

The Student Conduct Hearing Panel

If a student or organization does not accept the decision issued by their Student Conduct Officer through the Student Conduct Hearing process, or if a student or organization placed on interim suspension elects to proceed directly to a Student Conduct Hearing Panel, the case will be adjudicated through the standardized process referenced in The Code of Student Conduct. An overview of this process is provided below. Failure to participate in the Hearing Panel after requesting one may result in the case being resolved in the student's or organization's absence.

Step 1: Student Notification

- The student or organization requesting the Student Conduct Hearing Panel will receive written notice, at least five (5) days prior to their scheduled Hearing Panel including the following information:
 - The Code of Student Conduct rule alleged to have been violated
 - A summary of the facts alleged to constitute the violation
 - The date, time, and location of the Hearing Panel
 - The names of expected witnesses and a summary of their expected testimony
 - A description of other evidence that the Dean of Students/designee will present at the Hearing Panel
 - Notification if the Dean of Students/designee intends to use legal counsel
 - A statement that the student or organization must provide a list of witnesses and a summary of their expected testimony to the Dean of Students/designee at least 48 hours before the Hearing Panel
 - The name of the Hearing Panel members

Step 2: Notification of Evidence

- At least 48 hours before the Hearing Panel, both the Dean of Students/designee and the student will provide the other party with the names of witnesses, summaries of testimony, documents and other evidence to be presented at the Hearing Panel.
 - Requests for additional records that incur an expense will be paid by the requesting party.

Step 3: The Hearing Panel Procedures

- The following procedural steps will be taken within the Hearing Panel:
 - The Dean of Students/designee will invite all parties entitled to be present into the hearing room or platform in use for remote participation.
 - After welcoming in the parties entitled to be present into the hearing room or platform, the recording will be started. The Hearing Panel, with the exception of the Hearing Panel's deliberation, will be recorded. If the student or the Dean of Students/designee desires to appeal the Hearing Panel's findings, a copy of the Hearing Panel recording and records presented at the Hearing Panel will be forwarded to the Vice President for Student Success. Students may request an electronic copy of the Hearing Panel at no cost.
 - Before proceeding further with the Hearing Panel, the Dean of Students/designee will ask if the alleged student would like to challenge the impartiality of any members of the Hearing Panel. The Hearing Panel member challenged will be the sole judge as to whether they can serve. The Dean of Students/designee may appoint a special replacement for a case in which a Hearing Panel member removes themselves from the hearing.

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- The Dean of Students/designee will read a statement regarding confidentiality. All participants in the Hearing Panel are required to uphold confidentiality and refrain from disclosing any information disclosed during the Hearing Panel.
- The Dean of Students/designee will state the university policy alleged to have been violated.
- The Dean of Students/designee will present evidence of the student's alleged violation of the Code of Student Conduct. The Hearing Panel may ask any clarifying questions during the presentation of evidence.
- The alleged student or organization will be given the opportunity to respond to the evidence of the alleged violation with their own evidence, testimony, or defense. The Hearing Panel may ask any clarifying questions during the presentation of evidence.
- If witnesses are present, they will be given the opportunity to individually share applicable testimony.
- The alleged student and Dean of Students/designee will be given the opportunity to present rebuttal evidence and summation/closing arguments.

Step 4: Resolution

- After rebuttals and closing arguments, the Dean of Students/designee will conclude the Hearing Panel. The Hearing Panel will deliberate privately to determine the finding of responsibility and, if the student is found responsible, the appropriate sanctions.

Step 5: Notice of Outcome

- The findings of the Hearing Panel will be communicated to the student by the Dean of Students or their designee via the student's Texas State email within twelve (12) business days of the request for a Hearing Panel.

Step 6: Right to Appeal

- In cases in which the assessed sanction is a verbal or written warning, the decision of the Hearing Panel is final. In cases in which the sanction assessed is beyond a warning, either party may appeal to the VPSS based on:
 - Whether or not a fair hearing was afforded (a fair hearing includes notice of the alleged misconduct and an opportunity to present evidence)
 - Whether or not the sanctions levied were appropriate to the offense
 - Whether or not the finding was supported by evidence
 - Whether or not new evidence is introduced that was not available at the time of the hearing
- An appeal is not a rehearing of the original case; the VPSS's review will focus on arguments addressing the basis, listed above, of the appeal.