

Hearing Process

where things get real

Formal Hearings

- May be conducted by a committee or hearing officer
- Judicial Affairs will make the decision on what method will be utilized in each specific case considering the student's preference
- If the student disputes the charges or specifically requests a committee, the committee will be the preferred body
 - Unless the Student-Faculty Committee on Student Conduct is not in session or other circumstances preclude a timely hearing



Rights and Responsibilities

The Student

- Shall be served a written notice of:
 - Specific charges
 - Time and place of the hearing
 - Reference to the website containing the procedures that will be used in the hearing
- The charge letter will be given 5 calendar days prior to the hearing
 - However, the student can submit a written request to waive the 5 day notification period and to request that the hearing be held at an earlier date
- May be accompanied by an advisor or an attorney
 - OJA must be notified at least three working days prior to the hearing
 - UCSB reserves the right to postpone the hearing for a reasonable period of time to allow consultation with University General Counsel
- **STUDENTS REPRESENT THEMSELVES**

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- The role of the attorney or advisor is limited to assistance and support of the student in making his/her own case
- Entitled to be present throughout the hearing while evidence is being presented and may remain until the committee/hearing officer begins
- If the student doesn't attend the hearing or voluntarily leaves, the case may be heard in his/her absence
- Shall have the right to produce witnesses and evidence pertaining to the alleged violations
- Shall have the right to confront and question all witnesses
- Shall not be required to give self-incriminating evidence
- Shall not make arguments concerning or produce witnesses or evidence having to do with the legality or constitutionality of the school wide policies and regulations at any time during the hearing

The Witness

- May exercise the privilege against self-incrimination
- Shall restrict testimony that's relevant to the charges specified in the charge letter and shall not make arguments about the constitutionality or legality
- May be asked to remain for the entire hearing to be available to answer questions as they arise
- Shall not be present during deliberations
- Faculty members or other members of the school community who initiate charges of misconduct and who also serve as witnesses shall be entitled to be present while evidence is being presented and remain until the committee/hearing officer beings deliberations

Office of Judicial Affairs

- This applies to other University officials and/or University General Counsel (in cases where the student is advised by a legal advisor)
- Coordinate the appearance of witnesses and all relevant evidence
- Be entitled to be present during the hearing and deliberations
- Monitor the process to ensure the maintenance of procedural due process
- Shall keep summary minutes of the hearing and shall audio-record the proceedings
 - Student may personally pay for an individual stenographic reporter
 - No one other than the appropriate school official or member of the hearing body may audio-record the hearing
 - Upon request, minutes of the hearing will be available to the student within 7 working days following the hearing
 - The student has the chance to submit written comments which submitted prior to the final decision (within 15 working days following the hearing) will be considered and incorporated as part of the record

The Hearing Body

- Shall not consist of any members that have prior knowledge of or involvement in the case
- Shall ensure, through the chair, that discussion is restricted to the issue defined in the written notice of charges of alleged misconduct
 - Members may entertain the discussion of second-hand info if it corroborates other testimony or establishes a pattern of behavior
 - Secondhand info may not be used as a sole basis for a finding of guilt
- May produce/question witnesses and evidence at the hearing
- Shall receive verbal and documentary evidence relevant to case and may exclude irrelevant or repeating evidence
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- Shall deliberate in closed session with only appropriate school staff present and shall base its findings upon the preponderance of evidence
- Shall make all decisions by majority vote
- Shall submit its findings and recommendations within 5 working days following the conclusion of the hearing to the Dean of Students or Vice Chancellor of Student Affairs, as appropriate, with a copy to the student
 - This report will contain findings regarding each of the charges separately as well as include its recommendations for disposition of the case.
 - Findings of violations of UNiversity policies or campus regulations shall reflect evidence produced at the hearing

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Decisions

What happens now?

- The student will be mailed a written notice within 5 working days following the hearing
- The Dean of Students will make the decision on all University Sanctions that exclude
 - Suspension, dismissal, or sanctions that affect the contract status of the student in the res community
- Executive Director, Housing, and Residential Services, or designee will make the decision regarding housing sanctions
- The Vice Chancellor of Student Affairs will make the decision regarding a recommendation to suspend or dismiss