GUIDE TO FORMAL HEARINGS

The University conducts a formal hearing when you have not been able to resolve your referral by agreement with the Judicial Officer. A formal hearing is not like a trial, but a meeting where a Hearing Panel (Panel) listens to both sides and any witnesses, and reviews documents. The Panel members do not have prior involvement with your case and will determine if you violated University policies.

How do I prove that I am innocent?
You do not have to prove your innocence. The University has the burden to show that you violated campus policy as charged in a Notice of Hearing letter, which you will receive approximately ten days before the hearing. Prior to the hearing, the University will share with you the information the Reporting Party will present to support the belief that you violated the identified policy. You also may submit any relevant information to support your side of the story. This includes documents and witnesses who may speak on your behalf.

Do I have to participate in the hearing?
You are not required to testify or participate at the hearing and the Panel cannot consider your silence an indication of wrongdoing; however, the Panel will review the information and testimony and decide the outcome regardless of your participation.

How do I prepare for the hearing?
Although the Panel will see the information before the hearing, don’t assume they will understand the situation. You should be prepared to explain your story and submitted documents, so that they will understand what took place. You should explain how the information you have submitted is important to your story.

The Notice of Hearing letter gives you a final deadline to submit documents and names of possible witnesses, usually three days prior to the hearing. It is helpful, however, to submit your documents earlier if you have them ready. You may submit a written explanation of what happened, but you are not required to do so. You will always be able to explain the situation at the hearing. If you submit a written statement, the Panel and Reporting Party will review this prior to the hearing.

The University also submits any final documents or names of witnesses by the three-day deadline. OSSJA will make all final materials available at least two days before the hearing.

If you have one or more witnesses, please ask your witnesses ahead of time about appearing on the day and time of the hearing and provide OSSJA with their contact information. If you don’t know how to contact a witness, please let OSSJA know and we will try to find out. OSSJA cannot compel someone to show up and testify at a hearing.

Can someone help me before the hearing or at the hearing?
You may have an advisor assist you. This is not a person who speaks for you, but who can help you prepare for the hearing and with whom you can confer during the hearing. You may select your own advisor. You can have an attorney serve as your advisor, but this is at your expense, and the attorney cannot participate more than any other advisor. OSSJA has student members of the Campus Judicial Board who can serve as an advisor, but they may not be able to be present at a hearing. You can meet with them beforehand to help understand the process. Please let the Judicial Officer know as soon as possible if you would like to meet with a CJB member.

What if I have more questions?
If you have questions at any time, contact the Judicial Officer who is corresponding with you about the hearing or talk with your advisor, if you have one.

Where should I go on the day of the hearing?
Arrive on time for the hearing. Check in at OSSJA (3200 Dutton Hall) unless you are directed somewhere else.

Who will be present in the hearing room?
- Panel: composed of a Chair (usually a student) and two other members (usually a faculty member and another student)
- Reporting Party: presents information in support of the charges (this may be an instructor, TA, or staff member)
- Reported Student: you
What happens at each part of the hearing?
1. The voice recorder is turned on and the hearing begins.
2. Introduction:
   - The Chair of the Panel reads a description of the charges and the process to be followed. The Chair also reminds you and the Reporting Party that testimony must be truthful. During the hearing, the Chair guides everyone through the different parts of the hearing and makes decisions about the procedure. If you have questions during the hearing, ask the Chair.
3. Reporting Party presents information in support of the charges:
   - The Reporting Party presents information about the alleged violations. The Reporting Party generally speaks about the reasons for the referral and goes over any documents that support their concerns.
   - The Panel asks the Reporting Party questions about what was presented. You may ask questions about what the Reporting Party said or about the documents that were presented. This is not a time to present your information or respond to the Reporting Party’s statements. You will have an opportunity to do this later in the hearing.
   - The Panel calls each witness, if any, identified by the Reporting Party. The witness appears and provides a statement or the Chair asks them to describe what they know about the situation. Witnesses are only present during the time they testify and answer questions. It may be necessary to take witnesses out of order, depending on their availability.
   - The Panel questions each witness about their testimony, the Reporting Party follows, then you ask the witness questions about what they said.
   - The Chair asks the Reporting Party if they have presented everything they want to present.
4. You may present information to the Panel:
   - You may present information and go over any documents that you provided by the deadline.
   - The Panel asks you questions about what you say or present. The Reporting Party may also ask you questions.
   - The Panel calls each witness, if any, that you identified. The witness appears and provides a statement or the Chair asks them to describe what they know about the situation. Witnesses are only present during the time they testify and answer questions. It may be necessary to take witnesses out of order, depending on their availability.
   - The Panel questions each witness about their testimony, then you ask questions followed by the Reporting Party.
   - The Chair asks if you have presented everything you want to present.
5. Additional Testimony/Questions:
   - The Hearing Panel may ask or allow additional questions from the Reporting Party or you to ensure a full hearing.
6. Closing Statements:
   - After questioning is complete, each party may give a closing statement. The purpose of a closing statement is to summarize what has been heard during the hearing. No new evidence may be presented during closing statements. You are first to present a closing statement followed by the Reporting Party. You may be allowed to give a brief response.
7. The voice recorder is turned off and the hearing is concluded.

How does the Panel make its decision?
The Panel meets by themselves to determine if you violated the policy as charged. The deliberations are not audio recorded. The standard of proof is a preponderance of the evidence. This means that after reviewing the evidence, the Panel finds that it is more likely than not that you violated the policy. The Panel may deliberate immediately following the hearing or schedule a day and time to meet and deliberate.

When do I find out the decision?
The Panel submits its findings in writing to the Director of OSSJA within seven days of the hearing, unless extended by the Director. Within seven days of receiving the findings, the Director will inform you of the decision in writing and it will include the Panel’s written findings of fact. If you are found in violation, the Director will decide the appropriate disciplinary sanctions. The decision letter will also explain any appeal options.