

## **Preparing for a Hearing Frequently Asked Questions**

### **What's the difference between an Administrative Hearing and a University Hearing Board?**

These two types of hearings are more alike than they are different. The procedure and format is the same, the difference is in who listens to the case presentations and makes the decisions about the outcome. In an Administrative Hearing, an individual hearing officer from the Office of Community Standards & Student Responsibility or Residential Housing hears the case. A University Hearing Board is comprised of 3 or 5 trained volunteers who are faculty, staff members, and students. The majority of the hearing board must always be students. Keep in mind that you are only offered the choice between the two if you are at risk for suspension or expulsion. If your case is one which could only result in probation or a reprimand, you will automatically be given an Administrative Hearing.

### **What are the advantages/disadvantages of each?**

Neither one is inherently better or worse than the other. The advantage of a Hearing Board is that you've got multiple people listening to your case who must then discuss their thoughts with one another. Even if your presentation doesn't convince all of them, the one or two who it does convince, may change the minds of the others when they are deliberating. However, hearing board members don't have as much experience hearing cases as the Community Standards staff. That's where the advantage in an Administrative Hearing comes into play: the person hearing your case is a full-time professional hearing officer. Ultimately, each format is intended to be as fair and neutral as possible, so you should feel free to choose whichever option feels right to you.

### **How should I prepare to present my case?**

There are three components to preparing a case: The introduction, the case presentation, and a summary. One way to think of all of them together is like writing a well-organized essay. Your introduction should be brief, and will simply introduce your main idea: your rationale for denying the charges. The case presentation is the point at which you can go into as much detail, and present as much evidence as is necessary and relevant to support your reasons for denying the charges. The summary is simply one last chance to emphasize your major points as well as a chance to have a last minute influence on what the hearing officer or board will be thinking about during deliberation.

### **Can I bring witnesses?**

Yes. Anyone who can attest to some aspect of your involvement in the incident can be used as a witness. You can ask them specific questions to shape what they present or you can merely ask them to tell what they remember about the events. Keep in mind that the complainant (the person who filed the charges against you) can also ask questions of your witnesses. Also, if you have witnesses who are unable to attend the scheduled hearing time, they may present signed,

written statements or be present over the phone. However, a written statement is rarely as effective or convincing as having the witnesses there in person.

### **Can I ask questions of the complainant?**

Yes, you can ask the complainant anything you feel would be helpful to your case. You can also ask questions of the complainant's witnesses. Thinking about what you'd like to ask and how that can help your case is an important part of preparation for a hearing.

### **Can I bring character references?**

Yes. If you are found in violation, the hearing officer or board will need to make a decision about sanctioning. In that case, it is helpful to give them a positive picture of who you are beyond just your involvement in this one incident. Character references, either written or in person, can be helpful with this. Keep in mind that you'll also be asked to act as your own character reference, so be prepared to talk a little bit about yourself as well.

### **What is an advisor, do I really need one, and who should I choose if I use one?**

An advisor is simply someone who helps you prepare for the hearing. They can come to the hearing with you and assist you in your presentation; however they don't "represent" you the way a lawyer would in criminal court. The board or hearing officer is interested in hearing what *you* have to say, so it's important to do most of the talking yourself. However, an advisor can occasionally raise important points, or things you might have overlooked. While you're not required to bring an advisor, some students do find it helpful. Your advisor can be an OU staff person, an instructor, or another student. Your advisor **cannot** be someone who is otherwise involved in your case as a witness. If you choose to bring an advisor, you may want to consider contacting Students Defending Students. They are trained in our process and can be very helpful. To contact them email [studentsdefendingstudents@gmail.com](mailto:studentsdefendingstudents@gmail.com) or call 740-593-4045.

### **When should I choose to deny the charges and opt for a hearing?**

You should deny the charges if you believe you are not responsible for the charges. You should not deny the charges just because you don't like the potential sanction. If you feel that the sanction is inappropriate (i.e. not consistent with University Sanctioning Guidelines, case precedent, etc.), then you may appeal on the basis of inappropriate sanction.

You should not admit the charges "just to get it over with." If you feel that you are not responsible for the charges, you should deny and request a hearing. The Student Code of Conduct does not have an equivalent of a "no contest" plea. If you admit, the record will simply show that you admitted responsibility for the described actions and you'll be sanctioned accordingly.

### **When will I find out the outcome of the hearing?**

You'll know the outcome before you leave the hearing.

### **What if I don't like the outcome?**

You always have the option to appeal the case. Your hearing officer or the Hearing Board chair will outline this process at the conclusion of the hearing.