

## Hearing Preparation Checklist

This document is designed for students who are alleged to have violated one or more provisions of the [Code of Student Rights & Responsibilities](#) (“the Code”) or other related policies (such as the [Student Alcohol and Other Drug Policy](#)). Reviewing this document will assist students in preparing for their upcoming judicial hearing. Questions regarding the judicial process or hearing preparations should be directed towards the student’s assigned Hearing Officer or a staff member in the Center for Student Ethics & Standards.

As you prepare for your hearing, please know you are presumed to be “not responsible” for the alleged violation(s) unless the facts of your case support a finding of responsibility. The determination of responsibility is made when the Hearing Officer(s) conclude(s) it is more likely than not that you have violated the alleged provision(s) of the Code. If you have received a Notice of Charge to schedule a judicial hearing, the facts documented in the incident report(s) – if proven to be true – could support a finding of responsibility for the alleged violation(s). It is therefore important that you carefully prepare for your hearing so that you can respond to the charges adequately. This document will help you do just that.

Disclaimer: This document is not intended to be an exhaustive list of all possible hearing preparations, nor does it replace any information contained within the Code. At this time, the instructions in this document apply principally to students whose charges do not involve a student complainant. In cases where student complainants are involved (such as in allegations of Relationship/Domestic Abuse or Violence), additional requirements and considerations may apply that are not listed here in full detail. ALL students are urged to read the full Code thoroughly upon receipt of their Notice of Charge to best determine their circumstances.

In preparation for your upcoming hearing, please consider the following:

- It is advisable that you re-read your Notice of Charge carefully, noting the date, time, and place of your hearing to ensure your attendance (if you plan to attend).
- Your hearing has been scheduled with your academic schedule in mind, though you may request to postpone or reschedule your judicial hearing if you have a viable scheduling conflict. Your request should be directed to [CSES](#) in writing *within 24 hours of receiving the Notice of Charge, regardless of who sent it*. Requests will be granted for good cause shown as determined by a staff member in CSES. For more information, please consult the Code.
- You should come to your judicial hearing prepared to describe, as honestly and as clearly as possible, the details of your involvement in the incident for which you have been charged. Some students find it useful to prepare written notes or statements in advance of their hearing to assist them in sharing important information, timelines, etc. (though this is not required).

- ❑ A full list of procedures that will be followed by the Hearing Officer can be found online [here](#). If you want to learn more about the basic “flow” of the hearing and the conversation that will transpire, you should consult these procedures.
- ❑ The reports upon which the charges are based are located in your judicial file. These reports are available for your review, as indicated in the Notice of Charge you received. If you would like a copy of the report(s) upon which your charges are based, you may request a copy in person prior to your scheduled hearing. Copies may be requested at the front desk of your residential complex (if your Hearing Officer is your Residence Director) or at the front desk of the Center for Student Ethics & Standards (if your Hearing Officer is a staff member in this office). If your case is being heard during an academic break period or you are unable to arrange pick up of the report(s), contact your Hearing Officer to determine how you may access these reports.
- ❑ You have the right to have an advisor accompany you to your hearing. If it is your intent to bring an advisor, you must notify the Hearing Officer(s) in writing *at least twenty-four hours in advance of the hearing* of your intent to have an advisor and the advisor's name. An advisor is defined in the Code as “A member of the University community chosen by a Complainant or Respondent to provide personal support through the judicial process.” Advisors may not be lawyers, although CSES may permit a lawyer as an advisor when related criminal charges are filed and pending. If a respondent is allowed to have a lawyer present as an advisor during a hearing, a complainant may also have a lawyer as an advisor. Please consult the Code for more information. Regardless of whether or not students choose to retain an advisor during their judicial hearing, students are encouraged to dialogue with others significant to them about their involvement in University disciplinary proceedings providing all parties have carefully read and understand the information contained in the Code.
- ❑ You may invite one or more witnesses to attend your hearing if you believe their testimony will be important in determining the outcome of your case. A witness is defined in the Code as “a person who has personal knowledge of the incident at issue.” Witnesses may attend your judicial hearing, but it is your responsibility to bring your witness(es) to the hearing. If your witness(es) are unable to attend your judicial hearing, you may bring written witness statements for submission at your hearing. Please ensure these statements include the witness’s contact information and the events they personally observed, including the “who, what, when, where, and why” of your involvement in the incident. Each statement should also be dated and signed by the person who authored them. Please note: Character witnesses are considered irrelevant and will not be permitted to testify. If it is your intent to invite one or more witnesses to your judicial hearing, you must submit to the Hearing Officer(s) a list of witnesses intended to be called at the hearing. In order to ensure that sufficient space and time arrangements can be made, you must notify your Hearing Officer in writing of your intent to bring witnesses (along with each witness’s name and a brief summary of what the witness’s expected testimony will be) *no less than three business days prior to your judicial hearing*. The Hearing Officer also reserves the right to call relevant University Officials as witnesses. In such cases, you will be notified of the invitation so that you may prepare questions for the witness in advance of the hearing.

- ❑ Your judicial record is confidential, and it is protected by the [Family Educational Rights and Privacy Act \(FERPA\)](#). Generally speaking, information contained in your judicial record will not be shared with any third party (including your parents) without your prior written consent. However, records may be shared with other University officials who have a legitimate educational interest in the information these records contain. The University may also share information from your educational records in other circumstances permitted by FERPA. If you would like any information in your judicial record to be shared with any third party (including parents, advisors, attorneys, etc.), you will need to sign and submit a [Waiver of Confidentiality](#) before we can share information with the specified party. The waiver may be submitted to CSES (the Center for Student Ethics and Standards, 41 South Prospect Street, Burlington, VT 05405). It can also be faxed to our office at (802) 656-8191.
- ❑ If for any reason you believe the assigned Hearing Officer cannot be unbiased, you should submit a written statement to the [Director of CSES](#) stating the specific reasons why you believe the Hearing Officer cannot be unbiased. This action must occur within 24 hours of receiving the Notice of Charge. If the Director of CSES determines that the challenged individual has an actual bias, that individual will be removed from the case. Please note: prior judicial contact between a student and a Hearing Officer will not be considered acceptable grounds for bias absent any additional evidence of bias.
- ❑ It is very important that all information shared during your judicial hearing is true and correct. If you are found responsible for any alleged violations, your level of honesty will be considered (among other factors) when deciding upon appropriate educational sanctions. Furthermore, providing false information to a University official or during a University proceeding is a policy violation and would subject you to further disciplinary action.
- ❑ A parent or guardian may **not** attend your judicial hearing unless he or she is a University community member (which is defined as a student, faculty or staff member of the University of Vermont) and is serving in the capacity of an advisor. While we encourage you to share information about your involvement with a parent/guardian if you deem it appropriate to do so, please remember our office cannot share information with them without a signed Waiver of Confidentiality. One exception to this practice is that the University sends written notification to the parents or guardians of students who are under twenty-one years old when they have been found responsible for violating the University's Alcohol and Other Drug policy.