

INFORMATION FOR CONDUCT HEARING

Dean of Students | 102 YMCA | 662-325-3611

This information is provided to help you prepare for a hearing with either a hearing officer or the Student Conduct Committee. The information is supplemental to the Code of Conduct which details the process. You should read the Code thoroughly. Please contact the Dean of Students Office with any questions you may have.

Remember that the hearing is an administrative hearing, not a court of law. Therefore, formal rules of evidence are not applicable to any part of the hearing. The process is designed to be non-adversarial

and to elicit as much information as possible so that a good decision about your involvement in the allegation(s) can be made.

The hearing officer/panel objectives are to determine the facts of the case, to make a determination using the standard of “more likely than not” that a violation of University regulations did or did not occur, and, if a violation did occur, to determine appropriate outcomes that will facilitate learning and acceptance of responsibility, as well as deter repeat violations.

As you prepare for the hearing, keep in mind the following:

1. Take the process seriously and prepare carefully. Remember that this is a professional meeting and you should present yourself in a professional manner.
2. Prepare to tell the hearing officer/hearing panel a little bit about yourself. Getting some background knowledge about you will be helpful in understanding you and what occurred from your point of view. You might prepare to talk about what you want to major in, your academic progress, your future career plans. Your presentation of relevant background information does not need to be lengthy, but should give some indication about who you are—the hearing officer/hearing panel tries not to define a person by any one incident, so giving some background about yourself is helpful to everyone involved in the process.
3. If you are responsible for a Code of Conduct violation, state this up front. Taking responsibility for your actions reflects positively on you and is a sign of being an adult. Think about what you have learned from your experiences and talk about this. The University is looking to see that students are learning from their behavior and being proactive about avoiding violations in the future. Discuss what you are doing to rectify any misconduct you committed and what you are doing to be a responsible community member in the future. It is wise to reflect on who you want to be and what you want your actions to say about you before you come to the hearing, and be prepared to talk about this and whether your behavior in the current situation was congruent with your goals/values or not.
4. Discuss your side thoroughly but avoid relating irrelevant information. Keep your statements to information that is likely to prove/disprove an important issue or explain points of significance. Discussions about irrelevant matters are not helpful to you and may give off the perception that you are attempting to confuse the issues. The hearing officer/hearing panel may redirect you if you get off topic or are discussing matters that are not relevant to the discussion at hand. Preparing what you want to discuss in advance will help you avoid lengthy statements that will not have an impact on the findings or outcome.
5. Do not behave in an argumentative or disrespectful manner. Keep your emotions in check and express your questions in an appropriate manner. Persistent, severe, or pervasive verbal abuse, harassment, threats, intimidation, or bullying will not be tolerated. This does not help your case and may result in a termination of the hearing with a decision made in your absence.
6. **Tell the truth.** You are expected to represent yourself truthfully and accurately at all times. Providing false representations to the University in any form, written or verbal, is listed as a violation of University regulations.
7. You may have an advisor accompany you during the hearing. The advisor cannot speak, but they can help you prepare for the case by reviewing the charges against you, help you think of questions to ask, take notes during the hearing, and help you keep calm and in control. If your advisor is an attorney, sometimes your attorney may advise you not to speak to the charges. You do have the right not to say anything. However, it is helpful to you to work with your attorney to prepare some kind of statement regarding your position with relation to the charges (i.e., “I adamantly deny the charges”) and any other information that would be helpful for a panel to consider. It is also possible to work with your advisor to formulate questions to ask of others present that would help to present your side and provide information, without your having to directly state information. You should keep in mind that if you decide not to participate at all, the hearing will proceed in your absence and the hearing officer/panel will make a decision based on the information available at the time. Not appearing or not providing information is not held against you and does not automatically mean you will be found responsible. However, it is most helpful to you if you provide some information for consideration.

8. If you are admitting responsibility for the behavior, you should think about appropriate sanctions to recommend as a consequence for your behavior. Sanctions are designed to show that you are reflecting on your behavior, taking steps to learn from it, being proactive about avoiding the behavior in the future, making amends to the victim or community for your behavior, and show that you will be a positive contribution to the community from now on. In recommending appropriate sanctions, you should think about what others might expect to happen when certain behavior occurs, what you might expect if you heard about another student doing what you did, and what you can do to show that you are learning from the experience.
9. Make eye contact with the hearing officer/hearing panel members when you address them or they address you.
10. Remember that this process is about enforcing and upholding MSU's community standards and this academic community expects students to follow the community standards. Do not proceed as if the hearing officer/hearing panel members are the enemy. They have been charged with the task of sorting through the information presented and then arriving at a decision. Keep in mind that this process is not a personal attack on you. The hearing officer/hearing panel is examining behavior to see if it aligns with MSU's community standards. If it does not, the University community expects that appropriate measures will be taken to correct behavior and help the student learn from the situation so that it is not repeated. Since you are an MSU community member, you should seek to be a positive contribution to the community by following the standards the community has set.

During the hearing:

1. Opening Statement-

Should be a general overview of what you plan to present. Usually a few minutes is sufficient for this. The hearing officer/hearing panel chair will set the time allocated for opening statements at the beginning of the hearing. If you did engage in prohibited conduct, you may wish to state this up front and then speak to mitigating factors of which the individual(s) writing the report may not have been aware. It is a good idea to think about what you want to communicate to the hearing panel/officer and prepare your opening statement in advance.

2. Information phase-

Presenting witnesses or documents or statements to support your position to the hearing officer/hearing panel. Be prepared to state approximately how much time you need to present your case. You may utilize witnesses who have material information about the incident. Material witnesses are individuals who have direct knowledge of the incident or a situation related to the incident. Character witnesses (i.e., those who have knowledge of your character, academic progress, morals/values, etc.) on your behalf are not needed as this type of information will not help in determining whether a Code of Conduct violation did or did not occur on a particular occasion. You want to be thorough during this phase, but your presentation of evidence/witnesses should not take hours to complete. Stick to factual information that will have an impact on the findings/outcome of the case.

If you present written information and statements, they must be signed and dated by the author or sent by MSU emailed to the Dean of Student Office.

3. When presenting or questioning a witness, open-ended questions (like "Tell me what you remember about this situation.") usually draw out more information. Closed-ended questions (like, "What color car do you drive?") usually result in one-word responses. Remember that you should try to ask about relevant information. Badgering/harassing a witness will not be allowed.
4. Prior to the hearing, you may examine any documentary information that will be presented at the hearing during regular business hours. Read these documents carefully and write down questions you may want to ask of witnesses at the hearing. As you review the documents, look for missing information, inconsistencies in statements, gaps in time that are not explained, etc.
5. **Closing statement-**
A summary of the relevant facts and findings from your point of view. If you did commit the violation, you may wish to comment on what you have learned and suggest an appropriate sanction(s). One of the University's goals in this process is to encourage students to take responsibility for their actions and to show personal accountability. If you did commit the violation, it is wise to take responsibility for your actions and express an acceptance of associated consequences, as well as show that you are taking steps to learn from the experience, prevent it from happening again, and to become a positive contribution to the academic community in the future. Close by clearly stating what you recommend to the committee (any specific sanctions, a finding of not responsible, etc.).