

**OREGON TECH**

**Student Code of Conduct: Preparing for a Hearing**

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The purpose of providing this information is to help you prepare your statements for a hearing. It is important to think about what you want/need to say ahead of time so that your comments are focused, relevant and thorough. Use this outline to help you present your side of what happened.

**Preparing for an Administrative Hearing**

**I. Introduction**

- A. The hearing officer will explain the conduct process and the allegations that will be discussed at the hearing. Feel free to ask any questions about the hearing process.

**II. Describe what occurred from your perspective**

- A. Provide a thorough but concise explanation of what happened during the incident. Point out how you made decisions during the events, and talk about what you think you did right and if, and when, you used poor judgment. It is most helpful to provide the sequence of events in chronological order so that it makes sense. Try not to get off on side topics that are not relevant.
- B. Explain any mitigating factors (e.g., What prompted you to make a particular decision — was your judgment clouded for some reason? What/who influenced you? What were you feeling at the time? What stresses were you facing at the time? What past experiences impacted what you did?).

**III. Describe your level of responsibility in what occurred**

- A. Ultimately, the University expects that students will be accountable for their actions. If you are responsible for what happened, you should state this. Rather than trying to mitigate what you did, simply state that you committed a violation and would like to try to fix it and learn from it. Furthermore, if you take this route, it is helpful to talk about what you are now doing to be proactive about avoiding the situation in the future and preventing yourself from violating the Code of Conduct again. The University community expects responsible citizenship of students. Talk about what you are doing to be a positive contributor to the community and how you have addressed your behavior so far (e.g., Are you doing community service? Did you seek treatment/education? Are you focusing more on your academic progress? Did you get involved in a positive student organization? Have you been going to counseling?). What are you doing to seek self-improvement on your own?
- B. Sometimes you may feel that you are somewhat but not entirely responsible for what occurred. If this is the case, it is important to explain what specifically you take responsibility for and what specifically you feel you are not responsible for. If there are mitigating factors that you feel detract from your level of responsibility, it is important to state those factors. For example, now might be the time to say that you did not plan ahead properly because you had not slept and were not thinking as clearly as usual. Another example might be any overriding feelings or stress at the time that impacted what you did at the time (e.g., sickness, recent traumatic event, past family behaviors in similar situations). If you think someone else is responsible for certain actions, you should specify who was responsible, what they were responsible for, and how their

actions impacted yours (e.g., “My friend was the one driving,” or “He hit me first and I had to defend myself.”).

- C. Sometimes you may feel that you are not responsible at all for what occurred. You should state why you think this and provide any evidence that you are not responsible (i.e., “I was not there at that time”). You might reiterate any facts that establish you are not responsible for the alleged violations (i.e., “I was not intoxicated at the time and no alcohol showed up on the Breathalyzer,” or “I had only been there three minutes, as established by my witnesses, and was not aware that alcohol was present in the room,” or “The fight was between two of my classmates and I was the one trying to stop the fight. I got in the middle because I was trying to separate them, as my friend confirmed.”). However, remember that just because you disagree with a law or policy does not mean that you did not violate it. Regardless of your personal feelings about a law or policy, if you chose to violate it, you would be best served by admitting this and taking responsibility for your actions.
- D. If you are at fault and are taking responsibility for it, do not blame others in the course of admitting responsibility. This detracts from your stating that you are responsible (e.g., “I take full responsibility for what occurred. However, I was in the wrong place at the wrong time. The police are just looking for people to arrest. I was violating the law, but I did not hurt anyone and just got caught.” Essentially, such statements actually mean, “I AM responsible except I am really not responsible because everyone else is.”). If you violated the law, do not say, “I was in the wrong place at the wrong time” as this is not true and reflects poorly on your sense of personal accountability for your actions. You were committing a violation and got caught. While you may not be happy that you got caught, this does not mean you were not in the wrong. It is not a sign of taking responsibility to say things like, “The police officers here are just looking to get people in trouble.” Additionally, saying things like, “I know tons of people who do this and don’t get caught — I’m just unlucky,” is not a sign of taking responsibility, either. Show you are being an adult and being accountable for your actions. Just because other people have not been caught does not mean they were not committing a violation or that you should not be responsible for your commission of a violation. Strive to do the right thing because it is the right thing to do. Be better than the others — do not let your behavior become lax just because those around you are misbehaving.

#### **IV. Describe what you plan to do differently in the future and recommend sanctions, if appropriate**

- A. What can the University community expect from you in the future? What are you going to do to prevent the behavior from reoccurring or to show that you are a good citizen? Even if you did not commit a violation, it is always a good idea to reflect on what positive behavior you plan to engage in to help yourself avoid problems later. Take steps to be proactive about your behavior and show that you will be a responsible citizen from now on, and discuss what you have already done and what you will do.
- B. Recommend sanctions that you feel would be appropriate. What can you do to show that you are behaving in a positive manner? Review the range of sanctions in Section VIII of the Code of Conduct. How will you be accountable to yourself and the community?

