

### **Hearings before the Judicial Council**

*(excerpt from Policy 302: Student Conduct, IX. Disciplinary Procedures, Section F.)*

1. The Judicial Council is comprised of six (6) faculty members, two (2) administrators, and six (6) Students. The Dean of Students serves as an ex-officio member. Faculty members of the Judicial Council are appointed for a two (2) year term by the Tennessee Tech president. Student members of the Judicial Council are appointed for a one (1) year term by the President of the Student Government Association.
2. The Chairperson will be elected by the Judicial Council membership on an annual basis.
3. A minimum of seven (7) members of the Judicial Council are required to hear a disciplinary case, composed of at least three (3) Students and four (4) faculty members unless otherwise agreed by the parties.
4. The Dean of Students will train and advise all members of the Judicial Council regarding Tennessee Tech hearing procedures on an annual basis or as necessary.
5. The hearing shall be conducted consistent with the following Student or RSO rights:
  - a. The right to receive notice described in Section B prior to the hearing.
  - b. The right to have the case heard based only on the alleged violation of the prohibited conduct specified in the written notice;
  - c. The right to be accompanied by an advisor of their choice, provided the Student or RSO consents to sign a release of necessary education records to the advisor. The advisor, however may not speak on behalf of the Student or RSO in the hearing. An advisor may:
    - i. Address questions of procedure to the Dean of Students to the extent that the questions do not interfere with the orderly proceeding of the hearing; and
    - ii. Request a recess to confer in private with the Student or RSO.
  - d. The right to speak on his/her/its behalf, to call witnesses and to question all witnesses, and to present evidence, and to challenge the admissibility of evidence; and
  - e. The right to speak or remain silent in a hearing.
  - f. The right to challenge the seating of any Judicial Council member for good cause. The dismissal of a challenged hearing board member will be determined at the discretion of the Judicial Council chairperson. If the chairperson is challenged, he/she may be excused with a majority vote of the Judicial Council.
6. All hearings shall be closed unless the respondent and the complainant both elect in writing to have an open hearing.
7. Formal rules of evidence shall not be applicable. The Judicial Council may exclude evidence which, in its judgment, is immaterial, irrelevant, unduly repetitious, or unduly prejudicial, etc.

8. The Judicial Council shall determine responsibility using the clear and convincing standard of proof unless otherwise required by federal or state law, rule, regulation, or Tennessee Tech policies.
9. The Judicial Council shall issue a written decision that includes its findings and conclusions within three (3) business days after the conclusion of the hearing and all evidence is submitted.
10. The Student or RSO will be advised in writing of the decision and all sanctions imposed as a result of the disciplinary hearing via Tennessee Tech email account and via the contact address on record.
11. Any sanction imposed as a result of a Tennessee Tech hearing will be effective immediately upon notification of the Student or RSO.