

University 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 University Hearing Board procedures, please refer to the Code of Student Conduct and the University Hearing Board Agenda.

Before the Hearing

- Read the Code of Student Conduct specifically the policies under review
- Review the University Hearing Board Agenda
- Attend a pre-Hearing meeting with a Student Conduct and Community Standards staff member (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, names of witnesses to be interviewed, and any other relevant information (i.e. pictures, phone/text records)

Scheduling of the Hearing

- A Student Conduct and Community Standards 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 respondent and reporting party(ies) will receive a hearing notification at least five (5) business days prior to the date of the hearing. This will include the specific alleged policy violation(s), a summary of the allegation(s) including the date and time of the incident(s), the time and place of the hearing, the University Hearing Board procedures, and a list of campus resources available to individuals involved in the conduct process.

Who can attend the Hearing?

- Per the Code of Student Conduct, Section 5.2.3.b, “The hearing will be open only to the Reporting Party(ies), Respondent(s), Case Administrator(s), University Hearing Board members, Witness(es), Procedural Advisor(s), and Advisor(s). Others will be permitted at the discretion of the Procedural Advisor(s) in consultation with University Hearing Board members”. Each University Hearing Board is assigned a Procedural Advisor who will preside over the hearing and ensure the hearing procedures are followed. The Procedural Advisor will be present for the entire hearing process (including deliberation), and will be responsible for facilitating the hearing and addressing any procedural questions. The Procedural Advisor will not participate in the evaluation of information and/or the determination of a finding.
- Individuals who have submitted statements and are confirmed as witnesses by the Procedural Advisor can attend the hearing. Please note these individuals must be able to speak directly to the incident. The Student Conduct and Community Standards 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
305 Student Union
Website: <https://www.umass.edu/sga/conduct-advisors/>
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
Emergency on-call services, 24 hours a day, 7 days a week.
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 as soon as possible
- The Office of Equal Opportunity and Access (EOA)
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?

The University Hearing Board shall be composed of University faculty, staff, and/or students. Each hearing board will be comprised of three to five (3-5) board members. The procedural advisor follows a prescribed procedure, the University Hearing Board Agenda, to facilitate 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 University Hearing Board will complete a Hearing Board Report outlining the decision regarding the violation(s) and rationale for the decision. The Hearing Board Report will be forwarded to the Dean of Students, or designee, within two (2) business days of conclusion of the hearing.

What happens after the hearing?

- The Dean of Students, or designee, will wait a minimum of three (3) business days after receiving the Hearing Board Report to render an outcome. During the three (3) business days, parties involved may submit relevant information they wish to be considered in determining sanctions. The Dean of Students, or designee, will render a decision to the Respondent. When applicable, the Reporting Party will be notified of the outcome.
- 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.

University Hearing Board Agenda

I. INTRODUCTIONS

Procedural Advisor:

Good Morning/Afternoon, my name is (*NAME OF PROCEDURAL ADVISOR*) and I will serve as the Procedural Advisor for the hearing today, (*SPECIFY DAY OF WEEK, DATE, MONTH, YEAR*) regarding conduct case # (*SPECIFY IR#*).

Per the Code of Student Conduct, Section 5.2.3.b, “The hearing will be open only to the Reporting Party(ies), Respondent(s), Case Administrator(s), Hearing Board members, Witnesses, Procedural Advisor(s), and Advisor(s). Others will be permitted at the discretion of the Procedural Advisor(s) in consultation with all parties involved and hearing board members.” 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 any party or otherwise participate in the hearing. A recording of the hearing will be made by the University Hearing Board. All other recordings are prohibited.

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 Reporting Party and accompanying parties introduce themselves?

Would the Respondent and accompanying parties introduce themselves?

II. REVIEW OF PROCEDURES

Procedural Advisor:

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

Does the Respondent understand the procedures? YES NO

Does the Reporting Party understand the procedures? YES NO

NOTE: If any of the involved parties answers “NO”, 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? I will inform you when you need to come before the Board.

I will now turn it over to the hearing board chair.

III. REVIEW OF CASE INFORMATION

Hearing Board Chair:

This is the information review portion of the hearing. Board Members have reviewed the following information prior to the hearing:

[Chair will read the list of information included in the hearing board report form]

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

Hearing Board Chair:

(RESPONDENT'S NAME), at this time I am going to ask you to respond to each of the policies under review. I request you respond to each policy with one of the following: "responsible", "not responsible" or "no response".

[Chair will read the list of policies under review outlined in the hearing board report form and record responses in the hearing board report form]

Hearing Board Chair:

Earlier, I reviewed the list of information and/or documents board members have reviewed. We will now proceed with questions

1. Would the Reporting Party like to speak to the hearing board about the incident(s)?
If Yes: (REPORTING PARTY NAME), you may address the board
If No, move to Question 2
2. Would the Respondent like to speak to the hearing board about the incident(s)?
If Yes: (RESPONDENT NAME), you may address the board
If No, move to Question 3
3. Do the Board Members have any questions for the Reporting Party?
4. Do the Board Members have any questions for the Respondent?
5. Do the Board Members have any questions for the Case Administrator?
6. 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. If there are no witnesses, move to next section.

Hearing Board Chair:

Before we take a break and prepare for the final portion of the hearing, I want to provide an opportunity for each of you to submit, in writing, any questions you feel need to be considered by the board. Please respond with “Yes” or “No” to the following question:

Would the Case Administrator like to submit any additional questions for the board’s consideration?
YES NO

Would the Reporting Party like to submit any additional questions for the board’s consideration?
YES NO

Would the Respondent like to submit any additional questions for the board’s consideration?
YES NO

NOTE: If a party answers YES, the Procedural Advisor will provide that party with paper to write any questions for the board’s consideration during the upcoming break.

IV. BREAK

Hearing Board Chair:

We will now take a break to allow all parties to prepare final statements and submit any additional questions for the board’s consideration.

V. QUESTIONS

Hearing Board Chair:

We will now resume the hearing. The Board has (*A FEW/ NO*) questions it would like to ask.

NOTE: If the Board has no questions, move to Final Statements.

VI. FINAL STATEMENTS

Hearing Board Chair:

We will now move to final statements. The Case Administrator, the Reporting Party, and the Respondent 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
If Yes: (CASE ADMINISTRATOR), you may make a statement

If No, move to next question

Would the Reporting Party like to present a statement? YES NO
If Yes: (REPORTING PARTY), you may make a statement
If No, move to next question

Would the Respondent like to present a statement? YES NO
If Yes: (RESPONDENT), you may make a statement
If No, move to next section

VII. CLOSING OF THE HEARING

Hearing Board Chair:

Before I turn it to the procedural advisor to close the hearing, do board members need a break to formulate any additional questions?

If Yes: We will now take a break.

If No: I will now turn to the Procedural Advisor to close the hearing.

Procedural Advisor:

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.