20.2.4 Adjudication Process

20.2.4.1 STUDENT RIGHTS

All charges shall be presented to the accused student in written form. The accused student will be given at least 3 University business days to prepare for a hearing. In all honor council proceedings, the accused student shall be presumed not responsible until it is proven that a violation of the University rules occurred by a preponderance of the information standard.

Honor Council Hearings which may result in University mandated separation from the University shall be conducted by the following guidelines. Accused students subject to less severe sanctions may, at the discretion of the Director of the Aggie Honor System Office, be afforded but are not guaranteed the same guidelines. These guidelines are as follow:

1. Honor Council Hearings typically shall be conducted in private and may involve joint conferences where two or more students are charged in the same fact pattern.

2. The accused student and his/her advisor, if any, shall be allowed to attend the entire portion of the Honor Council Hearing at which information is received (excluding deliberations) provided the accused student and his/her advisor appear at the designated time and do not inhibit the proceeding. Admission of any other person to the Honor Council Hearing shall be at the discretion of the Director of the Aggie Honor System Office.

3. In Honor Council Hearings involving more than one accused student, the Director of the Aggie Honor System Office, at his or her discretion, may permit the Honor Council Hearings concerning each student to be conducted either separately or jointly.

4. There will be no finding of responsibility solely because a student remains silent during an Honor Council Hearing.

5. The accused student has the opportunity to be assisted by an advisor s/he chooses, at his/her own expense. Students who are charged in the same fact pattern, or who are not in good standing with the University are not eligible to serve as an advisor at Honor Council proceedings. The accused student is responsible for presenting his/her own information. Therefore, a student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Honor Council Hearing. Honor Council Hearings will not typically be delayed due to scheduling conflicts of an advisor.
6. There is no restriction on who a student may consult or seek advice from, the restriction pertains to the Hearing only.

7. The accused student and the Director of the Aggie Honor System Office may arrange for witnesses to present pertinent information to the Honor Council Panel. Witnesses may provide this information to and answer questions from the Honor Council Panel and accused student. (Character statements shall be accepted in written form only.)

8. Pertinent records, exhibits, student impact statements and other written statements may be accepted as information for consideration by an Honor Council Panel at the discretion of the chairperson. Student impact statements and other documents determined at the discretion of the chairperson shall be reviewed by the Honor Council Panel during the sanction phase only.

9. All procedural questions are subject to the final decision of the Director of the Aggie Honor System Office.

10. After the portion of the Honor Council Panel concludes in which all pertinent information has been received, the Honor Council Panel shall deliberate in private to determine whether the accused student has violated each section of the Aggie Honor System Rules for which the student is charged.

11. The focus of inquiry in Honor Council proceedings shall be the determination of whether a violation of University rules occurred. In all initial Honor Council proceedings, the burden of proof shall rest with the Reporter of the violation, and said burden of proof shall be by a preponderance of the information. Preponderance of the information is defined as the greater weight and degree of credible information admitted in the conference. The Honor Council Panel’s determination shall be made on the basis of whether it is more likely than not that the accused student violated the Aggie Honor System Rules.

12. There shall be a single verbatim record, such as a tape or digital recording, of all Honor Council Hearings before an Honor Council Panel. Deliberations shall not be recorded. The record shall be the property of the University.

13. If an accused student with notice, does not appear at an Honor Council Hearing, the information in support of charges shall be presented, considered, and a decision may be made. The Honor Council Panel may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the conference. There is no entitlement to these accommodations and they shall be determined by the Director of the Aggie Honor System Office. The Director of the Aggie Honor System Office may also make reasonable accommodations to provide access for students with disabilities.
20.2.4.2 ADJUDICATION PROCESS - INSTRUCTOR

Step 1

Upon encountering an alleged violation of the Honor Code, the instructor has the option of handling the case directly (autonomously) or of referring the case to the Honor Council. Under either option, a report must be filed with the Aggie Honor System Office.

Step 2

If the instructor decides to handle the case autonomously, a meeting may occur with the Alleged Violator. In this meeting, the instructor shall inform the student of the charge(s) and give the student an opportunity to respond in-person. If the allegations are delivered to the student in writing in advance of the meeting, the space is to be designated a Concealed Carry Weapons Restricted Space. The Aggie Honor System Office’s process for requesting this designation is located at http://ccrr.tamu.edu.

Alternatively, the student may be notified of the allegation through email. Prior to making a final decision as to whether academic misconduct occurred, the professor should wait five (5) University business days for a response from the accused student. If the student responds, the instructor will consider that information in determining if a violation occurred and what an appropriate sanction is for that behavior.

