

# THE HONOR SYSTEM



Washington and Lee University  
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## INTRODUCTION

### *Philosophy*

The Honor System of Washington and Lee is based on the fundamental principle that a spirit of trust pervades all aspects of student life. This spirit of trust makes Washington and Lee a unique educational institution. By demanding that all students act honorably, and thereby secure for themselves the resulting benefits, the System instills in the men and women of Washington and Lee an enduring respect for the value of honorable conduct.

Students enjoy unparalleled academic and social freedom, and a student's word is accepted and respected both on campus and in the community. Undergraduates typically schedule their own final examinations, all students take their exams unsupervised, personal property is generally safe on campus, most University buildings remain open twenty-four hours per day, and a student's word is accepted and respected both on campus and in the community. The System is not structured to work against students, nor is it designed to frighten them. Rather, since its inception the Honor System has fostered a sense of community and trust that continues to enhance the lives of Washington and Lee students, during enrollment at Washington and Lee and in their later personal and professional lives.

The trust placed in students at Washington and Lee is the continuation of a long tradition. Upon assuming the presidency of Washington College in 1865, General Robert E. Lee stopped faculty visitation of dormitories and all other clandestine supervision of students' conduct. In its place, Lee established the positive, though unwritten, rule that students are to accept responsibility for their own conduct. In 1905, students assumed the duty of administering the Honor System through the Executive Committee of the Student Body.

Today, as in Lee's day, the freedom given to students stems from the understanding that persons attending this University will act honorably. Students should do their own work, represent themselves truthfully, and claim only that which is their own. Although this understanding has come to be known as the Honor System, it is not a compilation of student regulations. Rather, the System is, one of mutual trust—trust among students, faculty, administrators, and the townspeople that students will conduct themselves honorably at all times, whether in the community or on campus. In that same spirit of trust, students expect all members of the Washington and Lee community to embody the ideals of the Honor System.

The Honor System condemns only acts that the current student generation views as breaches of the community's trust. Dishonorable conduct cannot be codified. Although lying, cheating and stealing have historically been found to be examples of breaches of the Honor System, any breach of trust is a possible violation. No violation of trust is more egregious than another, and no breach is too small to be ignored. Thus, dismissal from the University is the only appropriate sanction for an Honor Violation.

The notion of an honorable community is essential to the University's educational objectives, for the learning process, like society, flourishes best in an environment where mutual trust and respect form the bedrock of relationships. It is imperative

that students recognize their duty to protect the Student Body by enforcing the Honor System. This expression of loyalty to a cherished tradition of honor among a community of self-governing students maintains an environment for the cultivation of honesty, integrity, and responsibility.

Persons attending Washington and Lee University must realize that our commitment to the principle of honor is firm. Membership in our student body signifies your commitment to the Honor System within which ignorance of the System is no excuse. If you do not believe that you can act honorably or if you are indifferent, Washington and Lee is not the school for you. If you are willing to uphold these principles, we welcome you to become a part of our community.

### ***The Pledge***

All work at Washington and Lee is considered pledged under the Honor System. The written Pledge is: “On my honor, I have neither given nor received any unacknowledged aid on this (exam, test, paper, etc.)”

During orientation every student must sign a White Pledge Card. This is a student’s first pledge as a member of the Washington and Lee community. It expresses that the student has been through an orientation program on the Honor System, understands the contents of the Honor System White Book, and will abide by the Honor System.

### ***Summary of Enforcement Procedures***

The Honor System is exclusively student-administered and is in no way responsible to the faculty or administration. The Executive Committee is composed of a President, Vice-President and Secretary elected by the entire Student Body; two students elected to represent the senior, junior and sophomore undergraduate classes; one student elected to represent the freshman class; and one student elected to represent each law class. All Washington and Lee students may seek these offices through student elections, except those students planning to study abroad during any academic term coinciding with the tenure of the position offered for election. The Executive Committee bears the primary responsibility of enforcing the System. Every member of the Washington and Lee community has the prerogative to call the Executive Committee’s attention to matters that he or she considers dishonorable. The Executive Committee may, at its discretion, refer violations of University policy or of any other regulation to the appropriate committees, but the Executive Committee retains jurisdiction over all questions of honor.

