



HOUSING & RESIDENTIAL EDUCATION

A Respondent's Checklist for Judicial Hearing Preparations

This document is designed to assist students who are alleged to have violated one or more provisions of the *Housing & Residential Education Handbook* ("the handbook") or other related policies (such as the *Student Alcohol and Other Drug Policy*). Reviewing this document will assist students in preparing for their upcoming judicial hearing.

Questions regarding the judicial process or hearing preparations should be directed towards the student's assigned Hearing Officer.

As you prepare for your hearing, please know you are presumed to be "not responsible" for the alleged violation(s) unless the facts of your case support a finding of responsibility. The determination of responsibility is made when the Hearing Officer(s) concludes(s) it is more likely than not that you have violated the alleged provision(s) of the Handbook. If you have received a Notice of Meeting to schedule a judicial hearing, the facts documented in the incident report(s) – if proven to be true – could support a finding of responsibility for the alleged violation(s). It is therefore important that you carefully prepare for your hearing so that you can respond to the charges adequately. This document will help you do just that.

Disclaimer: This document is not intended to be an exhaustive list of all possible hearing preparations, nor does it replace any information contained within the Handbook. At this time, the instructions in this document apply principally to students whose charges do not involve a student complainant. In cases where student complainants are involved (such as in allegations of Relationship/Domestic Abuse or Violence), additional requirements and considerations may apply that are not listed here in full detail.)

ALL students are urged to read the full Handbook thoroughly upon receipt of their Notice of Meeting to best determine their circumstance.

In preparation for your upcoming hearing, please consider the following:

- It is advisable that you re-read your Notice of Meeting carefully, noting the date, time, and place of your hearing to ensure your attendance

- Your hearing will be scheduled with your academic schedule in mind, though you may request to postpone or reschedule your judicial hearing if you have a viable scheduling conflict. Your request should be directed to Student Rights and Responsibilities (SRR) within 24 hours of receiving the Notice of Meeting regardless of who sent it. Requests will be granted for good cause shown as determined by a staff member in SRR.

- You should come to your judicial hearing prepared to describe, as honestly and as clearly as possible, the details of your involvement in the incident for which you have been charged. Some students find it useful to prepare written notes or statements in advance of their hearing to assist them in sharing important information, timelines, etc (though this is not required)
- A full list of procedures that will be followed by the Hearing Officer can be found online. If you want to learn more about the basic “flow” of the hearing, you should consult these procedures in advance of your hearing.
- You have the right to have an advisor accompany you to your hearing. If it is your intent to bring an advisor, you must notify the Hearing Officer(s) in writing at least twenty-four hours in advance of the hearing of your intent to have an advisor and the advisor’s name. An advisor is defined as a member of the University community, a parent chosen by a Complainant or Respondent to provide personal support through the judicial process. Advisors may not be lawyers, although Hearing Officers may permit a lawyer as an advisor when related criminal charges are filed and pending. Regardless of whether or not students choose to retain an advisor during their judicial hearing, students are encouraged to dialogue with significant others about their involvement in University disciplinary proceedings providing all parties have carefully read and understand the information.
- Your judicial record is personal and confidential, and it is protected by the Family Educational Rights and Privacy Act (FERPA). Generally speaking, if you are at least 18 years of age, information contained in your judicial record will not be shared with a third party (including your parents) without your prior written consent. However, records may be shared with other University officials who have a legitimate educational interest in the information these records contain. The University may also share information from your educational records in other circumstances permitted by FERPA. If you would like any information in your judicial record to be shared with any third party (including parents, advisors, attorney, etc), you will need to sign and submit Waiver of Confidentiality before we can share information with the specified party. The waiver may be submitted SRR. You can come in the office or talk to your Hearing Officer to get this waiver.
- It is very important that all information shared during your judicial hearing is true and correct. If you are found responsible for any alleged violations, your level of honesty will be considered (among other factors) when deciding upon appropriated educational sanctions. Furthermore, providing false information to a University official or during a University proceeding is a policy violation and would subject you to further disciplinary action.