

Panel Hearing Script
Office of Student Conduct
TEXAS TECH UNIVERSITY

Parties Involved in Hearing:

- Respondent
- Complainant(s) *if applicable*
- Advisor(s) *if applicable*
- Investigator
- Resource Person
- Panel Members

Introduction of the Participants and Hearing Policies:

After everyone is seated and the recorder is turned on, the Resource Person will facilitate introductions of the Complainant, Respondent, and others present for the Panel Hearing.

Introduction of Participants

Resource Person: *I am (Resource Person's full name) and I will serve as the Hearing Resource Person. This is a Panel Hearing for (Respondent's full name) on (date). The Complainant is (Complainant's full name). At this time, will the members of the Hearing Panel and the Investigator introduce themselves?*

Roles of the Participants

Resource Person: *The Complainant is the party or individual reporting the complaint or concern. The respondent is the party or individual responding to the complaint or concern regarding their behavior and is alleged to have violated the Code of Student Conduct.*

The Investigator in this case was assigned to investigate the report made by the Complainant(s) by the Dean of Students, The Managing Director of the Office of Student Conduct, or designee. The Investigator's role is to conduct a thorough, reliable, and impartial investigation and compile the information that they gathered into the Investigation Report that will be presented today.

I, the Hearing Resource Person, will serve as a non-voting participant in the Hearing and am a trained University staff member who assures that University/College procedures are followed throughout the Hearing.

The Panel Resource Person may:

- *Prepare the Administrative Panel Hearing materials;*
- *Record the Administrative Panel Hearing proceedings;*
- *Escort participants into the Hearing room, grant breaks for participants, and distribute evidentiary materials;*
- *Ensure proper decorum throughout the Administrative Panel Hearing;*
- *Ensure the procedural soundness of the Administrative Panel Hearing;*
- *Provide student conduct history of the Respondent during the sanctioning phase, if necessary;*
- *Compile the post Hearing documentation,*
- *Deliver notification to student parties.*

The members of the Hearing Panel are trained University administrators, staff, faculty, and in some cases students, who are appointed to determine whether provision(s) of the Code of Student Conduct were violated and issue sanction(s) in the event of a responsible finding.

Advisor(s) present during this Hearing are reminded that their primary role is to be supportive and offer advice to their advisee throughout the Hearing. Advisor(s) may not speak on behalf of their advisee and do not have an active, participatory role in the Hearing. Should an advisor wish to confer with their advisee, the advisee should request a break from the Resource Person.

Educational Purpose of Student Conduct at Texas Tech University

Resource Person: *This is a Panel Hearing at Texas Tech University. The Hearing will be conducted in accordance with the procedures outlined in the Texas Tech University Student Handbook and Code of Student Conduct. This is an educational Hearing and not a court of law. The Hearing is being recorded to provide a record of the procedures and statements. The expectations throughout the Hearing are to be honest. If it is determined that a student participant in this Hearing has made false or misleading statements, the student may be subject to potential disciplinary actions under the Code of Student Conduct.*

This is a Formal Hearing and the expectation is that all individuals involved conduct themselves in a professional and respectful manner. I will address any inappropriate behavior.

The Office of Student Conduct is committed to an educational and developmental process that balances the interests of individual students with the interests of the University community. No student will be found in violation of University policy without sufficient information and evidence showing that it is more likely than not that a policy violation occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Presentation of Formal Allegation(s) and Final Investigation Report:

Formal Allegation(s)

Investigator: *As the Investigator for this case, I will present the information and evidence I gathered from the Complainant, the Respondent, and all witnesses. All pertinent information and evidence was compiled into the Investigation Report.*

In accordance with the information and evidence expounded in the Investigation Report, the following are the Formal Allegations issued to the Respondent: (reference Formal Allegation document).

Final Investigation Report

Investigator: *Participants may request breaks to confer with advisors, the Resource Person, or with myself at any time during the Hearing by raising their hand and being acknowledged by the Resource Person. At this time, I will present the Investigation Report: (reference the Investigation Report).*

Information-Gathering Portion of the Hearing:

Resource Person: *This is the information-gathering portion of the Hearing. The Complainant and the Respondent will have the opportunity to give a statement, after which the members of the Panel, the Complainant, and the Respondent may ask questions of the involved parties in order to clarify and/or supplement the Investigation Report.*

All questions will be directed to the Investigator, who will address each question per the information gathered in the Investigation Report. The Investigator will then give the Complainant, the Respondent, and witnesses (as necessary), the opportunity to respond to each question. It is our goal to make sure that all parties have a fair opportunity to have their information presented. If either the Complainant or the Respondent would like to address something that is said during this portion of the Hearing, they may do so by raising their hand and being acknowledged by me.

This portion of the hearing will not include impact statements from the Complainant or Respondent. These statements will be read/presented by the Respondent and Complainant or by the Resource Person prior to the sanctioning portion of the Hearing, and only if a violation of the Code of Student Conduct is found to have occurred. I will halt any impact statements during this portion of the Hearing.

