

RULE 1.6

HEARING GUIDE

Suspension or Expulsion Level Cases Only

Complainants and Respondents are allowed Advisors and/or Attorneys.

Advisors may be requested at:
https://wvu.qualtrics.com/jfe/form/SV_0vuZki2vqMvfmK1.

Important Definitions

- Complainant-person who made the allegation against the Respondent or had direct negative consequences that resulted from the alleged violation
- Respondent-student accused of committing a violation of the Campus Student Code of Conduct
- Student Code Administrator-presents the facts from the investigation in an unbiased manner
- Single Adjudicator-oversees the hearing to determine if the Respondent is responsible for the alleged charges
- Burden of Proof-duty placed upon the Office of Student Conduct to prove the alleged violations of the Campus Student Code of Conduct
- Preponderance of the Evidence-the standard of proof the Adjudicator uses to determine if a Respondent is responsible for the alleged violations. The Adjudicator will look at all evidence including witnesses to determine if there is a greater than 50% chance that the Respondent did or did not commit the alleged violations.

Hearing Process Timeline

A hearing is divided into two parts

Part One: Presentation of evidence & witnesses to determine responsibility

Part Two: Sanctioning

Step #1: Preliminary matters such as objections to evidence

Step #2: Adjudicator reads charges against Respondent

Step #3: Opening Statements: summary of what you intend to present during hearing.

- Student Conduct Statements
- Optional Complainant Statements
- Optional Respondent Statements

Step #4: Witnesses and Presentation of Evidence

- Student Conduct Witnesses/Evidence
- Optional Complainant Witnesses/Evidence
- Optional Respondent Witnesses/Evidence

Step #5: Closing Statements: Summary of your case and desired finding of responsibility

- Student Conduct Closing Statements
- Optional Complainant Closing Statements
- Optional Respondent Closing Statements

Step #6: Adjudicator will close hearing by giving estimated timeframe for their findings.

If the Respondent is found responsible, the Adjudicator will instruct all parties in next steps including the Sanctioning Phase.