RIGHTS AND RESPONSIBILITIES OF THE CHARGED STUDENT

1. The student alleged to have made a violation of the Honor Code shall have the following due process rights in the event that one shall face a hearing before the Honor Council:

   A. The right to be notified of the date, time, and place of their hearing at least seventy-two hours prior to the hearing itself. This right may be waived by joint consent of the charged student and the Council.

   B. The right to be presumed not responsible of Honor Code violations until proven responsible by clear and convincing evidence. Clear and convincing evidence means that the Honor Council must feel that it is substantially more likely than not that an Honor Code violation occurred.

   C. The right to due process and equal protection under the Student Government Association Constitution and subsequent legislation.

   D. The right to be informed of all charges against them and to review all evidence at least seventy-two hours before a hearing.

   E. The right to confront all student situational witnesses and to question those witnesses as well as re-examine all evidence in the hearing.

   F. The right to call character witnesses on their own behalf. Character witnesses are limited to Mercer University students, faculty and staff unless prior approval is granted by the Chief Justice or Associate Chief Justice.

   G. The right to counsel provided that said counsel is an undergraduate student at Mercer University. Counsel may be present at the testimony of the witnesses.
and the charged student; however, counsel will not be permitted to answer questions in place of the student.

H. The right to remove, with cause, any member of the Honor Council from the hearing. The Honor Council shall retain the right to deny this request.

I. The right to appeal the decisions of the Honor Council. This right must be exercised within four business days after the hearing takes place.

J. The student has the right of full free speech and therefore may choose to remain silent when questions are posed and have no inference of responsibility made from their silence.

2. The charged student shall have the following responsibilities in the event that one shall face a hearing before the Honor Council:

   A. A general duty to cooperate fully with the Council in all matters pertaining to the investigation and hearing.

   B. A duty to be present at the hearing at its scheduled time. If the student fails to appear or to notify the Council, the hearing shall proceed in their absence.

   C. A duty to answer all relevant questions frankly, fully, and honestly, remembering that false information or willful omission of evidence could carry additional charges.

   D. The student acknowledges that the entire hearing may be recorded and that the recording may be reviewed if the final decision of the Council is appealed.

   E. A duty to contact character witnesses and/or the charged student’s chosen student counsel and refer them to the investigating justice.

   F. The charged student does not have the right to discuss the investigation with anyone other than their student counsel, the Investigating Justice, or the Chief Justice. All contact with members of the Honor Council must take place only between the student counsel and the Chief Justice or their appointed representative.

   G. Harassment of witnesses, justices, instructors, or other charged students is strictly forbidden and will be considered a violation of the values of the
community of respect and lead to an investigation by the university judicial system.