

University Hearing Panel: An Overview for Advisors

A hearing will be convened for cases in which the SAA Hearing Officer refers the case directly or if the charged student declines the administrative decision and outcome. Some cases may be referred directly to a University Hearing Panel for resolution (see section 8.1.C of the Code of Student Conduct).

The role of the advisor in the accountability process at LSU is to support the student, and to advise the student. The advisor can be a parent, friend, faculty member, academic advisor, coach, student organization advisor, attorney, spiritual advisor or anyone that the charged student enlists to serve in this role. The advisor does not “represent” the student or “participate” in the hearing beyond offering support.

Below is an overview of the University Hearing Panel process with key information that an advisor needs to know prior to participating. Please direct any questions to dossaa@lsu.edu or review our FAQs at www.lsu.edu/saa.

Here are some key terms you need to be familiar with:

SAA Hearing Officer – the staff person who was assigned to administratively hear case. This staff person has the responsibility of reviewing the information, scheduling an Administrative Meeting to address the allegations, and finally making a decision as to whether or not the student is responsible for violation(s) of the Code of Student Conduct.

Accountability Meeting – the opportunity for the Charged Student to address the allegations and charges with a SAA Official/Hearing Officer. This meeting is one of information sharing with the Charged Student and SAA Hearing Officer present, students may also opt to bring an advisor with them. The meeting is roughly 30-60 minutes in length and the outcome of the meeting is the Accountability Outcome.

Accountability Outcome - an Accountability resolution and any requirements, restrictions, or change in Student status that have been assigned to the Student by the SAA Official/Hearing officer. The administrative decision is a letter sent to the Charged Student’s LSU email address following the Accountability Meeting. This letter includes whether the student is found responsible or not responsible for the violation(s), accountability outcomes if found responsible and next steps in either accepting or declining this outcome.

Appeal – the University Hearing Panel is not an appeal of the administrative decision by the SAA Official / Hearing officer issued as an Accountability Outcome. The UHP will be convened to completely re-hear the case from start to finish. Although the SAA Hearing Officer will be present, the Accountability Outcome issued administratively is no longer valid. The UHP Decision will replace the previous Accountability Outcome in its entirety. **Note:** After a UHP Decision has been signed, the Charged Student may appeal to the Dean of Students within 5 business days. This appeal must be submitted based on the grounds outlined in the Code of Student Conduct section 11.5.

Advisor – the supportive person accompanying the Charged Student to the UHP. A Student has the right to have one Advisor of his/her choice present during any Accountability meeting. The Advisor may not have personal involvement regarding any facts or circumstances of the alleged misconduct. The Advisor's only function shall be to assist and consult with the Student regarding an Accountability meeting or UHP. The Advisor may not act as a spokesperson for the Student and may not directly address the SAA official, UHP members, or Material Observers. The Advisor may be an attorney, but participation shall be limited as stated above.

Material Observer – a person who has knowledge of facts or circumstances pertaining to an alleged violation. Both the Office of the Dean of Students and the Charged Student may submit names of material observers to be present and provide relevant information to the UHP. There are procedures for notifying these persons so, names must be submitted to the SAA office at least 24 hours prior to the hearing date and time. For academic misconduct cases, the referring faculty member will be asked to be present as a material observer.

Preponderance – the level of evidentiary information needed to find a Charged Student responsible of a violation of the LSU Code of Student Conduct. This is not a court proceeding, so the SAA Hearing Officer and the UHP panel will use the “more likely than not” standard in determining responsibility. It is important to note that the UHP panelists do not need to be 100% convinced, they simply need to believe that it is “more likely than not” that the Charged Student was in violation of the Code of Student Conduct..

Intent – resolve or determination during the incident. The Code of Student Conduct does not indicate that intent is needed to establish Student responsibility. However, both the SAA Hearing Officer and the UHP may consider intent when assigning Accountability Outcomes.

Character – the mental and moral qualities distinctive to the Charged Student. Because the accountability process is not a court proceeding, we will not debate Student character nor the character of Material Observers during the hearing. This is not to say that character is not important, and it may be considered in assigning Accountability outcomes.

Relevant Information – information that is specific to the incident in question. Only relevant information will be permitted during the UHP, and the UHP Chair may redirect questions or statements not relevant to the case.

SAA Official / Representative – this is the person who will help guide the University Hearing Panel process during the hearing. This staff person has little or no knowledge of the specific case and is there to assist in questions of process or protocol and in protecting student rights. This staff person will be present for the entire hearing and will be available after the hearing to help answer your questions.

SAA – Student Advocacy & Accountability; the department within the Office of the Dean of Students who manages the accountability process, as well as advocacy for students in distress.

Student Rights & Responsibilities:

Family Educational Rights and Privacy Act (FERPA)

LSU's Policy Statement 30 addresses the University's responsibilities and student rights related to educational records. Also referred to as the "Buckley Amendment," FERPA was passed in 1974 as a means for student educational records, and personally identifiable information, to be protected from dissemination.

Accountability records are available for students to inspect and review in the SAA office upon request. We do require 2 business days advanced notice to prepare the file for student inspection. Per PS-30, the University reserves the right to deny copies of records and to access an administrative fee for copies as appropriate.

