

## **I. Introductions**

Good MORNING/AFTERNOON. My name is HEARINGCHAIR and my role as chair is to facilitate today's hearing. For the purpose of introductions, please state your name and role, whether you are the charged student, charged student's advisor, university representative, council member, witness, or observer.

*Note to chair: If charged student is not present at the hearing, please read the following statement:*

Please note that the practice of the Office of Student Conduct and Academic Integrity allows this hearing to proceed for a period of 15 minutes after the scheduled start time without the charged student present. If the charged student does not enter the hearing room within 15 minutes of the hearing start time, the findings and sanctions imposed by the original conduct administrator will stand and the hearing will adjourn.

*Note to chair: Keep an eye on the time. If the hearing has proceeded for a full 15 minutes and the charged student has not arrived, please make the following statement:*

Because the charged student has not entered the hearing room within 15 minutes of these hearing proceedings, the findings and sanctions imposed by the original conduct administrator will stand.

*Then, skip to "Statement Regarding Confidentiality" and "Adjournment" sections.*

## **II. Pre-Hearing Remarks**

Today, DATE at TIME, members of the Carolina Judicial Council are here to consider case number CASENUMBER of CHARGEDFIRST CHARGEDLAST. This hearing is being recorded by the university and is the only recording permitted. All responses to questions and statements must be verbal and be preceded by your name. If engaged in dialogue, it is not necessary to continually restate your name. Please speak loudly and clearly.

## **III. Warning of Contempt/Confidentiality**

Behavior which disrupts the orderly progression of the hearing or intimidates or harasses the hearing participants will not be tolerated. Additionally, charged students are permitted to have one advisor present in the hearing with them to advise them. This advisor, however, is not permitted to speak for the charged student. This includes asking and answering questions. All information related to this hearing is confidential.

## **IV. Oath/Honors Statement**

All persons participating in this hearing are obligated to tell the truth at all times. The Student Code of Conduct prohibits misrepresenting the truth or making false statements before a university hearing panel. Students who violate this policy may face additional charges.

## **V. Witness Excusal**

All witnesses will be excused momentarily. You are to refrain from discussing this incident until called. When witness testimony begins, you will be called into the hearing one at a time to provide your information. At this time, all witnesses are excused.

*Note to chair: Direct witnesses to the lobby and inform them that someone will come get them when it is their turn to participate.*

## **VI. Challenge of Impartiality**

Does CHARGEDFIRST believe that any member of the hearing panel would be unable to impartially review this case?

*Write the charged student's response below. If they have no concerns, write "none".*

Response:

## **VII. Establish Quorum**

*Note to chair: A quorum is three (3) students, and two faculty and/or staff members. The university representative will provide the charged student with a waiver if/when quorum is not present.*

IF A QUORUM DOES EXIST:

We have five Council members available to hear this case. A quorum has been established and we will now proceed with the hearing.

IF A QUORUM DOES NOT EXIST:

Because this is not the appropriate composition needed to establish a quorum, CHARGEDFIRST may choose to either have the case heard now with the current panel, or can request to reschedule this hearing to allow for a full panel. CHARGEDFIRST, how would you like to proceed?

Charged Student(s)' Response:

## **VIII. Process Review**

I want to take a moment to go over today's hearing. The charged student and the council members have had an opportunity to review the incident report and the university policies which CHARGEDFIRST is alleged to have violated. Council members will have an opportunity to ask questions to learn more about the charged student and the incident. All parties will also have the

opportunity to ask questions of any witnesses. Finally, we will ask for a summation of the case to be provided by both the university representative(s) and the charged student. Following the presentation of the case, we will ask the charged student and university representative(s) to step out while the council deliberates. Once the council has reached a decision, we will reconvene.

In order for the charged student to be found responsible, information presented must show that it is more likely than not that the charged student violated the Student Code of Conduct. If there is a finding of responsibility, the council will request information regarding sanctioning from the both the charged student and the university representative(s). If there is no finding of responsibility, this hearing will adjourn. Please understand that our process is designed to be educational in nature.

**IX. Statement of Charges**

CHARGEDFIRST , you are charged with allegedly violating the following university policies:

CHARGE 1, which reads ... *(read policy)*

CHARGE 2, which reads ... *(read policy)*

CHARGE 3, which reads ... *(read policy)*

CHARGEDFIRST, do you understand the charges as they have been read? Please respond yes or no. *(Circle one)*

For the record, please verify the findings you contest by responding either “Responsible” or “Not Responsible” to each charge as it is read: *(Circle R or NR)*

	Responsible	Not Responsible
Charge 1	Responsible	Not Responsible
Charge 2	Responsible	Not Responsible
Charge 3	Responsible	Not Responsible

**X. Personal Introductions of Involved Parties**

CHARGEDFIRST, will you begin by telling the panel about yourself? This statement can include hometown, major, hobbies, future goals/plans, etc.

