



Hearing Overview

Name of Individual/Organization: _____

Type of Hearing: _____

Hearing Date & Time: _____

Standard of Proof

The University of Toledo utilizes a preponderance of the evidence standard of proof for alleged violation(s) of the Student Code of Conduct. This standard requires that the information utilized shows that it is more likely than not that the alleged violation(s) or behavior(s) occurred.

Respondent	<ul style="list-style-type: none">•Any Student, Student Group, or Student Organization alleged to have committed a violation of the Student Code of Conduct.
Complainant	<ul style="list-style-type: none">•Person, student, student group, student organization who was subject to alleged misconduct as described in the Student Code of Conduct. There may be more than one complainant for an incident or there may not be a specific complainant.
Hearing Authority	<ul style="list-style-type: none">•The person(s) making a decision regarding responsibility and sanctions for the case.
Advisor/ Support Person	<ul style="list-style-type: none">•An Advisor/Support person can be anyone you select and whose role is to provide guidance to the respondent in a manner that does not disturb or disrupt the hearing.•An Advisor/Support Person does not speak on behalf of the respondent.
Witness	<ul style="list-style-type: none">•A witness is anyone who can provide relevant information regarding the alleged misconduct.•The role of the witness is to provide additional information to help support the case information and statements of the respondent.

Procedures for the Hearing

Pre-Hearing

1. Meet with OSC&CS staff member to go over hearing preparations documents, date of hearing, deadlines, hearing process, etc.
2. Determine if the Student will have an advisor and/or support person present and who that will be.
 - a. Complete FERPA for advisor/support person
 - b. Review advisor/support person expectations
 - c. Make sure advisor/support person has received Understanding the Role of Advisor form (to be completed prior to the hearing).
3. Discuss information for the Hearing Packet that will be sent electronically prior to the hearing.
 - a. The hearing packet is composed of additional information (pictures, witnesses, medical records, etc.)
 - b. Hearing packets will be emailed electronically to the Student and Hearing Authority prior to the hearing.
 - c. Hearing packet documents may not be photocopied, shared or duplicated.
 - d. The Student may submit any concerns for a bias or conflict of interest regarding the Hearing Authority in advance of the hearing.
4. Discuss how to prepare for the hearing
 - a. Prepare opening and closing statements. An opening statement usually includes a summary of the incident in the Student's words. The closing statement can address impact that the incident has had on the Student and suggest sanction recommendations should the Respondent be found responsible.
 - b. Create questions for witnesses

Hearing

1. All hearings will occur virtually via WebEx
 - Please be mindful of your background and setting to not disrupt the process.
 - You will need to remain on mute when not speaking to reduce background noise.
 - A document with specific virtual hearing guidelines will also be provided to the Respondent
2. The Hearing Authority will bring all participants into the virtual room to begin the hearing and introductions will occur.
3. The Hearing Authority will set the guidelines/expectations for the hearing.
4. The Hearing Authority will summarize the incident
5. In cases where there is a Complainant, the Complainant will be questioned
 - a. The Complainant will be asked to provide their opening statement
 - b. The Hearing Authority will have an opportunity to ask the Complainant questions.
 - c. The Respondent will have an opportunity to ask the Complainant questions.
6. The Respondent will be questioned
 - a. The Respondent will be asked to provide their opening statement
 - b. The Hearing Authority will have an opportunity to ask the Respondent questions.
 - c. The Complainant will have the opportunity to ask the Respondent questions.
7. Witnesses
 - a. Witnesses will be kept in a virtual waiting room until it is their turn to participate.
 - b. The Witness will be asked to provide their opening statement
 - c. The Hearing Authority will have an opportunity to ask the Witness questions.
 - d. The Complainant will have the opportunity to ask the Witness questions
 - e. The Respondent will have the opportunity to ask the Witness questions
 - f. The Witness will provide their closing statement
 - g. Each witness will leave the virtual hearing once questions are answered.
8. The Hearing Officer may ask any final questions of the Complainant or Respondent
9. The Complainant and Respondent make closing statements
10. Hearing concludes and the Hearing Authority will deliberate privately regarding the outcome of responsibility.
11. The Hearing Authority will make a finding as to each instance of Prohibited Conduct (or other offense) under consideration and will determine any sanctions for the Respondent.

12. The Hearing Authority will consider the Respondent's prior conduct record only if Respondent is found responsible.

Post Hearing

1. The Hearing Authority will prepare a written outcome letter which will include an explanation of the determination, which will be emailed to the Respondent. The written determination will outline any appeal rights. In cases with a Complainant, the Complainant will also receive a written outcome letter.
2. An appeal must be submitted within five (5) business days from the date the outcome letter is emailed to the Respondent.
3. Appeals of determinations involving Respondents are heard by the Dean of Students or designee. The decision by the Dean of Students or designee is final.