478-121. These policies are often referred to as the “Student Conduct Code” or simply just “the Code.”

Key questions the Hearing Officer must answer
The Hearing Officer uses the full hearing process to answer two questions.

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1 In this document, the term Conduct Officer generically applies to both Conduct Officers in SGP 209 matters and to investigators in Title IX matters.
2 See this link for SGP 210 and this link for WAC Chapter 478-121.
Question #1: Did the Respondent violate the Student Conduct Code?
To answer this question, the Hearing Officer must look at all of the evidence in the record. The Hearing Officer must then decide whether it is more likely than not that the Respondent is responsible for violating the Student Conduct Code. (More on this in the next section). This hearing process is an administrative one rather than a criminal one.

If the answer is no, then the Respondent is found to be not responsible for violating the code. The student would not receive any sanctions.

If the answer to Question #1 is yes, then the Hearing Officer will decide:

Question #2: What is the appropriate sanction for the violation(s)? Sometimes respondents are alleged to have violated more than one provision of the Student Conduct Code. If the Respondent is found to have violated even one provision of the Student Conduct Code, then the Respondent will receive one or more sanctions. Some sanctions, such as restitution or specific conditions, might be combined with another sanction like probation or suspension.

Here is a visual representation of these decisions:

DECISION #1: Did the respondent violate the student conduct code?

- No
  - Not Responsible & No sanction

- Yes
  - DECISION #2: What is the appropriate sanction(s)?
  - Reprimand
  - Loss of Privileges
  - Restitution
  - Probation
  - Suspension for # of quarters
  - Dismissal

The Hearing Officer does not decide these questions at the full hearing. The Hearing Officer decides them after the hearing and will let everyone know the answers in a written decision called an initial order.

How will the Hearing Officer make these decisions?

Preponderance of the evidence
To make a decision about whether a Respondent violated the conduct code, the Hearing Officer must conclude, based on all of the evidence in the record, that it is more likely than not that the Respondent is responsible for violating the Student Conduct Code. This “more likely than not” standard is what it
means to make decisions based on the **preponderance of the evidence standard**. In others words, the Hearing Officer, after considering all of the evidence in the record, would have to find that the evidence indicates there is at least a 50.1% likelihood that the Respondent is responsible for violating the Student Conduct Code.

**Evidence**
The Hearing Officer will also make decisions about what evidence should be in the record for the conduct matter. There are several rules around evidence that are outlined in the University’s conduct policies (SGP 210) and WAC Chapter 478-121. If you have questions about these rules and how they apply to your case, you should ask your Confidential Advocate, the Conduct Officer, or the Hearing Officer. You do not need to understand all of these rules for your hearing. Most of them will not come up. The concept of “relevance” is probably the most important one to understand.

**Relevant Evidence**
The most common evidence rule is about **relevance**. Evidence is relevant if it is helpful to determining whether a fact important to the case is more or less likely to be true. Only relevant evidence should be a part of the record. Additionally, evidence might be relevant but that does not necessarily mean it is strong or convincing. There could be other evidence that is more meaningful.

To help understand relevance, here is a list of evidence in a case where Jay created a fake social media profile to track where Ayanna was after she blocked Jay on social media:

- Evidence showing Ayanna’s Facebook friend list → Not relevant
- Evidence showing a social media profile using Jay’s name and picture → Possibly relevant
- Evidence indicating that Ayanna told Jake to stop contacting her a week before she blocked Jay on social media → Possibly relevant
- Evidence of the fake social media profile showing a picture of Jake being used as the profile picture for someone with a different name → Relevant, strong evidence
- Evidence showing that Jake contacted two of Ayanna’s friends using his fake social media profile → Relevant
- A text from Jay to Ayanna asking her what she was doing at a coffee shop she had just visited → Relevant, strong evidence

**Overall Picture: Steps in the full hearing process**
There is a sequence of steps that will take place for the full hearing process. This graphic shows the major steps. It includes some of the aspects of each step and when, on average, they will usually happen. These steps will be explained more in this guide and by the Hearing Officer during the process.
Process during full hearing: Parts of the full hearing
The hearing process follows the sequence below. Each sequence will be further described within this document and by the Hearing Officer.

- **Introductory remarks from Hearing Officer**
  - Review how process works
  - Chance to ask questions about hearing day process

- **Opening Remarks (optional)**
  - Say what you believe case is about
  - Say what you think evidence will be

- **Witness Testimony**
  - Ask witnesses about what they personally know about the case

- **Closing Remarks (optional)**
  - Say what you believe right outcome is
  - Share your perspective on how evidence supports

Expectations during the Full Hearing
You should be direct, truthful, and forthcoming. During the hearing, it’s important that everyone involved is respectful and truthful. This means no one should interrupt one another or raise their voice during the process. While it’s expected that people attending the hearing will not agree on everything, the Hearing Officer will help maintain a respectful atmosphere in which folks may express conflicting perspectives. The Hearing Officer can remove people from the full hearing who are being disruptive to the process. This is extremely rare. The Hearing Officer wants to work with everyone involved to ensure that all parties can fully participate.

You have the right to ask the Hearing Officer during the hearing to take a break. Reasons for asking for a break might include (but are not limited to) when you want to consult with your Confidential Advocate, or when you are feeling upset or unsettled. Please ask the Hearing Officer for a break if you need one.
Scenario
This guide will use an example case scenario to help demonstrate the process. This scenario is not taken from a real case. This example is included to show things that a Complainant might do. The choices this example Complainant makes are not perfect, required, or even necessarily good choices. You don’t need to memorize the scenario. Knowing the general story of the example should be enough for it to make sense through the guide.

Most topics in the guide will include a section that uses the scenario and applies the topic to it. These sections will be marked with purple text, looking like this: Sample: Case Preparation Plan. What follows here is the background for the example case scenario.

Eva
At a party on campus UW student Eva was dancing with her friends when she was repeatedly groped by another UW student, Will. Eva did not know Will prior to that evening. She remembered talking with Will and a few of his friends at the party before dancing with her friends. While she was dancing Will came over to her, started dancing behind her, and then after maybe a minute he grabbed her butt and chest. She pushed him back and told him that she didn’t like that. Will left. Sometime later Eva realized that Will was behind her again. She didn’t say anything to him until he again grabbed her hips and felt around her chest. Eva yelled “get off.” Will held on to her hips and tried to dance with her. Eva yelled at him again and pushed him away. Two of her friends saw what was happening and stepped up to Will, getting in his face.

Will told Eva’s friends that it was a misunderstanding. He thought he and Eva had been flirting earlier and that she wanted to dance with him. Both Eva and Will had been drinking alcohol. Eva has a clear memory of what happened on the dance floor but does not remember all of the conversation she had with Will earlier.

Two weeks later Eva was at a party on campus dancing. She didn’t see Will until he again was dancing right behind her, grabbed her hips, and tried to grind with her on the dance floor. Eva screamed and swore at Will, pushing him away repeatedly until other students separated the two of them. Eva heard later that Will had been drinking and that he claimed the two of them had been flirting earlier that night too. Eva says that is not true. Eva also heard a rumor from another friend that Will had been caught last year doing similar things to another student at a party.

Eva was worried that this would keep happening, so she decided to contact Safe Campus to find out what her options were. This led to Eva making a complaint about what happened.

At the outset of the investigation, Will was charged with violating the Student Conduct Code, specifically:

- Sexual assault (WAC 478-121-150)
- Sexual harassment (WAC 478-121-155)

Throughout the investigation, Will has stated that he disagrees with Eva’s description of what happened, he claims she reciprocated and made advances of her own, and, based on that, denies the allegations. The investigator has notified Eva and Will that the matter will go to a full hearing.
2. Preparing for the Hearing

It may help you to review the case record to identify the strongest points of the case that you will want to ensure are brought to the Hearing Officer’s attention.

Here are a few things you could do to review the case:

Step 1: Get the Conduct Officer’s Record (also called the Case File)
You will receive an email from the Hearing Coordinator with a link to a folder called the “Case File.” The Conduct Officer’s Record is sometimes referred to as the “Case File” at this point because it contains documents and other evidence that the Conduct Officer has provided to the Hearing Officer to consider when deciding whether the Student Conduct Code has been violated.

