Faculty roles

Deliberator

- During the hearing – Examine the evidence. Hear testimonies. Ask questions to witnesses (after student members have asked their questions).
  Important: Avoid asking leading questions.
- After the hearing – Based on the evidence and testimonies, decide (together with the student members) whether or not a violation has occurred. During deliberation faculty should wait until one or more student has voiced their opinion.
  Important: Decide on a violation first, and then decide the “punishment” if necessary. Vote by secret ballot. A decision on “violation” has to be unanimous. Vote at least 3 times.

Advisor

- Confer with the accused and help the student understand the seriousness of an honor code offense.
- Aid the student in reviewing evidence and writing opening and closing statement.
- Speak on behalf of the accused during the hearing.
  Important: Further information is contained in the roles of the adviser document below.

Observer

- Make sure proper procedure is followed (see attached hearing procedure document below).
- Make sure that the accused or witnesses are not badgered or led by HC members.
- Make sure that the accused follows the rules (only speaking through the advisor unless addressed by the HC, not causing disruptions, not giving irrelevant testimony).
**DELIBERATIONS**

- Vice-chair presides over deliberations. If vice-chair is not present, a student member will be chosen to preside for that hearing alone.

- Conversation should convene with discussion of “no violation” or “violation” (at least one student should speak before faculty members).

- After full discussion of evidence and what is needed to find a violation, someone should make a motion with regard to deciding “no violation” or “violation”.

- Vote is by secret ballot and is distributed, collected and counted by vice-chair (this information is available to all).

- A unanimous verdict is required to find a violation.

Note: Even if there is a violation plea, council must vote on whether a violation has occurred.

- If a violation has occurred then recommended penalty is discussed. Recommended penalty is determined by a majority vote (on a paper ballot)
- Normally penalty is F in course, but a reduced penalty may be recommended, and a harsher punishment may be recommended.
- Documents and notes, other than original evidence, will be collected for shredding.
Honor Council Deliberations

Reminder for those members of the Honor Council deliberating a case:

The vote must be unanimous for a decision of “violation” to be reached. If a unanimous decision cannot be reached after due deliberation then the accused is deemed given a “no violation” decision.

Do not discuss the penalty until a decision has been made.

Once a decision has been made, open the envelope to see if the accused has previously been determined to have an honor code violation.

Usual punishments are as follows:

- For the first offense, F in the course even if the course is a lab science and the offense was in lab.
- For second offense, expulsion

The penalty does not have to be a unanimous decision but may be decided by a simple majority.

Remember that you are only giving a recommendation to Dean Linville who must then review the evidence, the findings of the honor council, and make a final decision.
Role of Faculty Adviser for an Accused

In order for the Honor Council to function effectively and for the rights of the accused to be protected, each student accused of an Honor Code violation needs an adviser. (Faculty members of the Honor Council are glad to confer with potential advisers concerning their roles in the process). The adviser’s function will be:

1. To confer with the accused and help the student understand the seriousness of an Honor Code offense.
2. If requested, the adviser may see the evidence prior to the hearing. Contact the faculty coordinator of the investigation to arrange a time and place. The student accused may have copies of written evidence provided by the investigative team.
3. To aid the student in preparing the truthful, written statement that includes his/her plea of guilty or not guilty. (Lying to the Honor Council is an Honor Code offense).
4. To urge that the accused continue attending the class in question until he/she receives notification of the hearing results from the Dean. Once a student has been accused of an Honor Code violation, he/she may not withdraw from the course.
5. If witnesses for the Honor Council are involved, the adviser needs to remind the accused that approaching a witness may be interpreted as harassment. Advisers may be requested not to reveal the names of witnesses for the Honor Council or give information that would reveal the witness or witnesses.
6. The adviser is present during all hearing procedures, except for Honor Council deliberation. The adviser may ask questions to any witness, may request a recall of any witness, may call additional witnesses, and may present new evidence.
7. During the hearing, the adviser may choose to request a brief recess to confer with the accused.
8. After all evidence has been heard, the adviser or the accused may make a summarizing statement on behalf of the accused.
9. The adviser does not take part in deliberation with the Honor Council and may not argue the case before the Honor Council.
10. Faculty members do not discuss the specifics of any case with anyone since this action would violate the confidentiality of Honor Council hearings. The faculty coordinator should be contacted if a faculty member has questions regarding evidence, witnesses or any other matter related to an Honor Council case.
11. The adviser may or may not know the final outcome of a hearing since the accused is notified directly by the Dean. (The Honor Council itself is usually unaware of final disposition).
12. Further information is available in the Faculty Handbook.
Honor Council Hearing Procedures – Duties for the Chair Supported by the Faculty Observer

1. Chair and Secretary greet the witness and put them in different rooms on different floors. Make sure accused has a faculty advisor. Ask them if they have questions about the procedure and make sure they have a statement ready to read and sign at the hearing. Check to see if the accused has any additional paper materials to be copied for the hearing (this should be taken care of earlier but it will slow up the hearing if copying needs to be done in the middle of the hearing). Check to be sure all evidence is copied and that the envelope with any previous offenses is available for the deliberators. This is the appropriate time for the Chair to turn over the evidence from the investigation to the student and faculty members who will hear the case, including the student Vice Chair.

2. Inform the Honor Council members of the name of the accused and the course involved. Find out if anyone has a conflict of interest. (Being a student in the course involved does not constitute a conflict, but having direct knowledge of the case involved does.) Also remind them that they must be unanimous to find the accused guilty and remind them of the standard punishment (F in the course). Make them decide at this point who will be leaving. Also remind them to listen to one another’s questions and not ask repeated questions during the hearing. Finally, remind them not to ask leading questions.

