4.3.3 The Evidentiary Hearing

Formerly Known As Policy Number: 4.3.C

1. At least five weeks prior to the commencement of the Evidentiary Hearing, each party must provide the Hearing Officer and the other party with copies of the exhibits it intends to introduce as evidence and with a list of the witnesses it expects to call, along with a detailed summary of the testimony expected from each witness.

2. Immediately following these submissions, the Hearing Officer will entertain any motions (including motions to exclude any such testimony or exhibits as outside the scope of the issues, unduly prejudicial, etc.). At least four weeks prior to the date of the Evidentiary Hearing, the Hearing Officer will rule on any such motions and will prepare a Pre-Hearing Order composed of the Advisory Board's determination of issues, the Hearing Officer's ruling on the motions, and the parties' lists of exhibits and witnesses and summaries of testimony (revised to reflect any rulings by the Hearing Officer).

3. Either party may add to its list of exhibits and witnesses for the purpose of giving rebuttal evidence. The Hearing Officer will set the time for submission of copies of rebuttal exhibits and of the list of rebuttal witnesses. In the event that a party later proposes to use a witness or exhibit that was not disclosed by the specified time, the Hearing Officer will rule on whether and/or under what circumstances the evidence may be introduced.

4. The purpose of the Evidentiary Hearing is to reach conclusions on the material issues of historical fact identified by the Advisory Board. At the Evidentiary Hearing, the Hearing Officer will hear evidence and will then make detailed findings of historical fact, which are submitted to the Board.

5. Any witness shall be guaranteed the right in the Evidentiary Hearing to invoke the privilege (a) not to incriminate himself or herself in answer to any question, and (b) not to divulge a confidential communication from a University employee or student made with the understanding of all parties to the communication that it would be kept confidential.