

Hearing Guide for Participants



Office of Student Support & Accountability
Student Life & Engagement
MICHIGAN STATE UNIVERSITY

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Overview

At Michigan State University, the Office of Student Support & Accountability facilitates the non-academic student conduct process. This guide is intended to be used by parties (i.e. the complainant and the respondent) in non-academic student conduct cases to prepare for a formal hearing. Within formal hearings, parties are able to invite additional participants to appear on their behalf. These may include witnesses, advisors, and observers, all of whom have specific guidelines and expectations.

Witnesses

The following are guidelines and expectations for witnesses in a disciplinary hearing:

Witnesses are invited by the complainant or respondent only. As such, **their participation is voluntary**, and cannot be compelled by the University.

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Witnesses **must be members of the faculty, staff, or student body of the University**, and can be limited by the hearing body. A hearing body may grant an exception if it can be demonstrated that a non-University witness has direct knowledge of the allegation in question.

Witnesses **are not privy to the testimony of other participants** and may not ask substantive questions of any participants.

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Witnesses shall **comment only on their direct knowledge** of the incident(s) in question. As such, **character witnesses are not allowed**.

Witnesses may **submit written statements** to the hearing body in lieu of attending, **only with the written permission of the hearing board chair or hearing administrator**. It should be noted however that the hearing body may choose to disregard all or a portion of a written statement that cannot reasonably be challenged. **NOTE: Permission will ordinarily be granted to University employees who submit work-related documentation.**

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Expert witnesses¹ are not allowed, nor may they provide written information, unless it can be demonstrated that they have direct knowledge of the allegation in question.

Witnesses are expected to **answer all reasonable questions**. Failure to do so may result in dismissal of their information.

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Witnesses who knowingly provide false information, or who are implicated for a violation of policy or regulation, **may be subject to disciplinary action**, up to dismissal from the University.

Witnesses **may not intimidate** other participants, prior to or during a hearing, and **should expect to be free from intimidation as well**. Such behavior should be reported to the Office of Student Support & Accountability (517-884-0789), and/or the MSU Department of Police and Public Safety (517-355-2221) immediately.

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¹Those, who by virtue of their education, training, skill, or experience, are believed to have knowledge in a particular subject beyond that of the average person.

Advisors

The following are guidelines and expectations for advisors in a disciplinary hearing:

Complainants and respondents may be accompanied by **one advisor** each.

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Advisors must be a **member of the faculty, staff, or student body²** of the University.

Advisors **have no voice in a hearing**, unless the hearing board or administrator grants an exception. The most common exception is advisors, who are not attorneys, assisting with either the opening or closing statement.

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Complainants and respondents may converse with their advisor during the hearing, so long as the conversation does not disrupt others or the hearing itself.

Breaches of these guidelines may result in a formal warning and/or removal of the advisor from the hearing. Any such action should be noted in the formal record.

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² *The Office of the University Ombudsperson (<https://ombud.msu.edu/>) serves as a confidential, neutral, independent, and informal resource for students to learn more about their rights and responsibilities, as well as address any concerns about university policies and procedures.*

Student Rights Advocates (<https://asmsu.msu.edu/services/student-rights-advocates/>) are trained to interview, prepare, and act as counsel for students during University hearings for violations of ordinances and regulations.

If criminal charges related to the alleged violation are pending, permission may be granted to the respondent to be accompanied by an attorney.

Observers

If the complainant and respondent have agreed to an open hearing, University faculty, staff, and students may attend under the following guidelines:

Observers **may not speak** once the hearing has been convened.

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Observers **may not disrupt** the hearing procedures in any way. It is the sole discretion of the Chair of the hearing body to determine that which constitutes a disruption.

Failure to abide by these guidelines may result in removal from the hearing room and possible disciplinary action.

Recordings

Student disciplinary hearings are recorded for appeals purposes only and **remain the sole property of the University.**

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No recording, other than that which is made by the hearing body, shall be made of any disciplinary hearing. If made, such a recording becomes the property of the University and is available for appeals purposes only.