

## **Honor Council Procedures**

### **Article I. Accusation**

*Section 1:* The Council recognizes that a significant delay in reporting the suspected misconduct may reduce the availability of evidence which is crucial to the Honor Council's ability to reach a fair and informed decision. The Council reserves the right to declare that cases cannot be heard due to delays in the accusation or the submission of evidence.

*Section 2:* The decision to terminate a case due to delays in making the accusation or submitting evidence rests with the Chair, in consultation with Student Judicial Programs. The Chair should decline to proceed with a case when:

- a. Ninety or more days have passed between the date of the suspected academic misconduct and the date the reported accusation is submitted to the Honor Council; or
- b. Sixty or more days have passed between the submission of the reported accusation to the Honor Council and the presentation of requested or relevant evidence for adjudication.

*Section 3:* When one or more of the above conditions are met, the Honor Council, in consultation with Student Judicial Programs, will decline to investigate and adjudicate the accusation in most cases. In extraordinary cases, where extenuating circumstances make it appropriate, the Honor Council may decide to pursue an accusation outside of the above deadlines with the approval of Student Judicial Programs.

*Section 4:* When a reported accusation contains information about more than one suspected violation, for instance plagiarism on multiple assignments during the course, the time limit will be calculated from the date of the most recent suspected misconduct.

### **Article II. The Investigative Meeting**

*Section 1:* The purpose of the Investigative Meeting is threefold:

- a. to make the accusation known to the accused student;
- b. to review the position of the accused student under the Honor System; and
- c. to determine whether or not enough evidence is available to decide at a hearing if a

violation has or has not occurred.

*Section 2:* On receipt of an accusation, the Presiding Chair shall instruct the Secretary, or their designee, to appoint two members and an investigator to serve on an Investigating Committee as specified in Article XI of the Constitution of the Honor System.

*Section 3:* The Investigator will be a member of the Honor Council whose purpose is to find all pertinent information for a particular case — both information supporting and refuting the accusation.

- a. The Honor Council will train members to be Investigators. Any trained member may serve as an Investigator.
- b. The Investigator will be present but will not vote at the investigation and be ineligible to serve at the hearing for which he or she was an investigator, but the Investigator can serve as a witness at the hearing.
- c. If the case proceeds to a hearing, it is recommended that members of the investigative committee, except the Presiding Chair, not serve on the hearing as voting members.

*Section 4:* The Investigating Committee must:

- a. Present and read an unsigned copy of the accusation to the accused student.
- b. Inform the accused student that the Honor System Handbook is available online.
- c. Inform the accused student of his or her rights and responsibilities under the Honor System listed in Article IV, Section 7 of the Honor Council Procedures.
- d. Advise and discuss with the accused student his or her rights and alternatives under the workings of the Honor System, including the Alternative Resolution process if applicable (see Article II of these procedures).
- e. Inform the accused student that any verbal statements made to the Investigating Committee will not be used against him or her at a hearing.
- f. Request a written statement from the accused student which represents the accused student's account of the events in the accusation. This statement, signed by the accused student and the Ombuds, will henceforth be considered as evidence. In the absence of a

written statement by the accused student, the Investigating Committee will advance the case to a hearing.

g. Inform the accused student that further Investigative Meetings are an option if readily available evidence could make a significant difference in the outcome of the investigation. The decision to hold any such meetings rests with the Investigating Committee.

*Section 5:* The members of the Investigating Committee shall not discuss the Investigative Meeting with any other members of the Honor Council.

*Section 6:* If the Investigating Committee deems a hearing necessary, the Presiding Chair shall set the time and place of the hearing.

### **Article III. Alternative Resolution Procedure**

*Section 1:* If and when an Investigative Meeting panel votes to proceed to a Hearing, the Investigative Meeting panel may choose to offer the accused student an Alternative Resolution as well. A majority vote of the Investigative Meeting panel is required to offer the accused student an Alternative Resolution. Before concluding the Investigative Meeting, the presiding Chair should describe the Alternative Resolution process to the accused student.

