

# Hearing Procedures Manual of the Stevens Honor System

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

### **Section 1.01 Severance**

Cases involving two or more individuals in similar circumstances and charged with the same violation may be presented together at the discretion of the Honor Board Chair.

### **Section 1.02 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(s) and Accused student of the date, time, and location of the hearing.
2. Perform jury call by notifying a random list of 50-100 undergraduate students that they have been selected for the pool of potential jurors for the hearing. Inform the jury pool of the date, time, and location of the hearing.
3. Present the Accused with a packet including hearing date, time, location and a copy of the Hearing Procedures Manual.
4. In case of an open hearing, the Corresponding Secretary will inform the undergraduate community.

### **Section 1.03 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 the evidence exchange.
3. Prepare copies of the complete evidence packet for the six jurors, Accused, witness stand, and the Investigating Committee.
4. All members of the Investigating Committee may sit with the IC Chair to make suggestions or to pass out evidence.
5. Appear at any meeting between the Honor Board Advisor(s) and representatives from the Investigating Committee requested by the Honor Board Advisor(s).

### **Section 1.04 Responsibilities of the Procedural Advisor**

The duties of the Procedural Advisor are as follows:

1. Contact the accused to explain the Hearing Procedures Manual of the Stevens Honor Board.
2. Attend the evidence exchange.
3. Answer questions regarding the procedures and policies of the Stevens Honor Board and the proceedings of an Honor Board Hearing for the accused.
4. Appear at the hearing to assist the Accused in clarification of procedures if requested by the accused.

### **Section 1.05 Responsibilities of the Honor Board**

1. The Honor Board Chair will be present at all hearings to serve as a representative of the Honor Board and ensure all procedures are followed. If the Chair is unable to attend, the Vice Chair, or another

member of the board determined by a majority vote of executive board, will serve as Chair. The duties of the Chair of the hearing are as follows:

- a. Appear at the evidence exchange.
- b. Randomly select six jurors and two alternates for the hearing.
- c. Appoint Honor Board members to fill in various positions at hearing.
- d. Preside over the hearing, making judgments on admission of evidence and objections.

2. An Honor Board Advisor(s) is to be present at the hearing to witness the event. They are 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(s) are as follows:

- e. Appear at the Honor Board Hearing and witness the events as they occur insuring that all procedures are followed.
- f. Witness the signing of procedural forms at the end of the hearing.

3. A Procedural Advisor is appointed by the Honor Board to answer any questions or to clarify points regarding the hearing procedures of the Honor Board before and during the hearing itself.

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:

- g. One member shall be dedicated to sit in the witness room to assure that no tampering of witnesses or conversations between witnesses occur.
- h. 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 Chair of the hearing during the hearing.
- i. One member shall sit outside the jury deliberation room in the event of questions. If a juror has a question, the Honor Board member shall find the Chair of the hearing and the Chair will answer all questions from the jurors.
- j. The Recording Secretary shall handle the recording of the hearing in addition to taking written proceedings in case of technical failure. If the Recording Secretary is unavailable, the Chair will appoint another Honor Board member to fulfill the role.
- k. The rest of the Honor Board members present shall sit in the audience and be attentive throughout the hearing.

5. The Honor Board will hold all details regarding any case in the strictest confidence.

## **Section 1.06 Responsibilities of the Accused**

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

1. Prepare their own defense for the hearing.
  - a. The accused student reserves the right to ask an undergraduate student to serve as their representative at the hearing.
2. Notify all witnesses for the Accused of the date, time, and location of the hearing.
3. Appear at the evidence exchange.

4. Retain the right to declare an open hearing up to five calendar days before the start of the hearing. The request to have an open hearing can be made to the Chair of the hearing at or after the meeting between the Investigating Committee Chair, Accused, Chair, and Procedural Advisor, but must be made prior to the five-calendar day deadline.
5. Appear at a meeting between the Honor Board Advisor(s), Procedural Advisor and Student Representative (if applicable).