### **Hearing Process Outline for Hearings by the Student Hearing Commission**

#### **I. Call to Order: The chair calls the hearing to order**

- A. Identify all parties present
- B. Preliminary comments

- C. Honesty Statement\*
- D. Hearing Conditions
  - 1. Hearing will be audio recorded.
  - 2. All information will be restricted to matters directly relevant to the charges.
  - 3. Advisers, if present, are restricted to advising and may not make statements or ask questions during the proceeding.
  - 4. Any person who is disruptive or fails to abide by the hearing procedures or rules set by the chair may be removed.

\*Honesty Statement: The University expects that all information presented will be truthful and accurate. If false information is willfully provided, a student will be in violation of Section III of the Code of Conduct and may be subject to disciplinary action.

**II. Opening Statements: usually 2-3 minutes each**

- A. Complainant makes an opening statement.
- B. Respondent makes an opening statement.

**III. Evidentiary Phase: Length of time will be agreed upon by the complainant and the accused**

- A. Title IX Investigator presents investigation report (in cases of alleged sexual harassment and sexual misconduct).
  - 1. Panel members can question the investigator.
  - 2. Complainant can question the investigator.
  - 3. Respondent can question the investigator.
- B. Complainant presents
  - 1. Evidence and witnesses.
  - 2. Panel members can question the complainant.
  - 3. Respondent can question the complainant.
- C. Respondent presents
  - 1. Evidence and witnesses.
  - 2. Panel members can question the respondent.
  - 3. Complainant can question the respondent.
- D. Final questions can be asked by any party.

**IV. Closing Statements: usually 2-3 minutes each**

- A. Complainant makes a closing statement.
- B. Respondent makes a closing statement.

**V. Panel Deliberation: All parties excused**

## Preparing for a Hearing by the Student Hearing Commission

There are three stages to Student Hearing Commission hearings: Opening Statements, Evidentiary Phase and Closing Statements.

### I. Opening Statements (usually lasts around 2-3 minutes)

- A. Make some introductory comments about yourself. This will help give the hearing officer/hearing panel some idea about who you are and who you want to be. Keep this brief, but give some insight into yourself. You might mention your major, your future career plans, how you like Oregon Tech, current significant events in your life that may have affected you and your behavior, your current stress level as well as motivation, where you are from, when you plan to graduate and how you are doing academically. The only information we may have about you upfront could be what is contained in the complaint, so you want to provide some picture of how you see yourself and what is going on in your life in order to help us get to know you better and find out how we can help you.
- B. Make a brief statement about responsibility of the allegations. **Complainant:** It is helpful to state upfront what your position is on the violation to help direct the discussion. You should state what you believe the accused is responsible for (e.g., “I believe that Student X violated the Sexual Misconduct provision of the Student Code of Conduct” or “Student X is responsible for what happened.”). **Respondent:** You may or may not feel you are responsible for the charges. It is helpful to state upfront what your position on this is as that will help direct the discussion. You should state upfront if you are admitting responsibility (e.g., “I am admitting that I messed up/made a bad decision” or “I agree that I am responsible for what happened”) or that you are denying responsibility (e.g., “I am denying that I had anything to do with this” or “I do not agree that I have violated the Code of Conduct.”).

### II. Evidentiary Phase (usually lasts around 15-30 minutes): Presentation of information and witnesses (if any)

- A. Listen to the other side and prepare to respond to anything important when you present and ask questions.
    - Listen for points you agree and disagree with. Jot them down so you may address them when it is your turn.
    - Write down any questions you want to ask the University presenter, complainant or witnesses as you think of them. Focus your questions on helping to prove or disprove important issues at hand.
    - When it is time for questioning, ask your questions. Keep your questions relevant. Do not harass or threaten anyone. Remain composed and calm.
  - B. Describe what occurred, from your perspective.
    - Be concise in making your points. Avoid repetition.
    - Outline what you want to say and emphasize. Describe the events in chronological order. Stick to the facts and avoid irrelevant side topics.
    - Be thorough, but remember that if a statement is not likely to help prove or disprove a major issue at hand, it might be best to leave it out of your statements.
- Complainant:**
- Point out how you made decisions during the events, and talk about what you think you did right and if, and when, you used poor judgment.
  - Explain any mitigating factors (e.g., What prompted you to make a particular decision — was your judgment clouded for some reason? What/who influenced you? What were you feeling

at the time? What stresses were you facing at the time? What past experiences impacted what you did?).

**Respondent:**

- Explain what has occurred since the incident (i.e., reported to the police, received medical attention, attended counseling)
- Describe how this incident affected you.

C. Question your witnesses.

- Decide what order you would like to present your witness(es) in.
- You may ask them to tell what happened or you may prompt them with specific questions. For example, you may want a specific witness to attest to the fact of where you were at a specific time. Or you may want a specific witness to corroborate what you were doing (e.g., that you were not drinking or how much they saw you drink). Or you may want a witness to describe what someone else was doing (e.g., that the witness saw two people fighting and you get in the middle to try to break it up, thus shoving someone or getting struck).
- Assist your witness(es) in staying focused and in directing their statements to the relevant issues at hand.
- Remember that your witness(es) should have material knowledge of what occurred. Character witnesses are not needed or utilized.

