

# Administrative Hearing Guidelines

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### Section 1: Introduction

Guidelines in this document are designed to set expectations for and clarify Kent State University Office of Student Conduct hearings as set forth through the following university policies:

[4-02: University policy regarding administration of student conduct](#); and  
[4-02.1: Administrative policy and procedures regarding regulations for student behavior and administration of student conduct](#); and  
[4-02.101: Operational definitions and information regarding regulations for student behavior and administration of student conduct](#)

### Section 2: Administrative Hearing Purpose

In all student conduct hearings, a student respondent is not presumed to have violated university rules until and unless there is a preponderance of the evidence that a university rule was violated. If it is determined that a university rule has been violated through the student conduct hearing process, appropriate sanctions will be applied. In some hearings, if a student has acknowledged and accepted responsibility for violating one or more university rules, the hearing may solely focus on appropriate sanctions.

### Section 3: Privacy

All student conduct hearings are private and may be attended only by those individuals noted in this procedure and the code of conduct.

All information will be maintained by the Office of Student Conduct. The case file will be accessible to the respondent(s), complainant(s), and conduct advisor(s) (with valid FERPA authorization) from the date of notice until completion of the appeal process.

All student conduct hearings are digitally recorded and maintained in accordance with the university administrative policy regarding record retention (provided for in rule [3342-5-15 of the Administrative Code](#)). Recordings of a student conduct hearing will be provided to the respondent/complainant only at the respective student's request and expense, and in accordance with university policies and the Family Educational Rights and Privacy Act (FERPA).

By participating in an administrative hearing, a student consents to allow for the limited release as previously described. If a student would like to inquire further, they may contact the Director of Student Conduct.

## Section 4: Participation in Administrative Hearings

Administrative Hearings may be held in person at the Office of Student Conduct at 119 Twin Towers (Beall/McDowell Hall) or through an online forum as determined by the Director of Student Conduct (or designee). For administrative hearings held online, all participants must have video on at all times.

All student conduct hearings are private and may be attended only by those individuals noted in this procedure and the code of conduct.

Some or all of the following may participate in student conduct Hearings:

Complainant – a person, persons, or student organization who submits a report alleging that a student or student organization violated university rules, regulations, or policies.

Conduct Advisor – any person who advises a student or student organization regarding university policies or procedures. Examples of conduct advisors include but are not limited to judicial advocates, parents, attorneys, etc. See Section 9 of this document for additional information on conduct advisors.

Administrative Hearing Officer – any Kent State University faculty or staff who has been appointed to a student conduct decision-making role by the director of student conduct and has been trained through the office of student conduct. The administrative hearing officer is responsible for logistics and procedures associated with the student conduct process.

Law enforcement / Investigator – university police services, other law enforcement agency representative, or non-law enforcement investigator (including office of compliance / Title IX representative) who may provide information resulting from an investigation.

Respondent – a student or student organization that has been accused through an incident report, of violating university rules, regulations, or policies.

Witness – any person who has direct information regarding an alleged incident; and/or a professional with demonstrated experience (such as a licensed health care professional) in a field directly related to an element relevant to the hearing.

Respondent(s) and complainant(s) must provide any potential witness name(s) and contact information (email and/or phone number) by the pre-hearing meeting in order to participate in the administrative hearing.

If a student has challenges with technology, requires an accommodation to fully participate in the hearing because of a disability, or has other logistical concerns about participation, they may contact the Director of Student Conduct.

## Section 5: Scheduling

The Office of Student Conduct will attempt to avoid class times of the respondent and complainant when scheduling an administrative hearing. If a student conduct hearing directly causes a student to miss an academic class, the Office of Student Conduct may provide documentation verifying the student was in attendance for an administrative meeting.

The respondent and complainant are expected to provide a list of all conduct advisors and witnesses who they plan to participate in the administrative hearing to the Office of Student Conduct by email ([studentconduct@kent.edu](mailto:studentconduct@kent.edu)) at least 48 hours in advance of the scheduled hearing. The list of participants will be shared with the respective complainant / respondent. No person who does not appear on the submitted list will be permitted to participate in the hearing, other than a university-provided conduct advisor as stated in Section 9 of this document. It is expected that the respondent and complainant will communicate scheduling information with their respective conduct advisors and witnesses. It is up to the complainant and respondent to facilitate the attendance of any witnesses they wish to participate.

A scheduled administrative hearing may be adjusted at the discretion of the Director of Student Conduct (or designee) due to extenuating circumstances.

## Section 6: Administrative Hearing Decorum

The administrative hearing officer will control the decorum for administrative hearings. General expectations for all participants include:

- Adhering to procedural instructions by the administrative hearing officer; and
- Allowing another person to speak without interruption; and

- Maintaining an appropriate volume when speaking; and
- Questioning is to be relevant, respectful, and non-abusive; and
- Refraining from any form of physical contact with any other participant in the hearing without affirmative consent; and
- Other as deemed appropriate by the administrative hearing officer to maintain safety and decorum in the hearing.

Failure to abide by the previously stated decorum standards may result in the administrative hearing officer making adjustments to the hearing process. Adjustments made to the hearing process are situational, and may include, but are not limited to giving a verbal warning to cease specific behavior, pause or suspend the hearing, or remove any person from the hearing who is deemed non-compliant.

