

# Investigation Procedures Manual of the Stevens Honor System

*Created:*            *A. Mackavage*    *5-31-2010*

*Last Edited:*     *N. Csapo*            *12-10-2015*

## Contents

Article I.	Parties of the Investigation .....	2
Section 1.01	General Rules .....	2
Section 1.02	Designation of the Investigation Committee .....	2
Section 1.03	Role of the ICC.....	2
Section 1.04	Role of the ICA .....	3
Section 1.05	Role of the PA .....	3
Article II.	Investigation Procedures .....	3
Section 2.01	Opening an Investigation.....	4
Section 2.02	Investigatory Meetings .....	4
Section 2.03	Provisions for Confidential Reporting.....	5
Section 2.04	Confessions .....	6
Section 2.05	Hearings.....	6
Section 2.06	Faculty Adjudications .....	6
Article III.	Confidentiality throughout Investigations .....	6
Article IV.	Presumption of Innocence .....	6

## **Article I. Parties of the Investigation**

### **Section 1.01 General Rules**

1. The investigation shall consist of a number of interested parties:
  - a. Honor Board assigned: the Investigating Committee (including the ICC and ICA, as defined below) and the accused students' Procedural Advisors and their assistants.
  - b. Non-Honor Board-assigned: the accused student(s), the professor and any teaching assistants, and the accuser, the student representative (if applicable) and any witnesses called forth during the investigation.
2. Every party listed above is mutually exclusive, i.e., no individual may be considered a member of two different parties. For example, the Procedural Advisor may not be a member of the Investigating Committee, and a witness or accuser may not be a Procedural Advisor or a member of the Investigative Committee.
3. No Honor Board-assigned party can have fraternal, sororal, or social affiliations with any non-Honor Board-assigned party. Furthermore, all Honor Board-assigned parties must maintain a professional disposition during the investigation, and must not get personally or emotionally involved with any non-Honor Board-assigned party.
4. All meetings with accused students will occur in person in the Honor Board office. In extreme circumstances, when the Honor Board office is not available, a secure location may be used. All correspondence with accused students must occur through e-mail or USPS certified mail. All e-mails with accused students, with the exception of correspondence between an accused student and his PA, must include [hbarchive@stevens.edu](mailto:hbarchive@stevens.edu) in the CC field.

### **Section 1.02 Designation of the Investigation Committee**

5. When a case is reported to the Stevens Honor Board, it shall be the Honor Board Chair's responsibility to appoint the Investigating Committee.
6. The Chair shall appoint one member to serve as the chair of the Investigating Committee. The chair of the Investigating Committee shall henceforth be called the IC.
7. The Chair shall appoint one or more members to serve as assistants to the chair of the Investigation Committee. The assistant to the chair of the Investigating Committee shall henceforth be called the ICA.
8. No member of the committee can have fraternal, sororal, or social affiliations with the accused students.

### **Section 1.03 Role of the ICC**

The Investigating Committee Chair shall have the following duties:

1. Maintain a file of all case related information, including, but not restricted to, all hard evidence, meeting notes, and correspondence.
2. Conduct all correspondence with accused student, accuser, professor, and witnesses. Set up meetings times with all aforementioned parties.
3. Submit case update forms to the Corresponding Secretary prior to each Honor Board meeting.
4. Present case updates to the general membership of the Honor Board at meetings.
5. At the conclusion of the case, submit the file of case information and a final case report to the Corresponding Secretary. The Corresponding Secretary shall file it in the Honor Board office.
6. If the ICA fails to report or arrives late to investigative meetings without a reasonable excuse, it is the ICC's responsibility to alert the Honor Board Chair. The Honor Board Chair may choose to levy demerits in this situation.

#### **Section 1.04 Role of the ICA**

The assistant to the chair of the Investigating Committee shall have the following duties:

1. Be present at all meetings between the Honor Board and accused student, accuser, professor or TA, and witnesses and take notes at the meetings.
2. In the absence of the ICC, present case updates to the general membership of the Honor Board at meetings.
3. If the ICC fails to report or arrives late to investigative meetings without a reasonable excuse, it is the ICA's responsibility to alert the Honor Board Chair. The Honor Board Chair may choose to levy demerits in this situation.

#### **Section 1.05 Role of the PA**

The Procedural Advisor (and his assistants) for each accused student shall have the following duties:

1. Arrange meetings with the accused at his request and respond to correspondence promptly.
2. Answer questions the accused may have concerning Honor Board procedure and the investigation.
3. To not disclose any information obtained through meetings or correspondence with the accused student that is not public information and/or already known by the Investigative Committee to anybody except the accused student and the Procedural Advisor assistants.
4. Accompany the accused student at a hearing and fulfill any responsibilities outlined in the Hearing Procedures Manual.

### **Article II. Investigation Procedures**

## **Section 2.01 Opening an Investigation**

1. When a case is reported to the Stevens Honor Board, it shall be the Honor Board Chair's responsibility to appoint the Investigating Committee and the Procedural Advisor.
2. The Chair will notify the instructor of the course that an investigation has been opened, and will instruct the instructor to duplicate any assignments related to the investigations and to withhold the originals for retrieval by the Investigating Committee.
3. .
4. The Corresponding Secretary will notify all accused students that they are under investigation. The ICC should not contact the accused students until this notice has been sent, except in extraordinary circumstances.

