

GUIDE TO FORMAL HEARINGS

The university conducts a formal hearing when you have not been able to resolve your referral by agreement with the Student Conduct Specialist. A formal hearing is not like a trial, but a meeting where a Hearing Panel or Hearing Officer listens to both sides and any witnesses, and reviews documents. The Officer or Panel members do not have prior involvement with your case and will determine if the preponderance of evidence supports the conclusion that you violated university policy.

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 alleged in the Notice of Formal Hearing, 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 participate at the hearing and the Officer/Panel cannot consider your silence an indication of wrongdoing; however, the Officer/Panel will review the information and testimony and decide the outcome regardless of your participation.

How do I prepare for the hearing?

You may submit a written statement or other documentary evidence on your own behalf for the Officer/Panel's review prior to the hearing. If you intend to call witnesses at the hearing, you will need to submit a list of those witnesses to OSSJA with a brief description of the information they will provide. If you need assistance in requesting the presence of a witness, please let OSSJA know right away. Any document you wish to submit, as well as the names of any potential witnesses, must be received at this office no later than four business days before the hearing. All materials submitted by you and the Reporting Party will be uploaded to a Box folder no later than three business days before the hearing.

You and the Reporting Party may also submit additional information limited to rebuttal of the other party's submission of information no later than two business days before the hearing. All materials submitted in rebuttal will be uploaded to the Box folder no later than one business day before the hearing.

Although the Officer/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.

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 OSSJA 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 OSSJA staff member 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?

Hearings generally take place on Zoom and the link will be provided to you in the Notice of Formal Hearing. Arrive on time for the hearing on Zoom.

Who will be present in the hearing?

- A Hearing Officer or a Hearing Panel: A panel is 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 alleged policy violation(s) (this may be an instructor, TA, or staff member)
- Reported Student: you

- Advisors: if you or the Reporting Party has an advisor available to attend the hearing
- OSSJA Administrator: answers procedural questions and helps the hearing run smoothly
- Recording monitor: assists with recording the hearing

What happens at each part of the hearing?

1. The OSSJA hearing administrator starts the Zoom recording, reads a privacy statement, and the hearing begins.
2. Introduction:
 - The Hearing Officer or Chair of the Panel reads a description of the alleged policy violation(s) and the process to be followed. The Officer/Chair also reminds you and the Reporting Party that information shared 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 Officer/Chair.
3. Reporting Party presents information in support of the alleged policy violation(s):
 - 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 Officer/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 Officer/Panel calls each witness, if any, identified by the Reporting Party. The witness appears and provides a statement or the Officer/Chair asks them to describe what they know about the situation. Witnesses are only present during the time they provide information and answer questions. It may be necessary to take witnesses out of order, depending on their availability.
 - The Officer/Panel questions each witness about their testimony, the Reporting Party follows, then you ask the witness questions about what they said.
 - The Officer/Chair asks the Reporting Party if they have presented everything they want to present.
4. You may present information to the Officer/Panel:
 - You may present information and go over any documents that you provided by the deadline.
 - The Officer/Panel asks you questions about what you say or present. The Reporting Party may also ask you questions.
 - The Officer/Panel calls each witness, if any, that you identified. The witness appears and provides a statement or the Officer/Chair asks them to describe what they know about the situation. Witnesses are only present during the time they provide information and answer questions. It may be necessary to take witnesses out of order, depending on their availability.
 - The Officer/Panel questions each witness about the information provided, then you ask questions followed by the Reporting Party.
 - The Officer/Chair asks if you have presented everything you want to present.
5. Additional Information/Questions:
 - The Hearing Officer/Panel may ask or allow additional statements and 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 information may be presented during closing statements. The Reporting Party is first to present a closing statement followed by you.
 - The recording is turned off and the hearing is concluded.

How does the Panel make its decision?

The Officer/Panel meets by themselves to determine if you violated the policy as alleged. The deliberations are not recorded. The standard of proof is a preponderance of the evidence. This means that after reviewing all the information, the Officer/Panel needs to determine if it is more likely than not that you violated the policy. The Officer/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 Officer/Panel submits their findings in writing to the Director of OSSJA or their designee within 10 business days of the hearing, unless extended by the Director. Within 10 business days of receiving the findings, the Director or their designee will inform you of the decision in writing and it will include the Officer/Panel's written findings of fact. If you are found in violation, the Director or their designee will decide the appropriate sanctions. You and the Reporting Party have appeal rights, which will be explained in the decision letter.