Step 2: Review the allegations and the Conduct Officer’s Record
Here are things you can do if/when you read the Conduct Officer’s Record:

● Pay attention to the “Summary of Evidence.” This is usually the first document in the record. This document is the Conduct Officer’s summary of the evidence related to the allegations.
● Read the definition of each allegation. Each definition describes the prohibited conduct and the behaviors that might be violations of it. The definition is important because it has the requirements for each allegation. Read the definition and be sure that you understand it. Your Confidential Advocate can help explain what the definition means.
● With these definitions in mind, read through the Conduct Officer’s Record. How does the evidence compare with what seems to be required to find a violation(s)? The Hearing Officer will think about the facts of the case and whether they meet the requirements of the rules. You can think about this too.
● During the investigative interview process you had an opportunity to report what happened. As you read the Conduct Officer’s Record, you can think about whether the record tells your story. Also, you can think about whether there is evidence (like documents or testimony from other people) that is missing from the Conduct Officer’s Record and that you will want to use to tell your story. There are chances during the process to ask the Hearing Officer to allow more evidence in (like with the Submission of Evidence and Witnesses Forms or at thePrehearing Conference) to the record for consideration. You usually have a higher chance of getting more evidence in to the record if you submit it or ask about it on the time frame provided by the Hearing Officer. You should be prepared to share why you didn’t provide this information to the Conduct Officer during the investigative interview.

Step 3: Consider what you want to do
At the hearing, you will be asked about your desired outcome. If you haven’t already thought about that or shared your goals with the investigator, consider what you’d like to see happen, so you’re able to tell the Hearing Officer. The hearing process can lead to a range of outcomes, including from among these possibilities (which are not self-exclusive):

● Respondent’s acknowledgement of their responsibility for doing what was described by your report
  ○ Or, Respondent’s denial of wrong-doing or responsibility
● You may feel that the hearing process treated you fairly and with dignity – or not
● Finding that the evidence indicates that it is more likely than not that the encounter(s) described by your report happened as you described them – or not
Finding the Respondent responsible for violating the Student Conduct Code – or not

If Respondent was determined to be responsible, then a range of sanctions:
  o No removal from campus for any period of time
  o Removal from campus for some period of time (e.g., usually one or more quarters)
  o Permanent dismissal from campus

There may be certain outcomes that you want to see happen or want to avoid. Depending on what those outcomes are, you may decide that going through the hearing process is the only way to obtain them. You may also wish to see if you can resolve the matter without a hearing. These can be difficult decisions to make. You don’t have to make a final decision right away, or even before the full hearing. You can change your mind about your approach later. You also don’t have to pick just one approach. Talking with someone else (such as your Confidential Advocate) about this may be helpful.

Step 4: Think about what you want to say about sanctioning factors

In a full hearing the Hearing Officer will likely ask you questions about responsibility and about the sanctioning factors. Sanctioning factors are only relevant if the Hearing Officer finds that the Respondent is responsible for violating the Student Conduct Code. The Hearing Officer does not make any decisions about responsibility until after the full hearing. Because the hearing is the only time parties get to testify about the case, the hearing is your only chance to tell the Hearing Officer what you think about the sanctioning factors.

For reference, the sanctioning factors that may be considered include, but are not limited to, the following:

  ● The seriousness, severity, persistence, or pervasiveness of the prohibited conduct;
  ● The nature or violence (if applicable) of the prohibited conduct;
  ● The impact on the Complainant and/or University community;
  ● The respondent’s past disciplinary record with the University;
  ● Whether the Respondent has accepted responsibility for the prohibited conduct;
  ● The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and/or
  ● Any other mitigating, aggravating, or compelling factors that the Hearing Officer determines to be relevant and admissible.

Options and Cautions

This is a list of things you could consider doing to help prepare:

  ● You could read the Conduct Officer’s Record.
  ● You could read the definitions of each part of the Student Conduct Code that the Respondent has been accused of violating so that you understand them.
  ● If you think of questions while looking at the Conduct Officer’s Record, you could write them down so that you remember to ask them.
  ● You could make a list of things missing from the narrative in the Conduct Officer’s Record.
  ● You could make a list of things not in the Conduct Officer’s Record that would help tell your story, like other documents, other pieces of evidence, and/or other people.
  ● Try not to wait until the last minute to read the Conduct Officer’s Record. Sometimes the records are large, so it may take you a few hours to read through it. You may also benefit from reading it and
then letting some time pass so that you can think about what is and is not in the Conduct Officer’s Record.

- Try not to drop everything else going on in your life as a University student, like studying, as you prepare for the hearing.
- It’s best to focus on the facts of the case and the available evidence during the hearing when sharing your perspectives and thoughts. If you felt like some portion of the process was particularly unfair or someone was biased against you, you may state that, too. But focusing on evidence will likely be most beneficial in ensuring your story is heard.
- You may want to schedule time in your schedule to talk with your Confidential Advocate (and/or other supports).

**Sample: Case Preparation Plan**

Eva received emails from the Hearing Office on April 1st that a hearing had been initiated for the conduct matter. She also received an email with a link to the Case File folder.

Eva found the amount of material overwhelming. She didn’t do anything with the emails that day. Here is what she did later:

- April 2nd – Eva did not want to look at the information yet. She decided to schedule two hours to look through the file the next day. She had received an email from the Confidential Advocate.
- April 3rd – Eva emailed the Confidential Advocate back and set a meeting for April 5th. She spent an hour looking at the Conduct Officer’s Record. She also started making a list of her questions.
- April 5th – Eva met with her Confidential Advocate. She received information about the Confidential Advocate’s role and the hearing process. Eva got many of her questions about the process and her case answered. Her Confidential Advocate assured her that as questions come up she would be supported. Part of the process still seemed confusing, but she understood that she would be able to ask questions at the Prehearing Conference.
- April 7th – Eva called a trusted family friend. Eva told this friend about the situation and the evidence in the Conduct Officer’s Record. Through the conversation, Eva was able to identify parts of the story that were missing. She started thinking of how she could tell that story. Eva also decided that she did not want to read through the Conduct Officer’s Record any more if she did not really need to.

**Reflection**

After reading Eva’s preparation plan, consider the following questions:

(1) What do you think Eva did well?
(2) What are other possibilities for preparation?
3. Evidence and Witnesses Forms

What are these forms?
These forms are one way to tell the Hearing Officer what you think about the evidence that is in the Conduct Officer’s Record and about who should be asked to testify at the hearing. You can also share your perspective on these matters during the Prehearing Conference.

How do they work?
The Submission of Evidence Form and the Submission of Witnesses Form are sent in an email to you and the other parties from the Hearing Office, usually along with the Scheduling Notice. This email is often sent within a week of when a hearing is initiated. The forms themselves are fillable, which means that you can type in what you want to say and then email them back to the Hearing Office and all of the other parties.

The deadline for completing and sharing the forms is usually a few days before the Prehearing Conference. If you don’t submit the forms, during the Prehearing Conference you can still tell the Hearing Officer what you think about these issues. By submitting the forms in advance you might not have to do as much explaining during the Prehearing Conference.

After the Prehearing Conference, the Hearing Officer will decide what evidence should and should not be considered at the hearing and what witnesses should and should not be asked to testify. The Hearing Officer will consider the perspectives and suggestions provided by all of the parties as well as the rules of evidence (found in WAC Chapter 478-121).

Options and Cautions
● You could think about what is most important about the case as well as what is missing from the Conduct Officer’s Record. If anything is missing, think about how the missing parts can be shared: Can a witness talk about what’s missing? Do documents show or fill in some of those gaps? If there’s a document missing, you can describe the document in the “Additional Documentary Evidence” section of the Submission of Evidence Form.

● You could think about whether any of the evidence in the Conduct Officer’s Record is not fair or accurate. If there’s something that you think should be excluded, you can tell the Hearing Officer what you’d like to be excluded and why. The Hearing Officer will then make a decision as to whether they think the evidence should remain part of the record or be excluded.

● You could review the questions in the Submission of Evidence Form and the Submission of Witnesses Form. These forms are a good preview of what the Hearing Officer will ask you during the Prehearing Conference.

● It is a good idea to submit your Evidence and Witnesses forms on time if you want the Hearing Officer to review them. If you are submitting new evidence, attach a copy of the new evidence to the email.

● Before the Prehearing Conference, it may be helpful to review the forms the other parties submitted.

● If you asked that the Hearing Officer allow a witness who didn’t speak to the investigator or evidence that wasn’t provided to the investigator, you will probably be asked to explain why the investigator wasn’t given the opportunity to interview the witness or review the document. If you’re able to provide a reason why the name wasn’t suggested earlier (or the document wasn’t provided...
earlier), there is a better chance that the Hearing Officer may allow the new witness or new document at the hearing.

**Sample: Evidence and Witness Forms**

Two sample forms from the scenario are provided in the next pages. They show examples of how the hypothetical Complainant (Eva) used the forms to address some of her concerns.

Note: Hypothetical Complainant’s responses are in blue text only to make them stand out. You don’t need to use specially colored text to fill in the forms.

