

Printed Student Name: \_\_\_\_\_ Student ID Number: \_\_\_\_\_

### Pre-Hearing Check List for Respondents/Complainants

**To Conduct Officer:** Please review the following excerpt of the *Standards of Student Conduct* with the student(s). Please ensure each page is initialed and the last page is signed by both yourself and the student(s). When this document has been completed please return it to the Office of Student Standards and Conduct.

**To Student:** The listing of items below is related to the hearing procedures at Radford University, and is designed to help clarify that process for any student that is engaged in it. For additional information please consult the *Standards of Student Conduct* and/or contact the Office of Student Standards and Conduct.

#### Section 1

##### Hearing Procedures

- Hearing participants are advised that hearings are not comparable to civil or criminal trials. Formal rules of evidence and procedure used in courts of law do not apply in student conduct hearings. Hearings should, whenever feasible, promote an informal give-and-take between participants rather than a confrontational exchange. It is expected that any participant in a hearing will contribute to an atmosphere of dignity, civility, respect, and candor among all involved.

##### Removal of Conduct Officer or Board Member

- Conduct officers and board members should remove themselves from a hearing if they believe they cannot be impartial. A respondent may also request the removal of a conduct officer or board member due to concerns of partiality. A conduct officer or board member's prior contact with the respondent or mere familiarity with relevant facts of a case is not normally a valid reason for granting a request for removal. Requests for a new conduct officer or board member should be made at the beginning of the hearing. Requests should state the precise reasons why the respondent believes a conduct officer or board member cannot be impartial. The conduct officer or chairperson will note the request and decide if the challenged conduct officer or board member may participate in the hearing.

##### Closed Hearings

- All hearings will be closed to the public. Only persons with a legitimate role in the hearing will be permitted to attend or participate for the duration appropriate to their role.

##### Availability of Information

- Respondents may contact the assigned conduct officer no more than two (2) business days in advance of the hearing to make arrangements to review and/or receive a copy of any written complaints or allegations, reports, other supporting documentation or media that is relevant to the pending allegations. Respondents scheduled to appear before a conduct board should

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contact the Office of Student Standards and Conduct to obtain access to this information in advance of the hearing.

#### Rights of the Respondent

- Be present at the hearing and hear all statements made;
- Present witnesses and information on one's own behalf (no character witnesses will be considered in a hearing);
- Be accompanied by an advisor;
- Question available witnesses;
- Choose not to attend the hearing, or refuse to answer any questions at the hearing. Students exercising this right are cautioned that a decision will be made based on the information available at the time of the hearing and previously withheld information will not be considered in subsequent appeal requests.

#### Standard for Decision-Making

- If the conduct officer or a majority of conduct board members determines there is a preponderance of evidence (i.e. more likely than not) that the respondent violated the policies as alleged, the respondent will be found responsible.

#### Maintaining Order

- The conduct officer or chairperson has the responsibility and authority to maintain order and determine the proper sequence of events during a hearing. Any person who fails to comply with instructions provided by the conduct officer or chairperson, or who otherwise disrupts or obstructs a hearing, may be directed to leave the hearing, which will proceed in the dismissed participant's absence.

#### Credibility and Relevance

- Conduct officers or chairpersons will determine the relevance and admissibility of any information presented. Conduct officers and board members will determine the credibility of participants.

#### Postponement of a Hearing

- A respondent's request to postpone a hearing must be emailed to the conduct officer no later than two (2) business days prior to the respondent's scheduled hearing. A hearing may be rescheduled if the request is for a reasonable cause at the discretion of the conduct officer. Hearings are not normally postponed because a respondent's work schedule conflicts with the scheduled hearing, a preferred advisor is unavailable, or related criminal charges are filed and pending in court. Any postponement granted should not adversely impact a faculty member's ability to participate in the hearing as a witness. Nothing about this paragraph should limit the Director's ability to postpone a hearing without a student's request.

#### Request for Accommodations

- Students with a documented disability may request the provision of auxiliary aids or services, or other reasonable accommodations, to ensure an equitable opportunity to participate fully in any hearing. Specific modifications or accommodations are determined by the conduct officer, on a case-by-case

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basis after consulting with the Disability Resource Office. Any student with a disability who wishes to request an accommodation should adhere to the procedures and documentation guidelines established by the Disability Resource Office. Students should advise the conduct officer, in writing, of the student's intention to request accommodations no later than two (2) business days prior to the respondent's scheduled hearing in order to permit sufficient time to consider the student's request and make any necessary arrangements.

#### Obtaining Additional Information

- The conduct officer or chairperson will have the ability to reconvene the hearing at a later time or date, to call additional witnesses, to request additional information or documents, or to conduct additional investigation before making a final determination regarding the outcome of any hearing.

#### Advisors

- The respondent may have an advisor of his/her choosing and have that advisor present during the hearing. An advisor may have no other role in the hearing (such as a witness). In cases where a lawyer serves as a respondent's advisor, the respondent is responsible for any lawyer's fees incurred. An advisor's role is limited to providing unobtrusive assistance and support to the respondent before, during, and/or after the hearing. In concert with this role, advisors will not be permitted to speak or otherwise participate directly in any hearing, or make requests on behalf of the respondent. Respondents are requested to provide the conduct officer with notice of their intent to be accompanied by an advisor no later than two (2) business days prior to the respondent's scheduled hearing. A conduct officer or chairperson may also be assisted by an advisor.

#### Observers

- Respondents and participating complainants may have up to two (2) nonparticipating observers present at their hearing.

