



STUDENT CONDUCT AND ACADEMIC INTEGRITY
DIVISION OF STUDENT AFFAIRS AND ACADEMIC SUPPORT

Carolina Judicial Council Full Hearing Guide

Case #: CASE NUMBER

Date: DATE

Time: TIME

Chair: STUDENT MEMBER

Charged Student(s):

1. CHARGED STUDENT 1

2. CHARGED STUDENT 2

3. CHARGED STUDENT 3

4. CHARGED STUDENT 4

Council Members:

1. FACULTY MEMBER

2. FACULTY MEMBER

3. STUDENT MEMBER

4. STUDENT MEMBER

5. STUDENT MEMBER

Charged Student(s) Advisor(s):

1. ADVISOR

University Representatives:

1. HEARING OFFICER

2. GRADUATE ASSISTANT

Witnesses:

1. Witnesses

2. _____

3. _____

4. _____

I. Introductions

Good MORNING/AFTERNOON. My name is HEARING CHAIR and my role as chair is to facilitate today’s hearing. For the purpose of introductions, please state your name and role, whether you are the charged student, charged student’s advisor, university representative, council member, witness, or observer.

II. Pre-Hearing Remarks

Today, DATE at TIME, members of the Carolina Judicial Council are here to consider case number CASE NUMBER. This hearing is being recorded by the university and is the only recording permitted. All responses to questions and statements must be verbal and be preceded by your name. If engaged in dialogue, it is not necessary to continually restate your name. Please speak loudly and clearly.

III. Warning of Contempt/Confidentiality

Behavior which disrupts the orderly progression of the hearing or intimidates or harasses the hearing participants will not be tolerated. All information related to this hearing is confidential.

Oath/Honors Statement

All persons participating in this hearing are obligated to tell the truth at all times. The student code of conduct prohibits misrepresenting the truth or making false statements before a university hearing panel. Students who violate this policy may face additional charges.

IV. Witness Excusal

All witnesses will be excused momentarily. You are to refrain from discussing this incident until called. When witness testimony begins, you will be called into the hearing one at a time to provide your information. At this time, all witnesses are excused.

Note to chair: If witnesses look confused, direct them to wait in the lobby. Let them know that someone will be out to get them shortly in order to provide testimony.

V. Challenge of Impartiality

Does CHARGED STUDENT believe that any member of the hearing panel would be unable to impartially review this case?

Write the charged student’s response below. If they have no concerns, write “none”.

Response: _____

VI. Establish Quorum

Note to chair: A quorum is three (3) students, and two faculty and/or staff members. The university representative will provide the charged student with a waiver if/when quorum is not present.

IF A QUORUM DOES EXIST:

We have five Council members available to hear this case. A quorum has been established and we will now proceed with the hearing.

IF A QUORUM DOES NOT EXIST:

Because this is not the appropriate composition needed to establish a quorum, CHARGED STUDENT may choose to either have the case heard now with the current panel, or can request to reschedule this hearing to allow for a full panel. CHARGED STUDENT, how would you like to proceed?

Charged Student(s)' Response _____

VII. Process Review

I want to take a moment to go over today's hearing. The charged student and the council members have had an opportunity to review the incident report and the university policies which CHARGED STUDENT is alleged to have violated. Council members will have an opportunity to ask questions to learn more about the charged student and the incident. All parties will also have the opportunity to ask questions of any witnesses. Finally, we will ask for a summation of the case to be provided by both the university representatives and the charged student. Following the presentation of the case, we will ask the charged student and university representatives to step out while the council deliberates. Once the council has reached a decision we will reconvene.

In order for the charged student to be found responsible, information presented must show that it is more likely than not that the charged student violated the student code of conduct. If there is a finding of responsibility, the council will request information regarding sanctioning from the both the charged student and the university representative. If there is no finding of responsibility, this council will adjourn. Please understand that our process is designed to be educational in nature.

