

Hearing Panel Procedure (Student Code of Conduct/Honor Code)

BEGIN RECORDING

Call the board to order, state the date and time.

Introduce Yourself.

“This hearing is being held at the request of _____.”

The purpose of the Judicial Board Hearing is to:

- Involve the university community in the administration of the discipline system.
- Provide any student the right to due process.
- Help provide corrective and educative action in response to behavior deemed unacceptable.”

“At this time I would like to go around the table and have everyone state their name and their role here today.”

“Witnesses, please remember that lying during a judicial hearing is grounds for disciplinary action.”

“Everyone present should be aware that all of the information shared and/or revealed in this room is of a confidential nature. You are not to discuss it with anyone.”

“Advisors your role is ‘to advise’. You will not be permitted to speak directly to the hearing board, although we encourage you to advise the person you are here supporting today. To prevent distractions, advisors should advise in writing.”

“Panel members:

- Listen to the information unbiasedly, ask pertinent questions, and form opinions.
- Although “beyond a reasonable doubt” is the standard of proof in a criminal case, you should establish a student’s level of responsibility by the “preponderance of evidence” standard.
- Circumstantial evidence can be used in campus disciplinary cases. Universities are not required to exclude hearsay evidence, although it would be unwise to base a finding of responsibility on hearsay evidence alone.”

Witnesses you are to leave the room at this time.

DO THE FOLLOWING FOR EACH STUDENT

1. Verify that the student received a letter after his/her initial conference.

2. Verify that the student received a letter notifying him/her of the hearing date and time.
3. Verify that the student was given the opportunity to remove members assigned to the judicial board.
 - a. Verify that all panel members have read a copy of the incident report(s).
 - b. The format of this hearing will be as follows: The Judicial Officer will present an opening statement with all student(s) and their adviser(s) present. Once this opening statement is complete, you (each of you) will present an opening statement (while the other student(s) and their respective advisers wait outside).
 - c. Once opening statements have been completed, witnesses will be called and questioned by each party including the panel. The University will present witnesses first, to be followed by each of the accused students being permitted to call witnesses.
 - d. Witnesses can be questioned by anyone (with the exception of the advisers).
 - e. Once all witnesses have been heard and questioned, final statements will be completed in the same order and fashion as the opening statements.
 - f. State a time limit for the hearing.

OPENING STATEMENTS

FOR EACH WITNESS

- As witnesses are brought in, ask them to state their name for the record.
- Remind each student that he/she is obligated to tell the truth and ask him or her if they understand that expectation. Then turn the witness over to whoever has called them.
- Allow for questions by the accused and the panel.

CLOSING STATEMENTS

Individual statements

Confirm student addresses

Explain to the student that the hearing panel will make a recommendation to the Director of the Center for Honor Enrichment & Community Standards and that they will be notified in writing of a final decision within ten business days.

Everyone leaves the room except for board members.

TURN OFF THE RECORDER

Sexual Misconduct Hearing Panel Procedure

BEGIN RECORDING

“I call this Sexual Misconduct Hearing Panel to order.” State Date and Time.

“My name is (NAME) and I am the Asst. Director of the Center for Honor Enrichment & Community Standards. I am serving as the chairperson for this hearing.

This hearing is being held based on the recommendation of the Sexual Misconduct Review Panel. That panel anonymously reviewed information related to the allegations brought forth before you today.

The purpose of this hearing is to:

- *Involve the university community in the administration of the discipline system.
- *Provide any student the right to due process.
- *Help provide corrective and educative action in response to behavior deemed unacceptable.

At this time, I would like to go around the table and have everyone state their name and their role here today.”

REINTRODUCE YOURSELF

“**Witnesses** please remember that lying in a judicial hearing is grounds for disciplinary action.

Everyone present should be aware that all of the information shared and/or revealed in this room is of a confidential nature. You are not to discuss it with anyone.

Advisors your role is ‘to advise.’ You will not be permitted to speak directly to the hearing panel, although I encourage you to advise the student you are here supporting today. To prevent distractions, advisors should advise in writing.

