VII. Hearing Procedures

The hearing bodies may find it necessary to remind parties and advisors that the proceedings are not criminal or civil trials, that criminal or civil standards of due process and rules of evidence are not controlling, and that the hearing bodies enjoy considerable discretion within the procedural requirements of the system to the end that a just and fair decision may be obtained. Although the specific hearing procedures may differ slightly from one hearing body to the next, the following general rules of procedures shall govern all disciplinary proceedings:

1. The students charged will be called before the body, and the chairperson will state the specific charges against the student.

2. Statement of Response: The student charged is asked to enter a response of “responsible,” “not responsible,” or “no response” to the charges as read.

3. Parameters for discussion shall be established by the hearing body.

4. Opening Statements: the student charged and the person(s) bringing the charges are asked to briefly outline the facts they intend to present during the hearing.

5. Presentation of Evidence by the Person(s) Bringing Charges: the person(s) bringing the charges is/are asked to present their full testimony (their statement of facts).

6. Presentation of Witnesses by Person(s) Bringing Charges: The person(s) bringing the charges call witnesses to support their charges. The student charged and the hearing body may question the person bringing charges and the witnesses as each finish his/her testimony.

7. Presentation of Evidence by the Student Charged: the student charged is asked to present his/her full testimony (their statement of facts).

8. Presentation of Witnesses by the Student Charged: The student charged calls witnesses to respond to the evidence against him/her. The person bringing the charges and the hearing body may question the student charged and the witnesses as each finishes his/her testimony. Witnesses may be asked to remain or leave the hearing room as required by the hearing body.

9. Recall of Witnesses: The hearing body will permit both the student charged and persons bringing charges to recall any witnesses for the purpose of clarification or corroboration of previous testimony.

10. Closing Statements: Both parties may summarize their testimony and highlight any specific information they wish the hearing body to consider in its deliberation. The parties may provide justification regarding their position in respect to the charges and may recommend possible sanctions.

11. Deliberation by Hearing Body: All persons other than the hearing body and its advisor and Student Government Association rules committee representative will leave the hearing room, and the deliberations will begin. If the hearing body needs more information, it may reconvene the hearing and seek necessary clarification. Note: The standard of proof used in student conduct hearings at Salem State is the preponderance of evidence or the “greater weight of the evidence.” This means that the person bringing charges must prove by the greater weight of the evidence the student charged actually violated the articles of the student conduct code. The preponderance of evidence or the greater weight of evidence standard of proof simply means that the board must be persuaded, considering all the evidence in the case, that the evidence provided is more probably true than not true. The greater weight of evidence does not mean the greater number of witnesses testifying to a fact, but means what seems to be convincing and probably more true. The standard of proof used in student conduct cases will be preponderance of evidence or the “greater weight of the evidence.”

12. The hearing body shall send its rationale for finding the student(s) responsible for a violation to the student conduct and mediation board procedural advisor or designee. The student conduct and mediation board procedural advisor or designee shall consider all pertinent information prior to deciding on an appropriate sanction for the offense.

13. Written notification of the sanction imposed will be sent to both parties.