Student Conduct Hearing Board Procedures

This document serves as a supplemental handout to help students involved in a hearing understand the hearing process. For detailed information about the Hearing Board procedures, please refer to the Code of Student Conduct and the Student Conduct Hearing Board Agenda.

Before the Hearing

- Read the Code of Student Conduct/Residence Hall Community Standards specifically the policies under review
- Review the Student Conduct Hearing Board Agenda
- Attend a pre-Hearing meeting with a Dean of Students office staff (encouraged)
- Provide the Case Administrator with all information you would like to be considered in the case including but not limited to your own account of the incident, witness statements and any other relevant information (i.e. pictures, phone/text records)

Scheduling of the Hearing

- A Dean of Students Office staff member will contact you via your student email to schedule your hearing. Please note that failure to respond to contact requests by a staff member will lead to a hearing being scheduled without your input.

- The charged student and complainant(s) will receive a hearing notification at least five business days prior to the date of the hearing. This will include date, time and place of hearing as well as a description of the alleged act(s) and the alleged violation(s).

Who can attend the Hearing?

- Per the Code of Student Conduct, Part III, Section D, Paragraph 2, “The hearing shall be open only to the complainant, the charged student, Hearing Board members and witnesses. Others shall be permitted only if the charged student and the complainant agree”. A procedural advisor will also be present to monitor the hearing process and ensure the prescribed hearing procedures are followed.

  The charged student and complainant are allowed to have an advisor of their choosing present for the hearing process. Advisors (including attorneys) may only act in an advisory capacity and may not represent you or otherwise participate in the hearing.

- Individuals who have submitted statements and are confirmed as witnesses by the Dean of Students Office can attend the hearing. Please note these individuals must be able to speak directly to the incident. The Dean of Students Office accepts character references but they are not shared with or considered by the board.
Where can I get assistance?

All parties involved in a hearing can request support and/or service from the following entities:

- Conduct Advisors Program
  426 Student Union
  Phone: 413-545-1272
  Email: sgaconductadvisors@umass.edu

- Student Legal Services Office
  922 Campus Center
  Phone: 413-545-1995
  Website: www.umass.edu/slso/

- Center for Women and Community (CWC)
  New Africa House
  Phone: 413-545-0883
  Website: http://www.umass.edu/ewc/

- Center for Counseling and Psychological Health (CCPH)
  Middlesex House
  Phone: 413-545-2337
  After 5 p.m. or on weekends and holidays, call 413-577-5000, and ask for the CCPH clinician on call.
  Website: www.umass.edu/counseling

- Faculty and Staff Assistance Program (FSAP)
  219 Hampshire House
  131 County Circle
  Phone: 413-545-0350
  Website: https://www.umass.edu/humres/faculty-and-staff-assistance-program

- Disability Services
  161 Whitmore
  Phone: 413-545-0892
  Website: http://www.umass.edu/disability/
  Students who are registered with Disability Services and need specific accommodations for the Hearing should contact the Disability Services Office as soon as possible

- The Office of Equal Opportunity (EO)
  Title IX Coordinator: Débora D. Ferreira
  225 Bartlett Hall
  Phone: 413-545-3464
  Website: http://www.umass.edu/eod/

- Dean of Students Office
  227 Whitmore
  Phone: 413-545-2684
  Website: http://www.umass.edu/dean_students/
  The Dean of Students Office can provide assistance in navigating campus resources and connect students with the aforementioned campus support services
What happens during a hearing?

Each board is composed of 3-5 members of the campus community (faculty, staff and students). The procedural advisor follows a prescribed procedure, Hearing Board Agenda, to facilitate the hearing. The outline of the hearing agenda is as followed:

- Greeting and Introductions
- Review of Procedures
- Review of Information Received
- Review of Case Information
- Break
- Final Statements
- Final Questions
- Closing of the Hearing

- The procedural advisor does not ask questions during the hearing nor do they participate in the deliberation process. They are present for the deliberation to monitor and ensure hearing procedures are being followed.

- The Chair of the hearing is responsible for leading the deliberation process. The board will rely upon oral and written information and use a preponderance of evidence to determine if the charged student is responsible or not responsible for each alleged violation.

- The board will complete a hearing report outlining their decision and the entire record shall be forwarded, within two business days, to the Dean of Students or designee.

What happens after the hearing?

- Within five business days of receiving the Hearing Report, the Dean of Students or designated University official shall render a written decision regarding the case, which may include findings of facts, sanction(s), and rationale. A copy of this decision will be sent to the charged student. In cases involving violence or sexual misconduct, the complainant(s) shall have the same rights of appeal as the charged student(s). The hearing outcome letter will be sent via email. If applicable, information regarding appeals will be outlined in the outcome letter.