Reflection

After reviewing Eva’s forms, consider the following questions:

1. What do you think Eva did well?
2. What are other possibilities for preparation?
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Sample Submission of Evidence Form

Received from: EVA
Name

In the matter of WILL
Case No. XXXX

Case File

The hearing officer and parties to the above matter have been provided a copy of the case file of the University of Washington’s investigation. If you believe that any portion of the case file should not be considered as part of the record for the hearing, please identify the document and page number(s) (located in the bottom right of each page) and then describe why you believe it should not be part of the record of the hearing. If there are witnesses to which you are objecting, please also note any portions of the case file that correspond to that witness, such as interview notes. This is your opportunity to object to any information in the case file. If you do not object now, you will not be able to object to it in the future.

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<tr>
<th>Document</th>
<th>Page number(s)</th>
<th>Description</th>
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<tbody>
<tr>
<td>5</td>
<td>036 – 037</td>
<td>The summary of Ben’s statement should not be included because Ben is biased (since he is Will’s friend) and his statement does not say that Ben was close enough to what happened to provide testimony about it. His statement does not seem helpful to deciding what happened.</td>
</tr>
<tr>
<td>5</td>
<td>038</td>
<td>The summary of Tammi’s statement also does not say how she was in a position to see what happened, it only says she was at the party. It is also my understanding that she and Will might be dating now, which means she would have reason to be biased.</td>
</tr>
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Please note that the other party may be provided an opportunity to respond to the above requests.

Additional Documentary Evidence

The Prehearing Conference is the time to discuss anything you want to be included for consideration at the full hearing. If you would like to propose that additional documentary or other evidence or any other materials or information not included in the case file become part of the record for the hearing (such as texts, instant messages, photos, videos, etc. – which together will be referred to as “documents”), please identify the documents below and

- describe the relevance of the document; and,
- if the document was not provided during the investigation, please describe why.

Please also provide a copy of the document when submitting this form. This is your opportunity to propose additional evidence. If you do not propose it now, you may not be able to propose it in the future.

<table>
<thead>
<tr>
<th>Document 1 – Email from Joy</th>
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<tr>
<td>Describe relevance:</td>
</tr>
<tr>
<td>Joy was assaulted by Will at a party last year. Joy emailed me three weeks ago when she heard about what Tyler did recently. Her email describes what happened to her. (<em>This email is attached to this form.</em>)</td>
</tr>
<tr>
<td>If not provided during the investigation, please describe why:</td>
</tr>
<tr>
<td>I had heard about Will doing something similar a year ago, but I did not know the name of the victim when I spoke with the investigator. Joy reached out to me recently and when she did I forwarded her email to the investigator, but I think it was too late to add it to her file.</td>
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<tr>
<th>Document 3</th>
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</thead>
<tbody>
<tr>
<td>Describe relevance:</td>
</tr>
<tr>
<td>If not provided during the investigation, please describe why:</td>
</tr>
</tbody>
</table>

Use a separate sheet to identify additional documents, including providing the requested information related to each.

Please note that if any new documentary evidence is identified, the other parties will be provided with an opportunity to request further review of the evidence prior to the hearing.
**Sample Submission of Witnesses Form**

In the matter of WILL  
Case No. XXXX

### Current Witnesses

At the Prehearing Conference, the hearing officer will decide which witnesses will be requested to testify at the hearing. Below is a list of names including the conduct officer and the individuals that were identified and/or interviewed during the fact-finding process. Please check the box next to the individuals you recommend calling as witnesses for the hearing in this matter, including yourself if you plan to testify. This is your opportunity to recommend witnesses. If you do not recommend them now, you may not be able to recommend them in the future.

<table>
<thead>
<tr>
<th>Name</th>
<th>Appear at Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Conductor Officer</td>
<td>X</td>
</tr>
<tr>
<td>2 Will (Respondent)</td>
<td>X</td>
</tr>
<tr>
<td>3 Eva (Complainant)</td>
<td>X</td>
</tr>
<tr>
<td>4 Jay (Eva’s friend at 1st party)</td>
<td>X</td>
</tr>
<tr>
<td>5 Shelly (Eva’s friend at 1st party)</td>
<td>X</td>
</tr>
<tr>
<td>6 Parker (Eva’s friend at 2nd party)</td>
<td>X</td>
</tr>
<tr>
<td>7 Ben (Will’s friend at 1st party)</td>
<td>☐</td>
</tr>
<tr>
<td>8 Tammi (Will’s friend at 2nd party)</td>
<td>☐</td>
</tr>
</tbody>
</table>

If you have any objections to any of these witnesses appearing at the hearing, please describe your objections. This is your opportunity to object to witnesses. If you do not object to them now, you may not be able to object to them in the future:

> I object to #7 and #8. Both Ben and Tammi are Will’s friends and I think they are biased for him. Also, I don’t think Ben was close enough to us at the party to really see anything. I think everything he knows is based on what Will told him.
### Additional Witnesses

If you would like to call any witnesses who are not identified above, please provide their name and contact information (phone and/or email address) and their relationship to the University (employee, student, not affiliated with the University). Also, please describe:

1. The type of information that you expect them to provide and its relevance to this matter; and,
2. If the witness was not identified to the conduct officer during the investigation, please describe why.

Please note that, if these witnesses are permitted at the hearing, you are responsible for notifying them of the time, date, and location of the hearing.

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone and Email</th>
<th>Relationship to the University</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alex P.</td>
<td>email address</td>
<td>□ Employee (staff, faculty, etc.)</td>
</tr>
<tr>
<td></td>
<td>phone number</td>
<td>X Student</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ Not affiliated with the University</td>
</tr>
</tbody>
</table>

Describe information and relevance:

**Alex saw Will assault another student in a similar way last school year. Alex can talk about what they saw Will do and how Will reacted, which was all very much like what he did to me.**

If not identified during the investigation, please describe why:

**Alex only reached out to me two weeks ago when they found out that Tyler had done this again. I hadn’t known about Alex when I met with the investigator last month.**

Use a separate sheet to identify additional witnesses, including the requested information related to each.

Please note that if any new witnesses are identified, the other parties will be provided with an opportunity to request further review of the witnesses, including whether to seek an opportunity to interview the witnesses prior to the hearing.
4. Prehearing Conference (also referred to as Prehearing Meeting)

What is this?
The Prehearing Conference (also called the Prehearing Meeting) is a meeting with the Hearing Officer and all of the parties in a case, along with their University-provided Resource and/or advisors. This meeting has two main components: (1) Explanation of what happens during the full hearing; and, (2) Discussion about the evidence that will be considered by the Hearing Officer and the people who will be asked to testify at the hearing.

This meeting takes place over Zoom so that all can participate by audio and the Hearing Officer can share a PowerPoint presentation. All parties and advisors will be asked to turn off their video cameras and only the Hearing Officer will be visible by video. Many meetings usually take an hour, but it is good to plan for two hours in case there are a lot of issues to discuss. The Hearing Office will try to schedule this meeting so that it does not conflict with your classes, but if you need to miss a class to take part in this meeting please work with your Confidential Advocate for academic advocacy. (The Hearing Office will ask parties about their schedules and availability and will schedule meetings around conflicts. Still, because schedules sometimes change after that point, if you do end up having a conflict you should be aware that your Confidential Advocate can help you address it with your professor, class, etc.) After the meeting, the Hearing Officer will write the Prehearing Order. This order is sent within 5 to 7 days after the meeting. The order includes the decisions the Hearing Officer makes about the matters talked about during this meeting.

How can I prepare for the meeting?
Part of the meeting involves the Hearing Officer explaining the full hearing process. You will receive a few documents related to full hearings in your email, including documents like *What to Expect in a Full Hearing*, *Objections to Questions Asked of Witnesses*, and *Day of Full Hearing Process Chart* (these are all in the appendix of this guide). You may wish to review those documents before the meeting so that you can come prepared with questions for the Hearing Officer.

A large part of the meeting is about the evidence and witnesses for the full hearing. The best way to prepare for this part of the discussion is to do the things suggested in the “Evidence and Witnesses Forms” section. If you did not submit the forms, you will likely be asked the same questions in the forms during the meeting. You may wish to prepare answers, as it’s more likely you’ll be asked these questions if you did not submit the forms ahead of time. All of the suggestions in that section apply to the meeting.

You may wish to read all forms and information submitted by the other party/parties. If you think that the Hearing Officer should not allow any of the proposed evidence or witnesses from the other party/parties, think about why you feel that way and decide what you want to say about it to the Hearing Officer. You will get a chance to talk about this during the Prehearing Conference. The Hearing Officer wants to hear what you and the other parties think about the record and the offered evidence and witnesses.

