

SOUTHEASTERN

LOUISIANA UNIVERSITY

Office of Student Advocacy and Accountability



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Hearing Board GUIDE





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- Checklist of action items for you
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- Hearing Script and Flow
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OBJECTIVE

You have requested your case to be referred to a Hearing Board for adjudication and resolution.

Email osaa@selu.edu if you decide not to pursue a hearing and wish to conclude your case with a conduct officer.

WHAT TO EXPECT

As you begin to prepare for the University Hearing Panel (UHP), there are a few things that you should know about the hearing:

- Consists of up of 3 to 5 faculty, staff and students.
- Chair presides over the hearing and provides direction to you throughout.
- You have the right to ask questions of each material observer (questions must be directed to the Chair).
- You can review your file in advance
- Most hearings last 2.5-3 hours.
- The hearing follows a script
- You will be asked to prepare a statement to be read or stated to the panel; the statement should be your account of what happened.
- You will learn the outcome with in 10 business days by email in a letter with details.
- You have the right to one advisor and may bring that person with you to the hearing.
- The advisor (even if an attorney) may not represent you in General Conduct Matters. (Only in Title IX hearing can an advisor represent you.)
- The advisor may not be directly involved in the case and may not serve as a material observer.

This guide was designed to assist you in preparing for the hearing. Following the steps outlined does not guarantee a particular outcome and these steps are not entirely outlined in the Code of Student Conduct.

If you have questions in advance of the hearing email osaa@selu.edu. For a detailed description see the Student Handbook at www.southeastern.edu/code



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ACTION ITEMS:

Below you will find a checklist of actions that you should complete prior to the hearing in order to be fully prepared to participate:

- Make an appointment with OSAA to review your file in advance of the hearing and discuss the hearing process.
- Begin to consider what information you need to present to the hearing panel.
- You may submit information at least three days prior to the hearing. Email information (documents, photos, etc.) to osaa@selu.edu.
- Consider if you would like to call additional people to share first-hand knowledge of the incident(s) in question. You will submit the names of material observers to OSAA at least two (2) business days in advance of the hearing. Contact the material observers you want to participate to let them know when and where the hearing will be conducted.
- Most hearings last 2.5-3 hours. Be prepared to participate for this length of time by clearing your schedule of other obligations. OSAA does consult your course list and we do not write absence from class letters.
- You will prepare a statement to share with the panel of your account of what happened. This statement comes near the beginning of the hearing and should focus on the incident in your perspective.
- Begin preparing questions for the OSAA Official and material observers. Having some questions written out can be helpful. You will direct all questions to the Chair.



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ORDER OF HEARING PROCEEDINGS:

- The reading of the charges, followed by the entering of pleas
 - Complainant's statement, followed by questions
 - Respondent's statement, followed by questions
 - Witness statements, followed by questions
 - Final questions
 - Complainant's closing statement
 - Respondent's closing statement
 - Deliberation of the board
 - Notification of the board's decision
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- The Chair will start the hearing off with important procedures and information. Then each person will introduce themselves by providing their name and role in the hearing. Example: "Name, Charged Student" or "Name, Panelist."
 - Chair will read aloud the description of the charge(s) in the case and the charged student will be asked if they are responsible or not responsible for each charge.
 - At this time, the charged student may indicate responsibility for some charges, but not all. This is okay. No justification is needed at this time.



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ORDER OF HEARING PROCEEDINGS:

- Complainant will give a statement and explain what happened on the incident date and give a thorough explanation to the board what occurred before, during and after the incident.
- Respondent will have an opportunity to questions the complainant
- Respondent will give a statement and explain what happened on the incident date and give a thorough explanation to the board what occurred before, during and after the incident.
- Complainant will have the opportunity to question the respondent.
- After all final statements and questions, the panel will deliberate and determine outcomes.
- At this time, prior history of misconduct will be taken into account by the panel.
- A letter will be sent to both the complainant and respondent summarizing the hearing outcome.



