

# Hearings Procedures Manual of the Stevens Honor System

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## **Article I. Pretrial Information and Responsibilities**

### **Section 1.01 Responsibilities of the Corresponding Secretary**

The Corresponding Secretary of the Stevens Honor Board will perform the following tasks in preparation for the hearing:

1. Notify the Honor Board Advisor of the date, time, and location of the hearing.
2. Notify the Accused of the date, time, and location of the hearing.
3. Pick, notify, and track a random list of 50 -100 undergraduate students to act as a panel for the hearing.
4. Present both the Accused and Investigating Committee a packet including hearing date, time, location and a copy of the Hearing Procedures Manual.
5. Reserve rooms for the hearing, including a main hearing room and a witness room.
6. In case of an open hearing, the Corresponding Secretary will inform the undergraduate community.

### **Section 1.02 Responsibilities of the Investigative Committee**

The Investigating Committee Chair is responsible for the following prior to the start of the hearing:

1. Notify all witnesses for the Investigating Committee of the date, time, and location of the hearing.
2. Appear at a meeting between the Accused, Investigating committee, Chair, and Defense Advisor prior to 5 calendar days before the hearing.
3. Present a list of witnesses and copies of all physical evidence no later than 5 calendar days before the scheduled hearing date.
4. Prepare copies of the complete evidence packet for the six panelists, Accused, witness stand, and the Investigating Committee.
5. All members of the Investigating Committee may sit with the IC Chair to make suggestions or to pass out evidence; however the assistant may not participate in the formal questioning of a witness.
6. Appear at a meeting between the Honor Board Advisor(s) and representatives from the Investigating Committee.

### **Section 1.03 Responsibilities of the Honor Board**

1. The Honor Board will appoint a defense advisor from the membership of the Honor Board at the time that the case is assigned to an Investigating Committee. This Defense Advisor may not be a member of the Investigating Committee. The duties of the Defense Advisor are as follows:
  - a. Contact the accused to present and explain the Hearing Procedures of the Stevens Honor Board.
  - b. Set up and meet with the Accused, Investigating Committee, and Chair prior to 5 calendar days before the hearing.
  - c. Answer questions regarding the procedures and policies of the Stevens Honor Board and the proceedings of an Honor Board Hearing.
  - d. Appear at the hearing to assist the Accused in clarification of procedures if requested by the accused.

2. The Honor Board Chair will be present at all hearings to serve as a representative of the board and ensure all procedures are followed. If the Chair is unable to attend the board members will select another member to carry out the chair's duties. The duties of the chair are as follows:
  - a. Appear at a meeting between the Accused, Investigating committee, Chair, and Defense Advisor prior to 5 calendar days before the hearing.
  - b. Randomly picking of 6 panelists for the hearing.
  - c. Appoint Honor Board members to fill in various positions at Hearing.
3. An Honor Board Advisor is to be present at the hearing to witness the event. He is also there to assure that all procedures are followed and in the event that administrative advice is needed. The duties of the Honor Board Advisor are as follows:
  - a. Appear at the Honor Board Hearing and witness the events as they occur insuring that all procedures are followed.
  - b. Witness the signing of procedural forms at the beginning of the hearing.
  - c. Preside over the Hearing, making judgments on admission of evidence, and objections.
4. The Honor Board members are to be present at the hearing to fill in various positions as appointed by the Honor Board Chair. The duties of Honor Board members at a hearing are as follows:
  - a. One member shall be dedicated to sit in the witness room to assure that no tampering of witnesses or conversations between witnesses occur.
  - b. One member shall act as Bailiff for the Hearing. The Bailiff shall escort witnesses to and from the witness room, and bring questions of the jury members to the judge during hearings.
  - c. One member shall sit outside the panel deliberation room in the event of questions. If a panelist has a question, the Honor Board member shall find the Judge of the Hearing and the Judge will answer all questions from the panelists.
  - d. One member shall act as Clerk for the Hearing. The clerk handles the recording of the Hearing as well as taking notes in case of technical failure.
  - e. The rest of the Honor Board members present shall sit in the audience and be attentive throughout the hearing.

#### **Section 1.04 Responsibilities of the Accused**

The Accused is responsible for the following prior to the start of the hearing:

1. Select a student to act as a student representative at the hearing. The Accused retains the right to defend themselves and the right to retract their choice of student representative up to but no later than 5 days prior to the hearing. If this option is exercised, the Accused must defend themselves.
2. Notify all witnesses for the Accused of the date, time, and location of the hearing.
3. Appear at a meeting between the Accused, Investigating committee, Chair, and Defense Advisor prior to 5 calendar days before the hearing.
4. Present a list of witnesses and copies of all physical evidence no later than 5 calendar days before the scheduled hearing date.
5. Retain the right to declare an open hearing up to 5 calendar days before the start of the hearing. The request to have an open hearing can be made to the judge at or after the meeting between

the Investigating Committee Chair, Accused, Judge, and Defense Advisor, but must be made prior to the 5-calendar day deadline.