*(Response)*

Does the council have any questions for the charged student?

*Note to chair: If there are multiple charged students, please ask each student to answer the above question individually.*

**XI. Incident Information**

Thank you. I will now read the incident report and you will have the opportunity to respond.

*Note to chair: at this time, read the incident report. If there are multiple incident reports, discuss with the hearing officer prior to the hearing which one(s) to read.*

The council would like to ask questions of the charged student. You may opt not to answer questions, but please understand that a decision will be made with the available information regardless of whether or not you contribute to it.

CHARGEDFIRST, please tell us what happened, from the beginning.

(Response)

Does the university have any questions for the charged student?

Does the council have any questions for the charged student?

Does anyone have any further questions for the charged student?

## **XII. Witness Statements**

Does the university wish to call any witnesses?

(Response)

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*Note: For each University Witness:*

The council calls (Witness name). Please loudly and clearly state your name. (Response) You have been called to provide truthful information regarding this case. Do you agree to tell the truth?

(Response)

***Note to chair: Only read this statement if the witness is a university student.***

Please note that providing false information is a violation of the Student Code of Conduct and may result in disciplinary action.

- a. Does the university have any questions for the witness?
- b. Does the charged student have any questions for the witness?
- c. Does the council have any questions for the witness?

*Note to chair: Continue to ask these questions, in order, until all parties have responded in the negative.*

Does anyone have any final questions for the witness?

If there are no more questions, this witness is excused. We would ask that you please remain nearby should you be recalled. The witness is reminded to not discuss this hearing with any other party after they leave this room.

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Does the University wish to call any more witnesses?

(Response)

*If yes, return to the table above and follow the procedure.*

Does the charged student wish to call any witnesses?

(Response)

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*Note: For each Student Witness:*

The council calls (Student Witness Name). Please loudly and clearly state your name. (Response)

You have been called to provide truthful information regarding this case. Do you agree to tell the truth? (Response)

***Note to chair: Only read this statement if the witness is a university student.***

Please note that providing false information is a violation of the Student Code of Conduct and may result in disciplinary action.

- a. Does the charged student have any questions for the witness?
- b. Does the university have any questions for the witness?
- c. Does the council have any questions for the witness?

*Note to chair: Continue to ask these questions, in order, until all parties have responded in the negative.*

Does anyone have any final questions for the witness?

If there are no more questions, this witness is excused. We would ask that you please remain nearby should you be recalled. The witness is reminded to not discuss this hearing with any other party after they leave this room.

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Does the charged student wish to call any more witnesses?

(Response)

*If yes, please return to the table for charged student's witnesses.*

This is the last opportunity to recall any witness. Does anyone, including members of the council, wish to recall any witnesses?

*If yes, return to the appropriate table and follow the procedure.*

*Note to chair: If it is necessary to break for a short recess, due to a large number of witnesses or emotional distress among the participants, you may declare a brief recess, stating at what time the hearing will reconvene.*

If there are no more witnesses, we will take a short recess. We will reconvene in (an appropriate amount of time) to proceed with summations.

### **XIII. Summations**

Would the university like to make a final statement regarding this case?

(Response)

Would the charged student like to make a final statement regarding this case?

(Response)

Does the council have any final questions for the University or the charged students?

(Response)

### **XIV. Council Deliberation**

The council will now deliberate to decide if the charged student is responsible or not responsible for the charges. If the council has a procedural question, they will call an Office of Student Conduct and Academic Integrity staff member to answer those questions. Once the council reaches a decision, we will reconvene. Any student found responsible for violating the Student Code of Conduct will be asked to articulate how their actions did or did not portray the tenants of the Carolinian Creed.

Everyone, except for members of the council, is now excused for deliberation.

*Note to chair: The council must find the charged student either "Responsible" or "Not Responsible" for each charge. A "Responsible" decision needs to be based on a preponderance of the evidence (more likely than not). In determining responsibility, consider only what actions occurred and whether they constitute a violation of university policy. Mitigating circumstances are only relevant during sanctioning.*

### **XV. Statement of Findings**

*Once the council has reached a decision, bring each charged student **in one by one** and any advisors, and university representatives back into the hearing room. Call the hearing to order and read one of the following.*

#### **IF THE CHARGED STUDENT IS "NOT RESPONSIBLE"**

The council has found CHARGEDFIRST "Not Responsible" for all charges on the grounds that sufficient evidence was not presented.