*Section 2:* The Investigative Meeting panel shall only offer the accused student an Alternative Resolution option if the following criteria are satisfied:

1. The accused student has no prior Honor Code violations, and
2. At the time of the Investigative Meeting, the Investigative Meeting panel finds no aggravating factors as defined in the Consensus Penalty Structure.

*Section 3:* Once it is determined that the aforementioned criteria are satisfied, and the Investigative Meeting panel votes to offer the accused student an Alternative Resolution, an Alternative Resolution letter will be drawn up by the Investigator, with a reduced penalty in accordance with the Consensus Penalty Structure voted on by a majority of the Investigative Meeting panel.

*Section 4:* The receipt of an Alternative Resolution letter is not grounds for appeal at a later time, as the grounds for an appeal are limited to those outlined in Article XVIII of the Constitution.

*Section 5:* By offering the Alternative Resolution, the Honor Council has not applied any mitigating factors, as defined in the Consensus Penalty Structure, to the accused student's penalty. The Honor Council shall only consider mitigating factors at a Hearing and may not mitigate because an Investigative Meeting panel voted to offer an Alternative Resolution to the accused student.

*Section 6:* In signing the Alternative Resolution letter, the student will be agreeing to the following terms:

1. The accused student pleads "In Violation" to an Honor Code violation.
2. The accused student waives their right to a Hearing.
3. The accused student waives their right to initiate an appeal.
4. The accused student accepts a reduced, but unmitigated, penalty specified by a majority of the Investigative Meeting panel according to the Consensus Penalty Structure.
5. The accused student acknowledges that if they are found "In Violation" for a second time, the penalty will be aggravated due to the fact that they have a prior violation.

*Section 7:* The Alternative Resolution letter shall be sent to the accused student via University email by the Investigator immediately following the conclusion of the Investigative Meeting. The Alternative Resolution letter email should be copied to honor@rice.edu, as well as the Ombuds for the case.

*Section 8:* The accused student may then consult with their Ombuds before agreeing to or declining the Alternative Resolution letter. While it is the responsibility of the accused student to fully understand the Alternative Resolution letter, the Ombuds shall answer any questions the accused student has regarding the Alternative Resolution document before the accused student signs the Alternative Resolution document.

*Section 9:* The accused student will have up to 48 hours to accept or decline the Alternative Resolution, starting from the time the Alternative Resolution letter is emailed. If the student does not respond to the Alternative Resolution email, it is assumed that the student declined to participate in the Alternative Resolution process. Should the accused student decline the Alternative Resolution, the accused student's case will proceed to a Hearing.

#### **Article IV. Evidence**

*Section 1:* Depositions of relevant parties to the accusation may be taken before or after the Investigative Meeting. Such depositions will be taken by the Investigator, with the approval of the Ombuds.

*Section 2:* The accused student shall have access to all evidence in the Honor Council's possession. The accused student may make and keep notes, which are not facsimiles, of the evidence. An Ombuds shall be present whenever the accused student reviews evidence.

*Section 3:* Until the hearing if such occurs, the identity of the accuser shall be withheld. The identity of other parties shall be withheld at the discretion of the Chair.

*Section 4:* An Ombuds shall be present whenever pertinent evidence or testimony regarding a specific case is presented to the Investigating Committee.

*Section 5:* The Honor Council recognizes that its individual members have unique academic backgrounds, but in order to maintain consistency, the Council discourages the use of prior personal course knowledge in resolving a case, without first verifying the accuracy of this information.

A Council member's prior knowledge or experiences, referred to as "outside knowledge," can sometimes include knowledge of the course material in question that cannot be easily verified by resources available at the hearing. Whenever this outside knowledge is useful and relevant to the proceedings, it must be presented at the hearing while the student is present and has an opportunity to respond to it. The outcome of the case may not be based solely on outside knowledge.