The Hearing Officer will also ask the parties if they have requests that they plan to make about other aspects of the case. These types of requests are also called “motions.” The Hearing Officer will explain some of the guidelines about making such requests. Before the meeting you should think about whether there are things you want to ask the Hearing Officer to do. See Section on Motions.
Options and Cautions

● You could think about why you want evidence or a witness to be included as well as why you don’t want specific evidence or witnesses to be included, if that’s the case.

● You could review what the other parties submit (their Evidence and Witnesses forms) and be ready to talk about any problems you might have (if any) with what they want to add.

● If you want the Hearing Officer to consider additional evidence, submit that ahead of time, even if you missed the deadline for submitting the evidence and/or witness forms.

● It might be helpful to have a copy of the forms you and the other parties submitted as well as the Conduct Officer’s Record available during the Prehearing Conference.

● Do your best to listen to the presentation about the hearing process and ask any questions you have about it.

● Try to remember that the Prehearing Meeting is not the right time to tell the Hearing Officer what happened or to argue about the case.

● You will probably feel more prepared for the hearing if you attend the Prehearing Meeting. If you need to miss the Prehearing Meeting, you could first contact your advisor and/or Confidential Advocate. You could also email the Hearing Office (and all the parties) to explain why.

● Reading the Prehearing Order when you receive it will help give you information about the process and the evidence. If something in the order is not clear or you have questions about it, you are encouraged to email the Hearing Officer and ask about it.

Sample: Prehearing Meeting Preparation

Eva has prepared for the Prehearing Meeting by doing the following:

● Eva has reviewed the documents that the UW Hearing Coordinator sent to the parties about the hearing process, and she has some questions. She does not understand what she can do to point out to the Hearing Officer if a witness is not telling the truth. She plans to ask the Hearing Officer about this.

● Eva is also worried about Will (or his attorney) attacking her verbally while she is testifying. She wants to know what the hearing process or the Hearing Officer will do to stop this from happening. But she also doesn’t want Will to hear that she is worried about this.

● Eva wonders whether the amount of alcohol she and Will consumed those nights matters, and whether the Hearing Officer will ask about it or use that information in making decisions about the case. She wants to ask the Hearing Officer about this issue.

Reflection

After reviewing Eva’s preparation for the Prehearing Meeting, consider the following questions:

(1) What do you think Eva did well?

(2) What are other possibilities for preparation??
5. Motions (or, Making Requests about the Case)

What is this?
Sometimes a party in a student conduct case will want to ask the Hearing Officer for something. When this happens, the party can make a request to the Hearing Officer. Although in legal terms this is called “making a motion,” student parties absolutely do not need to worry about using legal terms or any special legal formalities.

What are some examples?
There are many types of motions or requests that might be made. Here are just a few examples:

- A request to change the date of the Prehearing conference or hearing.
- A request to have more time to do something, like send information to the Hearing Officer.

The hearing process already has times when the Hearing Office will ask you about most or all of these issues. Still, if you have a request, you can make it by emailing the Hearing Officer and copying all other parties and advisors.

How does this work?
A request should be sent to the Hearing Officer and to all of the other parties, usually through email. Along with your request, explain why it should be granted. Know that the Hearing Officer will likely ask the other parties to share any perspectives they have about the request too. The Hearing Officer will then consider the request (and any perspectives from other parties) and make a decision about the request. This decision will be emailed to all of the parties. There is no penalty for making a request that the Hearing Officer denies.

Does it matter when the request is made?
You can make requests of the Hearing Officer at any time in the process. It is true, however, that the timing of the request might be important. If you have a request, make it as early as you are able because it is possible that the Hearing Officer will have to deny the request if it comes in late. Usually this is because granting the request at a point late in the process would be unfair to the other parties, or because granting it would just not be possible.

What if another party makes a request?
If this happens, read the request and their reasons for making it, and then consider what you think or how you feel about it. You may wish to talk to the advocate or any advisor you have about the request. The Hearing Officer will likely send out an email indicating when responses are due. Responding to the other party’s request is completely optional. The Hearing Officer wants to know if you think the request isn’t fair or impacts your case; alternatively, if you agree with the request, the Hearing Officer wants to know that too. To respond to the request, you may “reply all” to the email with your perspective. You do not need to use or know legal terminology to respond to the request; just say why you think it should not (or should) be granted.

Keep in mind that it is also completely fine to not respond or say anything about another party’s motion.
Options and Cautions

- If you have any requests to make, send them to the Hearing Officer, the Hearing Coordinator, and all the parties.
- It will help to say why you feel the request should or should not be granted.

**Sample: Motion**

After the Prehearing Meeting (and two weeks before the date of the hearing), Eva learns that a close relative is very sick. Her family wants her to come home to spend time with that relative.

Eva writes the following email to the Hearing Officer, the Hearing Coordinator, and the other parties:

Dear Hearing Officer,

I am writing to ask if the hearing can be rescheduled. I just learned that my close relative has become very sick. I need to go home to spend time with that relative. I’m not sure how long I will be away. I don’t think I can prepare for the full hearing while I am home and focusing on my relative. Can the hearing be rescheduled for next month or later?

Eva

After reviewing Eva’s motion, consider the following questions:

1. What do you think Eva did well?
2. What are other possibilities for preparation??
6. Opening Remarks

What are Opening Remarks?
At the full hearing the Hearing Officer will ask if you have any opening remarks. These remarks are your chance to tell the Hearing Officer what you think the case is about and what you think the evidence will show. Basically, it is your chance to introduce the Hearing Officer to the case as you see it.

How does it work?
Each party will get a turn to make opening remarks after the Hearing Officer talks about the hearing process. Usually parties spend more time on the closing remarks. Many parties do not make opening remarks at all. Whether you want to make opening remarks is completely up to you. If you decide to make opening remarks, you will do this while sitting at your table (if the hearing is in person). Each party has about 10 minutes total to use for their opening and closing remarks. It is completely fine to read remarks that you prepared before the hearing.

Options and Cautions (if choosing to make Opening Remarks)
- Before the hearing you could make an outline of what you want to say, or even type/write it out completely and read from it. If you want, you could practice it before the hearing to get more comfortable.
- You can tell the Hearing Officer what you think the case is about
- You can highlight evidence or testimony that you think is very important
- You can tell the Hearing Officer what you think is the correct outcome
- Try to keep in mind that it’s not effective to state that the other parties are wrong, unfair, untrustworthy, etc. (that’s for closing remarks)
- Remember that you don’t need to share what you’ve told the investigator (this will be covered in your testimony)

Sample: Openings
Here are two example openings from the hypothetical scenario.

Sample Opening #1
Eva: “I am going to reserve all of my time for my closing remarks.”

Sample Opening #2
Eva: “This case is about two interactions between myself and Will. Will violated the Student Conduct Code by touching me in ways that I did not agree to. His behavior isn’t excusable because we talked a bit before or because he drank too much. I’ve had a hard time concentrating on school work and being with my friends since, which is not fair to me. I want Will to be held accountable for his actions and receive a serious sanction. Thank you. I will save the rest of my time for my closing.”

Reflection
After reviewing Eva’s opening statements, consider the following questions:
1. What do you think about Eva’s decision with #1?
2. What do you think Eva did well in #2?
3. What are other possibilities for preparation??
7. **Asking Questions of Witnesses**

**What is this?**
A large part of the hearing is spent asking witnesses questions about what they know about the alleged misconduct. The Hearing Officer will first ask the witness questions. Then you and the other parties will get a chance to ask questions.

**How does it work?**
The Hearing Office will provide the list of witnesses and the expected order that the witnesses will testify at the hearing. Sometimes that order changes because of scheduling issues. The Hearing Officer begins by asking the witness questions. Next, the parties will each get a turn to ask questions. You don’t have to ask questions of a witness. When it is your turn, you ask questions by typing your questions in a Zoom chat window. The Hearing Officer will approve the question if it meets the evidence rules that come from the Student Conduct Code and other sources. If the Hearing Officer approves the question, the Hearing Officer then asks the witness your question. This continues until you have no further questions to ask. (If the question is not approved, the Hearing Officer will explain why it is not approved. You will have a chance to modify your question in response.)

Parties must be respectful to the witness. By respectful we mean to not interrupt the witness, not yell at the witness, and not insult or belittle the witness. This can be hard to do because you might not like the witness, or you may think the witness is not telling the truth. Even so, all parties must be respectful to the witnesses.

**Can I ask about anything I want?**
No. During the Prehearing Meeting the Hearing Officer will talk about what are and are not appropriate questions. The handout “*Objections to Questions asked of Witnesses*” provides more explanation. You can ask the Hearing Officer questions about this too.