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HEARINGS SCRIPT & PROCEEDINGS:

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DISCIPLINARY HEARING SCRIPT—

**For the chairperson, please do these tasks first:*

- 1. Review disciplinary hearing and make sure all names, charges, and witnesses are included.*
- 2. Review reports with board and develop questions.*
- 3. Review names of witness before hearing begins.*
- 4. Ask for correct pronunciation of names included in the script.*
- 5. Keep in mind that sufficient information is needed to make a decision.*

[BEGIN READING SCRIPT FOR THE RECORD BELOW]

"Good Morning/Afternoon,

Before we begin with today's proceedings, may I ask everyone to silence your mobile devices?

The following hearing will be tape recorded in order to provide an accurate record of today's hearing; at the end of the appeals process the tape shall become part of the confidential disciplinary record. Confidential disciplinary records will be expunged seven years after the incident date. Confidential records involving separation from the university are kept indefinitely.

The order of today's hearing will be as follows:

- The reading of the charges, followed by the entering of pleas
- Complainant's statement, followed by questions
- Respondent's statement, followed by questions
- Witness statements, followed by questions
- Final questions
- Complainant's closing statement
- Respondent's closing statement
- Deliberation of the board
- Notification of the board's decision

*Are there any questions regarding these proceedings? [*Verbal response needed]

I must remind everyone that lying or providing misleading information will not be tolerated and will be referred for further disciplinary action. Also, any information regarding this case, including information provided through statements, is confidential and should not be discussed outside of this room. All parties are allowed to take notes during disciplinary hearings on the notepads provided; however, in order to preserve confidential disciplinary records, no individual is allowed to remove those notes from hearing proceedings and must be attached to notepad before leaving- do not tear pages from the notepads. The use of audio and/or video [camera] recording devices by participants in this hearing without prior approval is strictly prohibited. Failure to comply with these rules may result in your removal from these proceedings and additional disciplinary action.

*Does everyone understand? [Verbal response needed]

This is a disciplinary hearing for **RESPONDENT**, on **DAY/MONTH/DATE/YEAR**, at **TIME**, in the War Memorial Student Union, Office of Student Conduct Conference Room 1305A.

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I am **NAME OF CHAIR**, Chairperson of the University Disciplinary Hearing Board, and will serve as today's moderator. This is a **TYPE OF HEARING** and will be advised by **NAME OF OSC ADVISOR**. Members of this hearing board include:

1. **NAME OF HEARING BOARD MEMBER**
2. **NAME OF HEARING BOARD MEMBER**
3. **NAME OF HEARING BOARD MEMBER**
4. **NAME OF HEARING BOARD MEMBER**

At this time, will everyone please introduce themselves for the record? Please state your title.

***Only read if an advisor or support person is present...**

*To the advisors of the complainant and the respondent:

This is your first and final warning that you may only speak to your client.

You are not to address the board directly.

Any questions you have should be addressed to the Hearing Board Advisor.

Failure to comply with this warning may result in your removal from these proceedings.

Do you understand? [Verbal response needed.]

Please keep in mind that the complainant bears the burden of proof.

To the board: Please ask as many questions as necessary so that we may collect all facts and information for deliberation efforts.

The complainant for today's hearing is **Complainant**.

The complainant's witness is **NAME OF WITNESS**

OR There are no witnesses for the complainant.

The respondent for today's hearing is **RESPONDENT**.

The respondent's witness is **NAME OF WITNESS**

OR There are no witnesses for the respondent.

RESPONDENT, it is reported that on **DATE OF INCIDENT**, you were allegedly involved in violations of the 2020-2021 Student Code of Conduct Standards; Article IV, Section B. I will read the charge and give you the opportunity to state your plea.

Violation #, DESCRIPTION

How do you plea? Responsible | Not Responsible | No Plea

Violation #, DESCRIPTION

How do you plea? Responsible | Not Responsible | No Plea

Violation #, DESCRIPTION

How do you plea? Responsible | Not Responsible | No Plea

Violation #, DESCRIPTION

How do you plea? Responsible | Not Responsible | No Plea

***IF THERE IS ANY VIDEO/AUDIO EVIDENCE, PLAY IT NOW. IF NOT, MOVE ON.**

It is now time for statements regarding the incident[s] in question. Statements should only include facts about the incident. You will have a chance to give opinions later in this hearing. We will begin with the **COMPLAINANT** followed by **RESPONDENT**.

COMPLAINANT,

Please give the board a factual statement regarding the incident reported.

Does **RESPONDENT** have any questions for **COMPLAINANT**?

