



## Ohio Administrative Code Rule 3335-23-12 Hearing procedures.

Effective: January 25, 2024

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Although the procedural requirements are not as formal as those existing in criminal or civil courts of law, to ensure fairness, the following procedures will apply and, unless already provided to the student, be included within the hearing notice:

### (A) Attendance.

Attendance at hearings is limited to those directly involved or those requested by the hearing body to attend. The hearing body will take reasonable measures to assure an orderly hearing, including removal of persons who impede or disrupt proceedings.

### (B) Timelines.

Except as expressly provided by this code of student conduct, the university may set deadlines related to the investigation and hearing process. Absent extraordinary circumstances, respondents must submit all witness names and evidence for submission at least two business days prior to a scheduled hearing.

### (C) Advisor.

The respondent may choose to bring an advisor for support throughout the disciplinary process. The advisor (i.e., support person) may be any person other than a witness. The advisor may only counsel the student and may not actively participate in the disciplinary process, unless the hearing body determines that clarification is needed.

### (D) Witnesses.

(1) The respondent may invite relevant factual witnesses to attend, ask questions of witnesses called by others, and will be notified of potential witnesses to be called.



(2) The university may present witnesses, question those presented by the respondent and will notify the respondent of invited witnesses.

(3) Respondents may also invite up to three character witnesses to submit written statements for the hearing body's review. A character witness is a person who attests to another's moral conduct and reputation. Character witness statements will only be considered during the sanctioning process if a violation is found.

(4) Expert witnesses are not permitted. In cases requiring special expertise, the hearing body may appoint individuals with appropriate expertise to serve as consultants to the hearing body. The consultant may be present and provide information as called upon during the hearing but will not vote.

(E) Standard of evidence.

A student will only be found in violation if a preponderance of evidence supports the charges.

(F) Majority vote required.

A student will not be found in violation unless a majority of the hearing body finds the student in violation. In the event of a tie, the hearing body will continue to deliberate. If after the hearing body determines that exhaustive deliberations have occurred and a majority decision is not reached, the student will be found not in violation.

(G) In cases where prompt review is essential (e.g., when graduation or the end of the academic year is imminent) the respondent may be offered the option of an administrative review consisting of an administrative decision or administrative hearing. The respondent may decline such expedited review without the expectation that the process can be completed on an expedited timeline.