When a party submits a question for a witness, the Hearing Officer will decide if it is appropriate. Other parties will also see the proposed question. They can tell the Hearing Officer that the question should not be asked and they can explain why. The Hearing Officer and the parties might talk about the question. Finally, the Hearing Officer will make one of three decisions: (a) decide that the question is
fine and ask it; (b) decide that the question has some problems with it and ask a modified version to fix those problems; or, (c) decide that the question is not appropriate and not ask it at all.

If the (b) scenario happens [Hearing Officer modifies your question] and you believe that the Hearing Officer did not really ask what you want to hear about, you should try to ask the question again. It is best to try to adjust your question to account for the reason the Hearing Officer modified the original version. If you have questions about how to do this, you should ask the Hearing Officer. You could also pause and consult with the advocate and/or any advisor.

Options and Cautions

- You may wish to consider, in advance, what each witness may say and how it’s important to the case. If you want to be sure that the witness speaks about a specific event or issue, you may wish to prepare a question about that ahead of time, so you’re ready to ask it if the Hearing Officer or other parties don’t ask that question first.
- If you are able to, do your best to listen to each witness. They may say things you are not expecting to hear. These things could be helpful or harmful to your case.
- If you prepared questions ahead of time that the witness has already answered, you can cross out similar questions. This will help you to focus on questions the witness hasn’t answered or when the witness did not go into enough detail.
- It’s not appropriate to object to a witness’s answer because you don’t like it or because you don’t think a witness told the truth. Objections should be made when a question isn’t fair, isn’t relevant, or attempts to get at information a witness wouldn’t know (whether because they weren’t present or because it’s about an opinion rather than a fact). It might be helpful to review the rules about asking questions by looking at the handout “Objections to Questions asked of Witnesses” and the Prehearing Order.

Sample: Preparation to Ask Questions of a Witness

Eva’s preparation for Ben’s testimony

Reminder: In this case example, Ben was a friend of the Respondent and he was also at the party where some of the conduct alleged in this example occurred.

- Eva reviewed the witness statement that the Conduct Officer prepared for Ben.
- Eva thinks that Ben was not close enough to what happened to be able to have seen what really happened. She plans to ask Ben some questions about where he was and what he saw and also what he knows only because Will told him.
- Eva also thinks that Ben is biased because he is Will’s friend. She plans to ask him a few questions about his friendship with Will.
- Eva has made a checklist of all of these items. She plans to bring two copies of the checklist to the hearing. One for herself and one for her Confidential Advocate, who can help Eva double-check that all of the items are covered.

Reflection

After reviewing Eva’s preparation for Ben’s testimony, consider the following questions:

1. What do you think Eva did well?
2. What are other possibilities for preparation?
8. Complainant’s Testimony

What is this?
You will have the chance to testify during the full hearing. Testimony is answering questions from the Hearing Officer and the parties about the case. Remember that while you are testifying you can ask for breaks. Doing so does not harm your testimony. During the break you can check in with your Confidential Advocate and/or your hearing advisor.

Do you have to testify?
No. Testifying is a choice that only you can make.

It is important to remember that if you decide not to testify the Hearing Officer will still make decisions about the case based on the testimony from other witnesses and other evidence in the record. It is true, though, that most of the time the Complainant’s testimony is very important to making decisions about the case because the Complainant usually has the best knowledge of what happened. At that time it may be a good idea to ask for a short break to speak with your advisor or Confidential Advocate and decide if you want or do not want to testify.

How does it work?
There are three parts to testifying. Part One involves the Hearing Officer asking you questions. The Hearing Officer typically starts by asking you to look at your statement (if any) and/or the summary of your investigative interview(s) in the Conduct Officer’s Record. The Hearing Officer will likely ask if those things are accurate. If anything is not accurate, this is your opportunity to tell the Hearing Officer what is not accurate and to correct it. Then the Hearing Officer will ask other questions about what you experienced. Often this includes looking at documents in the record. The Hearing Officer will also likely ask you about sanctioning and evidence related to the sanctioning factors should the Hearing Officer eventually determine the Respondent violated the Code.

During Part Two you have the opportunity to suggest additional questions for the Hearing Officer to ask you. Part Two can be a really good way for you to make sure that you get to testify about everything that you want to testify about. To suggest questions, you will type your questions in the Zoom chat thread for the Hearing Officer and other parties to see. If you brought a list of things you want to be sure to talk about, then it may help to take a moment to check this list when you are suggesting questions that you want the Hearing Officer to ask you.

Part Three is when the other parties can suggest questions to ask you. You will see these questions appear in the Zoom chat box. The Hearing Officer will review each question. You can also review the question and if something does not seem right, you can say that you object to the question. The Hearing Officer will make a determination about the question and then, if appropriate, ask the question. Part Three continues until each party has been able to propose all the questions they have. Then, after each party has asked all of their questions, there will be an opportunity for you and the other parties to ask follow-up questions about the answers that you gave to the previous questions. This follow up round is not an opportunity to ask a new topic of questioning. Basically, it can be used to clarify or expand on your answer to another person’s question.

During your testimony you can ask for breaks. The Hearing Officer will likely ask if you want a break in between phase one (the Hearing Officer asking questions) and phase two (you suggesting questions).
**Question Examples**

There are questions that the Hearing Officer usually, but not always, asks student parties near the end of their testimony. The following are examples of these questions from the Hearing Officer:

- This is your chance to testify about this matter. What else do you want me to know so that I can fully understand what happened?
- What can you tell me about how you feel about this matter now?
- If I determine that there has been a violation of the Student Conduct Code, then I will have to decide what the appropriate sanction is. What should I consider when thinking about the sanction?

The examples above are also good questions that you could suggest in Part Two.

There are situations that often come up in hearings. One of those occurs where you feel that a particular witness is not telling the truth. If this happens in your case, you might want to suggest the following questions for the Hearing Officer to ask: What is your perspective on what witness X said about [issue Y, or document or evidence Z, etc.]? Remember that you are asking the Hearing Officer to ask you this question so you can talk about why you think the evidence suggests that the witness may not have been telling the truth.

**Options and Cautions**

- You may wish to make a list of information you want to be sure the Hearing Officer knows prior to the hearing. You can check this list during your testimony to make sure you cover everything.
- Ask for a short break if you need one. Testifying can be hard and emotional. Know that it’s completely appropriate to ask for a break if you need to step out of the room or just not answer questions for a bit. You may also ask for a break if you want to pause and determine if you’ve said everything you wanted to say during your testimony.
- You may want to prepare for questions that might be hard to answer.
- If you don’t fully understand a question, ask for clarification rather than trying to answer something that doesn’t make sense to you. The Hearing Officer will be happy to try to explain the question or ask it in a different way.
- You may wish to review the summary of your statement. The Hearing Officer usually asks about it.
- You may wish to review the sanctioning factors in the Code. Your testimony is an opportunity to tell the Hearing Officer about what sanctions may be appropriate for the Respondent if they’re found responsible.

**Sample: Preparation for Testimony**

In preparing for testimony Eva created a list of things she wanted to do to prepare for the hearing. The following is Eva’s to-do list:

**One week before hearing**

- Think about the case and the things she wants to talk about. Made a list about these things and what she wants to say about them.

**One day before hearing**

- Review record again for her statement and Will’s statement.
● Talk with her Complainant Advocate about the best way to ask for a break if she gets upset during her testimony

Reflection
After reviewing Eva’s preparation for testimony, consider the following questions:
(1) What do you think Eva did well?
(2) What are other possibilities for preparation?
9. Closing Remarks

What are Closing Remarks?
Parties can tell the Hearing Officer what their view of the evidence and testimony is, what it means, and what the right result is. Your closing remarks are your last chance to share your perspective about the case with the Hearing Officer.

How does it work?
After all the witnesses have testified each party has a chance to make their closing remarks. Similar to opening remarks, you will do this while seated at your table (if the hearing is in person). It is completely fine to read a pre-written closing at the hearing. You will have whatever time you have left after your opening remarks (parties have 10 minutes total for both opening and closing remarks).

Should I talk about the evidence?
Yes. If you have a perspective about what the evidence shows regarding whether the Respondent is responsible for violating the Code (or not violating the Code), you can talk about that in your closing remarks. If you think that a witness was not truthful in their testimony you can also talk about that in your closing remarks. If you think that the respondent’s perspectives about what the evidence shows aren’t valid, you can talk about why that is too. For example, if the Respondent is trying to state your actions implied consent, you can state why that is not the case.

Should I talk about the sanction?
Yes. This is an opportunity for you to tell the Hearing Officer what you think the appropriate sanction should be (if there is a sanction). Then you should tell the Hearing Officer the reason(s) why that should be the sanction. You can refer to the sanctioning factors for this part if that is helpful. Some examples of this could include: the violent or scary nature of what happened, whether the Respondent has taken responsibility for anything, the impact(s) on you, etc.