The continued success of the Honor System rests squarely on the shoulders of every student. Thus, anyone with knowledge of a possible Honor Violation should confront the student suspected and ask for an explanation of the incident. If this explanation convinces the inquiring person that no Honor Violation occurred, then the matter should be dropped. If, however, the inquiring person believes that a violation may have occurred, then the matter should be brought to the immediate attention of a member of the Executive Committee. A person not wishing to confront a student suspected of an Honor Violation should bring the matter to the immediate attention of a member of the Executive Committee.

Upon receiving allegations that a potential Honor Violation may have occurred, the President will appoint a team to conduct an investigation. If, after hearing the investigative team's report and recommendations, the Executive Committee finds sufficient evidence that the accused student may have committed an Honor Violation, the Committee shall hold a closed Executive Committee Hearing.

During the closed Hearing, the Executive Committee shall resolve all reasonable doubt in favor of the accused. If, in the hearing, the Executive Committee finds that the accused student did not commit an Honor Violation, the matter is dropped. If the Committee does find that the accused student committed an Honor Violation, the accused may either withdraw from the University or proceed with an open Student Body Hearing. In the Student Body Hearing, a student jury makes the final determination on the innocence or guilt of the accused. If the jury returns a verdict of not guilty, the student may remain a member of the University. If the jury returns a verdict of guilty, the student is dismissed from the University. The decision of the jury at the Student Body Hearing is final and cannot be appealed.

## **ENFORCEMENT PROCEDURE**

### ***Quorum for Honor Matters***

Ten voting Executive Committee members shall constitute a quorum for all honor matters. If the Executive Committee cannot meet the quorum, the President of the Executive Committee may, at his or her discretion fill the necessary positions until a quorum is reached. For an Executive Committee Hearing, at least two members of the quorum shall be members of the Student Body from the same school (undergraduate or law) as the accused. For the remainder of the hearing, appointees shall be considered members of the Executive Committee.

### ***Confidentiality and Harassment***

All information about a possible Honor Violation or an Executive Committee Hearing is highly confidential. The Executive Committee may take disciplinary steps (including conduct probation, social probation, or suspension) against any student involved in an investigation, any student witness in a hearing, any advocate, any Executive Committee member, or the accused for breaking this confidentiality. Exceptions to the confidentiality rule for accused students may occur when they discuss information regarding the case with their families or with those to whom they need to disclose information necessary to obtain support until resolution. Any advocate or Executive Committee member who breaks this confidentiality may, by a majority vote of the Executive Committee, also be suspended for one or more hearings, banned from participation in Executive Committee Hearings, or be removed from office.

The Executive Committee may take disciplinary action against anyone who harasses or attempts to influence any student involved in an investigation, any witness in a hearing, any advocate, any Executive Committee member, or the accused.

Every witness, after his or her testimony in an Executive Committee Hearing,

will be asked to sign a statement acknowledging the confidentiality and harassment policy surrounding Executive Committee hearings.

### ***Honor Advocates***

There shall be an Honor Advocate Program. Honor Advocates who show exceptional ability and a strong desire to uphold the Honor System shall be available to serve as members of the investigative team and as advocates of the accused. Students from both the law school and the undergraduate college are encouraged to participate in the Honor Advocate Program. The Executive Committee shall select a law student to serve as Head Honor Advocate and two students (one undergraduate and one law student) to serve as Assistant Head Honor Advocates. The Head Honor Advocate shall administer the Honor Advocate Program.

