Guidelines for Honor Court Hearings
The following guidelines shall apply to College and University Honor Court hearings.

1. The hearing should be scheduled as soon as possible following receipt of the accused’s request for a hearing under the Honor Code. For a University Honor Court, the Vice Chancellor for Academic, Faculty and Student Affairs (or designee) will set the hearing date. For a College Honor Court, the individual within the college with responsibility for student affairs (or designee) will set the date for the hearing. In either case, the date selected should enable all relevant parties to convene as quickly as possible.

2. The investigator should provide the accused and the members of the Honor Court with all documents related to the case prior to the hearing. Such materials may be provided in advance of the hearing using encrypted emails or other methods designed to assure confidentiality of these materials or on the day of the hearing, so long as panel members are provided with sufficient time to review the materials before the formal hearing begins.

3. Both the accused and the investigator have the right to call witnesses. Each side (e.g. both the accused and the investigator prosecuting the case) is responsible for contacting witnesses and providing them with relevant information about the hearing time/place.

4. Witnesses cannot be compelled to participate – if they cannot or will not participate, they may be asked to provide a written statement documenting their knowledge of the case. The hearing panel members would then determine whether to consider such a statement as evidence, balancing the potential value of the information with the fact that the witness could not be questioned as part of the hearing process.

5. Prior to the hearing, members of the Honor Court should meet to review the documentation, determine the order of witnesses and discuss the procedure that will be followed during the hearing.

6. The hearing process is intended to be entirely student-led and any participation by the individual serving as the Honor Council advisor should be limited to advice on process only during the hearing. This advisor should leave the hearing room during final deliberations of the Council but remain available for consultation.

7. Other faculty members or administrators may be called as witnesses but they cannot assume the role of “prosecutor” or “defense attorney” nor should they serve as an active member of the hearing panel, including asking questions or participating in the deliberations in any way.

8. The faculty member serving as the accused student’s advisor must also refrain from active participation in the hearing – his/her role is to provide suggestions to, and support for, the accused but not to serve in the role of a “defense attorney”.

9. Honor court hearings are not open to the public; family members, supporters, and other interested parties will be provided with a waiting area near the hearing room but will not be allowed to listen to, or otherwise participate in, the formal hearing.

10. The investigator will present the case, serving in the role of the prosecutor; he/she cannot participate in the final deliberations of the hearing panel.

11. The accused has the right to attend all parts of the formal hearing, except the deliberation of the Honor Court. In addition the accused has the right to question all witnesses and is afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue.
12. Student members of the hearing panel have broad latitude in determining the evidence that will be admitted, the witnesses that will be called and the order of testimony. Judicial rules of evidence and procedure do not apply.

13. Individuals with legal backgrounds are not allowed to participate in college or university honor court hearings.

14. If the accused student withdraws from his/her program before the case is fully adjudicated by the Honor Council, the president of the Honor Council must obtain written, signed statements from all witnesses who were identified by either the prosecution or by the accused as having information relevant to the alleged incident. This information along with a brief update on the case should be sent to both the Dean and the UTHSC Office of Student Affairs and retained in the accused student's permanent file. If the student later applies for readmission, the UTHSC Office of Student Affairs will advise the Dean of the need to resolve the honor code issue and contact the current president of the college Honor Council. The president will review the records of the case and convene a new college honor court. If witnesses are no longer available, the college Honor Council members will consider the written statements provided by witnesses as evidence.

15. A verbatim record shall be made of the hearing procedures, using a procedure that is coordinated by the Office of Student Affairs; defects in the record do not invalidate the proceedings. All materials related to the case, including the hearing recording, are retained by the office of Student Affairs.

16. Following the conclusion of the hearing, the hearing panel considers the evidence and presents written findings, conclusions, and recommendations of possible penalties to the Dean of the College in which the violation occurred.

17. At least five (5) members of the Honor Council are required for a quorum on the hearing panel. To assure that a quorum is present, at least one alternate panel member should be present at the formal hearing. This individual becomes part of the panel if a member is recused; however, if his/her participation is not required, the alternate is discharged and does not participate further in the formal hearing. A majority vote of the hearing panel members is required for any decision.

18. A finding of guilty requires that the truth of the charge(s) at issue be supported by a preponderance of the evidence.

19. Once the panel has reached a decision and determined innocence or guilt (along with penalty recommendations if appropriate), the president (or presiding officer in the case of a University Honor Court) preserves all materials related to the case (notes, hearing recording, materials presented as evidence, etc.) delivering them to the Office of Student Affairs. The president (or presiding officer for a University Honor Court) prepares a written statement outlining the findings of the hearing panel and its recommendation(s). Copies of this written statement are provided within 5 business days to:
   (a) the dean of the college of the accused student
   (b) the accused and any witnesses who participated in the hearing
   (c) the UTHSC Office of Student Affairs.

20. Honor Court records are maintained by the UTHSC Office of Student Affairs. Such files are considered an official student record and general information (e.g. whether student was ever charged or convicted of an honor code offense) may be requested by licensing agencies or by prospective employers.

21. A flow chart illustrating the suggested sequence of events during the formal hearing is shown below.
Hearing Chair begins by reading charge, listing student rights and introducing panel members

Hearing Panel member brings in witness; Investigator asks questions; Student asks questions; Hearing Panel members ask questions; witness dismissed by chair and escorted back to waiting area

Chair asks Investigator to present evidence and call witnesses

Chair asks Accused Student to present evidence and call witnesses

Panel asks final questions of Investigator and Accused Student

Chair calls for brief summary from Investigator and from Student

Investigator Makes Final Statement

Investigator, Accused Student and Faculty Advisors dismissed

Accused Student makes Final Statement

Panel Deliberates

Accused Student, Investigator and Panel Members are given chance to ask questions re process

Hearing Chair calls
Panel Reaches a Verdict and Recommends Penalty if appropriate

Presiding Officer Collects all notes, evidence & recordings for delivery to the UTHSC Office of Student Affairs

Presiding Officer reports verdict to 1) accused, 2) dean from the accused student’s college and 3) all participants in the hearing panel. Letter to Dean includes penalty recommendations

Dean sends letter to Accused Student assigning penalties as appropriate with copy to the UTHSC Office of Student Affairs