Options and Cautions
- If you want to make a closing remark and need a couple minutes to finish preparing to include information based on testimony at the hearing, ask for a break. You may share your feelings and thoughts about the case, including about whether other witnesses were truthful.
- It could be helpful to highlight evidence or testimony that you think is important. If you want, you could make a list of the important evidence in the record before the hearing and then add important testimony points during the hearing.
- If any evidence is inconsistent or doesn’t make sense, you can mention that in your closing too. If you want, you could also address any instances of a witness saying something that you think is not true and that you want to talk about it with the Hearing Officer.
- You may tell the Hearing Officer what you think is the correct outcome and what sanction would be appropriate if the Respondent is found responsible.

Sample: Closing

Eva
“The Respondent, Will, assaulted me two different times. My own testimony demonstrates this. Testimony from other witnesses and from other evidence demonstrates this. Even Will’s own testimony...
acknowledged some of what he did. He acknowledged it but he didn’t really take responsibility.

It’s true that on the night of the first assault he and I talked before what happened on the dance floor. We talked for a while, and there was even some flirtation that happened. I thought at the time he might be cool, and he was fun to talk to. I didn’t think anything was going to happen, and I certainly didn’t think he’d later do what he did. Talking with someone, even flirting with someone, does not give them the right to then touch you in sexual ways without your permission. Doing that is wrong, period. It is also wrong under the University of Washington’s Student Conduct Code. Will talked about this a lot, but it’s not an excuse. And honestly I find it insulting that on some level he thinks what he did was ok because we flirted a little earlier.

Will also tried to justify what he did by saying he had too much to drink and he didn’t know what he was doing. As the University of Washington’s Student Conduct Code says, that just doesn’t matter.

I was really upset by what Will did the first time. But I wasn’t exactly scared by it. Then the second time happened. I was upset about that, too, of course. He had again violated my person, touching me without my permission. But that second time also really scared me. Would he keep doing this? What if the next time there weren’t people there to help me? It’s been very hard to not think about those questions when I’m on campus or when I’m studying. And it’s been hard not to worry that he’s doing this to other women and I’d be letting those women down if I didn’t say anything about it. I guess what I’m saying is, this really has impacted me. And it might be really impacting more students at the University. I believe that Will should get a very serious sanction – at the very least removal from the University for a meaningful amount of time. Thank you.”

Reflection
After reviewing Eva’s closing remarks, consider the following questions:
(1) What do you think Eva did well?
(2) What are other possibilities for preparation?
10. Initial Order

What is this?
The Hearing Officer writes a document that contains their decisions about the factual findings and the conclusions about whether the Respondent is responsible for violating the code. This document is called the initial order. When the Hearing Officer determines that the Respondent did violate the code, the order will also share the Hearing Officer’s decision about the appropriate sanction(s). The Hearing Officer sends the initial order to all of the parties within 90 days of the day of the full hearing.

The initial order will explain the Hearing Officer’s decisions. It must have “findings of fact.” These are the factual determinations about the case that the Hearing Officer made based on the evidence in the record. The Hearing Officer must also include how they considered the facts to apply to the Code and whether there is responsibility for violating the Code (this might be referred to as “conclusions of law” in the initial order).

This document is called an initial order because if you disagree with the decision there are options for challenging it before it becomes final (when it becomes a “final order”). Both complainants and respondents may appeal decisions in the initial order. The initial order will explain what you can do if you do not like the decision. These options are described in more detail below in the section “Options if you disagree with the initial order.”

What should you do?
Begin by reading the initial order. Sometimes the initial order is a long document, so it may take some time. It may be a good idea to look over part of it, then return to reading the rest later. When you receive the initial order it might also be a good idea to talk about it with your Confidential Advocate, who can help you with safety planning or understanding your options going forward. It may also be helpful to talk with your advisor about the case and/or with a counselor or a friend about your reactions to what you read. It is important that you understand the initial Order.

Evaluate the initial order
You might disagree with the Hearing Officer’s decisions in the initial order. For example, you might disagree with the Hearing Officer if they determined that the Respondent did not violate the Student Conduct Code. Or, the Hearing Officer might have found the Respondent to have violated the code, but you might disagree with the sanctions. If you disagree with any of the decisions, then you could spend some time considering why you disagree. You may want to think about whether there are things in the initial order that you think are wrong, inaccurate, or unfair. It is a good idea to write these things down.

Options if you disagree with the initial order?
If you disagree with the initial order, you have some options for trying to change it. There are two options that will be described here: Administrative Review and Reconsideration.

Option 1 – Administrative Review
You can request “administrative review” of the initial order. This means that you find problems with the initial order. If you request review, then a decision-making panel at UW will consider your request and review the Hearing Officer’s decision. For administrative reviews, a panel of UW faculty (and possibly UW student) members will look at the initial order and consider the reasons given in your request for administrative review.
There will be information about administrative review at the end of the initial order. There is also more information at SGP 210 Section 15 and at https://www.washington.edu/studentconduct/administrative-reviews/. Your Confidential Advocate can also provide information about this process.

**What if the Respondent asks for administrative review?**
If a Respondent makes a request for administrative review, you will receive a copy of their request and their reasons for the request. You will have a chance to write a response to share your perspective with the administrative review panel.

**Option 2 - Reconsideration**
The initial order becomes a final order if a request for administrative review is not made within 21 days. If the initial order becomes a final order, you may file a request for reconsideration. A request for reconsideration asks the Hearing Officer to think again about some aspect of the initial order. There will be information about how to make a request for reconsideration at the end of the initial order. There is also more information in the Student Conduct Code at SGP 210 Section 16. Your Confidential Advocate can also provide information about this process.

**Other considerations**
It is important to know that on a request for administrative review it is possible that the review panel may decide that a different sanction, even a less severe one, is the appropriate outcome. This means that, as an example, a Complainant could request an administrative review of a three quarter suspension because they believe dismissal is the appropriate sanction, and the review panel could decide that a one quarter suspension is the right sanction. Such a change would be quite unusual, but it is technically possible.

**Options and Cautions**
- You may wish to read the initial order when you receive it.
- You may wish to reach out to your Confidential Advocate, advisor, or trusted friends or family for support when you get the initial order.
- If you have questions about the initial order, you can reach out to the Hearing Office to ask.
- You may want to take some time to think about how/if you want to request administrative review. You may want to keep the deadline for requesting administrative review in mind so that you don’t miss it.

**Sample: Response to Receiving the Initial Order**
Eva received the initial order from the Hearing Officer and started to read it right away. The first two pages of the initial order stated that Will had been found responsible for violating the Student Conduct Code and engaging in prohibitive conduct of sexual assault and sexual harassment. Will was sanctioned to a one quarter suspension, beginning the next quarter. Eva had to stop reading because she was upset. She called her Confidential Advocate before reading any more of the initial order. They were able to schedule an appointment the next morning. Eva and her Confidential Advocate made a plan for Eva to check in with a friend that night if she got upset, and to reach out to her parents as well.
The next day Eva and her Confidential Advocate went through the initial order together. By reading through the findings of fact and by asking her Confidential Advocate questions, Eva was able to mostly understand how the Hearing Officer made their decisions. Eva began taking notes about what she disagreed with in the initial order. Her Confidential Advocate also answered Eva’s questions about her options for requesting administrative review and the deadline for making that request.

Eva decided that she wanted to make a request for administrative review. She felt that the Hearing Officer had given Will a sanction that was far too light. In reading the section on sanctions and the findings of fact related to the impact of Will’s conduct, Eva felt that the Hearing Officer had not properly considered all of the evidence she had provided about how this had impacted her. Eva also believed the Hearing Officer should have made findings of fact about Will’s similar conduct towards another University of Washington student a year earlier. Eva wanted to argue that those factors together meant Will should be suspended for at least a year, if not dismissed completely. Eva wrote down her thoughts further explaining why the Hearing Officer’s decision was wrong about these two issues and how they were so important to sanctioning. These became part of her request for administrative review based on there being material errors. Eva sent her Confidential Advocate a draft of her request. They talked about it together, and then Eva made some changes.

Eva sent her request for administrative review to the Hearing Officer, the Hearing Coordinator, and all parties and advisors as instructed. Eva was still very upset about the decision and she wasn’t sure how much of a chance she had of getting it changed. It did help her to know that she was doing what she could do to advocate for herself and that the review panel was a completely new group of people who might see things her way.

**Reflection**

After reviewing Eva’s request for administrative review, consider the following questions:

(1) What do you think Eva did well?