6. Appear at a meeting between the Honor Board Advisor(s), Defense Advisor and Student Representative (if applicable).

### **Section 1.05 Responsibilities of the Student Representative**

The Accused has the right to select a member of the undergraduate community to act as their student representative. The responsibilities of the student representative are as follows:

1. Prepare the case for the Accused and present it to the panel at the hearing.
2. Act as a liaison between the Honor Board (i.e. Judge, Investigating Committee Chair, Defense Advisor, etc.) and the Accused
3. Attend all meetings between the Accused and the Investigating Committee, Judge, or Defense Advisor.
4. Present a list of witnesses and copies of all physical evidence no later than 5 calendar days before the scheduled hearing date.
5. The student representative will be the sole voice for the Accused, and will be the only one to formally question any witnesses.

### **Section 1.06 Responsibilities of the Defense Advisor:**

A Defense Advisor is appointed by the Honor Board to answer any questions or to clarify points regarding the hearing procedures of the Honor Board. The Defense Advisor will be present at the Hearing and will handle all correspondence between the Honor Board and the Accused.

### **Section 1.07 Evidence**

Evidence consists of any “physical” documents to be used during the trial including but not limited to tests, papers, seating charts, and final exams. Copies of these documents shall be provided for the opposing side no later than 5 days before the hearing. Evidence submitted after this deadline may only be used in hearing at the discretion of the Investigative Committee and the Judge of the hearing.

### **Section 1.08 Witnesses**

A list containing the names of the witnesses to be called shall be provided for the opposing side no later than five (5) days before the trial. All witnesses present at a hearing must be members of the Stevens Community. If a requested witness is not a member of the Stevens Community, a statement from the witness will be accepted. No one present at an Honor Board Hearing may be from outside the Stevens Community. The only exception to this is a witness who was member of the community at the time of the violation and has testimony critical to the case. This exception does not apply to character witnesses for either the Investigating Committee or the Accused. A maximum of one (1) character witness and one (1) document attesting to the defendant's character shall be allowed to be entered into evidence. If no character witness is called, two (2) documents attesting to the defendant's character shall be allowed to be entered into evidence.

### **Section 1.09 Open Hearings**

If the Accused wishes to have an open hearing, he must contact the judge up to 5 calendar days before the hearing. An open hearing is limited to the membership of the Stevens Community. When an open hearing is declared, the Honor Board will post public notice of the hearing on campus. The public notice shall contain the course name, name(s) of the Accused, their student representative (if applicable) and the name of the Investigating Committee Chair. Attendance will be limited to the size of the room, and once that limit is reached no other members of the Stevens Community shall be admitted. The Judge has the right to remove any member of the audience who does not behave in a proper manner. This would be considered contempt and the student's name will be given to the Honor Board Advisor for further disciplinary action.

### **Section 1.10 Panel Selection**

The Corresponding Secretary shall select at random 50 -100 names of possible panelists from the undergraduate Stevens Community. The Accused and Investigating Committee Chair must approve the list prior to the hearing. If either the Accused or Investigating Committee Chair request for the removal of panelist, they must abide by the following guidelines:

The panelist may be removed for the following reasons:

1. A panelist has a fraternal or sororal relationship with the Accused or Investigating Committee.
2. A panelist is a relative of the Accused or Investigating Committee.
3. A panelist is known to have a close personal friendship or relationship with the Accused or Investigating Committee resulting in bias.
4. There is open hostility between the panelist and the Accused or Investigating Committee Chair.
5. Either the Accused or Investigating Committee may remove one panelist from the panel for any reason not listed above.

Upon the request of the removal of a panelist for the reasons listed above, or any other suitable reason, the judge will investigate the request and either deny or allow the dismissal. The judge of the hearing will have the final say on all panelist dismissals.

After selection of the panel, both the Accused and Investigating Committee Chair will sign a statement signifying approval of the panel list. Once the list is approved, the Honor Board Chair shall pick at random from the list six panelists to hear the case.

