

Section X: Hearing Particulars

1. Notification of Hearing

The ODSSS shall notify the members of the appropriate Disciplinary Hearing Board (or the hearing officer, as appropriate), the Accused Student(s), and the Complainant(s), in writing, of the date, place and time of a scheduled hearing not less than ten (10) working days prior to the hearing date (excluding holidays). Both the Complainant(s) and the Accused Student(s) shall be informed that they are responsible for contacting their own witnesses, informing them of the hearing, and ensuring their attendance at the hearing. Such notification shall be hand-delivered, mailed, or delivered to the local address of record. Witness lists are to be submitted to ODSSS at least two (2) days prior to the hearing. Upon request, ODSSS will make copies of the witness lists available to the parties. Upon request, ODSSS will provide letters for professors of students absent from class due to participation in a disciplinary procedure to explain the students' absence from class.

2. Notification of Inability to Attend a Hearing

If either the Accused Student(s) or the Complainant(s) cannot attend a scheduled hearing due to compelling circumstances, he/she must notify ODSSS as soon as this fact is known. Written documentation of extenuating circumstances must be provided. Failure to adhere to this policy may result in additional disciplinary action and/or conducting the proceeding without the benefit of the absent person's participation.

3. Document Access

The Accused Student(s) and complaining student(s) shall have reasonable access to all of the relevant case documents that are maintained by the ODSSS. Documents shall also be available to members of the boards or hearing officers for review prior to a hearing. The documents prepared by ODSSS and submitted during the hearing, as well as the statements given, will constitute the record of the board or of the hearing officer in an administrative hearing.

4. Briefings and Consultations

Board chairs, board members, and hearing officers may be briefed by ODSSS on factual and procedural matters. Legal advice will be provided to such individuals by the Office of General Counsel.

5. Failure to Attend

A student accused of violating the Code, who has received appropriate notification to attend a scheduled hearing but fails to do so, may be considered in contempt of the disciplinary process and subject to further disciplinary action by the Dean for Special Student Services. The board or hearing officer may elect to proceed with the hearing without the Accused Student(s) and render a decision based on the evidence presented.

A witness, who is called by ODSSS or a Hearing Officer, with evidence critical to the resolution of a violation of the Code given reasonable notification of a hearing who refuses to attend may be considered in contempt of the disciplinary process and subject to possible disciplinary action.

6. Rules of Evidence and Legal Representation

Howard University's disciplinary proceedings are not subject to the formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court. Rather, boards and administrative hearing officers shall make a determination based on whether the record makes it more likely than not that the charges are true.

The Accused Student(s) and the Complainant(s) may consult with their personal legal counsel in preparation for a hearing; however, attorneys are not allowed to attend a disciplinary hearing or to represent a student at a hearing. A student may elect to have a peer advisor, at a hearing, who shall serve in an advisory capacity only. Advisors are not permitted to speak or to participate directly in the hearing. Peer advisors must be current students in good academic, disciplinary and financial standing with the University.

7. Scope of Evidence Considered In a Disciplinary Action

The Board Chair or Administrative Hearing Officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration.