



BOSTON COLLEGE

OFFICE OF THE DEAN OF STUDENTS

Hearing Board Guidelines and Procedures

Guidelines:

- a. **Hearing Format:** At the sole discretion of the Office of the Dean of Students, the hearing may be held virtually or telephonically, in whole or in part. If the hearing takes place in person and both parties appear in person, a party may request that a partition be placed in the hearing room so that the opposing parties will not be visible to each other. A final determination to use such a partition will be made by the Office of the Dean of Students. If a partition is used, the parties will be able to hear each other and will be visible to the board members.
- b. **Administrative Facilitation:** Other Boston College administrators may appear at the hearing as non-participants or decision-makers to help facilitate the hearing or for other administrative purposes.
- c. **Authority of the Chairperson:** The chairperson has the authority to maintain decorum in the hearing and the authority and discretion to determine whether to exclude testimony, evidence, questions, or other opening and closing statements that the chairperson reasonably determines are irrelevant to making a finding in the case or are inappropriate.
- d. **Advisor Expectations:** Advisors may not ask questions, interject, coach, advocate for, or otherwise speak on a student's behalf during a meeting or hearing. The student and advisor can confer at any point, but the advisor may not formulate specific questions, responses, or statements for the student. The chairperson also has the authority to excuse an advisor from the hearing if the advisor is not abiding by the terms of the Student Code of Conduct (sec. 3.4).
- e. **Breaks:** At any time, the Board, or other participants, may request a brief recess. The chairperson has the authority to determine the length and frequency of requested recesses.



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Procedures:

- a. **Written Notification:** Involved parties (defined as a respondent, and if applicable, complainant) will be sent written notification of the hearing, indicating the alleged violations, type of board, time and location of the hearing, the name of other involved parties, and the names of the board members and witnesses.

If an involved party has a specific basis to believe that a board member should not be on the board due to a conflict of interest or bias, the party must notify the Office of the Dean of Students no later than two (2) business days before the hearing. If the Office of the Dean of Students determines that there is evidence of a conflict or bias, the board member in question will be excused, and another board member, if available, may be substituted. The decision of the Office of the Dean of Students is final.

- b. **Reading of Alleged Violations and Reports:** The chairperson will introduce the complaint by reading the alleged violations as have been provided to the respondent in the notice letter and, if appropriate, also read from or refer to the incident report(s) and other relevant materials.
- c. **Opening Statements:** Each involved party, starting with the complainant (if applicable), will have the opportunity to make a brief opening statement in response to the allegations and/or other relevant materials. Opening statements are not required.
- d. **Questions:** The board members may question involved parties and any appearing witnesses on all matters relevant to the complaint at any time during the hearing. Involved parties will be allowed to ask relevant questions of other hearing participants. All questions, however, must be directed to and through the chairperson, who reserves the right to determine that a question will be excluded on the basis that it is not relevant to the alleged violations or inappropriate. Witnesses, upon request of involved parties, or the Hearing Board, may speak about those facts to which they are a witness, and that are relevant to the complaint, and will answer any questions posed by the board and by involved parties.



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OFFICE OF THE DEAN OF STUDENTS

- e. **Closing Statements:** Involved parties can make a brief closing statement to the Hearing Board that responds to the information presented at the hearing or other points relevant to the complaint. The chairperson may give each party a few minutes to prepare these closing statements.
- f. **Additional Evidence or Witnesses:** At any time, the Board may request additional evidence or witnesses to be presented at the hearing. The Board may also elect to continue a hearing at a future date.
- g. **Deliberation:** The Board will meet to determine whether the respondent is responsible or not for the alleged violation(s) based upon a preponderance of the evidence. A simple majority vote of the board is required to render a decision. The Board may find a student responsible for a “lesser-related” violation than the one listed in their notice letter, as stated in the Student Code of Conduct (sec. 1.5). This may occur if the allegations giving rise to the lesser-related violation arise out of the same facts and circumstances as described in the notice letter. If the finding is responsible, the Board will gain access to the student’s record of previous conduct history, if any, and then will offer recommended sanctions. The Board’s decision and any recommended sanctions will be sent to the Associate Dean, Student Conduct or designee for approval.
- h. **Written Notification of Decisions:** The Office of the Dean of Students will send written notification of any decisions and/or sanctions reached as a result of a hearing, typically within ten (10) business days of the conclusion of the hearing.

Note: Boston College reserves the right to amend or deviate from the above procedures from time to time; deviations will not necessarily invalidate a decision or proceeding unless significant prejudice to a party is likely to result.