3. The Secretary now brings in the accused. The advisor sits to the left (council is to the right) accused sits in the middle.

4. Chair reads, “This is a case of the Oxford Honor Council…” etc. The accused gives the plea, states advisor name and then reads, signs, and dates statement. Secretary retrieves the statement and accused goes to sit with advisor.

5. The Secretary brings in faculty witness/es. He/she reads statement, then signs and dates it. Secretary retrieves it. Council asks questions. The order of questioning must be: student Honor Council members, faculty Honor Council members, and finally, the accused via her or his advisor. Remember: the accused cannot address the Honor Council unless addressed first. Moreover, the accused cannot ask questions directly to witnesses. The advisor must pose all questions to witnesses and make all requests or objections to the Honor Council Chair. Also, the observer’s job here is to stop any questions that are inappropriate, repetitive, have already been asked and answered, or are leading. When there is a short lull the Chair will ask if there are more questions for the witness. If not, the Chair will thank him/her and ask the council if they need him/her to remain present. If yes, have him/her tell you where he/she will be or get telephone number to be able to reach him/her. If no, say thank you and good-bye.

6. Any other witnesses should come in one at time at this point, witnesses for the prosecution first and for the defense after. Remind the Chair to call witnesses in the order that they were
interviewed during the investigation. Follow the same procedure as above. Chair has a statement to read each time, so if he/she does not immediately stand up to do so, nudge him/her.

7. At this point, when the last witness has been dismissed and escorted out of Seney Hall by the Secretary, the accused comes to the witness chair to answer questions. Again, your job as observer is to make sure questions are appropriate.

8. When there are no more questions, the Chair will call a recess for the accused and advisor and the investigators to write their closing statements. The Chair will inform the accused that he/she can use prepared statement as the closing statement, write a new one or add to the existing one, with the help of the advisor.

CHECKLIST FOR PREPARING THE HEARING

✓ Make sure that the student members organize the tables and chairs in the SCR, so that there are places for student HC members, student HC officers, faculty HC deliberators, the accused’s table (with a place for the advisor), and the witness chair and table.

✓ Make sure that the Chair distributes copies of the investigating team’s evidence to the student and faculty HC members. There should be a campus mailer for the Vice Chair to collect the copies to be shredded after deliberations.

✓ Remind student and faculty members that the evidence—including all copies, along with evidence submitted by the witness—must be collected by the Vice Chair.
  o If it turns out that the accused or a witness submits sensitive documents (e.g., medical diagnoses), remind one of the faculty deliberators to make sure they are included for submission to Dean Arp (all of these materials may be slid under the door to the Academic Dean’s suite).
  o The accused can be assured that any single-copy or original documents will be returned after the Academic Dean completes consideration of the case, and these will be kept secure.

✓ Make sure that the Vice Chair has an additional campus mailer or manila envelope with:
  o the hearing and deliberation sheets (one for attendance, the other for voting on the charges)
  o a sealed envelope from Regina Barrett; this will either have a blank piece of paper or a letter indicating whether the accused has any prior violations. Remind the Vice Chair that this is only to be opened if there’s a finding of violation during the deliberations. If such a finding is reached, this letter may inform the recommendation to the Dean concerning sanctions.
Make sure that the witnesses and the accused are waiting in separate rooms, ideally on separate floors. Communicate with the Secretary about these arrangements. The Secretary may want to have one or two fellow student members to help with the logistics. Often, it’s practical for the witnesses to wait on the Third Floor sitting area, while the accused waits with her or his advisor in a Second Floor classroom.

Make sure that the Chair is ready to go and that everyone is quiet and focused at 6 pm (or as close to 6 as possible. The Chair begins by having the Secretary call in the accused with his advisor.

CHECKLIST FOR THE HEARING

The Chair calls the hearing to order.

The Chair asks the accused to make her or his opening statement in the witness chair. If the accused has not written an opening statement and begins to ramble, the Chair may ask them to rapidly complete their statement and save their testimony for the witness chair.

The accused returns to the accused’s table with the advisor, and the Secretary calls in the witness(es). Emphasize avoiding repetitive and leading questions. The order of the questioning for each witness must be student HC members, faculty HC members, and the accused via the advisor, followed by a call from the chair for any further questions to the witness.

When witnesses have completed testimony, it is encouraged that the secretary actually takes the time to escort them out of the building. A volunteer to the secretary may call in the next witness to get settled, in order to save time.

The accused is called to witness. The accused may submit any evidence at this time.

A recess is called, and the accused retires with the advisor—ideally to the 2nd floor—to write a closing statement.

Finally, the Chair reconvenes the hearing, and the accused reads her or his closing statement. The Secretary escorts the accused out of the building.

CHECKLIST FOR THE DELIBERATIONS

The Chair reads the preponderance of evidence statement to the whole Honor Council. The Chair can use her or his discretion about whether or not to read the credibility of witnesses’ statement.

The student members decide which three will join the Vice Chair and the faculty deliberators in the confidential deliberations.

The Vice Chair will collect the evidence and any notes that students have taken, along with any evidence submitted by witnesses or the accused.

Make sure the Vice Chair has the hearing sheet, the deliberation sheet, and the envelope from Regina Barrett.

Make sure the deliberators are set, leave the SCR, and leave the building!!!