- The status of a student does not change during appeal. The sanctions will commence when the appeal period/process has concluded. All interim restrictions will remain in effect during this period.
I. **GREETING AND INTRODUCTIONS**

Good Morning/Afternoon, my name is (NAME OF CHAIR) and I will serve as the Chair for the hearing today, (SPECIFY DAY OF WEEK, DATE, MONTH, YEAR).

Per the Code of Student Conduct, Part III, Section D, Paragraph 2, “The hearing shall be open only to the complainant(s), the charged student(s), Hearing Board members and witnesses. Others shall be permitted only if the charged student and the complainant agree.” Both parties are allowed to have an advisor of their choosing present for the hearing process. Advisors (including attorneys) may only act in an advisory capacity and may not represent you or otherwise participate in the hearing. A procedural advisor will also be present to monitor the hearing process and ensure the prescribed hearing procedures are followed. An audio recording of this hearing shall be made by the Hearing Board. All other audio and video recording is strictly prohibited and would be a violation of the Code of Student Conduct.

Now, I am going to ask all parties to introduce themselves for the record. Please speak slowly and clearly.

- Would the Hearing Board Members introduce themselves?
- Would the Case Administrator introduce themselves?
- Would the Complainant and accompanying parties introduce themselves?
- Would the Charged Student and accompanying parties introduce themselves?
- Would the Procedural Advisor introduce themselves?

II. **REVIEW OF PROCEDURES**

All involved parties have been notified of the procedures to be followed in the hearing.

- Does the Charged Student understand the procedures? YES NO
- Does the Complainant understand the procedures? YES NO

*NOTE: If any of the involved parties answers “NO”, the Chair and/or the Procedural Advisor may request a break to address any questions/concerns about the procedures to any of the involved parties including the Board.*

*(Read only if witnesses are present): Will all witnesses please leave the room? The Procedural Advisor will inform you when you need to come before the Board.*

*NOTE: If there are no witnesses, skip to Section III.*
III. REVIEW OF INFORMATION RECEIVED

The Hearing Board members have reviewed the following documents prior to the hearing:

NOTE: The Chair will read the list of all submitted documents in the hearing file.

NOTE: In the event of any questions/concerns regarding the submitted documents in the hearing file, the Chair and/or the Procedural Advisor may request a break to address the questions/concerns.

IV. REVIEW OF CASE INFORMATION

A. The Hearing Board has reviewed information submitted by the Complainant, Charged Student, Case Administrator and Witnesses. The Hearing Board has also reviewed questions submitted by all parties involved and will consider them during questions. At this point we will proceed with questioning of all the involved parties.

B. [CHARGED STUDENT’S NAME], You have entered the following responses to the charges. The chair reviews the responses in the case summary report.

Have any of these responses changed? – Responses should be recorded on hearing report

C. We will now move to questions:

1. Do the Board Members have any questions for the Case Administrator?

2. Do the Board Members have any questions for the Complainant? 
   Required:
   a. Can you describe what happened from your perspective?

3. Do the Board Members have any questions for the Charged Student? 
   Required:
   a. Can you describe what happened from your perspective?

4. Does the Board have questions for any of the witnesses?

NOTE: If the board has questions for any witness, the procedural advisor will escort each witness in and out of the room for questioning. If there are no witnesses, the Chair should move to Part D.

D. Summary

   o Does the Case Administrator feel that all questions submitted have been addressed? YES NO

   o Does the complaining witness feel that all questions submitted have been addressed? YES NO

   o Does the charged student feel that all questions submitted have been addressed? YES NO

   NOTE: If a party answers NO, the Board will provide that party with paper to write any final questions and/or highlight any relevant facts.
V. **BREAK**

We will now take a break to allow all parties to prepare final statements and submit any questions they feel have not been addressed.

*NOTE: The Board should take this time to prepare any last questions.*

VI. **FINAL STATEMENTS**

A. We will now resume the hearing. At this time, the Case Administrator, the Complainant, and the Charged Student have the opportunity to present an up to ten minute statement pertaining to the case.

- Would the Case Administrator like to present a statement? YES NO
- Would the Complainant like to present a statement? YES NO
- Would the Charged Student like to present a statement? YES NO

VII. **FINAL QUESTIONS**

The Board has (a few) or (no) last questions it would like to ask.

*NOTE: If the Board has no questions, the Chair should move to Closing of the Hearing.*

VIII. **CLOSING OF THE HEARING**

We have now reached the closing of the hearing. If applicable, the information regarding appeals will be included in the decision letter. This hearing is adjourned. Thank you.