### **Section 1.11 Closing**

Prior to the start of the hearing, the Accused and the Investigating Committee must sign a statement attesting to the fact that each party has abided by the guidelines of the Hearing Procedures Manual set forth by the Honor Board. This statement is to be signed on the date of the hearing before the hearing is called to order. The Judge, Defense Advisor, and Honor Board Advisor shall witness the signing of the form. If either party refuses to sign, he must provide in writing a statement listing the reasons for refusal to the Judge of the hearing.

## **Article II. Procedures at the Hearing**

### **Section 2.01 General**

All those in attendance will be asked to be seated by the Judge of the hearing. In the event of an open hearing, no one shall be permitted to leave the room unless asked to do so by the judge or unless a recess is granted. Anyone acting in an inappropriate manner may be asked to leave by the Judge and may be held in contempt of court if conditions warrant. If a student is found in contempt, their name shall be given to the Honor Board Advisor for further disciplinary action.

The panelists and alternates shall be facing toward the Judge and away from the audience of the hearing.

The judge will call the session to order at which time the clerk shall begin the tape recorder. Only in the event of an open trial may the Accused do his own recording of the hearing with the permission of the Judge and the Honor board Advisor prior to the start of the trial.

### **Section 2.02 Closed Hearings**

During a closed hearing, only the following members are allowed to be present (Members of the Stevens Community Only):

1. The Judge
2. Clerk
3. Defense Advisor
4. Accused
5. Student Representative (If Applicable)
6. Investigating Committee Chair
7. Assistant(s) to the Investigating Committee
8. Honor Board Advisor or representative
9. Witnesses, only when being questioned
10. Any member of the Honor Board

**Note:** All participants of any part of an Honor Board Hearing must hold all proceedings strictly confidential as instructed by the presiding Judge.

### **Section 2.03 Responsibilities**

The Judge will inform the panelists of their responsibilities and will ask for a consensus for their fulfillment. Those panelists who can not fulfill these responsibilities will be asked to leave at which time open positions will be filled by alternate panelists. Members of the audience who are not on the included on the allowable attendance list for the hearing shall be asked to leave.

### **Section 2.04 Statement of Charge**

The Investigating Committee Chair will make a statement of the charge against the Accused. The charge is to be read directly from the Constitution of the Stevens Honor System.

### **Section 2.05 Affirmation or Non-affirmation**

The Accused will respond with either “Guilty” or “Not Guilty.” If the response is “Guilty”, the Accused will sign a confession form that should be witnessed by the Judge and the Investigating Committee and the court will be adjourned. If the response is “Not Guilty” the hearing shall proceed accordingly.

### **Section 2.06 Opening Statements**

The Investigating Committee Chair will next make an opening statement. The opening statement is just a brief statement of the case to be presented.

The Accused (or Student Representative) will next make their opening statement.

### **Section 2.07 Presentation of Case**

1. The Investigating Committee Chair will begin presenting its case by calling its first witness. The clerk or secretary will swear in the witness. (i.e. Do you swear to tell the truth, whole truth, and nothing but the truth?) The Investigating Committee Chair will then proceed to question the witness. Note: The questioning of a witness shall be restricted to direct questioning, at no time during the examination of a witness may a statement or an opinion be made by the questioner. *It is also understood that the questioners will reserve their right to redirect any testimony given by a witness throughout the hearing.*
2. The Accused (or Student Representative) may cross-examine the witness once the Investigating Committee Chair is finished.
3. The Investigating Committee Chair will have a chance to rebut anything revealed under cross-examination. Questioning of the witness will continue alternately by the Accused and the Investigating Committee Chair until there are no more questions for the witness. Repetitive Questioning can be objected and/or stopped by the Judge.

### **Section 2.08 Grounds for Objections:**

1. Irrelevance: The information is not directly related to the case.
2. Speculation: The information is not fact but opinion made by a witness.
3. Repetitiveness: A series of repeating questions to a witness.
4. Leading the witness: A line of questions to which the questioner leads the witness to a particular conclusion.
5. Badgering the witness: Using a line of questioning without giving the witness ample time to answer.
6. Argumentative: Argumentative tone used toward a witness.
7. Any other objections that violates the rights of the witness or violates the policies of the Honor Board.

### **Section 2.09 Calling of Witnesses**

1. Each additional witness will be called in the same manner until all the witnesses for the Investigating Committee has been called and heard. In the case of a witness statement, the Investigating Committee Chair will call the witness, and in place of direct testimony, the Bailiff will read the statement submitted by the witness.
2. If the Investigating Committee has called its final witness, the Chair shall close his case.