## **Section 2.02 Investigatory Meetings**

1. The ICC shall set up all meetings during the investigation.
2. At least two Honor Board members must be present at all investigatory meetings.
3. Meeting notes should be taken by the ICA at all meetings, and at the conclusion of the meeting, must be approved and signed by person being interviewed and the Honor Board members present.
4. The Investigating Committee should meet with all persons involved in the case, including, but not restricted to, the accused student, the accuser, the professor or TA, and any witnesses.
5. The initial meetings with all persons involved on the case will occur within two weeks of the accused student being informed of the case, unless there are extenuating circumstances.
6. A person failing to appear before an Investigating Committee to answer any non-incriminating question may be reported to the Honor Board Advisor for further disciplinary action. No witness shall be forced to answer any question that might incriminate the witness.
7. Meetings (including evidence exchanges and hearings) with accused students will be set by the ICC based on the mutual availability of the ICC and ICA. The accused student will have 72 hours to submit an excuse for the meeting, if unable to attend. The accused student may only request that a meeting be rescheduled for one of the following reasons:
  - a. Medical concerns rendering the student unable to attend. The student must provide the Honor Board with a Dean's note of excusal.
  - b. The accused student is not able to come to the University grounds. The student must provide the Honor Board with proof of his or her current location and inability to attend.
  - c. The accused student is employed and scheduled to work during the time of the meeting. The student must provide the Honor Board with proof of employment and the time conflict.

- d. The student is a member of a Stevens Athletic team and is representing the University in a competition. The student must provide the Honor Board with a note from his or her athletic coach.
  - e. The student has another time conflict which would be approved by the Dean of Undergraduate Academics to miss a regularly scheduled academic event (such as class). The student must provide the Honor Board with a Dean's note of excusal.
- 8. Any accused student who has not reported to two scheduled meetings of the Investigating Committee without a valid excuse submitted within 72 hours of notice of the meeting will be assumed guilty of the alleged violation, and a penalty will be rendered by the Honor Board.
  - 9. As per the accused rights form signed by accused students at the beginning of all investigations, if an accused student does not appear at his/her own hearing, he/she will be tried in absentia. In the case that an accused student is tried in absentia, the accused's Procedural Advisor will present on behalf of the accused student only if the accused student prepares his/her defense and provides it in writing to the Procedural Advisor.
  - 10. In the case that an accused student repeatedly requests that investigatory meetings, evidence exchanges, or hearing dates be delayed, and in the case that the Executive Board and the Honor Board advisor(s) believe the accused student is doing so to intentionally delay the investigative process without a valid reason, the Board may set a non-negotiable hearing date. If the accused student does not appear, he/she will be tried in absentia, as provided for under Article II §2.02 point 9.
  - 11. The Investigating Committee may choose to meet with some parties multiple times to gather all evidence that is relevant to the case.

### **Section 2.03 Provisions for Confidential Reporting**

- 1. If the accuser is a member of the undergraduate student body, he/she has the option of having his/her name remain unknown to the accused student throughout the investigation. If the accuser chooses to exercise this option, he/she must make this clear to the Honor Board upon submission of the written violation report. This is known as Confidential Reporting (see Bylaw VI, Section 2); such an accuser is known as a confidential accuser and can be referred to as 'the accuser'.
- 2. If a case involving a confidential accuser is to proceed to hearing, and the Honor Board believes that the testimony and/or presence of the accuser is crucial to the case, the accuser will be asked by the IC for permission to reveal his/her identity no later than the time of evidence exchange.
- 3. If the accuser does not wish to disclose his/her identity to the accused, no testimony from the accuser may be submitted by the IC as evidence at the hearing.

4. The Honor Board will determine whether the hearing may continue based only on the evidence collected in the course of the investigation, or be dropped.

#### **Section 2.04 Confessions**

The Investigating Committee may accept a written confession from the accused student. This confession must be witnessed by two Honor Board members. Stipulated confessions, as described in Bylaw 6.06, must also be witnessed by two Honor Board members.

#### **Section 2.05 Hearings**

1. If the case is not dropped, and no confession has been submitted to the Board, the case may proceed to a hearing decided by a simple majority of the votes cast during a general body meeting. Hearing Procedures are explained in detail in the Hearings Procedure Manual.
2. The Investigative Committee will confer with the involved parties and set a hearing date, as per section 2.02. Unlike investigatory meetings, the IC will provide the accused student with at least two potential hearing dates. The accused student must select one of the hearing dates or provide adequate excuses in accordance with section 2.02
3. After a hearing date is set, the date may only be changed at the request of an accused student, with a valid explanation, at least five days prior to the set hearing date.

#### **Section 2.06 Faculty Adjudications**

When a Faculty Adjudicated case is reported to the Honor Board, the Chair of the Honor Board may appoint an Investigating Committee to conduct follow-up meetings with the professor and accused student without opening a formal investigation. However, as stated in Bylaw 7.01, the Honor Board does reserve the right to fully reopen the case. If the Honor Board chooses to open a formal investigation based on a Faculty Adjudication, all investigation procedures outlined in this document shall be followed.

#### **Article III. Confidentiality throughout Investigations**

During the investigation, no specific information provided by either the Honor Board or the accused or any other person involved in the case may be made public. If information is made public, such action will be treated as a breach of confidentiality (See Bylaw II) and subject to investigation and possible prosecution. After the case has concluded, the accused student is able to freely discuss the outcome of the case, however all witnesses, panelists, and Honor Board members will still be bound by confidentiality.

#### **Article IV. Presumption of Innocence**

A student under investigation by the Honor Board is not in violation of the Honor System until proven so by his/her own admission or decided by a panel of his/her peers at an Honor Board hearing.