

HEARING PROCEDURES For Residence Hall Administrative Hearings

This is a general outline of student judicial hearing procedures for information purposes; however, it is within the sole discretion of the administrative hearing officer to deviate from these procedures if deemed appropriate.

1. The hearing will be called to order by the administrative hearing officer (“AHO”).
2. The AHO will introduce the participants in the room - the Respondent, the Complainant, witnesses and advisors.
3. The AHO will remind any Advisors that they do not participate in the hearing.

4. Honesty Statement:

Michigan Tech expects that all information presented will be true and correct. Be advised that if you willfully provide false information you may be subject to disciplinary action. Furthermore, we may consider a pattern of lying or fabrication by the Respondent when deciding upon sanctions in any case.

5. Witnesses excused until called back to provide information.
6. The AHO asks the Respondent if the charges were explained at the initial conference, and reads the charges.
7. The Respondent will be asked by the AHO whether he/she is responsible or not responsible for the charges.
 - a. If the response is “responsible,” the AHO may determine that witness testimony is unnecessary since the Respondent has admitted responsibility. If so, witnesses can be excused.
 - b. If the response is “not responsible,” proceed.
8. The Complainant if present, or AHO, will present the alleged events leading to the charges.

- a. The AHO may ask further questions and/or seek clarification by directing questions to the Complainant.
 - b. Respondent may seek clarification of any element of the Complainant's statements but may not make statements at this time.
9. The Complainant will present his/her witness(es), who may offer testimony relevant to the complaint.
 - a. The AHO may ask further questions and/or seek clarification by directing questions to the Complainant's witnesses.
 - b. The Respondent may seek clarification of any element of the Complainant's witness (es)' testimony but may not make statements at this time.
 - c. Witnesses are not permitted to question the Respondent or Complainant unless approved to do so by the AHO.
10. The Complainant will present any other physical or written evidence that is supportive of the charges.
11. The Respondent will present the alleged events leading to the charges.
 - a. The AHO may ask further questions and/or seek clarification by directing questions to the Respondent.
 - b. The Complainant may seek clarification of any element of the Respondent's statements but may not make statements at this time.
12. The Respondent will present his/her witness(es), who may offer testimony relevant to the complaint.
 - a. The AHO may ask further questions and/or seek clarification by directing questions to the Respondent's witnesses.
 - b. The Complainant may seek clarification of any element of the Respondent's witness(es)' testimony but may not make statements at this time.
 - c. Witnesses are not permitted to question the Respondent or Complainant unless approved to do so by the AHO.

13. The Respondent will present any other physical or written evidence that is supportive of the charges.
14. The AHO may continue with any other questions or comments that are deemed relevant by the AHO. The AHO will also entertain additional questions or comments by the Respondent and the Complainant.
15. The Complainant will be allowed to make a summary statement to the AHO.
16. The Respondent will be allowed to make a summary statement to the AHO. There is usually no rebuttal statement.
17. The AHO will adjourn the hearing, and the participants will be excused.
18. The AHO will reach a decision. Findings and an explanation of the decision shall be rendered in writing within seven (7) business days. The decision will be transmitted to the Respondent with copies to the Office of Judicial Affairs and any other pertinent staff (e.g., Housing Director, coach, ROTC, First Year Programs).