(2) What are other possibilities for preparation?
Appendix

• What to Expect in a Full Hearing
• Objections to Questions Asked of Witnesses
• Day of Full Hearing Process Chart
BEFORE THE FULL HEARING

Initiation of a Full Hearing

- A full hearing is initiated by a Conduct Officer or Review Panel when they determine that a full hearing is necessary, such as if suspension or dismissal may be warranted as a disciplinary sanction.
- You have not been found responsible for misconduct. That will be decided at the full hearing.
- The Conduct Officer sends the Notice to Initiate a Full Hearing to explain to the Hearing Coordinator why a full hearing is needed.
- Next, a Hearing Officer will be assigned. It is the Hearing Officer's job to preside over the full hearing, act as a neutral fact finder, and decide if you are responsible for misconduct under the Student Conduct Code.
- The Hearing Coordinator will then send a Receipt of Request to Initiate a Full Hearing to you, the other party, and the Conduct Officer.
- This receipt includes contact information and other initial information about the hearing.

Choosing an Advisor

You may have an advisor support and advise you throughout a conduct proceeding. Your advisor may be an attorney, but you do not need an attorney.

For Questions about the Full Hearing Process

The Hearing Coordinator can be contacted via email at hadmin@uw.edu.
SCHEDULING THE FULL HEARING

Scheduling the Full Hearing
Once a hearing date is scheduled, the Hearing Officer will send a Scheduling Notice to you, the other party, and the Conduct Officer which includes the following information:

- Hearing date and location;
- Deadlines for requesting that witnesses participate by phone or video conference; and
- Date for Prehearing Conference, if applicable.

You, the other party, and the Conduct Officer will also be sent a copy of the Conduct Officer's record and two forms to complete: (1) Submission of Witnesses; and (2) Submission of Evidence. The deadlines for submitting these forms are included in the Scheduling Notice.

Submission of Evidence
The Submission of Evidence form allows you, the other party, and the Conduct Officer to submit evidence for the hearing, such as documents, photos, text messages, and other relevant pieces of information.

On the form, you have the opportunity to identify other items that you would like the Hearing Officer to consider and explain why such items were not presented to the Conduct Officer during the investigation. The form also allows you to object to evidence being included in the hearing.

The Hearing Officer will make the final decision on items that will be allowed as evidence.

If you do not submit the form by the deadline, you may not be allowed to add evidence to the record for the full hearing. Any objections you raise to evidence in the record may

Submission of Witnesses
The Submission of Witnesses form provides you with the opportunity to identify witnesses you want to have testify at the hearing, including yourself. It also allows you to object to specific witnesses testifying or being present at the hearing.

If the form is not submitted by the deadline, witnesses may not testify at the hearing and certain objections raised about witnesses may not be considered. The Hearing Officer ultimately decides which witnesses will testify at the hearing based on the material in the record, information on the Submission of Witnesses form, and other matters gathered by the Conduct Officer during the investigation.
THE PREHEARING CONFERENCE

Participating in the Prehearing Conference

- The Prehearing Conference is an opportunity to address matters before the hearing, including requesting the hearing to be closed to the public.
- It is intended to provide transparency in the process and allow for the hearing to be as efficient and effective as possible.
- The Prehearing Conference is typically conducted in a phone conference with you, the other party, the Conduct Officer, and the Hearing Officer. You may have your advisor present, but only you or the advisor (if your advisor is an attorney) may speak on your behalf during the Prehearing Conference.
- The Hearing Officer will make decisions about witnesses and evidence for the hearing during the Prehearing Conference. Parties are also able to address logistical and other issues during this time.
- You are encouraged to participate in the Prehearing Conference. You may not have another opportunity to bring up concerns or submit new evidence or witnesses unless there is a compelling reason for not participating or introducing these concerns during the Prehearing Conference.

Prehearing Order

- After the Prehearing Conference, the Hearing Officer will send a Prehearing Order to you, the other party, and the Conduct Officer documenting any decisions made.
- This order specifies who can testify at the hearing and any documentation to be admitted into evidence.
- The Prehearing Order will also address any other issues discussed at the Prehearing Conference.
- You should expect to receive the Prehearing Order within approximately 5 business days after the Prehearing Conference.
- If the Prehearing Order indicates any changes to portions of the record being admitted into evidence, you are responsible for modifying the record you originally received to reflect those changes.
- Sometimes the Hearing Officer will issue more than one Prehearing Order if additional issues arise that could be handled prior to the hearing but were not addressed in the first Prehearing Order.
PREPARING FOR THE FULL HEARING

Witness Preparation

- The Hearing Coordinator will contact witnesses and let them know the date, time, and place of the hearing.
- The Hearing Coordinator will ask witnesses if they will be testifying in person, by phone, or video conference. Be sure you have provided the Hearing Coordinator with correct contact information for witnesses.
- If you become aware that a witness will be unavailable during the hearing, please tell the Hearing Coordinator as soon as possible.
- If witnesses are not available when it is their turn to testify, the hearing will proceed without them unless there is a compelling reason why they are not present.

Preparing Your Questions for Witnesses

- During the full hearing, you will have the opportunity to question witnesses.
- All questions will be submitted electronically to the Hearing Officer.
- You are encouraged to prepare a list of questions to ask witnesses when you are preparing for the hearing.
- Having a list of questions prepared will help the efficiency of the hearing.
- More information about questioning is on page 6 of this document.
AT THE FULL HEARING

People Who May Be Present

- Those in attendance typically include the Hearing Officer, the Conduct Officer, the other party, and you.
- You may bring an advisor; this could be an attorney, although that is not required.
- The hearing will be recorded either by a digital audio recorder or by a certified court reporter.
- Witnesses other than the parties are typically not permitted to be present other than when they are testifying.
- The Prehearing Order will usually document whether the witnesses or the parties be present in person, by phone, or video conference and whether anyone else can be present during the hearing.
- If the Respondent attends the hearing but chooses not to testify, a negative inference will not be drawn; in other words, the Hearing Officer will not use the fact that the Respondent did not testify as a reason for finding the Respondent responsible for the prohibited conduct.
- If you or the other party choose not to testify, the Hearing Officer may, however, proceed with the hearing and reach a finding based on the available and admissible evidence.
- If you or the other party choose not attend the full hearing, the Hearing Officer may proceed with the hearing and reach a finding based on the available and admissible evidence.

The Hearing Process

The rules in Chapter 210 of Student Governance and Policies and all Orders entered by the Hearing Officer set the framework for the hearing.

When opening the hearing, the Hearing Officer will conduct introductions, provide an overview of the hearing process, and set the tone for the hearing.

In general, the full hearing proceeds as follows:

- The Hearing Officer opens the hearing;
- Each party may have the option to present an initial summary statement;
- The parties and/or identified witnesses testify; and
- Each party may have the option to present a final summary statement.

The Prehearing Order will typically document whether initial and/or final statements are permitted. These statements are usually only 5-10 minutes and are not considered as evidence. If permitted, it is your choice whether you present an initial and/or final statement.
Testimony and Questioning

Testimony and questioning in full hearings typically proceeds as follows:

- The Conduct Officer will testify first.
- The Hearing Officer will ask the Conduct Officer questions, and then you and the other party will be able to ask the Conduct Officer questions, directing them through the Hearing Officer.
- Parties will send their questions to the Hearing Officer electronically. All parties will be able to see the questions submitted to the Hearing Officer in real time.
- The Hearing Officer will determine whether or not questions are appropriate based on the guidelines set forth in the Prehearing Order and the provisions in Section 11 of Chapter 210 of the Student Governance and Policies.
- The Hearing Officer may ask, rephrase, or skip submitted questions.
- If the Hearing Officer skips or rephrases a question, the reasons are documented in the record.
- If you don’t agree with the Hearing Officer’s decision to ask, skip, or rephrase a question, you may object.

This process is typically repeated when each witness – including you, if you so choose - testifies, until all the witnesses have testified. Ultimately, the Hearing Officer has the discretion to decide how testimony is provided and how questioning is completed.

Objections

During the testimony, you, the other party, and the Conduct Officer may make objections. The purpose of objections is to alert the Hearing Officer when you believe that the testimony or other evidence being offered is not admissible. Following are some guidelines on making objections:

- You should make an objection at the time the evidence is presented, or you will not be able to raise that issue later in the hearing.
- When you make an objection, direct it to the Hearing Officer and not the person testifying.
- When an objection is made, the person testifying should stop and wait until the Hearing Officer responds to the objection.
- If the reason for the objection is clear, the Hearing Officer will rule on it without asking for explanations.
- If the reason for the objection is unclear, the Hearing Officer will ask the party making the objection to explain further, and the Hearing Officer may also ask the other party to respond to the objection.
- The Hearing Officer will then make a ruling on the objection.
- The Hearing Officer may also decide that a question or line of questions will not be allowed, even if none of the parties object.
AFTER THE FULL HEARING

Initial Order from a Full Hearing

After the hearing, the Hearing Officer will issue an *Initial Order*, which includes the following information:

- Whether the Respondent has been found responsible for engaging in prohibited conduct (if there were multiple charges, the Hearing Officer will make a decision on each charge);
- The Hearing Officer’s factual findings and reasons for making the decision;
- If found responsible, the sanction(s) imposed and the reason the sanction was selected; and
- Information about how to request administrative review of the decision.

