

Preparing for an Administrative Hearing

Before the Hearing

- **Make a hearing appointment within 5 business days of the email informing you of the alleged charges.** Use the Hearing Officer's contact information listed in the notification email.
- Review the specific charge(s) being levied against you and read the *Student Conduct Code*. The *Code* is available online [here](#).
- Take time to think through and possibly even write out your response to each charge. Be prepared to respond whether you believe you are Responsible or Not Responsible for each charge. Be specific and include dates, times, names, places, and all other relevant information.
- Prepare to assume an active and constructive role in the hearing.
- Determine whether you want to present any witnesses (factual or character) or if you would like a Support Person. Refer to *Your Rights and Responsibilities* for more information.
- Write down your thoughts, especially concerning your past conduct issues, present demeanor, and any mitigating circumstances (i.e., reasons you believe you should be assigned a less severe sanction).

During the Hearing

- Arrive to the location of the hearing on time.
- If you do not attend the hearing, you lose any right to appeal the finding and/or sanction(s). The hearing can be conducted IN YOUR ABSENCE, if necessary, with a response of Not Responsible entered in your name.
- The information that you or your witnesses provide about the incident must be truthful. If the Hearing Officer(s) find that you fabricated information, further disciplinary charges may be alleged.
- If the Hearing Officer(s) find(s) that you have violated the *Student Conduct Code*, you and/or your support person may recommend an appropriate sanction. At this time you may also present any character witnesses or written character references.

After the Hearing

- If you are found Responsible and assigned sanctions at the hearing, you will receive a finding letter with the detailed sanction prompts and deadlines to your Chapman email address.
- Many incidents involve multiple respondents, so a decision regarding responsibility or sanction(s) may not be made during the hearing. It is necessary for Hearing Officers to speak with each respondent to gather a full account of the incident. After all individuals are heard, Hearing Officers determine responsibility and/or sanction(s). You will receive this information in an email to your Chapman email address.
- If the Hearing Officer(s) determine(s) that you have NOT committed an act of misconduct, then information about your involvement in that specific incident will not be reported to external agencies. A copy of the incident information and hearing decision will still be stored in the Vice Chancellor/Dean of Students Office.

Your Rights & Responsibilities

Your Rights

- You are entitled to know the alleged charges and have them explained.
- You have the right to be present at the hearing and refute any oral and/or written statements.
- In most cases, you are entitled to know the name of the person who referred the incident to the Vice Chancellor/Dean of Students Office.
- You may have factual or character witnesses speak on your behalf. See *Your Responsibilities* for more.
- You may choose a Support Person to assist you. The Support Person may be an attorney only if there are pending criminal issues. Otherwise, a Support Person may be a family member or a member of the University community. Participation of your Support Person is at the discretion of the Hearing Officer(s).

Your Responsibilities

- You must inform your witnesses of the hearing's time, and location. Witnesses within the University community who refuse to appear on your behalf may be requested to do so by the Director of Student Conduct or Dean of Students Office if you show that his/her testimony would be clearly relevant. However, these parties cannot guarantee participation of witnesses.
- If a witness is unable to attend, a written statement witnessed by a University employee or other person approved by the Director of Student Conduct or Dean of Students Office or notary may be submitted. There is a greater value in witnesses being present.
- Even if accompanied by a Support Person, you must fully cooperate with the Hearing Officer and respond to inquiries without undue intrusion by your Support Person.

Administrative Hearings & Sanctions

How Hearings Work

- The first step to an Administrative Hearing is the Hearing Officer reaching out to you and you responding to schedule the hearing.
- Administrative Hearings can be conducted with one Hearing Officer or several individuals. You will have one lead Hearing Officer as your point of contact to schedule the hearing and for other requests.
- The Hearing Officer(s) you meet with for the Administrative Hearing will determine the level of formality. Most Administrative Hearings are a conversation about the incident, the alleged charges, and, if necessary or possible, the assigned sanction(s).
- The Hearing Officer(s) will not conclude that you have attempted or engaged in an act of misconduct unless, after considering all of the information before him or her, the Hearing Officer believes that there is a preponderance of the evidence. This means the Officer believes it is *more likely than not* you committed the violation of the *Student Conduct Code*. If this is not the case, the lead Hearing Officer will dismiss the charge of misconduct with a finding of Not Responsible.
- After the hearing, check your Chapman email address for an Outcome Letter and information about the decision rendered regarding your level of responsibility as well as any imposed sanctions.

How Sanctions Work

- Sanctions include any assignment given, action taken, and/or status placed on students found responsible for violation of the *Code*.
- Any person found Responsible for a violation of the *Code* may receive a sanction. If you are found Responsible for any charge, you may be asked to offer your opinion of what sanction would be appropriate. Unpleasant as the prospect may be, you should consider a possible penalty to recommend. Sanctions may come in the form of both status sanctions and educational sanctions. Status sanctions include Formal Warning, Probation, Suspension, and Expulsion. Educational sanctions are assignments to help you to reflect on the situation and/or give back to the community affected by the incident. No one is authorized to give you any assurances or promises regarding sanctioning.
- If you are assigned sanctions, you will receive an email with the detailed sanction prompt(s), applicable guidelines, and deadlines to your Chapman email address.
- Failure to satisfactorily complete sanctions by the deadline will result in a Dean of Students Hold being placed on your student account, which can prevent you from registering for classes or receiving transcripts. In the event that the respondent is a student group, there might be additional sanctions added or status sanction lengthened.

How to Learn More about Administrative Hearings

- Visit the Student Conduct Procedures page [here](#).
- Contact your lead Hearing Officer to ask any additional questions you may have about the process, how to prepare, or what next step to take.

Appeals Process

Appeals Rights & Responsibilities

- If you wish to file an appeal of the finding and/or sanctions determined at your hearing, you must notify the Director of Student Conduct within five (5) business days of the Hearing Officer's Outcome Letter.
- A complainant may not request an appeal of a decision made by a conduct body or Conduct Officer except in instances of sexual misconduct or violence.
- Failure of the respondent to appear at the initial hearing involving the original charges, without board-approved, documented proof supporting extenuating circumstances preventing such appearance, will result in the loss of the right to an appeal.
- You may only file one appeal for any and all sanctions per incident.
- Appeals are not granted automatically. They must be well-reasoned, substantive, and demonstrative of at least one of the following criteria:
 - a. That there was a substantive procedural error that may have prohibited the hearing from being conducted fairly in light of the charges. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. The facts in the case were insufficient to establish that a violation of the *Code* occurred.
 - c. The sanction(s) imposed was not appropriate for the violation of the *Code* for which you were found Responsible.
 - d. New evidence that was not available at the time of the hearing has become available, and is potentially sufficient to alter a decision.