Information for Students Attending a Hearing Board

Provided By:
Office of the Dean of Students
You’re Attending a Hearing Board: What Now?

First and foremost, please remember that we are here to help you and that the Hearing Board is another piece of the educational process at SUNY Canton. If you have questions, even after reading this material, please schedule an appointment at the Office of the Dean of Students and we would be glad to assist you with any of your questions. You may also contact me at bish@canton.edu or by phone at 315-386-7120 if you need assistance.

Courtney Battista Bish
Dean of Students

Some definitions for you that will help you with the information below:

**Adjudicating Officer:** This is the person who represents the college at the Hearing Board and is usually the Dean of Students or his/her designee (another judicial officer on campus). This person is well-versed in the Code of Conduct and is here to present the information the college has related to the incident you are in front of the hearing board about.

**Hearing Board:** There are two main hearing boards on campus. The first is the Residence Hall Hearing Board (RHHB), and this is a panel of students who live on campus and meet to hear matters concerning behavior that happens within the residence halls at a lower level (smaller incidents). The second is the Student Faculty Hearing Board (SFHB), which is a three-person board composed of one student, one faculty person, and a staff chairperson. This board meets for higher-level (larger incidents) or matters that happen with commuter students that did not happen in the residence halls. Both boards are made up of impartial individuals whose sole purpose is to hear both sides of the case and then make their best judgment regarding whether disciplinary action should be taken, and if so, what action that should be. The RHHB can impose sanctions up to and including suspension from the residence halls, and the SFHB can impose all sanctions listed in Article V in the Student Handbook.

**Sanctions:** The hearing board, as discussed above, can impose sanctions for the incident brought before them. Sanctions are consequences for the incident, such as community service, judicial educator online courses, restrictions/suspensions from the residence halls or colleges, or other things of this nature. Sanctions are designed to be educational while enforcing the Code of Conduct.

**Code of Conduct:** The set of rules/regulations all students are required to abide by while at SUNY Canton. The Code of Conduct is available online, and should be a document you are familiar with. It also contains more information about disciplinary sanctions and hearing boards.

**What Happens at a Hearing Board?**

A typical order of business for a disciplinary hearing is described below. A hearing board can last anywhere from one hour to several hours, depending on how much information is being presented, how many witnesses are in attendance to give testimony, and how much time the board requires in executive session. It is wise to prepare for a minimum of two hours when attending a hearing.

It is important to remember that a hearing board is **not a court of law**, nor is it bound by the same rules and procedures of a court of law. Our process is educational in nature and we also strive to make it less formal and more interactive than a criminal court proceeding.

**Please note:** If you do not show up for your hearing on time, your hearing will begin without you. It will then be up to the hearing board to determine whether to let you join the hearing late if you arrive after the start of the hearing. As stated clearly in the Code of Conduct, if you are not in attendance for your hearing, it goes on without you with only the adjudicating officer and the hearing board, and you will be notified at a later time of the decision of the board. It is in your best interest to be on time and present at the hearing in order to share your information with the board.
Hearing Board Process:

- The Chair and members of the hearing board will introduce themselves by first names only (other than the judicial officer) followed by all others present. Board member names are anonymous, and the members are set solely to represent their constituency.
- The Chair will briefly outline the procedures for the hearing.
- The adjudicating officer for the College reads the charges, and will ask you to plead responsible or not responsible for the charges. A plea of responsible would be similar to a court of law plea of guilty, and a plea of not responsible would be similar to a court of law plea of not guilty. Again, because this is not a court of law, we do not use criminal court terminology. Additionally, the hearing board is not held to the same standards of proof that a court of law would be.
  - If you plead responsible to ALL charges, the hearing immediately moves to closing statements and goes into executive session. In this case, neither side presents their case nor calls witnesses, and are only permitted a brief statement before the Board deliberates.
  - If you plead not responsible to ANY charge, the hearing continues with the procedure listed below, and both sides are permitted to present a case and witnesses.
- The adjudicating officer gives an opening statement.
- You give your opening statement.
- The adjudicating officer presents the case on behalf of the college calling his/her witnesses to give their testimony.
- You present your case and can call witnesses on your behalf if you choose to.
- **Note:** The adjudicating officer, student and any hearing board member all have the right to ask questions of each witness at any time during their testimony period. Witnesses may also be re-called if necessary. Witnesses in certain circumstances may be offered a different method for answering questions, and this process will be explained at the hearing as appropriate. Additionally, witnesses may be offered alternate accommodations for attending the hearing, such as appearing via Skype/phone conference and/or behind a curtain or from another room as appropriate.
- Closing statement given by adjudicating officer.
- You give your closing statement.
- Hearing Board goes into executive session to discuss the testimony given and render a verdict. (All others must leave the room, including the adjudicating officer, you, and your support person).
- You and adjudicating officer re-enter room to hear the outcome of the hearing from the Board once they have deliberated in executive session and ask you to return. At this time, they will notify you if you were found responsible or not responsible for each charge, and will read any sanctions imposed at that time.
- You will receive an official notice of sanctions from the Dean of Students within five business days of the hearing in your SUNY Canton email.