Administrative Review

You or one of the other parties may request an administrative review of the Hearing Officer’s finding of responsibility and/or the sanction(s). Section 15 of Chapter 210 of Student Governance and Policies outlines the criteria for requesting an administrative review. You must identify the specific ground(s) when requesting an administrative review.

The review will then be completed by a panel of faculty who are called Reviewing Officers. If a review is requested, you and the other party will be provided with more information about how administrative reviews are completed.

Final Order

If an administrative review is not requested and the order becomes final, the Conduct Officer will implement the sanction.

You or the other party may, however, seek reconsideration by the Hearing Officer of the *Final Order* by submitting a Request for Reconsideration to the Hearing Coordinator within 10 days of the date the *Initial Order* becomes a *Final Order*. You need to give specific reasons for requesting reconsideration; saying that you disagree with the order is not enough. Information about requesting a reconsideration will also be in the *Initial Order*. 

Pay Close Attention to Deadlines

If you do not request an administrative review by the deadline stated in the *Initial Order*, the *Initial Order* from the full hearing will become a *Final Order*. 
GLOSSARY OF TERMS

ADMINISTRATIVE REVIEW: a request made by a party seeking review of an Initial Order under certain grounds

ADVISOR: a person selected to provide support and guidance during the student conduct process

ATTORNEY: a person permitted to practice law in Washington State

COMPLAINANT: a person who is the subject of the prohibited conduct, whether or not that person made a report that a violation of the Code had been committed against them

CONDUCT OFFICER: an individual who has the authority to initiate conduct proceedings under the Code

FULL HEARING: the hearing that occurs when a matter is designated as being appropriate for a full adjudicative proceeding

HEARING COORDINATOR: an individual who works with the Hearing Officer to schedule hearings, send out forms and orders, answer questions about the logistics of the hearing, and serves as the contact person for responding to accommodation requests

HEARING OFFICER: a Presiding Officer in a full hearing for the purpose of conducting a full adjudicative proceeding

INITIAL ORDER: refers to an initial written decision issued in a disciplinary matter by a Presiding Officer

PRESIDING OFFICER: refers to Conduct Officers and Hearing Officers collectively

RESPONDENT: any student or student organization reported to have engaged in or charged with prohibited conduct under the Code

STANDARD OF PROOF: the level of certainty to establish responsibility is a “preponderance of evidence,” which means that based on all the evidence in the record, the facts demonstrate that it is “more likely than not” that the Respondent violated the Student Conduct Code

The University of Washington reserves the right to modify, delete, or edit the content without notice.

This informational booklet should not be construed as legal advice or a guarantee of outcomes.

If you have questions about the information in this booklet, contact the Hearing Coordinator at hadmin@uw.edu.
Objections to Questions Asked of Witnesses

What is an objection to a question?
A complaint to the Hearing Officer about the question that usually includes a request that the question not be asked or at least be changed.

What are some examples?
This is not a full list of objections. These are common objections to give you an idea of the types of issues that can come up. A sample case using common objections is on the back of this handout.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Reason</th>
<th>Legal Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. This isn’t about the case.</td>
<td>Evidence should help determine whether an important fact is more or less likely to be true.</td>
<td>Relevance</td>
</tr>
<tr>
<td>2. This was already asked about.</td>
<td>Witnesses should not be asked the same thing over and over again.</td>
<td>Asked and Answered</td>
</tr>
<tr>
<td>3. This asks the witness to guess.</td>
<td>Witnesses should answer based on their own experiences or knowledge.</td>
<td>Speculative</td>
</tr>
<tr>
<td>4. This is confusing.</td>
<td>Questions should make sense and be easily understandable.</td>
<td>Confusing</td>
</tr>
<tr>
<td>5. Not sure how we got here.</td>
<td>We should know why the witness is being asked the question and whether they may have information to answer it.</td>
<td>Lack of Foundation</td>
</tr>
</tbody>
</table>

How can a party make an objection? What will happen?
Speak out loud to get the Hearing Officer’s attention. There is no special wording a party has to use to make an objection. Here’s a common scenario:
1. A party can say something like: “I have a problem with that question,” or, “I object.”
2. The hearing officer will ask that party about their objection.
3. The hearing officer may ask the other parties about their thoughts, too.
4. The hearing officer will either (a) agree and correct the issue, or (b) not agree and explain why (this would usually mean that the question or answer moves forward).

When can a party object?
Most objections happen during witness testimony when an electronic question is submitted. If there is a concern about a question, speak out loud to let the Hearing Officer know.

Note: This handout is not legal advice. It is up to the parties to decide whether they want to make an objection or not. If you do want to make an objection, please speak out loud to let the Hearing Officer know.
Sample Case with Common Objections

Scenario: The University has alleged that Student A stole a laptop from a classroom in Building X. Student A provided an interview with the Conduct Officer and is now testifying at the full hearing. These questions are being asked of Student A.

**Question #1:** Are you in a romantic relationship with Student C?
**Objection:** “This question isn’t about the case.” (This is also known as a **Relevance** objection.)

**Explanation:** Whether Student A was in a relationship with Student C is not helpful for determining whether Student A stole the laptop. This question would likely not be allowed. Other factors could change that decision. For example, if Student C’s laptop recently broke and C needed a laptop for class, then information about A’s and C’s relationship might show a reason for Student A to steal a laptop.

**Question #2:** Were you in Building X on Monday night? (Background: Student A’s statement says Student A was not in Building X on Monday night. Student A also already answered a question about where they were on Monday night and said they did not go to Building X on Monday or Tuesday.)
**Objection:** “This was already asked about.” (Asked and Answered.)

**Explanation:** Student A has already testified that they were not in Building X on Monday. Continuing to ask the same question of Student A can be harassing and wastes time.

**Question #3:** Who do you think would have taken the laptop?
**Objection:** “This question asks the student to guess.” (**Speculative**.)

**Explanation:** Unless Student A has knowledge about someone else, this is asking Student A to just guess. A guess does not provide information that helps determine the truth of an important fact. A question like “Did you hear anyone talk about wanting to steal the laptop?” would likely be an appropriate question because it asks the witness whether they heard or saw something specific.

**Question #4:** You are testifying that you didn’t know the laptop was in Building X, or am I wrong?
**Objection:** “This is confusing.” (**Confusing**.)

**Explanation:** Because there are two parts to the question, a yes or no answer would be unclear. If the answer was yes, is the witness saying that they did not know the laptop was in the building, or that the person asking the question is misunderstanding the witness’s testimony? The same problem exists with a no answer. This is also known as a “compound question” because it is really two questions.

**Question #5:** How many rooms are there in Building X?
(Background: The Conduct Officer’s record does not have any information about Student A ever being in Building X. Student A hasn’t been asked about whether they have been to Building X.)
**Objection:** “Not sure how we got here.” (**Lack of Foundation**.)

**Explanation:** Generally, witnesses should be asked questions only about their personal knowledge. If there is not already an indication that a witness has personal knowledge about something, then first questions should be asked about whether the witness personally knows about the topic. Only after establishing that the witness has that personal knowledge should questions about that topic be asked.

**Note:** This handout is not legal advice. It is up to the parties to decide whether they want to make an objection or not. If you do want to make an objection, please speak out loud to let the Hearing Officer know.
Day of Full Hearing Process

**Hearing Starts**
- Introductions
- Orientation about the full hearing process
- Questions?

**Opening Remarks**
- Conduct Officer
- Complainant
- Respondent

**Witness Testimony**
1. Hearing Officer asks witness questions
   - Hearing Officer
   - Witness

2. Parties each have a turn to propose questions
   - Hearing Officer
   - Witness

3. Any follow-up questions
   - Complainant
   - Conduct Officer
   - Respondent

- Proposed questions are submitted electronically to the Hearing Officer through the Zoom chat feature.
- The order of who proposes questions first may change depending on the witness. For example, if Complainant is testifying, after the Hearing Officer has finished asking Complainant questions, the Complainant will first get to testify about anything else they want to cover before the Conduct Officer or Respondent may ask them questions.
- Follow-up questions are allowed if the questions are about the witness's answers to earlier questions from other parties.
- Process is repeated for each witness. Parties may testify as witnesses.
- Parties can ask for breaks as needed. Breaks are often taken between testimony.

**Closing Remarks**
- Conduct Officer
- Rebuttal
- Complainant
- Respondent