### ***Procedure for an Investigation***

- I. Any person suspecting a student of committing an Honor Violation should bring the matter to the immediate attention of an Executive Committee member. Any Executive Committee member receiving allegations of a possible Honor Violation shall report the allegation to the President. The President shall choose three students to investigate the allegations. The President may not serve as a member of an investigative team but will serve to oversee and ensure the fairness of the investigative process. One member of the investigative team shall be a member of the Executive Committee, another member shall be from among the pool of Honor Advocates, and a third member shall be a member of the Student Body from the same school (undergraduate or law) as the accused, each appointed by the President. The Honor Advocate shall be appointed with the recommendation of the Head Honor Advocate. The president may appoint up to two additional members to the three member investigation team for the purpose of observation. These observers shall be selected from the Executive Committee, Executive Committee elect, or the pool of Honor Advocates.
- II. The investigative team shall use its own discretion in gathering information pertaining to a possible Honor Violation. Absent extenuating circumstances, investigators will not contact the accused. Investigators who wish to contact the accused may do so at the President's discretion.
- III. If the President believes that the accused has become aware of an ongoing investigation, the President may, at his or her discretion, provide the accused with an Honor Advocate.
- IV. After investigating the allegations, all three investigators shall present a report containing a summary of the relevant facts to the Executive Committee with the team's recommendations. The investigative team's report shall not contain

the true names of any person or sufficient information from which the identity of the accused could be readily determined. The Executive Committee shall use discretion in questioning the investigative team.

- V. After the investigative team presents its report and recommendations, the team shall be excused from the deliberations. The Executive Committee shall then formulate the charging document. The charging document may contain more than one charge. Based on the information provided by the investigators, if the Executive Committee believes that sufficient evidence exists that the accused may have committed an Honor Violation, the Committee may, by a majority vote, hold an Executive Committee Hearing. The investigating Executive Committee member shall excuse himself or herself, shall not vote on the decision to hold an Executive Committee Hearing, and shall not count toward the necessary quorum. The President shall notify the Head Honor Advocate, who shall assign two Honor Advocates and possibly an observer to be available at the Charging.
- VI. If a student withdraws while being investigated or in the face of an Executive Committee Hearing, the President shall notify the Registrar of the student's name and the withdrawal shall be noted in the student's file. This notation is only to be used in the event that the student reapplies to the University. The Executive Committee shall retain a copy of the investigation report for at least four years.
- VII. If the Executive Committee decides not to take the matter to an Executive Committee Hearing, the report provided by the investigative team will be destroyed at the end of the academic year.
- VIII. If the matter is taken to an Executive Committee Hearing, one full copy of the report provided by the investigative team will remain with the closed hearing material until all material is timely and properly destroyed. Note: The investigative report is not used during the closed hearing.

### ***Procedure for an Executive Committee Hearing***

#### **I. Rights of the Accused**

##### **A. Advocates**

- 1. The accused shall have the right to be represented by two advocates. At the discretion of the Executive Committee President and with the consent of the accused, up to two additional advocates may be added for the purposes of observation.
- 2. Advocates must be members of the student body and cannot serve as witnesses.

3. An advocate may withdraw from representation of the accused with the approval of the President. Should this occur, the Head Honor Advocate or a designee will provide for the replacement of withdrawn advocates.
4. If the accused so chooses, the Honor Advocates provided at the Charging shall serve as representatives of the accused at the Executive Committee Hearing. Otherwise, the accused may choose any two consenting members of the student body to serve as representatives.
5. Advocates may question witnesses, including the accused, if the accused chooses to testify. The advocates may not, however, advise the accused during his or her testimony.
6. Only advocates of the accused and members of the Executive Committee shall be permitted to contact witnesses or potential witnesses on matters related to the case. Under no circumstances shall the accused ask individuals to appear as witnesses or discuss the case with existing witnesses.

B. Contact with Executive Committee Witnesses

1. In special circumstances and only with the consent of the Executive Committee President, advocates may have contact with Executive Committee witnesses prior to the hearing.
2. Except through his or her advocates, the accused may not otherwise contact Executive Committee witnesses prior to the hearing.

