Hearing Board Procedure

Student Conduct Administrator (Facilitator):

*START RECORDING*

☐ “Today is (date)_________________________ and this hearing involves the University of Akron and (complainant and accused student name)”. “Would everyone please introduce themselves and state your role in the hearing”.

☐ (To the Complainant and Accused)_________________________ “Do you have any reason to believe a member of this hearing board will not be able to render a fair and impartial decision”?

☐ (To the Complainant and Accused)___________________________ “Since the Board must come to an understanding of the facts and then make a fair and just decision about those facts, it is vitally important that everyone who speaks with us today tells the truth to the best of his or her ability and recollection. While we are not a court of law and do not swear in witnesses, we still want to be clear about our expectation of you providing us with truthful information. Do you have any questions about that expectation?”

☐ “Is the Board prepared to listen objectively, to ask questions relevant to the allegations, and to make a fair and just decision”? --Board, “We are.”

☐ “My role as the student conduct administrator is to ensure that we follow our procedure and to assist in conducting the hearing in an efficient manner. I will not be providing the board with information about this case during the hearing or participating in deliberations”.

☐ “The primary responsibility of the chairperson is to guide the Board in asking questions that are relevant to the allegations, determining what information should be considered and facilitating the closed deliberations. The chairperson(s) will also participate in asking of questions and will deliberate and vote as a member of the Board. Does everyone understand the roles of the student conduct administrator and chairperson”?

☐ Since ______________________________ (complainant and/or accused student) has opted to have an adviser, let me explain the role of an adviser. An adviser can help before a hearing in the preparation of information to be presented and, during the hearing, can quietly communicate with the individual they are advising. An adviser can remain in the room for the duration of the hearing but cannot speak to or ask questions of the Board or any person speaking during the hearing. Does everyone understand the role of an adviser? (IF NO ADVISOR)-> “Were you informed of your right to have an advisor during the prehearing process? Did you choose during the prehearing process to not have an advisor??
This Board will use the preponderance of the evidence standard when determining if a student is responsible for violating the code of student conduct. This means that the Board must believe the information presented today shows that more likely than not, a student is responsible for violating the code of student conduct. Preponderance means that Board members must be 51% convinced that a violation has occurred.

This board will consider the information presented by each witness equally based on content and perceived truthfulness and not on their position at the University. Does everyone understand this preponderance of the evidence standard?

“(Accused Student)__________________has been accused of violating part _______of the Code of Student Conduct. The violation reads______________________________.

(To the Accused)________________________ “Do you plea responsible or not responsible for violation________? (Repeat for each violation)

(To the Investigating Officer)_______________________“Can you please provide the board with a brief summary of why we are here today and an overview of today’s hearing”

(To the Complainant)___________________“You now have the opportunity to provide information to the board about the alleged violation”.

(To the Accused)________________________ “You now have the opportunity to provide information to the board about the alleged violation”. [optional]

(To the Investigating Officer)_______________________ “You now have the opportunity to provide information to the board about the investigation of the alleged violation(S)”. 

“Does the board have any questions for ____________________________? complaintant, accused & investigating officer

(To the Complainant)”________________________do you have any questions for__________________? accused & investigating officer

(To the Accused)“_________________________ do you have any questions for __________________? complainant & investigating officer

(To the Inv. Officer)”_________________________do you have any questions for __________________? complainant & accused

Does anyone have any further questions before we hear from witnesses?

“Is the board ready to hear from witnesses”? If yes, student conduct administrator brings in first witness.
(Once witness enters room)

☐ “Would everyone please introduce themselves and state your role in the hearing”?

☐ (To the Witness) ________________ “While we are not a court of law and do not swear in witnesses, we still want to be clear about our expectation of you providing us with truthful information to the best of your ability and recollection. Do you have any questions about that expectation”? Please state your name and role at the University.

☐ (To the Witness) ________________ “Please share with the board the information you have concerning the alleged violation”. -OR- “Please share with the board any information you have that may be useful in helping them determine the appropriate sanction for the violation that ___________ has accepted responsibility for. (the accused)

*Accused student should question first if witness is a character witness*

☐ “Does the board have any questions for [name of witness]”? 

☐ (To the Complainant) ________________ “Do you have any questions for [name of witness]”? 

☐ (To the Accused) ________________ “Do you have any questions for [name of witness]”? 

☐ (To the Investigating Officer) ________________ “Do you have any questions for [name of witness]”? 

☐ Does anyone have any further questions for [name of witness] before we move on to the next witnesses?

*Repeat above steps for additional witnesses*

☐ (To the Complainant) ________________ “Do you have any final comments for the hearing board?” If yes, “Do you want a 5 minute break to prepare”?

☐ (To the Accused) ________________ “Do you have any final comments for the hearing board?”

☐ (To Investigating Officer) ________________ “Do you have any final comments for the hearing board?”

Chairperson says, “The Board will now begin the deliberations phase of the hearing. We will take the information presented today and consider the credibility of each source of information. We will then determine if it appears that more likely than not, the accused student is responsible for violating the Code of Student Conduct. I’m going to now ask that everyone who is not a member of the hearing board, please step outside so that deliberations can begin.”

*STOP RECORDING*

(If there was no break before final comments, then facilitator will ask board...)

☐ “Would any of you like a 5 minute break before deliberations begin”?
CLOSED- Board deliberates first to decide whether student is responsible or not. If decision is to find student responsible, the board then moves to sanctioning phase.

CLOSED- Chairperson will consult with student conduct administrator to ask if there is a prior conduct history.

OPEN- If there is prior history, the hearing will reconvene. (Start recorder)
☐ It is ______ (time) the board is now reconvening.

The Accused student will be informed of a finding of responsibility and the Investigating Officer will provide the accused student’s prior violations, sanctions & whether or not sanctions were completed. The Board and Accused student can ask the investigating officer questions. Complainant and Accused will be asked if there is any information they would like to share concerning priors and/or potential sanctions before the board proceeds to the sanctioning phase of deliberations. (SEE BELOW)

☐ (To the Accused) "_________do you have any questions for ___________? (Investigating Officer)
☐ Does the board have any questions for ___________? (Investigating Officer)
☐ (To the Accused) ________________ is there anything you would like to share with the board concerning these past violations?
☐ (To the Complainant) ________________ do you have anything you would like to share with the board about potential sanctions?

CLOSED- The Board will consult with precedent and determine sanction.

OPEN- Chairperson informs student of decision & sanctions.
☐ It is _______ (time) the board has finished its closed deliberations; at this time will the board please information_________________ (the Accused) of his sanctions.

CHAIRPERSON (to the accused & complainant): “Both you and the complainant have the right to appeal our decision and more information about the appeal process is in this brochure and will be in the outcome letter that will be mailed to you. A member of the Student Conduct and Community Standards staff will be available directly following the hearing to answers any questions either of you may have concerning the appeal process and other available resources. Upon the decision of suspension of dismissal the Vice President of Student Engagement and Success will notified of our decision as provided by the Code of Student Conduct, and retains the right to request a presidential review.

☐ “Does the board have any final comments for ______________________”?
   (accused & complainant)

☐ “This hearing is concluded.”