*Section 6:* If the Council feels that it is unable to resolve a case without obtaining additional information, it should delay or reschedule the case until it has sufficient time to confirm the accuracy of any necessary additional information, including outside knowledge.

## **Article V. Hearing**

*Section 1:* The hearing shall be conducted in such a manner that the facts of the case may be ascertained and a just decision reached, but shall at no time violate the rights of the accused student or the integrity of the Honor Council and the Student Body. The Honor Council must recognize its unique duty to investigate and adjudicate accusations as an unbiased and neutral body.

- a. Names of all persons involved, and other pertinent data shall be kept secret by the Honor Council.
- b. A record shall be kept of the hearing. All testimony and evidence must be presented in the presence of the accused student.

*Section 2:* A panel of six Council members shall be necessary to conduct a hearing. Additionally, up to three new members with a non-binding, unrecorded vote may be present to observe the hearing for training purposes.

If a full panel of six members cannot be convened, the Presiding Chair will be permitted to appoint the necessary number of people to serve as voting members. It is recommended that these appointed students be either current Rice students who have previously served as Honor Council members or Rice alumni who have served on the Honor Council.

*Section 3:* A Council member present shall be appointed to act as a Clerk for each hearing.

- a. The Honor Council will train members to be Clerks. Any trained member may serve as Clerk.
- b. It shall be the duty of the Clerk to administer the oath to witnesses, to prepare an abstract of the hearing, and to perform other such duties as described in these Procedures.

*Section 4:* Order of Hearing Procedures

- a. The Honor Council convenes; the accused student is brought before the Council and introduced to each member of the Council.
- b. The matriculation pledge and rights of the accused student are read by the Clerk.
- c. The position of the accused student under the Honor System is reviewed with them.
- d. A signed copy of the accusation is presented to the accused student. All evidence will be presented to the accused student, with identities disclosed.
- e. The accused student shall enter a plea of "In Violation" or "Not In Violation."
- f. The accused student may make an opening statement to the Council.

- g. The Council may question the accused student.
- h. The accused student may make a closing statement, during and after which the Council may not question the accused student further.

*Section 5:* Any evidence in the hands of the Honor Council shall be made available to the accused student before the hearing and submitted to the council at the beginning of the hearing before testimony.

*Section 6: Witnesses*

- a. A witness may be called by the Honor Council or the accused student.
- b. The witness is to be brought in by the Clerk and sworn in as follows: "I, . . . , will tell the truth, the whole truth, and nothing but the truth, and I will maintain secrecy about this hearing and the persons involved."
- c. The accused student and the Honor Council may both question the witness.
- d. The witnesses are to be excused, but are subject to recall at any time during the hearing.

*Section 7: Rights of the Accused Student*

- a. The accused student may testify, present evidence, or make no statement.
- b. The accused student shall have the right to bring forth any evidence or testimony.
- c. The accused student shall have the right to review and dispute any evidence or testimony.
- d. The Honor Council may consider no character testimony either for or against the accused student.
- e. The accused student shall have the right to sum up the case before the Honor Council decides the case
- f. The accused student shall maintain the secrecy of the identities of the persons involved in the case other than him or herself.

### *Section 8: Decision*

After all evidence and testimony have been received the Council shall reach a decision. Council members will vote on whether or not a preponderance of the evidence supports that a violation has occurred and whether or not a preponderance of the evidence supports that the accused student is "In Violation" of the Honor Code. A unanimous vote of all six members is required for a finding of "In Violation."

In determining that a violation has occurred or that the accused student is "In Violation," the Council does not need to determine exactly how the violation occurred.

The penalty deliberation phase will immediately follow a unanimous verdict of "In Violation". Two-thirds of the voting Council members present must concur on a binding penalty decision. The Council should strive to reach unanimity in its penalty decision.

