

ETSU STATEMENT OF PROCEDURAL RIGHTS
Pre-Hearing Information - Please Review Carefully

You will be asked to enter a plea of "responsible" or "not responsible" to each allegation.

If you are under the age of 21 years and are convicted of an alcohol or drug charge your parents/family will be notified of such in writing per state law (Tenn. Code Ann. § 49-7-146 (2013)).

At least seventy-two (72) hours prior to the hearing the respondent student is entitled to a written notification of the time and place of the hearing and of their rights.

At least seventy-two (72) hours prior to the hearing the respondent student is entitled to a written statement of the charges in sufficient detail as to enable the student to prepare a case, including how the alleged violation came to attention of the university. This is provided in the information within or attached to the emailed letter scheduling the hearing.

All administrative hearings and hearings of judicial bodies will be closed, except to the respondent, his/her advisor, the complainant, his/her advisor, the hearing officer, and/or members of the judicial board. Witnesses may also appear upon request of the hearing officer, the judicial board, the respondent, or the complainant.

In hearings involving more than one respondent student, the chairperson of the judicial body, in his or her discretion, may permit the hearings concerning each student to be conducted separately.

In cases heard by a judicial board, the respondent student may question the ability of a judicial member to render an impartial judgment and may request the member's removal at that time. The judicial board will rule upon the request. If any members of a judicial board feel that their relationship with either the case or the individuals involved would affect their ability to render an impartial judgment, they may disqualify themselves.

The complainant and the respondent have the right to be assisted by a single advisor of their own choosing and at their own expense. The advisor may be anyone, a parent, friend, attorney, etc. The respondent is responsible for presenting his or her own case and the advisor is not permitted to speak or to participate directly in any hearing before a judicial body.

The university, respondent, and the judicial body shall have the privilege of presenting witnesses, subject to the right of questioning by the judicial body. Each party is responsible for notifying any witnesses of the day and time to appear.

Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.

The respondent student is entitled to ask questions of the hearing officer, of the judicial board, of the complainant, and of any witnesses called before the administrative or judicial hearing.

The student shall be notified in writing within five (5) days of the judicial body's decision. Every attempt will be made to verbally notify the student of the decision prior to the five-day period. In cases involving alleged sexual misconduct, both the respondent and the complainant shall be notified simultaneously in writing within five (5) days of the judicial body's decision.

There shall be a single record, such as minutes or a tape recording, of all hearings before a judicial body. The record shall be the property of the university.

For complete information about ETSU policy, procedure, rights, and campus resources related to sexual misconduct investigations and cases please visit the following websites:

<http://www.etsu.edu/violencefree/>

<http://catalog.etsu.edu/content.php?catoid=11&navoid=522>