C. Executive Committee Hearing for Joint Honor Violation

If the accused is among two or more students suspected of a joint Honor Violation, the Executive Committee shall have the right to determine whether to hold joint or separate hearings and shall inform the accused students of its decision at the time of the Charging.

D. Right to Testify

The accused has the right to testify. If the accused testifies, refusal to answer questions may be held against the accused. Refusal to testify may also be held against the accused.

E. Right to Appeal

The accused shall have the right to appeal a guilty verdict to a Student Body Hearing by following the procedures specified below.

F. Other Rights

The accused shall also have:

1. the right to be present at the Executive Committee Hearing, provided, however, that if the accused does not attend, but remains enrolled, the Executive Committee Hearing shall be held in the accused's absence;

2. the right to question and to have his or her advocates question all witnesses;
3. the right to introduce evidence pertinent to the matter or to the character of the accused, and to call witnesses who possess information pertinent to the matter or to the character of the accused;
4. the right to make a statement at the opening and closing of the Executive Committee Hearing; and
5. the right to an extended recess after an Executive Committee Hearing has been in session for four hours.

## **II. Charging**

- A. The President of the Executive Committee, or any officer chosen at the President's discretion (hereinafter "President"), shall inform the accused, orally and in writing, of the charge at least forty-eight hours (Saturdays, Sundays and legal holidays excluded) prior to the scheduled Executive Committee Hearing. The written and oral description of the charge shall include the time, location, and nature of the charge. Under reasonable circumstances, the President of the Executive Committee may postpone the hearing beyond the forty-eight hours from the initial charging.
- B. The President shall then inform the accused of all the Rights of the Accused, as defined above. Notification of all rights of the accused shall be satisfied when the White Book is presented to the accused at the Charging.
- C. The President shall provide the accused with copies of the charging document, the investigative team's report, and any other evidence the President believes will assist the accused, and a list of witnesses that the Executive Committee intends to call at the hearing.
- D. The President shall ask the accused to sign a statement indicating that the accused understands the charge, the rights of the accused, and the forthcoming process. If the accused refuses to sign this statement, the President shall note the refusal in writing.
- E. The accused shall be provided two advocates immediately after the Charging to be available to serve as representatives.
- F. If the accused decides to withdraw from the University in the face of an Executive Committee Hearing, the student shall provide written notice of the decision to the Dean of Students. After this notice is given, the student has seventy-two hours to remove himself or herself and all belongings from the University. The notation "Withdrew" shall be placed on his or

her official University transcript. In addition, in the event the accused withdraws from the University in the face of an Executive Committee Hearing, an announcement shall be posted to the effect that:

A member of the Student Body has decided to withdraw in the face of an Executive Committee Hearing after having been charged with (here will follow a brief description of the charge).

### **III. Executive Committee Hearing**

- A. Except for the Executive Committee, members of the Executive Committee elect, the accused, the advocates of the accused, and the witnesses, no other person shall be present at an Executive Committee Hearing. If an Executive Committee member believes he or she cannot maintain impartiality, the member may recuse himself or herself with the approval of the President. If, in the President's opinion, a member of the Executive Committee has a conflict of interest, the President may ask that member to recuse himself or herself from the hearing. If the member challenges this decision, the Executive Committee will decide on the validity of the ruling by majority vote. The same procedure may be initiated against the President by the Vice President.
- B. The Executive Committee may go into Executive Session at any time at the President's discretion. Only current members of the Executive Committee and members of the Executive Committee-elect may be present at the Executive Session. Any discussions during the Executive Session will not be included in the transcript of the hearing.
- C. The member of the Executive Committee who participated in the investigation may not vote at any time during the trial or be present or participate in the Executive Sessions or deliberations. The member shall not count toward the necessary quorum.
- D. The accused and advocates of the accused shall be permitted to remain present during all proceedings of the Executive Committee Hearing.
- E. Except during executive sessions, the accused and the advocates of the accused shall be permitted to remain present during the questioning of witnesses and during all other proceedings of the Executive Committee Hearing.
- F. The President of the Executive Committee shall preside over the Executive Committee Hearing to ensure accuracy and fairness. The President shall regulate the order and nature of the questioning.