VIII. Statement of Charges

CHARGED STUDENT, you are charged with allegedly violating the following university policies:

- CHARGE 1, which reads ... (read policy)
- CHARGE 2, which reads ... (read policy)
- CHARGE 3, which reads ... (read policy)

Do you, CHARGED STUDENT, understand the charges as they have been read? Please respond yes or no. (Circle one)

For the record, please verify the findings you contest by responding either "Responsible" or "Not Responsible" to each charge as it is read: (Circle R or NR)

	Responsible	Not Responsible
Charge: CHARGE 1	R	NR
Charge: CHARGE 2	R	NR
Charge: CHARGE 3	R	NR

IX. Incident Information

Thank you. I will now read the incident report and you will have the opportunity to respond.

Note to chair: at this time, read the incident report. If there are multiple incident reports, discuss with the hearing officer prior to the hearing which one(s) to read.

The council would like to call the charged student as a witness so that hearing members can ask questions of them. You may opt not to answer questions, but please understand that a decision will be made with the available information regardless of whether or not you contribute to it.

CHARGED STUDENT, please tell us what happened, from the beginning.

(Response)

Does the university have any questions for the charged student?

Does the council have any questions for the charged student?

Does anyone have any further questions for the charged student?

X. Witness Statements

Does the university wish to call any witnesses?

(Response)

Note: For each University Witness:

The council calls _____. Please loudly and clearly state your name.

(Response) **You have been called to provide truthful information regarding this case. Do you agree to tell the truth?** (Response)

Note to chair: Only read this statement if the witness is a university student.

Please note that providing false information is a violation of the student code of conduct and may result in disciplinary action.

a. Does the university have any questions for the witness?

b. Does the charged student have any questions for the witness?

c. Does the council have any questions for the witness?

Note to chair: Continue to ask these questions, in order, until all parties have responded in the negative.

Does anyone have any final questions for the witness?

If there are no more questions, this witness is excused. We would ask that you please remain nearby should you be recalled. The witness is reminded to not discuss this hearing with any other party after they leave this room.

Does the University wish to call any more witnesses?

(Response)

If yes, return to the table above and follow the procedure.

Does the charged student wish to call any witnesses?

(Response)

Note: For each Student Witness:

The council calls _____ . Please loudly and clearly state your name.
(Response) **You have been called to provide truthful information regarding this case. Do you agree to tell the truth?** (Response)

Note to chair: Only read this statement if the witness is a university student.

Please note that providing false information is a violation of the student code of conduct and may result in disciplinary action.

- a. **Does the charged student have any questions for the witness?**
- b. **Does the university have any questions for the witness?**
- c. **Does the council have any questions for the witness?**

Note to chair: Continue to ask these questions, in order, until all parties have responded in the negative.

Does anyone have any final questions for the witness?

If there are no more questions, this witness is excused. We would ask that you please remain nearby should you be recalled. The witness is reminded to not discuss this hearing with any other party after they leave this room.

Does the charged student wish to call any more witnesses?

(Response)

If yes, please return to the table for charged student's witnesses.

This is the last opportunity to recall any witness. Does anyone, including members of the council, wish to recall any witnesses?

If yes, return to the appropriate table and follow the procedure.

If it is necessary to break for a short recess, due to a large number of witnesses or emotional distress among the participants, please read the following. 99% of the time it will not be necessary.

If there are no more witnesses, we will take a short recess. We will reconvene in (an appropriate amount of time) to proceed with summations.

XI. Summations

Would the university like to make a final statement regarding this case?

(Response)

Would the charged student like to make a final statement regarding this case?

(Response)

Does the council have any final questions for the University or the charged student?

(Response)

XII. Council Deliberation

The council will now deliberate to decide if the charged student is responsible or not responsible for the charges. If the council has a procedural question, they will call an Office of Student Conduct and Academic Integrity staff member to answer those questions. Once the council reaches a decision, we will reconvene. CHARGED STUDENT, any student found responsible for violating the Student Code of Conduct will be asked to articulate how their actions did or did not portray the tenants of the Carolinian Creed.

Everyone, except for members of the council, is now excused for deliberation.

Note to chair: The council must find the charged student either “Responsible” or “Not Responsible” for each charge. A “Responsible” decision needs to be based on a preponderance of the evidence (more likely than not). In determining responsibility, consider only what actions occurred and whether they constitute a violation of university policy. Mitigating circumstances are only relevant during sanctioning.