#### Witnesses

- A witness is regarded as someone who has direct knowledge of the incident at issue. Witnesses may have no other role in the hearing, such as an advisor, and should be present only during their opportunity to provide information and answer questions. The conduct officer or chairperson will decide whether the respondent or complainant may question witnesses directly, or if questions must be submitted to the conduct officer or chairperson, who will decide which of the questions to ask. Character witnesses are not relevant and therefore not permitted. Should a respondent seek to invite any witnesses, it will be the respondent's responsibility to email a list of witnesses and a summary of their roles to the conduct officer no later than two (2) business days prior to the respondent's scheduled hearing.

#### Remote Participation

- Any party directly involved, including the respondent, complainant or any witness, may participate in a hearing remotely by way of videoconferencing, or other appropriate and reasonable means provided the identity of the person participating remotely is known to all parties and all other guidelines and procedures described in the Standards are followed. Notice of intent to

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participate remotely, should be provided to the conduct officer, in writing, no later than two (2) business days prior to the scheduled hearing in order to permit sufficient time to review the request and make any necessary arrangements.

#### Recordings

- The conduct officer or chairperson will create a single, verbatim audio recording of the hearing (not to include any deliberations in cases heard by a conduct board). Hearing recordings are the property of the University. Students will be given reasonable access to the recording as determined by the conduct officer for the purposes of preparing an appeal. Any request to review a recording should be made via email to the conduct officer. Recordings are a part of a respondent's conduct record.

#### Hearing Outcome

- The conduct officer or chairperson will share the outcome after the conduct officer or board has determined whether the respondent is responsible or not responsible for the alleged violations. A rationale for the decision will be provided and, if the respondent is found responsible, any sanctions imposed will be outlined. A hearing decision letter, emailed to the respondent by the Office of Student Standards and Conduct after the hearing, communicates the outcome, supporting rationale, and details and deadlines related to any sanctions imposed, in writing.

#### Records

- The Office of Student Standards and Conduct is the official custodian of records maintained in accordance with the Standards and has final decision-making authority on all requested disclosures and any fees charged for preparing the disclosures. All records maintained in accordance with the Standards will be retained by the Office of Student Standards and Conduct for a period of no less than seven (7) years to facilitate compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Records associated with cases resulting in suspension, dismissal, or incomplete sanctions will be retained permanently.

## Section 2

#### Charges

- Review charges with the student as they are described in the *Standards of Student Conduct*.

#### Plea

- You will have a right to make a Plea at the hearing.
- You can change your plea at any time during the hearing.
- Your three options are responsible, not responsible, no plea.

#### Hearing Outline for Respondent

- First the conduct officer will present his/her statement about the incident and evidence in support.
- He/She will then answer questions from the conduct board and then the respondent.

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- The respondent will then present his/her statement about the incident and evidence in support, followed by questions from the conduct board and then the conduct officer.
- Next the supporting witnesses for the conduct officer will give statements and be questioned by the conduct board, then the conduct officer, and then the respondent.
- Finally the supporting witnesses for the respondent will give statements and be questioned by the conduct board, then the conduct officer, and finally by the respondent.
- Remaining questions can then be asked.
- The conduct officer will then present his/her closing statement and the hearing will close with the respondent presenting his/her closing statement. The conduct board will then deliberate and make decisions regarding responsibility and sanctioning.

### Section 3

#### Appeal Procedures

- Respondents will have the opportunity to appeal a decision of a conduct officer or board.
- Not all sanctions may be appealed. Sanctions involving separation (termination of the housing contract, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct dismissal) are eligible to be appealed.
- Requests for appeal should be emailed to the Office of Student Standards and Conduct within five (5) business days of the date on which the hearing decision letter was sent. The request will then be sent to the Associate Vice President for Student Affairs/Dean of Students, or designee. Requests received after this date will only be accepted for good cause as determined by the designated appellate officer. Any request for an appeal should describe, as thoroughly and precisely as possible, the basis for the request, as an appeal will normally be limited to a review of applicable records. When the Associate Vice President for Student Affairs/Dean of Students, or designated appellate officer, requests to speak with any party regarding the appeal, the purpose will be to gather additional information related to the appeal request, not to rehear a case.
- A student may request an appeal for the following reasons only:
  - To determine whether sanctions involving separation (termination of the housing contract, revocation of admission and/or degree, suspension of student organization status, conduct suspension, or conduct dismissal) were reasonable in light of all relevant factors (other sanctions are not eligible for appeal);
  - To determine whether a significant departure from any provision of the Standards unfairly or materially impacted the outcome of the hearing (deviations from procedures outlined in the Standards will only be instructive when significant prejudice to the appealing student occurs);
  - To determine whether a finding of responsibility was reasonable based on the information available to the conduct officer or board; and/or

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- To consider new information, not previously known or reasonably available to the appealing student at the time of the hearing, that could be sufficient to substantively modify the outcome of the hearing.
- The Associate Vice President for Student Affairs/Dean of Students, or designee, may uphold, modify, overturn, or send back the original decision to the conduct officer or board to remedy any prior errors or to consider new information. The decision of the Associate Vice President for Student Affairs/Dean of Students is final and not subject to further appeal unless the sanction is revocation of admission and/or degree or dismissal. In cases resulting in a sanction of revocation of admission and/or degree or dismissal, the decision of the Vice President for Student Affairs is final and is not subject to further appeal.

I understand that the review of this material was a pre-hearing conference. This information has been reviewed thoroughly and I have had the opportunity to ask any questions. I understand that I can contact the Office of Student Standards and Conduct with any further questions.

\_\_\_\_\_  
**Student Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Conduct Officer Signature**

\_\_\_\_\_  
**Date**

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