### **Section 1.07 Responsibilities of the Student Representative**

The Accused has the right to select a member of the undergraduate community, excluding Honor Board members, 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 jury at the hearing.
2. Act as a liaison between the Honor Board (i.e. Chair, Investigating Committee Chair, Procedural Advisor, etc.) and the Accused.
3. Attend all meetings, including the evidence exchange, between the Accused and the Investigating Committee, Chair, or Procedural Advisor. .
4. The student representative will be the sole voice for the Accused, and will be the only one to formally question any witnesses.

### **Section 1.08 Responsibilities of the Procedural Advisor**

A Procedural Advisor is appointed by the Honor Board to answer any questions or to clarify points regarding the hearing procedures of the Honor Board before and during the hearing itself.

### **Section 1.09 Evidence and Evidence Exchange**

- 1) At least five days prior to the hearing, the Chair, Procedural Advisor, IC, accused student, and student representative, if applicable, shall meet to exchange all evidence and witness names.
  - a) This meeting may occur fewer than five days prior to the hearing only if the accused student agrees in writing.
  - b) Evidence consists of any “physical” documents to be used during the hearing including but not limited to tests, papers, seating charts, and final exams.
  - c) The witness lists exchanged shall name all witnesses who may be called or whose witness statements will be used during the hearing by each side.
- 2) Evidence or potential witnesses submitted after the evidence exchange may only be used in hearing at the discretion of the Chair of the hearing.

### **Section 1.10 Witnesses**

- 1) A list containing the names of the witnesses to be called shall be provided for the opposing side at the evidence exchange.
- 2) 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.
- 3) 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.

- 4) A maximum of one character witness and one document attesting to the accused student's character shall be allowed to be entered into evidence. If no character witness is called, two documents attesting to the accused student's character shall be allowed to be entered into evidence. All character statements must be signed by the witness and sealed.

### **Section 1.11 Open Hearings**

If the Accused wishes to have an open hearing, they must contact the Chair up to five 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. 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 Chair 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(s) for further disciplinary action.

### **Section 1.12 Jury Selection**

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

1. A juror has a fraternal or sororal relationship with the Accused or Investigating Committee.
2. A juror is a relative of the Accused or Investigating Committee.
3. A juror 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 juror and the Accused or Investigating Committee.
5. Either the Accused or Investigating Committee may remove one juror from the jury for any reason not listed above.

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

The Chair shall select the final six jurors and two alternates from the approved list of candidates.

### **Section 1.13 Closing**

At the close 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. The Chair, Procedural Advisor,

and Honor Board Advisor(s) shall witness the signing of the form. If either party refuses to sign, they must provide in writing a statement listing the reasons for refusal to the Chair 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 Chair 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 Chair or unless a recess is granted. Anyone acting in an inappropriate manner may be asked to leave by the Chair 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(s) for further disciplinary action.

The jurors and alternates shall be facing toward the Chair and away from the audience of the hearing.

The Chair will call the session to order at which time the Recording Secretary, or the Recorder, shall begin the audio recording. Only in the event of an open hearing may the Accused do his own recording of the hearing with the permission of the Chair and the Honor Board Advisor(s) prior to the start of the hearing.

### **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 Chair
2. Recorder
3. The Bailiff
4. Procedural Advisor
5. Accused
6. Student Representative (If Applicable)
7. Investigating Committee Chair
8. Assistant(s) to the Investigating Committee
9. Honor Board Advisor(s)
10. Witnesses, only when being questioned
11. 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 Chair.

### **Section 2.03 Responsibilities of the Jurors**

The Chair will inform the jurors of their responsibilities and will ask for a consensus for their fulfillment. Those jurors who cannot fulfill these responsibilities will be asked to leave at which time open positions will be filled by alternate jurors. 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 will make a statement of the charge against the Accused.

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

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

#### **Section 2.06 Opening Statements**

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

The Accused (or Student Representative) may then make their opening statement, or may wait to make their opening prior to their presentation of evidence.