XIII. Statement of Findings

Once the council has reached a decision, bring the charged student, any advisors, and university representatives back into the hearing room. Call the hearing to order and read one of the following.

IF THE CHARGED STUDENT IS “NOT RESPONSIBLE”

The council has found CHARGED STUDENT “Not Responsible” for all charges on the grounds that sufficient evidence was not presented. This hearing is confidential and should not be discussed by anyone present after they leave this room. Thank you for your participation.

This hearing is adjourned at (TIME).”

IF THE CHARGED STUDENT IS “RESPONSIBLE”

The council has determined that CHARGED STUDENT is responsible for the following charges:

1. _____

2. _____

3. _____

The council’s rationale is: _____

XIV. Prior Record

Will the university present any prior records for the charged student?

Note to chair: If the charged student has no prior record, move on to “Recommended Sanctions”

Would CHARGED STUDENT like to comment briefly on HIS/HER prior record?

Does the council have any questions regarding the prior record?

XV. Recommended Sanctions

What are the university’s recommended sanctions?

(Response)

Does the council have any questions for the university?

What are the charged student’s recommended sanctions?

(Response)

Does the council have any questions for the charged student?

Does the university wish to respond?

CHARGED STUDENT, at this point please describe how your actions throughout this incident did or did not embody the tenets of the Carolinian Creed.

Does the council have any final questions it wishes to ask?

When there are no more questions the council wishes to ask, please read the following:

Members of the council will now determine the sanctions for the charged student. If the council has any procedural questions they will call an Office of Student Conduct and Academic Integrity staff member. Everyone else is excused.

XVI. Deliberation to Determine Sanctions

Note to chair: at this point the council must determine sanctions for the charged student. During this deliberation, consider the student’s prior record, as well as the severity of the offense and university precedent. Feel free to consult the sanctioning grid and ask questions of Office of Student Conduct and Academic Integrity staff members as appropriate. Keep in mind that at its core, the hearing process is designed to be educational, rather than merely punitive, and that each sanction given should fall into one of the following categories.

- a. Have a specific learning outcome.*
- b. Be designed to protect the safety of members of the Carolina Community*
- c. Be a university standard fine*

When the council has come to a consensus on sanctioning, bring the charged student, any advisors, and university representatives back into the hearing room. Call the hearing to order and read the following.

The council has reached a decision. CHARGED STUDENT will be required to complete the following sanctions:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

We hope these sanctions will promote personal growth and learning, as well as serve as a means of reflection on how to better meet community obligations.

XVII. Title IX Compliance

In order to comply with Title IX requirements, cases involving sexual assault, hazing, discrimination, harassment, stalking, or relationship violence will contain the following stipulation. The University of South Carolina will notify all parties to the proceedings simultaneously. This includes both the charged student and any victim(s). Simultaneous written notification will occur for any and all outcomes, sanctions, and appeal procedures or updates.

XVIII. Appeal Procedure

The student found “Responsible” shall have five university business days from the date the decision letter is received to submit a written request for an appeal. If there is no appeal within this time limit, the decision of this council shall be implemented.

To appeal the findings of this council, you must do so via the appeals form located on the OSC website. The Office of Student Conduct will forward it with a response memorandum to the Vice President of Student Affairs. An appeal may be made for the following reasons:

- (a) **A procedural error was committed that has significantly prejudiced the findings of the Hearing Council; or**
- (b) **new evidence which could not have been available at the time of the hearing AND would have a significant effect on the outcome of the case is now available.**

The Vice President or designee will review the appeal and may decide one of the following:

- (a) **Affirm the decision of the hearing authority, in which case the decision is final, or**
- (b) **Remand the case to the original hearing authority for further proceedings with directives to attend to procedural errors or new evidence.**

XIX. Statement Regarding Confidentiality

I must emphasize again that this hearing is confidential and should not be discussed by anyone present after they leave this room. Thank you for your participation in this hearing.

XX. Adjournment

This hearing is adjourned at _____(TIME).