Panel Members,:

- *Listen to the information unbiasedly, ask pertinent questions, and form opinions.
- *Although “beyond a reasonable doubt” is the standard of proof in a criminal case, you should establish a student’s level of responsibility in this administrative hearing by the “preponderance of evidence” standard.
- *Circumstantial evidence can be used in campus disciplinary cases. Universities are not required to exclude hearsay evidence, although it would be unwise to base a finding of responsibility on hearsay evidence alone.”

WITNESSES YOU ARE TO LEAVE THE ROOM AT THIS TIME.

DO THE FOLLOWING FOR EACH (CHARGED) STUDENT

“I need to verify that you received some documentation. You received a letter/form notifying you of the date and time of this hearing, right?”

You were given the opportunity to remove members of the panel?”

FOR MEMBERS OF THE PANEL

“I need to verify that all panel members have read a copy of the incident report(s)”

FORMAT

“The format for this hearing will be as follows:

(ASST DIRECTOR OF CHECS) will present the information that was shared with the Sexual Misconduct Review Panel that recommended the convening of this hearing. The Asst. Director may also present additional information uncovered since the presentation to the SMRP. At the conclusion of this presentation, the panel will be given the opportunity to ask the Asst. Director clarifying questions. Once the panel has concluded with their questions, the accuser and the accused will be given an opportunity to ask questions of the Asst. Director concerning the investigation. YOU MAY SET A TIME LIMIT FOR THIS IF YOU WANT.

*”After (ASST. DIRECTOR’S) presentation and the relevant questions, the accuser will be given the opportunity to make an opening statement if (s)he so chooses.

*After the accuser’s opening statement, the accused student will be given the opportunity to make an opening statement if (s)he chooses.

*Once opening statements have been concluded, I will call witnesses from the Sexual Misconduct Review Panel. Those witnesses are: READ NAMES. *In addition, one other witness called by NAME will be heard from today.*

*Each witness will begin by responding to questions from the Asst. Director regarding his/her knowledge of the incident or his/her role in the hearing today.

*After the Asst. Director’s questions, which are designed to put information in front of this panel, the panel members will be given the opportunity to ask questions. After the panelists, the accuser and then the accused will be given the opportunity to ask additional questions if they so choose. If additional questions remain after the accused student is done asking questions, we will follow the same format again.

*At the conclusion of the witness testimony, the student bringing the accusations will be asked questions in the same format. Upon completion of his/her testimony, the accused student will be asked questions in the same format.

*At the conclusion of the testimony from the accused student, we will entertain final statements. The Asst. Director may elect to offer a closing statement. Each student will also be given the opportunity to make a final statement if he/she wishes to do so.”

IF YOU HAVE A TIME LIMIT FOR THE HEARING, STATE IT NOW.

PRESENTATION OF INFORMATION FROM ASST. DIRECTOR

- *Does the panel have any questions for me?
- *(NAME), do you have any questions for me?
- *(NAME), do you have any questions for me?

OPENING STATEMENTS

- *Accuser goes first
- *Accused goes second

WITNESSES

- *AS WITNESSES ARE BROUGHT IN...
 - “Can you state your name for the record?
 - I remind you that you are obligated to tell the truth. Do you understand that expectation?”
 - START WITH YOUR QUESTION(S)

 - “Panelists, do you have any questions?”
 - (NAME of ACCUSER), do you have any questions?
 - (NAME of ACCUSED), do you have any questions?

 - Are there any more questions for this witness? IF NO, EXCUSE. CALL ALL WITNESSES, THEN CALL ACCUSER, THEN ACCUSED.

CLOSING STATEMENTS

- *ASST. DIRECTOR CLOSING

- *ACCUSER CLOSING

- *ACCUSED CLOSING

WRAP-UP

“I need to confirm your address. To what address would you like the results of today’s hearing sent?”

The Sexual Misconduct Hearing Panel will make a recommendation to the Director of the Center for Honor Enrichment & Community Standards. You will be notified in writing of a final decision within 10 business days.”

That concludes today’s hearing. With the exception of the three panelists, everyone must leave the room.”

TURN OFF THE RECORDER