



Hearing Procedures for the Student Judicial System

1. The “Reported” student(s), “Reporter(s)” and “Aggrieved Parties” (as determined by the Investigative Team or special investigator) are brought into the meeting room
 - They may be brought in individually if there is a concern for the health or safety of any one of the involved e parties if they were in the room together. For example, a survivor of sexual assault may request that they not be in the same room as the perpetrator during a hearing.
2. Moderator to hearing introduces the Honor Board members: “Moderator”, “Recorder”, and the “Honor Board Adviser” from the Office of Student Affairs. The “Hearing Panel” members are introduced. Involved students are introduced to the Hearing Panel.
3. Moderator asks reported student(s), reporter(s), aggrieved parties, and/or the special investigator if they believe any hearing panel members should be removed from the hearing panel because of unacceptable bias. See Hearing Panel removal guidelines below if a panel member’s name is submitted.
4. Witnesses are brought into the room.
5. Moderator explains the philosophy of peer judgment and the Board procedures.

“Through the Honor Code, Olin College has entrusted students with establishing and upholding high standards of personal conduct. When the integrity of a student’s actions is called into question, it is the responsibility of the Honor Board to investigate the accusation and determine if it has merit. The Honor Code draws its strength from the fact that students serve as both creators and interpreters of their community standards.”

The procedures of the Student Disciplinary System, which appear in the Student Handbook, outline the hearing process currently underway. In short, the hearing is divided into two parts: the question of responsibility and, if necessary, sanction setting. During the former, the panel will hear presentations from the reporter(s) and aggrieved parties, the reported, and relevant witnesses. If the panel finds the reported to be responsible for

violating the Code, the panel may then hear sanction recommendations from the reporter(s), aggrieved parties and reported, and will then recommend sanctions for approval by the Dean of Student Affairs.”

6. Witnesses leave the room.
7. Moderator states the rights of the reported, reporter(s), and aggrieved parties:
 - To bring one adviser;
 - To question witnesses;
 - To submit verbal arguments;
 - To remain silent and not testify against oneself, so long as the panel finds that the requirement for accurate and complete representation of oneself, one’s work, and one’s actions is outweighed by the requirements for mindfulness of others and for honoring individual dignity. Participants should remember that if they remain silent, the panel is compelled to hear the case and render a decision based upon the evidence presented.
8. Charges
 - Moderator lists clauses of the Honor Code and/or related policies that have been violated and why.
 - The reported is asked if s/he understands the charges.
 - The reported “accepts” or “denies” responsibility.
9. Initial presentations*
 - Special Investigator or Reporter’s (known as the reporter from here on in the process) description of incident
 - 1) Panel members may ask questions;
 - 2) The reported may ask questions.
 - Aggrieved parties’ description of incident
 - 1) Panel members may ask questions;
 - 2) Reported may ask questions.
 - Reported’s description of the incident:
 - 1) Panel members may ask questions;
 - 2) Reporter and/or aggrieved parties may ask questions.
10. Witnesses
 - 1) Reporter may ask questions of witnesses;
 - 2) Aggrieved parties may ask questions of witnesses;
 - 3) Reported may ask questions of witnesses;
 - 4) Panel members may ask questions of witnesses;

* In the event that there is more than one student reported, reporter, or aggrieved party, the panel may bring them into the hearing room either individually in alphabetical order or as a group for descriptions of the incident; this system shall prevail throughout the remainder of the hearing procedures.

11. Reporter, aggrieved parties, reported, or panel members may recall witnesses or re-question participants (following the same order as in Section 10). The reported student must be present for all questions and responses unless the Panel finds that the reported student's presence poses a risk to the health or safety of any other participants.
12. Final statement of Reporter.
13. Final statement of Aggrieved parties.
14. Final statement of Reported.
15. Reporter, aggrieved parties, reported, witnesses and their respective advisers leave the meeting room.
16. Panel deliberates on responsibility.
17. Reported, reporter and aggrieved Parties return to meeting room to hear decision on responsibility.
18. Sanction Recommendations
 - Adviser to the reported may make a statement regarding the reported student's character as it might relate to any proposed sanction(s).
 - 1) Panel may question adviser to the reported
 - 2) Reporter may question adviser to the reported.
 - 3) Aggrieved parties may question adviser to the reported.
 - Panel may request recommendation from reporter and aggrieved parties regarding possible sanction(s).
 - 1) Panel may question reporter on the recommended sanction(s);
 - 2) Panel may question aggrieved parties on the recommended sanction(s);
 - 3) The reported student may question reporter and aggrieved parties on the recommended sanction(s).
 - Panel may request recommendation from the reported regarding possible sanction(s):
 - 1) Panel may question reported on the recommended sanction(s);
 - 2) Reporter may question reported on the recommended sanction(s);
 - 3) Aggrieved parties may question reported on the recommended sanction(s);
19. Reporter, aggrieved parties, reported, and their respective advisers leave the meeting room.
20. Panel deliberates on sanction(s).
 - Past judicial system involvement, if any, described by Honor Board Adviser.
 - Sanction with supporting rationale is put in writing.

