

PREPARATION

- Prepare an opening (and possibly a closing) statement.
- Bring notes made **prior** to the hearing that cover all pertinent information. Organize them chronologically for use as a presentation outline.
- Focus on the incident at hand and information directly applicable to the regulations in question, not irrelevant historical or side information.
- The **complainant** may want to establish their motivation for filing the report.
- The **complainant** and **respondent** may want to establish their desired outcomes for the hearing.

PREPARATION

- After a brief introduction of all participants, the hearing body will briefly describe the procedures:
- The complainant and respondent have up to 30 minutes to present relevant information, including statements from their witness(es). Witnesses will remain outside the hearing room until called in to present their information.
 - The respondent, complainant, and hearing body may then ask questions of any participant in the hearing. This is often the longest part of the hearing.
 - The complainant and respondent have 10 minutes for a closing statement.
 - The hearing body will then review the next steps.
 - Upon conclusion, the hearing body will consider the information presented in relation to the regulations cited in order to determine if any of the allegations were supported by a preponderance of the evidence.

SANCTIONS

- If there is a finding of responsibility, the disciplinary outcomes available to the hearing body are as follows:
- Warning.** *Written admonition of behavior.*
 - Probation.** *Specified period of time with the expectation of no additional violations.*
 - Restitution.** *Pay for the damage caused.*
 - Change of Residence.** *Move to another MSU residence or off campus.*
 - Other.** *Complete an educational assignment, attend a program, seek a counseling evaluation, etc.*
 - Disenrollment.** *Removal from a course.*
 - Suspension.** *Temporary (one semester or more) removal from MSU.*
 - Dismissal.** *Permanent removal from MSU.*

APPEALS

- Both parties may appeal the hearing body's decision on the following grounds:
- There was a procedural error or a conflict of interest on the part of the hearing body.
- Only the respondent may appeal on the following grounds:
- That the information presented at the hearing did not support the decision reached by the hearing body; and/or
 - The sanction is not commensurate with the seriousness of the offense.
- Appeals are first heard by the University Students Appeals Board, which can:
- Reject the appeal;
 - Affirm or reverse the original decision;
 - Direct the hearing body to rehear the case or clarify its decision; or
 - Conduct a hearing of its own to affirm, reverse or modify the original decision.
- All decisions of the USAB are final unless the recommended sanction includes a suspension or dismissal. In such cases, a final appeal may be made to the Vice President for Student Affairs and Services.

A GUIDE TO STUDENT CONDUCT HEARINGS

DEAN OF STUDENTS OFFICE STUDENT CONDUCT & CONFLICT RESOLUTION MICHIGAN STATE UNIVERSITY

This guide is intended for use by anyone preparing to participate in a student conduct hearing, either as respondents (students accused of violations), as complainants (persons accusing a student of violations), witnesses or advisors. The University regulations and the student conduct process are described in full in the student handbook, called *Spartan Life*, specifically the *Student Rights and Regulations*, Article 5: *Adjudication of Non-Academic Cases*.

Note: *This guide does not apply to the hearing or investigation procedures for cases involving sexual harassment or sexual assault. (See the Office of Institutional Equity's policies and procedures.)*

PREPARATION

Hearings are only conducted when a respondent denies violating one or more University regulations cited by a complainant. The purpose of a hearing is to ask a third party (administrator or board, aka "hearing body") to **adjudicate** the areas of dispute.

The **burden of proof** is on the complainant, which means the person who filed the complainant must demonstrate that the respondent violated regulations by presenting evidence and testimony.

The evidentiary standard for demonstrating a violation is a **preponderance of the evidence**. This means that the administrator or hearing board will decide the case based on what was more likely to have happened.

The hearing body will weigh evidence and testimony to determine if a violation occurred.

If none of the cited regulations are supported by the preponderance standard, the case will be dismissed. If any cited regulation is supported, the hearing body will decide on an appropriate disciplinary action (**sanction**). Any prior violation is then considered.

For more information on student policies, visit splife.student.msu.edu

NOTIFICATION OF HEARING

At least 5 class days prior to the hearing, the respondent and complainant will be provided with a **written notice via MSU email** containing the following:

- the name of board or administrator conducting the hearing;
- the time and place of the hearing;
- the regulation(s) alleged to have been violated along with sufficient detail of the allegations to enable the respondent to prepare a case;
- the name of the complainant;
- the name of the complainant's **advisor**, if any;
- the name(s) of the complainant's **witness(es)**, if any.

RESPONSE TO NOTIFICATION OF HEARING

The respondent must reply to the hearing notice (via email), no less than two days from the date of the Notification of Hearing letter, with the following:

- the name of the respondent's advisor, if any;
- the name(s) **and** University affiliation of respondent's witness(es), if any;
- a preference for an open hearing e.g., (i.e., is open to members of the campus community, and subject to conditional approval).

ATTENDANCE AT HEARING

The hearing may be held in the respondent's absence. Should the complainant fail to appear at the hearing, the hearing body may postpone or dismiss the case.

ADVISORS

- An advisor must be a member of the MSU faculty, staff or student body. The complainant and respondent can each bring one advisor.

- An advisor provides support during the hearing but does not represent or speak for the student. They can assist in the presentation of a case by helping with the opening and closing statements.

- ASMSU Student Rights Advocates are pre-approved advisors who have training and experience in the student conduct process. A Student Defender can explain the process, help prepare for hearings, and serve as an advisor.

- Attorney's may only serve as an advisor when it can be demonstrated that criminal charges are pending.

WITNESSES

- Witnesses must be members of the MSU faculty, staff or students, or non-MSU individuals with direct knowledge of the incident in question.

- Witnesses may speak only when responding to questions from the complainant, respondent, or members of the hearing body.

- Witnesses are encouraged to appear in person. Written witness statements are acceptable, but are less credible. It is suggested that written statements include the contact information and be submitted via MSU email.

- Respondents and complainants are responsible for contacting and inviting their witnesses to the hearing.

- Neither party may intimidate the other's witnesses or attempt to influence their testimony.