Questions:

We are always here to help! If you need additional help or have questions, please contact the Office of the Dean of Students at 315-386-7120 or stop by Miller Campus Center 225 to make an appointment.

Appeals:

The Code of Conduct outlines the specific information about appeals, should you wish to do so after the hearing board has issued disciplinary sanctions. Please refer to the Code of Conduct for more information about appeals. The appeals are submitted electronically via the Office of the Dean of Students website.
Preparation for the Hearing

This checklist will help you ensure that you are prepared for your case. Each of these items is explained in further detail under the bulleted point. Please check off each item once you have completed it (for your use):

- **Locate a support person (if you choose to have one)**
  You are offered the opportunity to have a supporter from the College community (i.e., a currently enrolled student or current employee with the exception of administrators or those directly involved in the judicial process such as Residence Life staff members, University Police officers, hearing board members, or judicial conduct staff members) to provide assistance and support during the formal hearing with the Conduct Board. Upon request, the College will supply the names of potential supporters from the College community. The supporter should not include lawyers. You are responsible for contacting the supporter to obtain their approval to serve in this role. You will submit the supporter’s contact information to the adjudicating officer at least two full College business days prior to the hearing. The supporter may: (a) attend the formal hearing with the student; and, (b) advise you during the formal hearing in writing or quiet conversation (recess(es) may be permitted for supporter to discuss matters). The supporter cannot: (a) investigate the Code of Conduct charges outside of the stated conduct procedures; (b) present or prepare your case; or, (c) ask questions or respond to the Conduct Board or respondent(s)/witnesses during the formal hearing. You are responsible for preparing and presenting your own case. Any supporter who violates these rules may be asked to leave the formal hearing.

- **Review your charge letter and be sure that you understand each charge.**
  Make sure you have a good understanding of all the charges brought against you. You should obtain a copy of the Student Handbook which contains the code of student conduct and lists all prohibited conduct from which charges are applied. The Student Handbook can be found online or in the Office of the Dean of Students.

- **Determine a plea of responsible or not responsible for each charge (if pleading responsible to all charges, skip to the step for “closing statements”).**
  You should determine whether you intend to plead responsible or not responsible for each specific charge at the hearing. As mentioned earlier, a plea of responsible is similar to the court of law plea of guilty, and not responsible is similar to the court of law plea of not guilty; however, determining responsibility is not done using the same measures a court of law would.

- **Prepare an opening statement.**
  Your opening statement should be a concise summary of your side of the incident, but should not be a telling of all the facts/details in the case (you will do that when you present your case). An opening statement should be no longer than 2 minutes, and should just be a summary.

- **Prepare your case by reviewing all police statements, referrals, incident reports, or former discipline being presented in your case by the adjudicating officer.** You may review this information by making an appointment with the Dean of Students to access the information if you do not already have it.
  Prepare your case, along with determining if you wish to bring any witness. The adjudicating officer may also present any witnesses, statements, video footage, or former disciplinary matters from your file, should you have any. You are provided access to all written statements and incident reports being used at your hearing before the hearing and can schedule a time to review these materials with the Office of the Dean of Students.

- **If calling witnesses, meet with each and develop a list of questions you intend to ask them**
  You may want to bring witnesses on your behalf to the hearing. Please note that only witnesses to the actual incident are able to be called- you cannot call “character” witnesses (such as people who would testify that you are a nice person or a good student). You will want to prepare your witness for the questions you will ask them, and also that the adjudicating officer and hearing board will likely ask them questions as well.

- **Prepare a closing statement.**
  Similar to the opening statement, the closing statement is a brief summary of your position on the incident. This should not be a retelling of all the facts of the case, but instead a brief summary lasting 1-2 minutes. Once the adjudicating officer starts his/her closing statement, there are no more questions permitted from anyone, so be sure that you have all your questions answered before the closing statements begin.

- **Email a list of your witnesses and the name of your support person to the adjudicating officer by the date and time listed on your charge letter (you will find this near the bottom of your charge letter).**
  Don’t forget to email the adjudicating officer the name or your support person and the names of any witnesses you intend to call on your behalf as well as the name of your support person by the date and time listed on your charge letter (at least 24 hours before the start of the hearing, or earlier as prescribed by the charge letter). This information can be found at the bottom of your charge letter.