HEARINGS SCRIPT & PROCEEDINGS:

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- Does the board have any questions for the **COMPLAINANT**?
Thank you.

RESPONDENT,

- Please give the board a factual statement regarding the incident reported.
 Does **COMPLAINANT** have any questions for **RESPONDENT**?
 Does the board have any questions for the **RESPONDENT**?
Thank you.

It is now time for witness testimony. Please bring in the first witness.
We will start with testimony from the complainant's witnesses followed by the respondent's.

***BRING IN THE WITNESS.**

**Complainant Witness: NAME OF WITNESS*

NAME OF WITNESS,

- Please give the board a factual account of what you know regarding the incident.
 Does **COMPLAINANT** have any questions for **NAME OF WITNESS**?
 Does **RESPONDENT** have any questions for **NAME OF WITNESS**?
 Does the board have any questions for the **NAME OF WITNESS**?
Thank you. You may be excused.
Please bring in the next witness.

***BRING IN THE WITNESS.**

**Respondent Witness: NAME OF WITNESS*

NAME OF WITNESS,

- Please give the board a factual account of what you know regarding the incident.
 Does **COMPLAINANT** have any questions for **NAME OF WITNESS**?
 Does **RESPONDENT** have any questions for **NAME OF WITNESS**?
 Does the board have any questions for the **NAME OF WITNESS**?
Thank you. You may be excused.

It is now time for final questions, we will start with questions from the Board.

- Does the board have any final questions?
 COMPLAINANT, do you have any final questions?
 RESPONDENT, do you have any final questions?
 Does the board have any follow-up questions?

It is now time for final statements. This is a time to give any final thoughts you may have about the incident. We will begin with the complainant followed by the respondent.

- COMPLAINANT**, please present your final statement.
 RESPONDENT, please present your final statement.

This ends the statement portion of today's hearing. It is now time for the board to consider the evidence and discuss recommendations, if any, for the incident reported.



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COMPLAINANT, both you and the responding party will receive simultaneous notifications of the board's decision. A decision reached by the hearing body or a sanction may be appealed by the complainant in cases of physical violence and sexual misconduct. In your notice of the hearing outcome you will find a section explaining your right to appeal the board's decision.

Do you have any questions?

Please do not share any information regarding this case, as it is confidential and should not be discussed outside of this room.

To preserve confidential disciplinary records, no individual is allowed to remove notes from hearing proceedings, please place notepad in basket before you leave and retrieve your phone.

COMPLAINANT, you are excused from this hearing. Thank you for your cooperation.

PAUSE TO ALLOW THE COMPLAINANT TO EXIT

RESPONDENT, you will be notified by electronic mail within 10 business days of the board's decision. If found Responsible, in your Notice of Sanctions letter, you will find a section explaining your right to appeal the board's decision. Your case will remain on file in accordance with the Family Education Rights and Privacy Act.

Do you have any questions?

Again, do not share any information regarding this case, including information provided through statements, is confidential and should not be discussed outside of this room.

To preserve confidential disciplinary records, no individual is allowed to remove notes from hearing proceedings, please place notepad in basket before you leave and retrieve your phone.

You are excused from this hearing, thank you for your cooperation.



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ADVISORS

The term “Advisor” means an individual allowed to offer support to either the complainant or respondent during the Accountability process. An Advisor may not have personal involvement regarding any facts or circumstances of the charge.

Advisors as defined in the Code: An individual allowed to offer support to a Charged Student during the Accountability process. An Advisor may not have personal involvement regarding any facts or circumstances of the Charge.

1) Advisors can be a parent, friend, faculty member, academic advisor, coach, student organization advisor, attorney, etc. Advisors may not serve as witnesses. They must choose one role.

2) The advisor's role is to offer support to the student, not to participate in the hearing or represent the student in General Conduct Hearings. In Title IX hearings advisors can speak on behalf of the student

3) Advisors may not speak on behalf of the student, object in any manner to questions asked or discussions raised. The advisor may not interrupt the proceeding. This hearing is for the student to speak on their own behalf. (In Title IX hearings advisors can speak on behalf of the student).

4) The advisor may assist the student by helping prepare questions, documents to present, etc.

5) The advisor may speak with the student privately at the student's request during a hearing.



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WITNESSES

The term “Witness” means anyone who has first-hand knowledge of an incident.