If the student does not reciprocate contact or respond with additional information after five (5) University business days, the instructor may file the Honor Code Violation Report online autonomously with the notation “student was not available for a response” in the student response section. Reporters should be prepared to detail all attempts to contact the student and secure a response from them.

Step 3

During the meeting with the Alleged Violator, or after considering the response from the student through email, the instructor will determine if academic misconduct occurred. If no violation is found, the process concludes and no action is taken. If the instructor determines that there has been a violation of the Honor Code, as demonstrated by a preponderance of the information, the instructor may either file the report autonomously following the steps below or file the report and refer the case to the Honor Council for adjudication. At any point and for any reason, an instructor may forward a case to the Honor Council for adjudication.
Step 4

If the instructor determines that there has been a violation of the Honor Code and wishes to handle the case autonomously, the instructor determines the severity of the Honor Code violation and assesses a sanction using the sanction options provided by the Aggie Honor System Office.

The instructor may impose the following sanctions, which are fully described in the Honor System Rules:

1. Academic Sanctions
2. Educational Sanctions

If, after meeting with the student and/or communicating with the student about the allegations through email, the instructor is still unsure of whether a violation has been committed, or is not comfortable with the sanctioning process, the case can be filed online through the Honor Code Violation Report process and forwarded to the Honor Council for adjudication as soon as practicable, preferably within five (5) university business days.

If, in the opinion of the instructor, the violation is so egregious that it deserves a sanction of separation from the University, the case may be referred to the Honor Council for adjudication.

Step 5

Once a faculty member determines that it is more likely than not that a violation occurred, based on the preponderance of the information standard, and the sanction is determined, a report will be filed with the Aggie Honor System Office.

Step 6

Students will be contacted by the Aggie Honor System Office through their University email. Students will be instructed to schedule and attend an appointment with an AHSO Academic Integrity Administrator. At this meeting, the student will respond in writing to the charges, indicate their understanding of their rights in the process, and confirm their response to the instructor’s allegations. The student’s options are to:

1. agree with the charges and the applied sanction,
2. indicate their agreement that a violation occurred but intention to appeal the sanction only through the Honor Council Appeals Process, or
3. move the allegation into the Honor Council process.

Students will also be informed of possible outcomes of each of these three options.
Step 7

Note: The Director of the Aggie Honor System Office has the option of extending any deadline for extenuating circumstances.

- **20.2.4.3 ADJUDICATION PROCESS - HONOR COUNCIL**

**Step 1**

A student or instructor may call the Honor System staff for clarification of an alleged violation of the Honor Code. If the student or instructor (hereinafter referred to as the “Reporting Party”) decides an alleged violation may have occurred, he/she fills out the Honor Code Violation Report form found on the Honor System website. This report becomes a part of the Case File.

**Step 2**

The Reporting Party shall file the Honor Code Violation Report online with the AHSO as soon as practicable (with a preference for five (5) University business days) of the Reporting Party’s discovery of the alleged violation. The Academic Integrity Administrator issues a case number and the report is filed in the AHSO, and the report data is entered in the Aggie Honor System Office database. The instructor may choose to handle the case autonomously, if it is determined by the AHSO that there are no previous violations for the student, or the instructor may choose to refer it to the Honor Council. Faculty Members must report all violations, whether handled autonomously or referred to the Honor Council.

**Step 3**

a. If the instructor handles the Case autonomously, please see “Adjudication Process - Instructor” above.

b. If Reporting Party refers the Case to the Honor Council, the AHSO starts a Case File and sends an email to the Alleged Violator notifying him/her of the report.

c. A first-contact meeting is arranged with the student. At the meeting the student is advised of the charges they could be facing, their rights as an accused student, and the process moving forward.

**Step 4**

The AHSO appoints one student and one faculty case investigator from the members of the Honor Council, and schedules a meeting with the Case investigators and the Reporting Party.
Step 5

The Case investigators meet with the Reporting Party to gather information that supports the allegation, including the course syllabus, assignment guidelines, and any other materials that help clarify the Case. The Reporting Party may offer the names of others who have knowledge that could clarify the Case. It is critical that all communications remain confidential (until shared with the accused violator later in the process).

Step 6

The Case investigators meet with the Alleged Violator to gather information. The Case investigators may also meet with other persons who have information about the case. The Alleged Violator may give the Case investigators names of persons who may have clarifying information about the Case.

Step 7

The Case investigators write a report summarizing all interviews conducted. The official report will contain all information and documents collected. They send this report to the Academic Integrity Administrator. The report becomes a part of the Case File.

