



Office of Student Conduct

Tips for a Responding Student in a Judicial Hearing

The information in this guide was developed in an effort to help a responding student prepare for a hearing before the Southeast Missouri State University All University Judicial Board (AUJB), Administrative Panel or a member of the Office of Student Conduct (OSC) staff. It is meant to supplement the information contained in the University's Statement of Student Rights and Code of Student Conduct (Code). Students should read the Code thoroughly as well as follow these tips when preparing for a case. Questions about the process should be directed to the Assistant Dean of Students for Student Conduct, Coordinator or the OSC Graduate Assistant. The OSC is located in the University Center, Room 422 (573-651-2264).

A student who has been charged with a violation of the Code (referred to as a respondent or responding student) may choose to have his/her case adjudicated by a member of the OSC staff, or the student can choose to take the case to the AUJB. The student is presumed to be "Not in Violation" until proven "In Violation" by a burden of proof of "**more likely than not**" by either the AUJB or a member of the OSC staff.

In preparing for a judicial hearing, a responding student should keep in mind the following:

1. **Please tell the truth.** Failure to tell the truth is itself a serious charge (see Section 11 of the Code), and it can result in additional charges.
2. The respondent is allowed to call witnesses to support his/her testimony. A list of witnesses must be submitted to the Office of Student Conduct at least three (3) working days before the hearing. The responding student is ultimately responsible for contacting his/her own witnesses and ensuring that they appear. Witnesses should provide testimony related directly to the case and may not be character witnesses except when deemed necessary by a member of the OSC staff.
3. In situations where a witness is not able to appear before the AUJB (or hearing officer) due to extenuating circumstances, the Office of Student Conduct **may** allow the admission of a written statement from the witness. The statement should be specific to what the witness personally observed and should answer the "who, what, where, when, and why" questions of the incident(s). The statement should be submitted to the Office of Student Conduct at least three (3) working days prior to the formal hearing.
4. The responding student may have access to all written and recorded reports in preparation for the hearing. This information is read to the student at the judicial conference. Students may make notes related to the case during the conference. Consider all of this material carefully and think of applicable questions for witnesses prior to the hearing. **Write these questions down in**



advance of the hearing. When considering these documents, look for missing information; gaps in time that are not explained well or fully; and misinformation or inconsistencies among various statements. A copy of the incident report(s) will be provided to the responding student to view during a hearing with the AUJB. Prior to any hearing, the responding student can contact the Office of Student Conduct to review the information.

5. For judicial hearings, the responding student may select an advisor from the University community to be present during the hearing. Advisors are used as consultants during the hearing. They may not participate during the hearing on behalf of the student, in other words, the student must speak for him/herself. According to the Code, "Students involved in civil/criminal proceedings for the same factual situation may request permission for their attorney to be their advisor. [and] Students who face a likely sanction of suspension for more than one semester or dismissal also may request permission for their attorney to be their advisor." Select an advisor carefully. He/she can assist with the following:

- Reviewing the charges;
- Preparing a summary statement;
- Preparing appropriate questions for witnesses;
- Taking notes during the hearing and suggesting additional questions to ask witnesses based on their testimony; and
- Helping keep the responding student calm and in control during the proceedings.

6. The responding student will be allowed to ask questions of witnesses, directed through the Chief Justice (or presiding justice) of the AUJB. The student may ask either "open-ended" or "closed-ended" questions. A closed-ended question can usually be answered with a one-word response. Asking an open-ended question will draw more information from the witness. Ask concise, specific questions of witnesses. Seek general information first and then move to more specific questions.

7. Maintaining an appropriate attitude and demeanor during the hearing is important. Try not to become defensive or argumentative. Try to maintain eye contact with the justices or hearing officer when communicating during the hearing.

8. The responding student should take the process seriously and prepare carefully. Contact the Office of Student Conduct if you have questions or need assistance in preparing for the hearing. A Student Judicial Advocate is also available through Student Government by calling 573-651-2896 or e-mailing sg@semo.edu.

9. Make sure to read the Code and other applicable documents, such as the Sexual Assault Guidelines or Policy on Academic Honesty. Seek clarification for any parts that are not understandable.

****Adapted from "Tips for the Accused in a Judicial Panel Hearing" by Dr. Lee Bird.**