



STUDENT CONDUCT *and* COMMUNITY STANDARDS

BUFFALO STATE • The State University of New York

HEARING PREPARATION GUIDE FOR STUDENTS

The following is a guide to assist you in preparing for a student conduct hearing. The Conduct Board hearings are convened when information is received that an individual has been involved in an incident of inappropriate behavior.

Reviewing the Code and Understanding Violations

Please review the Code of Conduct and charge letter thoroughly to familiarize yourself with alleged violations that you are charged with. The Code, which also contains a list of student rights, is available [online](#) at the Buffalo State University Student Conduct and Community Standards Office (SCCS Office) website.

It is highly advised that you review your rights and the violations that have been charged. Any questions may be directed to the Student Conduct and Community Standards Office.

Accused Students

You have been charged with an alleged violation of the Buffalo State University Code of Conduct. Although you have been charged with a violation, you are presumed not responsible unless you accept responsibility or until you are found responsible by a hearing board comprised of students, faculty and staff. Responsibility for violations is determined using a preponderance “more likely than not” of evidence standard.

Reporting Individuals (RI's)

Shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used to reference an individual who brings forth a report of a violation. For admin 1-1 hearings, RI's may meet with conduct officer separately and prior to the hearing for the accused student. For Conduct Board cases, RI's may have a pre-hearing meeting to review incident details, provide additional information and review the hearing process.

Right to an Advisor

You have the right to have an advisor assist you in preparing for and to be present at the hearing. An advisor is an individual who has agreed to help students in preparing for hearings under the University's conduct system. Advisors may be obtained through the SCCS Office when available.

You may also consult with and bring an advisor of your own choice to the hearing, at your own expense.

The advisor is not permitted to speak on your behalf, or to participate directly in any way during the hearing (except in Title IX hearings). Advisors provided by the university have to be assigned at least 48 hours prior to the scheduled hearing. Requests for advisors less than 48 hours prior to the hearing will require a hearing date change; only one reschedule is permitted.

They can help you do the following:

- Review the charges against you

- Aid in the preparation of opening and closing statements;
- Think of questions you will want to ask of your accuser, witnesses and the witnesses called to testify against you
- Take notes during the hearing
- Help you to remain calm and in control during the proceedings

An advisor will be assigned to you, or if you chose to bring an advisor of your choosing please submit their name to the SCCS Office prior to your hearing date.

Witnesses

You will be allowed to bring witnesses to support your statements. Please submit a list of your witnesses to the SCCS Office prior to your hearing date. *(You are responsible for contacting your witnesses and informing them of the date, time, and location of the hearing).*

Before the Hearing

Steps to Prepare

- Review the hearing notification that includes the charge(s) and make sure you understand the charge(s). If you do not understand the charge(s) consult with staff in the Student Conduct office or with an advisor.
- Set a reminder on your phone or planner with the date, time, and location of the hearing (this information is in the hearing notification).
- If you have not already been provided a copy of the report and relevant evidence from the Student Conduct office, request a copy (the full report is reviewed during the hearing).
- Are there any witnesses that observed the alleged incident? If so, contact those individuals and request that they attend the hearing. If they cannot attend in person, ask them if they could be available remotely to give their account. Please submit in writing the names of the witness(es) that will be present prior to your hearing (one week, for board hearings and 48 hours for admin 1-1 hearings)
- Prepare any relevant evidence (if applicable) to present during the hearing.
- Prepare questions to ask of your witness(es), if applicable (for Conduct Board hearings)
- Prepare your Opening Statement/Introductory Remarks (for Conduct Board hearings) - During the hearing you may present an opening statement (this is not required). An opening statement is a summary of your narrative account. You may include an overview of the types of evidence you intend to introduce and/or witnesses to support your case. This can also serve as a way to introduce yourself to the hearing board, for example providing them information about your major, career plans, involvement on campus, etc.
- Prepare your Closing Statement (for Conduct Board hearings)-the hearing officer will ask if you would like to provide a closing statement (you are not required to do so) The closing statement is a way to summarize your main points relative to the incident. During your closing statement you may offer alternative sanction options to the board for their consideration. You do not have

to provide a sanction recommendation; however, this is your opportunity to voice your thoughts on what

- Prepare your Impact Statement (for Title IX Conduct Board hearings only. You do not have to provide an impact statement; however, this is your opportunity to communicate the impact of the incident to the Conduct Board.

The Hearing

You will be allowed to ask questions at the hearing. Witnesses must be present to present their own statements, written statements will not be accepted. If you believe that you have evidence or information that is pertinent to your case (e.g. documents, pictures, etc) you must submit it to the SCCS Office prior to your hearing date. The hearing board has the option whether or not to consider evidence or information that has not been received prior to the hearing. For admin 1-1 hearings, please bring evidence to your scheduled hearing for review by the conduct officer.

Admin 1-1 Hearings

Administrative Resolution Hearing- Students will attend a hearing with a student conduct official to review the incident and speak about options for an administrative resolution. The respondent(s) will have the right to accept or deny responsibility for the violations that they are charged with. The student conduct official will render a finding based on the preponderance of evidence. If the finding(s) warrant any sanction, it will be imposed and communicated to the respondent(s) in writing via Buffalo State University email. The student conduct official reserves the right to render findings and impose sanctions in the absence of the respondent should the respondent fail to attend his or her scheduled hearing. The respondent maintains the right to file an appeal. Imposed sanctions may be applied only in cases where sanctions will not result in suspension or dismissal from the university.

Board Hearings

All statements will be heard by a hearing board consisting of students, faculty and staff. They are there to: (1) hear statements objectively, (2) formulate an decision regarding whether it is more likely than not that you engaged in the prohibited conduct presented to them, and (3) if so, issue a sanction. The hearing board seeks to provide an impartial review, so please do not allow yourself to become defensive or argumentative with the hearing board members.

Arrive at the hearing location 10-15 minutes prior to the beginning of the hearing. (If in doubt of time and date, please review the charge letter that you received or contact the SCCS Office to verify). If you do not appear for the hearing, the hearing board will proceed in your absence

Except in extraordinary circumstances, requests to postpone the hearing will not be considered. A postponement request must be made in writing to the designated student conduct official (noted on your letter), citing a valid reason, at least 24 hours prior to the hearing. This request must be approved by the SCCS Office for the postponement to take effect. Respondents are advised to prepare an opening and closing statement. However, these statements are optional and are not required.

Be prepared to address the facts of the case and the particular incident being presented. You should take the student conduct process seriously and prepare carefully.

Post Hearing

Following the hearing, a decision will be issued by the Conduct Board in writing to you, sent to your student email account. If held responsible and you wish to appeal, please view the appeal instructional video (housed within the documents tab on the SCCS website) and complete the appeals form within 3 days. Please note that submission of an appeal does not guarantee a new hearing, full information regarding the appeals process is found within the Code of Conduct and on the Appeal Form.

If you have any additional questions contact the SCCS Office, at 878-3051.