**III. Closing Statements (usually lasts around 2-3 minutes)**

Describe your level of responsibility in what occurred.

**Respondent:**

- Ultimately, the university expects that students will be accountable for their actions. If you are responsible for what happened, you should state this. Rather than trying to mitigate what you did, simply state that you committed a violation and would like to try to fix it and learn from it. Furthermore, if you take this route, it is helpful to talk about what you are now doing to be pro-active about avoiding the situation in the future and preventing yourself from violating the Code of Conduct again. The University community expects responsible citizenship of students. Talk about what you are doing to be a positive contributor to the community and how you have addressed your behavior so far (i.e., Are you doing community service? Did you seek treatment/education? Are you focusing more on your academic progress? Did you get involved in a positive student organization? Have you been going to counseling?) What are you doing to seek self-improvement on your own?
- Sometimes you may feel that you are somewhat but not entirely responsible for what occurred. Explain what specifically you take responsibility for and what specifically you feel you are not responsible for. If there are mitigating factors that you feel detract from your level of responsibility, it is important to state those factors. For example, now might be the time to say that you did not plan ahead properly because you had not slept and were not thinking as clearly as usual. Another example might be any overriding feelings or stress at the time that impacted what you did at the time (i.e., sickness, recent traumatic event, past family behaviors in similar situations). If you think someone else is responsible for certain actions, you should specify who was responsible, what they were responsible for, and how their actions impacted yours (i.e., "My friend was the one driving," or "He hit me first and I had to defend myself.").
- Sometimes you may feel that you not responsible at all for what occurred. You should state why you think this and provide any evidence that you are not responsible (i.e., "I was not

- there at that time.”). You might reiterate any facts that establish you are not responsible for the alleged violations (i.e., “I was not intoxicated at the time, and no alcohol showed up on the breathalyzer,” or “I had only been there three minutes, as established by my witnesses, and was not aware that alcohol was present in the room,” or “The fight was between two of my classmates and I was the one trying to stop the fight. I got in the middle because I was trying to separate them, as my friend confirmed.”). However, remember that just because you disagree with a law or policy does not mean that you did not violate it. Regardless of your personal feelings about a law or policy, if you chose to violate it, you would be best served by admitting this and taking responsibility for your actions.
- If you are at fault and are taking responsibility for it, do not blame others in the course of admitting responsibility. This detracts from your stating that you are responsible (i.e., “I take full responsibility for what occurred. However, I was in the wrong place at the wrong time. The police are just looking for people to arrest. I was violating the law, but I did not hurt anyone and just got caught.” Essentially, such statements actually mean, “I AM responsible except I am really not responsible because everyone else is.”). If you violated the law, do not say, “I was in the wrong place at the wrong time,” as this is not true and reflects poorly on your sense of personal accountability for your actions. You were committing a violation and got caught. While you may not be happy that you got caught, this does not mean you were not in the wrong. It is not a sign of taking responsibility to say things like, “The police officers here are just looking to get people in trouble.” Additionally, saying things like, “I know tons of people who do this and don’t get caught — I’m just unlucky” is not a sign of taking responsibility, either. Show that you are being an adult and being accountable for your actions. Just because other people have not been caught does not mean they were not committing a violation or that you should not be responsible for your commission of a violation. Strive to do the right thing because it is the right thing to do. Be better than the others — do not let your behavior become lax just because those around you are misbehaving.
  - Describe what you plan to do differently in the future and recommend sanctions, if appropriate. What can the University community expect from you in the future? What are you going to do to prevent the behavior from recurring or to show that you are a good citizen? Even if you did not commit a violation, it is always a good idea to reflect on what positive behavior you plan to engage in to help yourself avoid problems later. Take steps to be pro-active about your behavior and show that you will be a responsible citizen from now on, and discuss what you have already done and what you will do. Recommend sanctions that you feel would be appropriate. What can you do to show that you are behaving in a positive manner? Review the range of sanctions in Section VIII of the Code of Conduct. How will you be accountable to yourself and the community? Do you believe suspension is appropriate? Why/why not?

**Complainant:**

- Restate your position on the policy violation. Describe why you believe the accused is responsible for violating the Code of Conduct. (e.g., “I believe that Student X violated the Sexual Misconduct provision of the Student Code of Conduct based on the information presented” or “Student X is responsible for what happened because...”) Add information presented to support your position.
- Recommend sanctions that you feel would be appropriate. Provide what you would like the consequences to be if the accused was found responsible (e.g., “I would like Student X to be suspended from the university because...” or “Student X should be required to complete a drug and alcohol assessment and community service because...”).

**V. Panel Deliberation: All parties excused**

If you have any questions about the hearing process, please go to the Office of Student Affairs, College Union 217.