- G. The Secretary of the Executive Committee shall make efforts to record all testimony for possible use during the Committee's deliberations. If the Executive Committee finds the accused guilty and the accused requests a Student Body Hearing, then the accused, the advocates of the accused, the Executive Committee, and the Chair of the Student Body Hearing may have this recording transcribed solely for use at that Hearing. All transcripts derived from this recording shall be returned to the Executive Committee immediately following the Student Body Hearing.
- H. The Executive Committee members may not deliberate on a finding of guilt until the Committee hears all testimony and the closing statement, if one is given, with the exception of an Executive Session to determine whether to terminate the Hearing.
- I. The Executive Committee may, by vote of more than one-third of the members present, terminate the hearing at any time for any reason. Should the Committee terminate the hearing, this decision shall be recorded as a not guilty verdict, and the accused shall remain an active member of the University.
- J. In the event that an Executive Committee Hearing is still in session at 3:00 AM, the President, after conferring with the Committee, will meet with the advocates of the accused to discuss whether the hearing should continue or be postponed to the soonest possible appropriate time. If the hearing is postponed, the President shall remind all parties of their obligations under the Confidentiality and Harassment Section on page 4.
- K. The accused or the advocates may, at any time, request a private conference with the President to clarify procedures or to discuss the conduct or content of the hearing.
- L. Restatement of the Charge
  - 1. At the beginning of the hearing, the President shall inform the accused that the Executive Committee has information of an alleged Honor Violation and shall describe the nature of this alleged violation. A recommended form of this statement is as follows:

Information has come to the Executive Committee indicating that you may have committed an Honor Violation (here state briefly the description of the alleged violation) and now you are to have a hearing before the Executive Committee of the Student Body.
  - 2. The President shall also remind the accused of the right to question Executive Committee witnesses, the right to call and question all witnesses, the right to testify, and the right to give an opening

statement at the beginning of the hearing and a closing statement at the end.

M. Optional Opening Statement of the Accused

1. After the restatement of the charge, the accused has the option of making an opening statement.
2. The accused shall not be questioned during this statement.

N. Witnesses and Evidence Introduction

1. The Executive Committee shall call witnesses from the list provided to the accused at the Charging.
2. The Executive Committee may also introduce any evidence at this time, as long as notice of this evidence was given at the Charging. The Executive Committee may use evidence not disclosed to the accused at the Charging only with the permission of the accused. If the accused does not consent, the Executive Committee shall decide whether to proceed without the evidence or to grant the accused a minimum of 48 hours (excluding weekends and legal holidays) between notice of the evidence and the hearing.
3. At the beginning of the hearing, the accused shall provide the Executive Committee with a list of witnesses he or she intends to call and copies of all evidence he or she intends to introduce.
4. The Executive Committee shall keep the witnesses separate from each other and from the accused, unless the Executive Committee, for good cause, decides otherwise.
5. After a witness enters the hearing, the President shall inform the witness of the purpose of the hearing and that the witness's testimony is being recorded. A recommended form is:

You have been called here solely as a witness in the investigation of a possible Honor Violation. Take all the time you need to answer any questions. A restatement of an unclear question will be made upon your request.
6. The Executive Committee and the accused or the advocates of the accused may present evidence and question all witnesses.

O. Optional Closing Statement of the Accused

1. At the conclusion of the accused's case, he or she has the option of issuing a closing statement.
2. The accused may have a brief recess before presenting the closing statement.
3. The accused shall not be questioned during or after this statement.

P. Deliberating and Reaching a Verdict

1. After the evidence is presented and the accused has had the opportunity to present a closing statement, the Executive Committee shall then go into Executive Session to deliberate the guilt or innocence of the accused.
2. The President shall instruct the Committee members to resolve any reasonable doubt in favor of the accused.
3. Only after all deliberations have concluded shall a vote be taken by secret ballot on each charge. The President and the Vice President shall count the ballots and seal them in an envelope. This envelope shall be kept on file with the other material from the case. If two-thirds or more of the Executive Committee members present vote guilty on any single charge, the accused is found guilty. Otherwise, the accused is found not guilty.

