

The Hearing Process

- The Assistant Dean shall notify the accused student by letter of the date, time, and place for the hearing. The notice shall be delivered in person or mailed to the student at the address appearing in the registrar's records. If the accused student is an unmarried minor, a copy of the letter may be sent to his/her parents or guardian.
- The letter shall specify a hearing date not less than (10) days after the date of the letter. The hearing officer, at the request of the student, may postpone the hearing and shall direct the Assistant Dean to notify all interested persons of the new hearing date, time and place.
- The letter shall (1) direct the accused student to appear on the date and at the time and place specified; (2) advise the accused student of his/her rights; (3) contain the name of the person appointed to act as hearing officer; (4) contain the names of witnesses who will testify against the accused student, a brief summary of the testimony to be given by each, and a copy of the documents and other evidence that will be introduced against him/her; (5) contain a copy of the statement of charges; (6) notify the accused student that the Assistant Dean may cross-examine a person testifying in the accused student's behalf, or the accused student if he/she testifies in his/her own behalf; (7) advise the accused student of the Assistant Dean's right to have a list of the witnesses to be presented by the student, a brief summary of the testimony to be given by each, and a copy of documents and other evidence to be introduced by the student.
- At least five (5) days before the hearing date, the student concerned shall furnish the hearing officer in writing with: (1) the name of each witness he/she will present, a brief summary of the testimony to be given each, and a copy of all documents and other evidence he/she will introduce; (2) any objection that, if sustained, would prevent the hearing; (3) the name of the designated representative or counsel, if any, who will appear with him/her; (4) a request for a separate hearing, if any, and the grounds for such a hearing.
- Each party shall have the right to be assisted by an advisor of choice. The advisor may be an attorney. If the accused student's advisor is an attorney, the Assistant Dean's advisor may be an attorney from the Office of General Counsel of the UT System. An advisor may confer with and advise the Assistant Dean or accused but shall not be permitted to question witnesses, introduce evidence, and make objections or present argument to the hearing officer.
- At least five (5) days before the hearing date, the student shall furnish the Assistant Dean with a description, in writing, of any documents and other evidence he/she requests be produced.
- At least five (5) days before the hearing date, the student concerned shall furnish the Assistant Dean with a list, in writing, of the witnesses to be presented, a brief summary of the testimony to be given by each, and a copy of documents and other evidence to be introduced. Witnesses, testimony, and documents not so disclosed will be excluded by the hearing officer upon objection by the Assistant Dean unless it be shown that the existence of the testimony to be given by the witness or availability of documents was unknown on the fifth day preceding the date of the hearing and could not have been discovered by the use of reasonable diligence. The provision of this subsection shall not prohibit the offering of evidence at the hearing that is strictly in rebuttal to evidence offered by the Assistant Dean.
- If the student fails to appear without a valid reason, the Assistant Dean may proceed with the hearing in the student's absence.

Challenges to the Hearing Officer

- Up to three (3) days prior to the hearing the accused student, in writing, may challenge the impartiality of the person designated to hear the charges, but he/she is not entitled to disqualify the person from serving. The written challenge shall include a statement of the allegation upon which the challenge is based. It shall be up to the challenged person to determine whether he/she can serve with fairness and objectivity, and if the challenged person disqualifies himself/herself, the Assistant Dean shall appoint another hearing officer.

Rights of Students

- To a private hearing
- To appear and present evidence in person at the hearing
- To challenge the person designated to hear the charges
- To know the identity of each witness who will testify against him/her
- To have a copy of documents to be introduced
- To cross-examine each witness who testifies against him/her
- To have the hearing recorded
- To appeal
- To present witness, request the production of documentary and other evidence, and offer evidence and argue in his/her own behalf

The Hearing

- The Assistant Dean reads the statement of charges unless waived by the accused
- The hearing officer informs the accused student of his/her rights
- The Assistant Dean presents the university's case
- The accused student presents his/her defense
- The Assistant Dean and the accused student present rebuttal evidence and argument
- The hearing officer deliberates and determines an appropriate penalty
- The hearing officer informs the Assistant Dean and the student in writing of the decision and penalty, if any

This information is being furnished to assist you with a better understanding of your legal rights in certain situations. In no way should this information be used as a substitute for consulting with the Regents' Rules and/or the Handbook of Operating Procedures.