- Moderator reads decision to the panel for approval.
- 21.** All return to meeting room to hear panel's recommendation(s) on sanction(s):
- Panel moderator gives reason for selection of sanction(s) to be recommended to the Dean of Student Affairs.
 - The reported may respond to recommendation(s) on sanction(s) verbally and/or in writing.
 - If the Panel recommends sanction(s) based on the Reported's disciplinary record (e.g., repeated offenses, probation, etc.), the reporter and aggrieved parties should leave the room prior to the delivery of these sanctions. The reported may decide whether or not her/his adviser is present.
 - Panel moderator or adviser explains approval, appeal, and record-keeping procedures.
- 22.** Reporter, aggrieved parties, reported, and their respective advisers leave the meeting room.
- 23.** Panel discusses on significant aspects of the case that need to be articulated in the case abstract. Panel may try to answer the following questions:
- What are some of the key points from the hearing?
 - What are some difficult questions that the Panel had to deal with in this particular case?
 - What are some unique aspects about this case that makes it different from other cases previously dealt with by the Honor Board?

Hearing Panel Removal Guidelines

- 1) In the event that the reported, reporter, or aggrieved parties believe a member (or members) of the hearing panel should be removed because of unacceptable bias, the panel will ask for a full explanation.
 - a. If more than one hearing panel's name is submitted, the hearing panel will follow the guidelines below addressing one hearing panel member at a time. In the event the moderator's name is put forward, the recorder will act as the moderator. In the event the adviser's name is put forward, the Dean of Student Affairs will act as the adviser.
- 2) After being asked for an explanation, the Hearing Panel member will then be asked:
 - I. Do you believe your relationship with person X is grounded in experiences that would cause you to automatically believe or disbelieve statements this person makes during the course of the hearing?
 - II. Is the content of this hearing such that you believe you are unable to entertain what is being presented with an open mind?
 - III. Would you like to make any additional remarks about this concern?
- 3) Involved parties will leave the room and the remaining members of the hearing panel will make a decision as to whether or not the hearing panel member should stay on the panel. The hearing panel members will use a high standard for removing a hearing member. Their decision to remove will be based on the belief that the hearing panel member is not capable of fulfilling their duties impartially. Panel members will be sensitive to "judge shopping". In addition, being "uncomfortable" with certain hearing panel members will not be an acceptable reason for removing a hearing panel member.
- 4) Involved parties are asked to come back in the room.
- 5) The moderator will provide the hearing panel's decision.
 - If the panel believes the member can fulfill their duties, the hearing will continue.
 - If the panel believes there is unacceptable bias, an alternate will be contacted by the moderator.
 - If more than one person's name is submitted, the hearing panel will hear the next name that is submitted using the guidelines above. The second name will be considered by a panel that includes the replacement member, should the first member be asked to remove him/herself.

Suggestions for Participants

1. How important is what you wear? Think of how a participant's appearance would add or detract from his/her testimony if you were a member of the hearing panel. A jacket and tie or dress probably is not necessary; neat and clean clothes should suffice.
2. There is no need to memorize what you want to say. It is suggested that you review your testimony so you can remember to emphasize what you think is important. Try to anticipate those questions that members of the hearing panel or other parties are likely to ask of you.
3. Hearings are as informal as the situation will permit. Both parties to a case, as well as the hearing panel, will be able to ask questions of you. The panel is responsible for maintaining order and decorum.
4. If a question is unclear to you, ask for clarification. Do not answer an unclear question. It is okay to say that you don't understand.
5. Restrict your response to the question asked. Do not volunteer information about prior and/or unrelated incidents known to you. Such information could be judged irrelevant to the specific charges.
6. State in a positive manner that information of which you are certain.
7. You are obligated to be truthful. Intentionally providing the panel with false information will result in your being charged with violating the Honor Code.
8. Try not to be argumentative, as it may hurt your credibility.
9. Do not look for cues from others as to how you should answer questions. You are on your own to give a truthful response to all questions asked of you.
10. Remember, it is the job of the panel to determine the truth. During your time in the hearing room, you may feel as if you are "on trial." The panel itself is not accusing you; rather, it is simply doing its job. Participants should expect to be required to substantiate their testimony.
11. If you want to take advantage of time when you are waiting for the Panel to deliberate and when you are not needed in the hearing room, you may bring work, reading, or other materials with you for use in the waiting area.