Step 8

The Case investigators determine whether there is sufficient information to support a violation of the Honor Code.

a. If there is not sufficient information to support a violation, the case investigators so inform the Director. The AHSO will then create an Event File to keep a record of the investigation on file. The Event File will not contain references to the Alleged Violator’s name. No further action occurs.

b. If the Case investigators determine there is sufficient evidence to hear the Case, they recommend that the Case continue to a Hearing Panel. Both the Reporting Party and the Alleged Violator have the opportunity to review the Case File before the hearing. Case Investigators will also confirm which charges should be considered by the Honor Council Hearing Panel.

Step 9

The Academic Integrity Administrator identifies four members of the Honor Council to serve as a Hearing Panel. The Hearing Panel is comprised of two student members and two faculty members. Three of these members are voting members. The fourth member is selected as a non-voting Chair. The Chair position may alternate between student and faculty Honor Council members as determined by the Director.
Step 10

A hearing date and time are set by the AHSO. The Chair and Hearing Panel members receive an advance copy of the Case Materials just prior to the Case Hearing to conduct a rudimentary preparation only. The AHSO will perform due diligence to ensure that no conflicts of interest exist during the selection of the Hearing Panel. However, at this point the Hearing Panel members inform the Director if there are any conflicts of interest. The Case Materials will not be shared or discussed among the Hearing Panel members prior to the beginning of the panel. The Case Hearing will be held at a specified time at a location disclosed only to the parties involved in the hearing.

Step 11

The AHSO furnishes an agenda for the hearing procedure, which is based on the official reports. Hearing Panel members listen to all who provide information and then deliberate in private.

Step 12

During deliberations, Hearing Panel members first identify whether the student is or is not responsible for a violation of the Aggie Code of Honor. If the student is found to be responsible for a violation, the Hearing Panel deliberates and decides upon appropriate sanctions.

Step 13

The Director notifies the Alleged Violator in writing of the Hearing Panel decision. If the Alleged Violator is found in violation and sanctioned an F*, or if the Alleged Violator is sanctioned to attend the Remediation Program, he or she shall contact the Director for further instructions.

20.4.4 APPEALS PROCESS

The following process shall apply to every appeal, whether an appeal to the Honor Council for a sanction not involving separation from the university, or an appeal of a decision of separation.

A student found responsible for a violation has five (5) university business days to file an appeal online to the Director of the Aggie Honor System Office. The format for the appeal may be found at http://aggiehonor.tamu.edu.

An evaluation of the written appeal by the Director will determine whether an appeal hearing is warranted. The Director’s decision regarding the merit of an
appeal is final. Students will be given opportunity to have one appeal and can get assistance from the Honor System Office when completing the appeal form.

The Director has the option of extending any deadline for extenuating circumstances.

The following are the only accepted basis for appeal.

- **Substantial new evidence not available at the time of the original hearing:** To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original hearing.

- **A violation of due process rights:** To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and present rebuttal of allegations.

- **The sanction is not commensurate with the violation:** To determine whether the sanction(s) imposed were appropriate for the violation of the Honor System Rules which the student was found to have committed.

- **The finding of responsibility is inconsistent with the facts presented in the hearing:** To determine whether the decision reached regarding the accused student was based on a preponderance of the evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Honor System Rules occurred.

Upon receipt of the written request for a hearing and approval from the Director for an appeal hearing to proceed, the Case Manager shall set a time and place for the hearing as soon as practicable.

The Chair shall sit as a hearing officer and shall not take part in the vote or otherwise participate in the deliberations of the panel except to cast the tie breaking vote.

The proceedings of the appeal process shall be informal in nature and need not comply with the formal processes associated with the criminal and civil courts.

The student shall have the right to have one person serve as a personal advisor/counselor to consult during the student proceedings. (Students who are
charged in the same fact pattern, or who are not in good standing with the university are not eligible to serve as an advisor/counselor at proceedings). A personal advisor or counselor (who may be an attorney) may appear at the proceedings with the accused student to provide advice, but may not represent the accused student or directly question or cross-examine witnesses, except in a case where the university is represented by an attorney. There is no restriction on who a student may consult or seek advice from, this restriction only pertains to the Honor Council and Appeals proceedings.

An Honor System representative and the appealing student shall be afforded the opportunity for a reasonable oral presentation and shall be permitted to file typewritten or reproduced material.

The Chair shall cause all portions of the hearing to be recorded, except for the panel’s deliberations. The appealing student may obtain a copy of the recording at his/her own expense.

The panel may take any of the following actions in response to an appeal: it may review the case and uphold the findings and/or sanctions from the previous level; it may review the case and reverse a finding of responsibility for any or all charges; it may review the case and reduce the sanction(s); it may review the case and require that it be heard again by the original hearing body.

After hearing an appeal, the panel will go into closed session to deliberate. Upon conclusion of its deliberation, the panel shall inform the student of its decision. A letter outlining the decision of the panel shall be sent to the appealing student through email.