*Section 9:* The Council shall immediately submit its decision and an abstract of the hearing to the senior Judicial Affairs officer. Upon approval, the sentence shall be carried into effect by the University.

*Section 10:* Public Notice of the fact of a case and the verdict shall be given upon completion of the case via the Honor Council website. The name of the accused student shall not be published.

### *Section 11: Records*

a. A complete record of hearings shall be kept. Audio recordings will only be made during the testimony portion of the hearings. All material evidence shall be filed with this record. This record shall be open only to the President, Student Judicial Programs, and the Chair of the Honor Council.

b. An abstract of the hearing shall be prepared immediately upon the completion of the hearing with the recommended penalty attached. One copy shall be made using no names other than those of council members and ombuds present and shall be published on the Honor Council website for public viewing.

c. At the end of each academic year the secretary shall submit all case abstracts to the Woodson Research Center along with a spreadsheet summary of all cases detailing the case number, verdict, penalty, whether or not the case was appealed, and the decision of the faculty appeals panel or the president of the university.

## **Article VI. Appeals**

*Section 1:* Upon receiving the intent to appeal, the Presiding Chair will have five (5) business days to gather the following materials and make them available to the Appellant through the Office of Student Judicial Programs:

- a. The statement(s) of accusation
- b. All material evidence
- c. The recordings of the testimony phase of the hearing
- d. The abstract of the hearing

The Ombuds for the case will submit a statement regarding any concerns about procedural matters, or lack thereof, directly to the Office of Student Judicial Programs.

*Section 2:* The Appellant will have 5 business days from the day the required information specified in Section 1 is presented to the Office of Student Judicial Programs to submit a written statement to the Appeals Panel that explains his or her grounds for appeal.

*Section 3:* After the written statement explaining the grounds for appeal has been submitted to the Office of Student Judicial Programs, the Presiding Chair will then have 5 business days to write their own statement defending the Council's decision.

*Section 4:* The Presiding Chair will present the information specified in Sections 1 and 3 to the Appeals Panel for consideration.

*Section 5:* The Appeals Panel will have 60 class days to hear the appeal. Any appeals decision shall be agreed upon by a majority of the Appeals Panel. In reaching a decision on the appeal, the Appeals Panel is limited to the consideration of the grounds for appeal stated in Article XVIII, Section 2 of the Constitution.

*Section 6:* The Appeals Panel will have the power to uphold or reverse the Council's decision, lessen, but not increase the penalty, remand the case to the Honor Council for a rehearing, or dismiss the case.

*Section 7:* The Appellant may appeal the panel's majority decision to the President of the

University in the form of a written statement within five business days of notification of the Appeals Panel's decision.

*Section 8:* The Appeals Panel will present the appeal materials to the President of the University for consideration in addition to a summary of decisive factors from the first appeal. This should take place within 10 business days of the second intent to appeal.

*Section 9:* The President of the University shall then have 60 business days to make a final decision regarding the appeal. In reaching a decision on the appeal, the President is limited to the consideration of the grounds for appeal stated in Article XVIII, Section 2 of the Constitution.

*Section 10:* The President of the University will have the power to uphold or reverse the Council's decision, lessen, but not increase the penalty, remand the case to the Honor Council for a rehearing, or dismiss the case.

#### **Article VII. Summer Procedures**

*Section 1:* Any special provisions for handling a summer case must be agreed to by the senior Judicial Affairs officer and the accused student.

*Section 2:* The accused student shall be informed of any special provisions for the proceedings at least seventy- two hours before the meeting time.

*Section 3:* The accused student shall inform the Honor Council whether or not they accept the special provisions twenty- four hours before the meeting time.

#### **Article VIII. Amendments**

The Honor Council Procedures may be amended by a three-fourths (3/4) vote of the Honor Council at any time with the subsequent approval of Student Judicial Programs.

These procedures were last revised in September 2019.