

Academic Integrity and Grievance Committee

Guidelines for Academic Offense Hearings Presentation of Arguments and Roles of Participants

(VCESS Approved 04/01/2010)

Conduct of Hearing

The chairperson shall preside at the hearing; call the hearing to order; call the roll of the committee members in attendance; ascertain the presence or absence of the student(s) charged with the violation; ascertain the presence of the dean of students, designee, or accuser, the representatives of the accused and legal counsel if applicable; read the notice of charge(s) by the accuser(s); report any continuance requested or granted and any special or extraordinary procedure(s) to be employed during the hearing; and inform the committee members and those involved in the hearing that the hearing is being taped.

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A. Opening Statements

- The dean of students, designee, or accuser shall make opening remarks outlining the general nature of the case and testify to any facts the investigation has revealed.
- The accused may make a statement to the committee about the charge(s) at this time or at the conclusion of the university's presentation.

B. University Evidence

- University witnesses or persons testifying against the accused are to be called and identified or their written report(s) of evidence introduced as appropriate.
- The committee may question witnesses at any time.
- The accused may examine evidence presented to the committee against him or her.
- The accused may question witnesses present or persons testifying against him or her.
- The accused may consult his or her representative or legal counsel during the hearing.

C. Accused Evidence

- Witnesses or persons testifying on behalf of the accused are to be called and identified and written reports of evidence introduced as appropriate.
- The committee may question the witnesses or person(s) testifying on behalf of the accused at any time.
- The accused may examine evidence presented to the committee on behalf of the accused.

D. Rebuttal of Evidence

- The committee may permit the accuser or the accused to offer any matter in rebuttal of the other's presentation.

E. Rights of Committee. The committee shall have the right:

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- In cases involving more than one (1) student which arise out of the same transaction or occurrence to hear such cases together, but in that event shall make separate findings and determinations for each student;
- To permit a stipulation of facts by the dean of students, designee, or accuser and the accused involved;
- To permit the incorporation in the record by a reference of any document, affidavit, or other thing produced and desired in the record by the university or the accused;
- To question witnesses or other evidence introduced by either the university, accuser, or accused at any time;
- To hear from the dean of students or designee about dispositions made in similar cases and any dispositions offered to the student(s) appearing before the committee;
- To call additional witnesses or require additional investigation;

- To dismiss any action at any time or permit informal disposition as otherwise provided;
- To permit or require at any time amendment of the Notice of Hearing to include new or additional matters which may come to the attention of the committee before final determination of the case provided that the committee shall grant to the dean of students or designee, accuser, and accused such time as the committee may determine reasonable under the circumstances to answer or explain the additional matters;
- To dismiss any person from the hearing who interferes with or obstructs the hearing or fails to abide by the ruling of the chairperson or the committee; and
- To hear or not hear such witnesses or persons testifying and evidence as it may deem relevant and fair, including but not limited to any information made a part of the original report.

B. Determination of the Committee

The committee shall then make its finding(s) and determination(s) in executive session(s) out of the presence of the dean of students or designee, accuser, and accused, and on the sanction, if any, to be imposed. No sanction shall be imposed on the accused unless the evidence that the accused has committed the violation reasonably convinces a majority of the committee present and should, therefore, be disciplined. A committee member shall not vote if he or she was not present throughout the full hearing.

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A. Official Report of Findings and Determination

The committee shall promptly consider the case, make its finding(s) and determination(s), and transmit them in writing to the dean of students or designee, accuser, and accused within three (3) class days of the hearing.

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A. Other Procedural Questions

Procedural questions not covered by these general rules which arise during the hearing shall be determined by the chairperson, whose ruling shall be final unless the chairperson presents the question to the committee at the request of a member of the committee, in which event the ruling of the committee by majority vote shall be final.