Witnesses play a voluntary role and may decline any involvement in the disciplinary process.

Both the Complainant and Respondent shall have the right to call witnesses. Although both the complaining and responding parties are responsible for requesting the support of their own witnesses, nothing shall prevent the Chief Student Conduct Officer, the Assistant Director of OSAA, the Director of University Housing, the Residential Conduct Officer or designee from calling witnesses.

- 1) The witnesses are instructed to share information of their first-hand knowledge of the incident(s).
- 2) You may submit witness names and contact information at least two business day in advance of the hearing.
- 3) Instructors in academic cases may serve as a witnesses.
- 4) Character statements are allowed and only used in deciding outcomes.

DELIBERATION AND OUTCOMES



After the Hearing has concluded the panel will discuss the charges and based on the preponderance of the evidence, render a decision and recommend sanctions if found responsible.

Following the final decision of the hearing body, the respondent, will be informed of the determination and recommended sanction, if any, within ten business days.

In cases of sexual assault and/or physical violence, the complainant shall also be informed simultaneously of the determination.

Written notification to your Southeastern Email account is the official form of correspondence.

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UNDERSTANDING OUTCOMES



The goal is to educate and eliminate repeated violations and develop student's personal and academic excellence through educational interventions and trainings that foster student development.



Conduct files will be maintained for 7 years from the date of the incident. However, you may request your file to be expunged one year after graduation.

*Separations from the University will be kept permanently as part of your educational record.



If you are suspended or expelled from the University a transcript notation will be placed on your Official Transcript with the eligibility date of return.



Details for completing sanctions will be stated in the Hearing Outcome letter and may contain attached instruction requirements.

APPEALS

A decision reached by the hearing body or a sanction imposed by the Conduct Authority may be appealed by the respondent(s). A decision reached by the hearing body may also be appealed by a complainant(s) in cases under the Sexual Misconduct Policy that could include acts of violence and harassment [(i.e. such as sexual assault, rape, physical assault, hazing, sexual harassment, and stalking). Following the final decision of the hearing body, the respondent, will be informed of the determination and recommended sanction, if any, within ten business days.

A conduct appeal must be directed to the Vice President for Student Affairs or his/her designee within ten (10) working days of being notified of the decision. If the student is notified of the decision by letter, the student has ten (10) working days from the post-dated stamp on the envelope to make an appeal.

In cases of sexual assault and/or physical violence, the complainant may also appeal the decision of the hearing board.

Generally, a time set for an appeal response will be no more than ten (10) working days after the student has delivered the appeal.

Written notification to your Southeastern Email account is the official form of correspondence.

In your Hearing Outcome letter, there are instructions and a link to the Conduct Appeal form.



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APPEALS ACTIONS

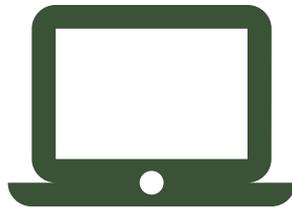
You will need to prepare a written rationale explaining your reason for appealing based on one or more of the following reasons:



1. Whether the discipline process was conducted fairly and in conformity with the properly prescribed procedures;
2. Whether to consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.
3. Evidence of bias by the Hearing Body or Conduct Authority.
4. Whether the sanction or remedy imposed was in due proportion to the gravity and nature of the conduct.



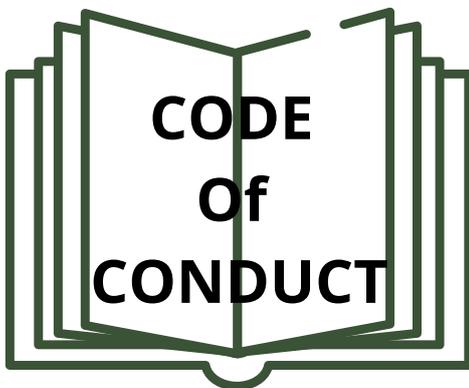
All sanctions remain in effect during the appeal process



You will be notified in 10 business days of the decision via your @southeastern.edu Email



There are 3 levels of appeals:
If you are sanctioned with a separation that goes beyond a year, you may appeal up to the UL Systems Board



Code of Conduct outlines the entire conduct process in full detail:
www.southeastern.edu/code