## Section 7: Administrative Hearing Components

There is no specific requirement for the order of the student conduct hearing components, so long as each component is addressed in accordance with the type of hearing and university policy.

Failure for any party to be present or participate will not preclude the administrative hearing from continuing in their absence.

Introductions – The administrative hearing officer will ask each participant in the hearing to introduce themselves.

General Hearing Information – The administrative hearing officer describes the general process for the hearing. This may include but is not limited to decorum, recording of hearings, preponderance of evidence standard, and accusations alleged of the respondent. After the administrative hearing officer completes sharing general hearing information, all witnesses (who are not serving in another role in the hearing) will exit the hearing until they are called to give information.

Law Enforcement / Investigator Information – If a law enforcement officer and/or an investigator has provided information for the Office of Student Conduct pertaining to the administrative hearing, they will be asked to present a verbal summary of their report along with any other relevant information available.

Respondent Information – The respondent will be provided an opportunity to add or refute information from the incident report, investigation, etc.

Complainant Information – The complainant will be provided an opportunity to add or refute information from the incident report, investigation, etc.

Witness Information – The witness will be provided an opportunity to share direct

information and/or information they may provide as a professional with demonstrated experience in a relevant field.

Questioning – See *Section 8: Questioning in a Student Conduct Hearing* in this document.

Deliberation – The time after an administrative hearing where the administrative hearing officer renders a determination of responsibility and sanctioning (if applicable).

Report of Finding – Written decision that explains the outcome of an administrative hearing. A report of finding is provided in writing to all respondents, and complainants in accordance with university policies.

The report of finding must be provided in a reasonable amount of time after deliberation, not to exceed seven days. An extension may be granted by the Director of Student Conduct (or designee) for extenuating circumstances. Any evidence provided to the administrative hearing officer after the deliberation has begun must be shared with the respondent, complainant, and law enforcement / investigator.

Appeals – The appeal process for administrative hearings are identical to all other student conduct hearing appeals as described in [University Policy 4-02.1\(D\)](#).

Appeal of a decision from an administrative hearing must be submitted by the respondent(s) or complainant(s) using the Office of Student Conduct Appeal Form to the Office of Student Conduct within seven (7) calendar days from the conclusion of the hearing (or the next available business day after seven calendar days – for example holidays or recesses). For administrative hearings, the timeline begins on the day the Office of Student Conduct sends the report of finding to the respondent and complainant.

## Section 8: Questioning in an Administrative Hearing

All persons questioning others in an Administrative Hearing are expected to abide by the decorum as outlined in this document.

In an administrative hearing, the respondent and complainant are prohibited from asking questions of a respondent, complainant, law enforcement / investigator, and/or witness.

At any time during a student conduct hearing, the administrative hearing officer may ask questions of any participating party.

The administrative hearing officer has the authority to disallow any question they deem to be irrelevant, repetitious, or questions / evidence about the complainant's prior sexual behavior or sexual predisposition unless it is being asked to establish consent for the

alleged behavior or to establish another party as responsible for the alleged behavior for the current case.

The administrative hearing officer is the only participant who may make a determination of a question's relevance, and their decision is final.

No party may be forced to respond to a question.

At appropriate times as instructed by the administrative hearing officer, one conduct advisor for a respondent, one conduct advisor for the complainant, and law enforcement / investigators may directly ask questions of the respondent, the complainant, law enforcement / investigators, and/or witnesses. The respondent and complainant may not ask questions during an administrative hearing, other than those based on the procedure to the administrative hearing officer.

## Section 9: Conduct Advisors in the Student Conduct Process

In an administrative hearing the respondent and complainant are required to submit the name(s) of conduct advisor(s) to the Office of Student Conduct at least 48 hours prior to a scheduled administrative hearing. If the respondent or complainant does not inform the Office of Student Conduct with the name of at least one conduct advisor, the Title IX Coordinator (or designee) will appoint a Kent State University faculty or staff person to serve in the capacity of a conduct advisor at no financial cost. If a respondent or complainant refuses a Kent State University-provided Conduct Advisor, the hearing will continue. A respondent or complainant remains prohibited from asking questions of a respondent, complainant, law enforcement / investigator, and/or witness.

A respondent and complainant may each have up to two persons serving in a conduct advisor role in an administrative hearing. In an administrative hearing, only one conduct advisor may be designated to question other persons at appropriate times.

A conduct advisor's direct participation in an administrative hearing is limited to questioning as described in *Section 8: Questioning in an Administrative Hearing* of this document. For all other student conduct hearing components, a conduct advisor may be present and provide guidance and support without disruption to the hearing as deemed by the administrative hearing officer.

If an administrative hearing officer deems at any time that a conduct advisor has breached decorum per *Section 6: Administrative Hearing Decorum* of this document and is removed from the hearing, Kent State University will provide a person to serve in the capacity of a conduct advisor at no financial cost to the respondent or complainant. The hearing will continue, and that respondent or complainant remains prohibited from asking questions of a respondent, complainant, law enforcement / investigator, or witness, except through the appointed conduct advisor.