



## **Policy 6.4 - Resolution of Reports Against Students**

### **Pre-Hearing – Questions and Topics – Overview and Guidelines for Content and Form**

#### ***Overview***

All testimony at the hearing is through a question-and-answer format. The Hearing Panel and Hearing Chair conduct all questioning. The Hearing Panel's questions may be a combination of questions that you and the other party request and the Hearing Chair approves, as well as questions that the Hearing Panel and Hearing Chair want to ask.

The Hearing Chair will approve in substance any of the parties' requested questions and topics that are relevant and that are not prohibited by the procedures or applicable laws, unduly prejudicial, or cumulative of other evidence. The Hearing Chair may also approve the substance but not the form of a requested question (see below guidelines). The Hearing Chair would then reframe the question.

For any given person who testifies, you may propose questions, topics, or both. If you find it difficult to write questions, you may simply propose topics, for example, the topic of "what witness X saw or heard at Y time."

You may propose questions and topics for all witnesses on the witness list; yourself; and the other party.

As a party, you have a right to testify. If there is a chance that you will testify, either because you would affirmatively like to do so, or because you are willing to answer questions, you are strongly encouraged to prepare questions and topics in advance of the hearing, and include them in the *Pre-Hearing – Questions and Topics Form*. It is similarly helpful for you to assume that the other party might testify, and so you should prepare in advance of the hearing desired questions and topics for the other party to answer. At the hearing, you will have a chance to propose additional questions and topics for yourself and the other party, but the allotted time will be far shorter than the time to prepare in advance of the hearing.

#### ***Guidelines for Content and Form***

In thinking about the content of both questions and topics, start first with your goal – what do you wish to achieve through questioning?



For questions and topics for yourself, consider sharing with the Hearing Panel: (1) what you are able to remember about relevant events; (2) your thought process during such events; (3) your reason(s) for reaching relevant conclusions; and (4) facts that you think are relevant.

For any witnesses you requested, you already explained why the individual's presence at the hearing may be relevant and helpful to the Hearing Panel in determining responsibility when you submitted the *Pre-Hearing – Witness Request*. Now, you may write questions and topics around those areas of inquiry you identified as relevant and helpful.

As previously mentioned, there are limitations on content. Questions and topics must be relevant and not prohibited by the procedures or applicable laws, unduly prejudicial, or cumulative of other evidence. Additionally, evidence that was excluded or redacted from the investigative record as impermissible under these procedures or applicable law will not be admissible at the hearing, with some exceptions at the sanctions stage.

In regard to the form of questions, questioning will, generally, be conducted through open-ended questions. These are the usual *who, what, when, and where* type of questions, for example: *Who were you with?; What did you hear or see?; What happened next?; When did this occur?; and, Where did you go?* You might be asked to *Describe what you saw or heard*. One of the challenges with open-ended questions is that they can elicit extraneous information, so it is useful to provide boundaries. For example, if it may be relevant to hear testimony about the events at a party on a Saturday night, you may request that a person be asked, *What happened once you got to the party?* instead of *What happened on Saturday night?*

Open-ended questions are neutral questions in that they do not direct the person being questioned to give a desired answer. In contrast, leading or close-ended questions, which are to be avoided for any matters in contention, suggest or include an answer. Often such questions call for a "yes" or "no" answer. Leading questions might be appropriate when the goal of a question is clarification – for example, to clarify whether a person said, saw, or did something. But the tone of such questions may not be accusatory – *Isn't it true that you said ...?* Rather, such questions should be posed neutrally, as in, *Did you say X?* or *Are you able to remember hearing person Y say X?*