The council's rationale is: (The council will write their rationale here)

This hearing is confidential and should not be discussed by anyone present after they leave this room. Thank you for your participation.

This hearing is adjourned at (TIME).”

**IF THE CHARGED STUDENT IS “RESPONSIBLE”**

The council has determined that CHARGEDFIRST is responsible for the following charges:

**1. (Charge 1)**

**2. (Charge 2)**

**3. (Charge 3)**

The council’s rationale is: (The council will write their rationale here)

**XVI. Prior Record**

Will the university present any prior records for the charged student?

*Note to chair: If the charged student has no prior record, move on to “Recommended Sanctions”*

Would CHARGEDFIRST like to comment briefly on their prior record?

Does the council have any questions regarding the prior record?

**XVII. Recommended Sanctions**

What are the university’s recommended sanctions?

(Response)

Does the council have any questions for the university?

What are the charged student’s recommended sanctions?

(Response)

Does the council have any questions for the charged student?

Does the university wish to respond?

Does the university wish to call any witnesses to provide institutional perspective or discuss the impact on the community? (Yes or no)

(Response)

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*Note: If no, move on to the Carolinian creed question. If yes, read this portion.*

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*For each University Witness:*

The council calls (University Witness Name). Please state your name and role on campus.

(Response)

WITNESS, would you please provide institutional perspective or discuss the impact on the community an incident of this nature could have?

- a. Does the university have any questions for the witness?
- b. Does the charged student have any questions for the witness?
- c. Does the council have any questions for the witness?

*Note to chair: Continue to ask these questions, in order, until all parties have responded in the negative.*

Does anyone have any final questions for the witness?

If there are no more questions, this witness is excused. We would ask that you please remain nearby should you be recalled. The witness is reminded to not discuss this hearing with any other party after they leave this room.

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Does the University wish to call any more witnesses?

(Response)

*If yes, return to the table above and follow the procedure.*

Does the charged student wish to call any witnesses to provide institutional perspective or discuss the impact on the community? (Yes or no)

(Response)

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Note: If yes, then begin at the section above. If no, move on to the next portion.

CHARGEDFIRST, at this point please describe how your actions throughout this incident did or did not embody the tenets of the Carolinian Creed.

CHARGEDFIRST, as a result of the hearing process how have your actions impacted your goals?

Does the council have any final questions it wishes to ask?

*When there are no more questions the council wishes to ask, please read the following:*

Members of the council will now determine the sanctions for the charged student. The committee will refer to precedent and University policy, while maintaining the educational mission of the Office of Student Conduct. If the council has any procedural questions they will call an Office of Student Conduct and Academic Integrity staff member. Everyone else is excused.

## **XVIII. Deliberation to Determine Sanctions**

*Note to chair: at this point the council must determine sanctions for the charged student. During this deliberation, consider the student's prior record, as well as the severity of the offense and university precedent. Feel free to consult the sanctioning grid and ask questions of Office of Student Conduct and Academic Integrity staff members as appropriate. Keep in mind that at its core, the hearing process is designed to be educational, rather than merely punitive, and that each sanction given should fall into one of the following categories.*

- a. Have a specific learning outcome.*
- b. Be designed to protect the safety of members of the Carolina Community*
- c. Be a university standard fine*

*When the council has come to a consensus on sanctioning, bring the charged student, any advisors, and university representatives back into the hearing room one by one. Call the hearing to order and read the following.*

The council has reached a decision. CHARGEDFIRST will be required to complete the following sanctions:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

The council's rationale is:

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We hope these sanctions will promote personal growth and learning, as well as serve as a means of reflection on how to better meet community obligations.

## **XIX. Appeal Procedure**

The student found "Responsible" shall have five university business days from the date the decision letter is received to submit a written request for an appeal. If there is no appeal within this time limit, the decision of this council shall be implemented.

To appeal the findings of this council, you must do so via the appeals form located on the OSC website. The Office of Student Conduct will forward it with a response memorandum to the Vice

President of Student Affairs. An appeal may be made for the following reasons:

- (a) A procedural error was committed that has significantly prejudiced the findings of the Hearing Council; or
- (b) new evidence which could not have been available at the time of the hearing AND would have a significant effect on the outcome of the case is now available.

The Vice President or designee will review the appeal and may decide one of the following:

- (a) Affirm the decision of the hearing authority, in which case the decision is final, or
- (b) Remand the case to the original hearing authority for further proceedings with directives to attend to procedural errors or new evidence.

**XX. Statement Regarding Confidentiality**

I must emphasize again that this hearing is confidential and should not be discussed by anyone present after they leave this room. Thank you for your participation in this hearing.

**XXI. Adjournment**

This hearing is adjourned at \_\_\_\_\_(TIME).