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 conducts 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; the investigator, who will answer questions about the investigative record and report; yourself; and the other party.

As a party, you have a right to testify and you may decide at the hearing whether to do so. If there is a chance that you will testify, either because you would affirmatively like to do so, or because you would be willing to answer questions, in advance of the hearing, you are strongly encouraged to prepare questions and/or topics that you wish to address at 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/or topics for the other party. At the hearing, you will have a chance to prepare and propose questions and/or topics for yourself and the other party, but this preparation 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/or topics for yourself, your goals might be to tell the Hearing Panel what you are able to remember about relevant events, explain your thought process during such events, explain why you reached relevant conclusions, and explain facts that you think are relevant.

For any witnesses you requested, you implicitly answered this question in the Pre-Hearing – Witness Request Form when you explained why the individual’s presence at the hearing may be relevant and helpful to the Hearing Panel in determining responsibility. Now you might try to 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/or 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 also request that a person be asked: “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 might 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: for example, “did you say x?,” or “are you able to remember hearing person y say x?”