

HEARING GUIDELINES FOR PARTICIPANTS

WITNESSES

The following are guidelines and expectations for **witnesses** in a disciplinary hearing:

1. Witnesses are invited by complainants and respondents. Therefore, their **participation is voluntary** and cannot be compelled by the University.
2. Witnesses **must be members of the faculty, staff or student body of the University, and can be limited** by the hearing body. A hearing body may grant an exception if it can be demonstrated that a non-University witness has direct knowledge of the allegation in question.
3. Witnesses are **not privy to the testimony of other participants** and **may not ask substantive questions** of any participants.
4. Witnesses shall **comment only on their direct knowledge** of the incident(s) in question. As such, **character witnesses are not allowed**.
5. Witnesses **may submit written statements** to the hearing body in lieu of attending, **only with the written permission of the hearing board chair** or hearing administrator. It should be noted however that the hearing body may choose to disregard all or a portion of a written statement that cannot reasonably be challenged. NOTE: Permission will ordinarily be granted to University employees who submit work related documentation.
6. **Expert witnesses¹ are not allowed**, nor may they provide written information, unless it can be demonstrated that they have direct knowledge of the allegation in question.
7. Witnesses are expected to **answer all reasonable questions**. Failure to do so may result in dismissal of their information.
8. Witnesses who knowingly providing false information, or who are implicated for a violation of a policy or regulation, **may be subject to disciplinary action**, up to and including dismissal from the University.
9. Witnesses **may not intimidate** other participants, prior to or during a hearing, and **should expect to be free from intimidation** as well. Such behavior should be reported to the Department of Student Life (355-8286), and/or the MSU Police Department, (355-2222), immediately.

¹ Those, who by virtue of their education, training, skill, or experience, are believed to have knowledge in a particular subject beyond that of the average person.

ADVISORS

The following are guidelines and expectations for **advisors** in a disciplinary hearing:

1. Complainants and respondents may be accompanied by **one (1) advisor** each.
2. Advisors must be **a member of the faculty, staff, or student body²** of the University.
3. Advisors **have no voice in a hearing**, unless the hearing board or administrator grants an exception. The most common exception is advisors, who are not an attorney, assisting with either the opening or a closing statement.
4. Complainants and respondents may converse with their advisor during the hearing, so long as the conversation does not disrupt others or the hearing itself.
5. Breaches of these guidelines may result in a formal warning and/or removal of the advisor from the hearing. Any such action should be noted in the formal record.

OBSERVERS

IF the complainant and respondent have agreed to an open hearing, members of the University faculty, staff or student body may attend under the following guidelines. Failure to abide by these guidelines may result in removal from the hearing room and disciplinary action:

1. Observers **may not speak** once the hearing has been convened.
2. Observers **may not disrupt** the hearing procedures in any way. It is the sole discretion of the Chair of the hearing body to determine that which constitutes a disruption.

RECORDINGS

1. All student disciplinary hearings shall be **recorded by the hearing body**.
2. Hearing recordings are used **for appeals purposes only** and **remain the sole property of the University**. Once the appeals process is complete, recordings are generally destroyed.
3. **No other recording shall be made** of a disciplinary hearing.

² Permission may be granted to the respondent to be accompanied by an attorney if criminal charges related to the alleged violation are pending. If the respondent is criminally charged with a sex offense related to the alleged violation when the hearing occurs, the complainant may also have an attorney present.