3. The Accused (or Student Representative) shall call his first witness, who shall be sworn in by the clerk or secretary in the same manner as before. The Accused (or Student Representative) will then proceed to question the witness.
4. Upon completion of questioning, the Investigating Committee Chair will have the chance to cross-examine the witness.
5. Questioning of the witness will continue alternately by the Accused and the Investigating Committee Chair until there are no more questions for the witness. Repetitive Questioning can be objected and/or stopped by the Judge.
6. Each additional witness will be called in the same manner until all the witnesses for the Accused has been called and heard. In the case of a witness statement, the Accused (or Student Representative) will call the witness, and in place of direct testimony, the Bailiff will read the statement submitted by the witness.
7. If the Accused (or Student Representative) has called its final witness, he shall close his case.
8. At this time, the Investigating Committee Chair or Accused (or Student Representative) may recall a witness to establish those facts that have not as yet been presented to the panel.

### **Section 2.10 Closing Arguments**

1. The Investigating Committee Chair will make his closing statement.
2. The Accused (or Student Representative) will make his closing statement.

### **Section 2.11 Deliberation**

1. At this time the Judge shall remind the panel of its responsibility and tell the panel that it must select a foreman, and that their vote must be unanimous and presented to the Judge in writing, and that a hung panel shall be declared only if a lengthy and sufficient amount of time has elapsed. This time shall be determined by the Judge and shall be no less than three hours.
2. The Clerk then escorts the panelists to the deliberation room before any member of the audience may rise. The Accused (or Student Representative) may accompany the clerk to ensure that the panel members are not subjected to biases on behalf of the Honor Board; however, once the panelists have begun deliberations, all questions shall be directed to the Judge of the hearing. Only the Judge may enter to answer questions of the panel members.
3. Before dismissing the audience of the hearing, the Judge will instruct everyone present that the proceedings are to be kept strictly confidential. Anyone known to make public any of the details of the hearing, either in writing or verbally, shall be prosecuted by the Honor Board. The violation is failing to adhere to the principles of the Honor System, more specifically, a breach of confidentiality.

### **Article III. Post Hearing Procedures**

The court will convene and the panel foreman shall submit a verdict of guilty or not guilty to the judge. The verdict shall be in writing and signed by all 6 members of the panel. The verdict must be unanimous. After the verdict is read aloud by the Judge, he will remind the court of confidentiality and adjourn the hearing.

### **Section 3.01 Verdicts of “Not Guilty”**

If the panel of students at the hearing decides a verdict of not guilty, all charges against the Accused will be dropped immediately. The Honor Board case will be dismissed. The Investigating Committee will fill out their Final Case Report and the Corresponding Secretary will notify the Accused, professor and the Advisor of the Honor Board.

### **Section 3.02 Verdicts of “Guilty”**

If the panel of students at the hearing decides a verdict of guilty, the Honor Board will render a penalty at its next meeting. After a penalty has been rendered, the Corresponding secretary will notify the Accused and the Honor Board Advisor. The Accused will retain the right to an appeal of the penalty rendered by the Honor Board.

### **Section 3.03 No Verdict**

If the panel of students at the hearing is unable to decide a verdict for the case after a sufficient amount of time, the amount to be no less than 3 hours, the judge may declare a hung jury. The jury will then be dismissed and the Corresponding secretary will notify the accused and advisor of the Honor Board of the outcome. A new hearing date will be decided on and the Corresponding secretary will process the appropriate paperwork for a new hearing.

### **Section 3.04 Appeals**

Note: The Accused can only appeal the decision of the panel if the Honor Board did not follow the proper procedures for an investigation or hearing. The Accused retains the right to appeal the penalty rendered by the Honor Board.

An appeal can be sought in the following manner:

1. Submit a letter to the advisor of the Honor Board with the reasons for the appeal no more than 14 calendar days after the date of the rendered penalty.
2. The Advisor of the Honor Board will look over the appeal and if the appeal is warranted, will give the appeal to the Academic Appeals committee.
3. The Academic Appeals committee will meet with the Accused, the Judge of the hearing, an Honor Board Representative and/or anyone else deemed necessary by the Academic Appeals committee.
4. The Academic Appeals committee will decide to uphold the penalty rendered or overrule the penalty rendered by the Honor Board based on the grounds upon which the appeal was requested. The decision will be submitted to the advisor to the Honor Board with an explanation of the findings of the Academic Appeals committee.
5. The Honor Board will retain the right to appeal the decision of the Academic Appeals committee to the Chief Academic Officer.
6. The Chief Academic Officer will have the final say in an Appeal and the Honor Board will uphold his/her decision.
7. After the 14-day period, no appeal request will be accepted by the Honor Board Advisor or the Chief Academic Officer.