Parents, and/or advisors, who wish to discuss a Charged Student's case with SAA staff or wish to view the student's accountability record must first obtain permission from the LSU Student. This permission is provided by the student to our office in the form of a waiver, which is available on our website at www.lsu.edu/saa under Forms & Documents. SAA staff will not speak with third parties regarding a student's disciplinary record without this waiver; except in cases of safety concerns.

Due Process

In 1961, the Dixon v. Alabama State Board of Education case established the baseline due process requirements for American universities. This case outlined that students should have a notice of the charges against them, a hearing with a panel or an administrator where the student can present their side, the right to question witnesses in person or to question statements, and a notification of the result.

During a UHP, the Charged Student has several rights and responsibilities as outlined in section 6.3 of the Code of Student Conduct. Perhaps the greatest responsibility for a Charged Student during the UHP is:

B. To present information on his or her own behalf. The Charged Student must provide copies of any documents to the hearing panel members. Additionally, any information to be presented during the hearing must be presented to the SAA office at least one (1) business day in advance of the hearing. This includes any item(s) that will be provided to the UHP in either hard copy, digitally, or presentation format.

AND

D. To conduct reasonable questioning of the Material Observers appearing at the hearing and/or providing statements. Whenever possible, Material Observers will present oral instead of written statements. Oral statements, written statements, previously written memoranda, letters, and/or other written materials may be presented at a hearing even if the Material Observer is not present and the ability to question him or her was not possible at the time the written materials were prepared. The UHP may limit any questions or responses to pertinent information and/or to maintain order, avoid repetition or prevent harassment or unnecessary embarrassment. The UHP may require that the Charged Student present his/her questions in writing for a member to ask.

As an advisor, you can help the Charged Student in their preparation for the hearing on these two items. By asking the student about the information they plan to present to the UHP and helping them to determine which information is relevant is important. Additionally, advisors can assist students in preparing questions for material observers that are relevant to the case at hand. One of the biggest mistakes that students can make in a hearing is to present irrelevant information, which will be disallowed by the Hearing Chair. Advising the Charged Student to provide his/her point of view with supporting information, in a way that is clear and concise, is the best way to guide in this proceeding.

What to expect during the University Hearing Panel:

Keep in mind that every case is different and that the hearing process will be consistent. Student rights and responsibilities will be satisfied in the hearing proceeding as outlined by the detailed procedure followed by the UHP. Charged Students are encouraged to bring questions about the process to SAA in advance of the hearing. Advisors are also welcomed to call with questions, as long as a FERPA waiver is on file with our office.

- The UHP will be more formal than the Administrative Meeting, in that there are strict procedures that the panel will follow. Things will happen in a specific order and a specific way at the direction of the UHP Chair.
- The UHP is made up of 3-5 faculty, staff and LSU students. One of the panelists will serve as the panel chair and will coordinate the hearing. Refer to this person for procedural directions.
- The Charged Student's advisor will sit next to or behind the Charged Student during the hearing. You will be permitted to share notes with one another but not to speak openly. If you need a recess to consult, the student will ask the Chair. Remember that the advisor cannot speak for or represent the student in the hearing.
- The Charged Student will provide a statement first, followed by the SAA Hearing Officer, Material Observers (including faculty in academic misconduct cases) and finally the Charged Student will give a closing statement.
- The panelists and student will be able to ask questions of the SAA Hearing Officer and Material Observers, however, this process will be amended if the case involves harassment or threat of safety. The panelists will also ask the student questions.
- The UHP will deliberate in a private executive session before providing an outcome. First, they will determine if the charged student is responsible for the violations. Then they will share the decision and ask about any prior history of misconduct that the charged student may have at LSU. Then they will further deliberate in private regarding the Accountability outcomes. The student will be notified in writing and is asked to sign the UHP decision document before leaving the hearing.
- The UHP Decision is final and will replace any previous administrative decision. It is important for students and advisors to understand that the UHP Outcome could be very different than the administrative decision; including a ***more punitive*** Accountability status and/or outcomes.

Students may appeal the UHP Accountability Outcome:

Appeals of the UHP Accountability Outcome should be made in writing within 5 business days to the Dean of Students. Appeals must be made by the student and may not be submitted by an advisor. The Dean will review the case and appeal if it is received on time and meets the following criteria:

- A. Evidence of bias by the UHP;
- B. Significant departure from the procedures, definitions or standards in the Code;
- C. New Information has become available since the UHP;

(per section 11.4 and 11.5 of the Code of Student Conduct)

Students must articulate in the written appeal to the Dean of Students which of the three above reasons in which the appeal is being filed, along with the supporting information for using that criteria.

As an advisor, you can guide the student in preparing the appeal. Often talking through the elements of the case that concern the student and/or the new information the student plans to present to the Dean of Students will help to format an appeal. Simply appealing the accountability outcome of the UHP because the student believes the sanctions were too punitive may not be enough information. Help the charged student to think through the reason for appeal and to determine their own accountability at this stage of the process.

An appeal that does not meet the above criteria may not be considered by the Dean of Students. The discretion in this appeal rests with the Dean.