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

1. The Investigating Committee will present their case first.
  - a. When they are finished, they will rest their case and the Accused may present their case.
2. The presentation of case may include only the following:
  - a. Direct explanation of documents contained within the evidence packet approved at the Evidence Exchange.
    - i. Should the accused student wish to give personal testimony about the alleged violation, they must be sworn in as a witness.
  - b. The calling and questioning of witnesses.
3. When both parties have rested their case, unless a request to re-call a witness or a request for rebuttal evidence is made by the Investigative Committee, closing arguments will be given.
  - a. If such a request is made, its approval is at the sole discretion of the Chair.
  - b. Should the Chair grant the Investigative Committee rebuttal evidence, the accused student is automatically granted the chance to present any final rebuttal evidence prior to closing statements.

#### **Section 2.08 Calling of Witnesses**

1. Whenever a party (the Accused student or the Investigative Committee) calls a witness, the Bailiff will be sent to escort the witness into the hearing chamber.
2. The bailiff will have the witness state his name for the record, and will then swear in the witness – “Do you swear to tell the truth, the whole truth, and nothing but the truth?”
  - a. Character witnesses do not need to be sworn in, but may *only* be questioned about the Accused student’s character and may not speculate about the details of the case.
3. The party who called the witness may then proceed with direct examining the witness.



- a. In the case that an Accused student has sworn themselves in as a witness, they may either speak freely from the stand, or may have his Procedural Advisor or student representative question him.
4. When the first party has finished their line of questioning, the opposing party may cross-examine the witness.
  - a. Re-direct and re-cross examination are allowed *ad infinitum* until neither party has any further questions for the witness.
5. Objections may be made during examination of a witness.
6. Any witness statements in the evidence packet may be read to the Jury by the Bailiff during the presentation of evidence.

### **Section 2.09 Grounds for Objections**

1. Irrelevance: The information is not directly related to the case.
2. Speculation: The information is not factual but rather an opinion made by a witness without substantive foundation
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 2.10 Closing Arguments**

1. The Investigating Committee Chair will make his closing argument.
2. The Accused (or Student Representative) will make his closing argument.
  - a. If, during the closing argument or rebuttal, either party addresses material not discussed in the presentation of evidence, the opposing party may request special rebuttal argument. This is the only reason such rebuttal may be granted, and the request is at the sole discretion of the Chair.

### **Section 2.11 Deliberation**

1. At this time the Chair shall remind the jury of its responsibility. In cases involving two or more Accused, affirmation or non-affirmation of guilt of each individual will be decided independently by the jury. The vote must be unanimous and presented to the Chair in writing. A hung jury shall be declared only if a lengthy and sufficient amount of time has elapsed; this time shall be determined by the Chair and shall be no less than three hours.
2. The Bailiff then escorts the jurors to the deliberation room before any member of the audience may rise. The Accused (or Student Representative) may accompany the bailiff to ensure that the jury members are not subjected to biases on behalf of the Honor Board; however, once the jurors have begun deliberations, all questions shall be directed to the Chair of the hearing. Only the Chair may enter to answer questions of the jury members.

3. Before dismissing the audience of the hearing, the Chair 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 jury foreman shall submit a verdict of responsible or not responsible to the Chair. The verdict shall be in writing and signed by all six members of the jury. The verdict must be unanimous. After the verdict is read aloud by the Chair, they will remind the court of confidentiality and adjourn the hearing.

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

If the jury of students at the hearing decides a verdict of not responsible, all charges against the Accused will be dropped immediately. The Honor Board case will be dismissed and the Corresponding Secretary will notify the Accused, professor and the Advisor(s) of the Honor Board.

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

If the jury of students at the hearing decides a verdict of responsible, 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(s). The Accused will retain the right to an appeal of the penalty rendered by the Honor Board.

#### **Section 3.03 No Verdict**

If the jury 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 Chair may declare a hung jury. The jury will then be dismissed and the Corresponding Secretary will notify the accused and Advisor(s) of the Honor Board of the outcome. A new hearing date will be determined.

#### **Section 3.04 Appeals**

Note: The Accused can only appeal the decision of the jury 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 Chair 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 Provost of the University.
6. The Provost of the University 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(s) or the Provost of the University.