- *Would the Complainant like to give a statement?*
- *Would the Respondent like to give a statement?*
- *Does the Complainant have questions for the Respondent?*
Please direct all inquiries to the Investigator and do not directly address the Respondent.
- *Does the Respondent have questions for the Complainant?*
Please direct all inquiries to the Investigator and do not directly address the Complainant.
- *Do members of the Hearing Panel have questions?*
Please direct all inquiries to the Investigator.
- *Does the Complainant have questions for the Panel Members, witnesses or the Investigator?*
Please direct all inquiries to the Investigator.
- *Does the Respondent have questions for the Panel Members, witnesses or the Investigator?*
Please direct all inquiries to the Investigator.
- *Would the Complainant like to give a closing statement?*
- *Would the Respondent like to give a closing statement?*

Response to the Allegation(s)

Resource Person: *(Respondent), at this time I am going to ask you to respond to each of the alleged violations of the Code of Student Conduct. You will respond to each allegation with one of the following: “responsible,” “not responsible,” or “no response.” (Reference Formal Allegation document)*

Resource Person: *Thank you to the participants for the information presented in today's Hearing. At this time, the Panel will meet to deliberate whether (Respondent's full name) is responsible for violation(s) of the Code of Student Conduct. The tape recorder will be turned off during these closed deliberations. If at any point during deliberations, the Panel identifies question(s) they need answered, they will step out of deliberations and alert myself, the Investigator, the Complainant and the Respondent. At this point, the Hearing will reconvene to address the question(s). In the event that the Panel determines a finding of responsible, then I will facilitate the delivery of impact statement(s).*

Per the Code of Student Conduct, the panel will transcribe the findings of the hearing and I will notify the Complainant and the Respondent in writing of the Panel's decision with regard to a responsible or not responsible finding and applicable sanction(s). Please keep in mind that both parties may utilize the Disciplinary Appeals process outlined in the Handbook and Code of Student Conduct. Thank you all for your participation today. At this time, everyone but the Panel members is dismissed.

DO NOT READ PAST THIS LINE UNTIL DISMISSED PARTIES HAVE DEPARTED

Deliberation of the Panel Members:

Resource Person: *As the Resource Person, it is my responsibility to ensure that every member of this Panel actively participates in the deliberation process. During the deliberation period, the Panel members, should confer with one another openly, candidly, and respectfully. It is important that you ponder the language of each relevant Code provision as it relates to the facts presented, discuss the significance of each piece of evidence, and assess credibility where in question. At some point during deliberations, each Panel member should make a point to verbally express his or her opinion of whether the Respondent is responsible or not responsible for each of the alleged violations of the Code of Student Conduct.*

If at any point during deliberations the Panel identifies question(s) they need answered by the Investigator, the Complainant, the Respondent, or relevant witnesses related to the information presented at today's Hearing, one of you will step out and alert myself and the Investigator and the Hearing will reconvene to address the question(s).

Begin the discussion with any and all general thoughts, concerns, and considerations as well as discuss the Questions for Deliberation that are presented in the Investigation Report. Then move to deliberation of each specific allegation. Once discussion has concluded, the Panel will move to a vote on each allegation and I will tally the vote.

At this time, the floor is open for discussion.

When the discussion has concluded, the votes have been tallied, and a finding of responsible or not responsible is reached, the Hearing Panel will transcribe the findings and inform the Resource Person, the Investigator, the Respondent, and the Complainant.

If the Panel finds the Respondent "not responsible" for all of the alleged violation(s), the Hearing Panel will inform the Resource Person, the Investigator, the Complainant, and the Respondent and the Hearing is adjourned.

CONTINUE TO THE NEXT PAGE ONLY IF THERE IS A RESPONSIBLE FINDING

Presentation of Impact Statement:

If the Respondent is found “responsible” for *any* of the alleged violation(s), the Resource Person will reconvene the Hearing for the presentation of impact statements, the tape recorder is turned on, and the Resource Person will facilitate the delivery of impact statements per the Complainant and Respondent’s preferences. The Complainant and Respondent will each have the opportunity to have an impact statement presented to the Panel. In order to better inform the Panel’s decision, the Complainant has the opportunity to offer an impact statement that addresses how the violation of the *Code of Student Conduct* impacted them. Similarly, the Respondent has the opportunity to offer a statement about the violation and how any sanction(s) potentially issued by the Panel may impact them. These impact statements can be presented in person by the Complainant and/or Respondent, via phone conference, or read by the Resource Person. Delivery of impact statement(s) is coordinated by the Resource Person.

Resource Person: *A responsible finding has been rendered. At this time, the Complainant and the Respondent may give an impact statement. I will facilitate the delivery of these statements in accordance with the Complainant’s and the Respondent’s preferences.*

[Impact Statements are delivered]

Resource Person: *At this time, the Panel will determine the sanction(s) assigned to the Respondent for the violation(s) of the Code of Student Conduct. The sanction(s) imposed will be proportionate to the severity of the violation and to the cumulative conduct history of the Respondent. Everyone but the Panel members and I are dismissed.*

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Determination of Sanction(s)

If applicable, the Resource Person will present the documented conduct history of the Respondent.

Resource Person: *As the Resource Person, it is my responsibility to ensure that every member of this Panel actively participates in determining the sanction(s). The student conduct process at the University exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students’ moral and ethical decision-making and to help them bring their behavior into accord with our community expectations and values. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community. During the sanctioning phase, I will provide the Panel with a sanctioning grid, a list of common educational resources, and will answer questions about the proportionate severity of the violation. Once discussion has concluded, the Panel will move to a vote on the sanction(s), if necessary, and I will tally those votes. At this time, the floor is open for discussion.*

When the deliberation has concluded, the votes have been tallied, and the sanction(s) have been assigned, the Hearing Panel will transcribe the findings and the rationale and inform the Resource Person, the Investigator, the Respondent, and the Complainant. The Resource Person will dismiss the Panel Members and the Hearing is adjourned.