Q. Announcement of the Verdict

1. The President and the Executive Committee members involved in the hearing shall inform the accused of the verdict.
2. If the verdict is not guilty, the proceedings are terminated and the student may remain a member of the University.
3. If the verdict is guilty, the accused shall decide whether to withdraw from the University or to appeal the verdict to a Student Body Hearing.
4. The accused may attend classes and University functions while deciding whether to appeal and while awaiting the Student Body Hearing.
5. If there is more than one accused, the verdicts will be read separately.

**IV. Following the Executive Committee Hearing**

A. Retention of Records

1. If the Executive Committee finds the accused not guilty, the Committee shall destroy all records of the hearing at the end of the academic year.
2. If the Executive Committee finds the accused guilty, the Secretary of the Executive Committee shall make a permanent, written summary of the case. In addition, if the student withdraws at any time after having been found guilty, the Executive Committee shall retain all evidence for one year.

B. Appeal

1. A student found guilty in an Executive Committee Hearing has the right to appeal to a Student Body Hearing.
2. Request for an appeal must be submitted in writing to the President of the Executive Committee within seventy-two hours of the

announcement of a guilty verdict, unless such time is extended by the President upon the accused's written request.

### C. Withdrawal

1. If a student found guilty at an Executive Committee Hearing decides to withdraw from the University, the student shall also provide written notice to the Dean of Students. The student has seventy-two hours from the time of the verdict to remove himself or herself and all belongings from the University. The notation "Withdrew" shall be placed on his or her official University transcript.
2. If a student withdraws after requesting a Student Body Hearing and before that Student Body Hearing begins, the student shall provide written notice of this decision to the President of the Executive Committee. The Executive Committee's guilty verdict shall be reinstated. "Withdrew" shall be noted on the student's official University transcript. Withdrawal shall be retroactive to the date of the Executive Committee Hearing.
3. If a student fails to provide written notice of his or her decision to withdraw or to appeal to the Student Body Hearing, this failure shall be construed as a decision to withdraw. "Withdrew" shall be noted on the student's official University transcript. The administration shall then be responsible for the prompt removal of the student from the University.
4. If an accused withdraws at any time prior to the start of the Student Body Hearing, an announcement shall be posted to the effect that:

A member of the Student Body has decided to withdraw after being found guilty of committing an Honor Violation in an Executive Committee hearing (here will follow a brief description of the violation and a summary of the relevant facts. This summary shall retain the anonymity of all parties involved in the Executive Committee Hearing. This brief summary shall be written by the Secretary in conjunction with the President and Vice President. The summary must be approved by two-thirds of the Executive Committee before it can be posted.)

### D. Reopening an Executive Committee Hearing

1. The Executive Committee may reopen a completed Executive Committee Hearing upon the production of new evidence directly bearing on the guilt or innocence of the accused or to prevent injustice.
2. Anyone coming forward with new evidence shall contact the President of the Executive Committee.

3. At the discretion of the President, a new investigation may be initiated. The President shall base this decision on whether the new evidence directly bears on the guilt or innocence of the accused or will prevent injustice.
4. From this point forward, normal Executive Committee Procedure will be followed.

### ***Procedure for the Student Body Hearing***

If the student appeals the verdict to a Student Body Hearing, the hearing is open to all members of the Washington and Lee community and is conducted before a jury of twelve students selected at random from the Student Body. The Student Body Hearing, once convened, shall continue until it concludes with the reading of the verdict.

#### **I. Selection of the Chair and Other Officials**

- A. The President of the Student Bar Association or a student agreed to in consultation between the advocates of the accused and a majority of the Executive Committee shall act as Chair of the Student Body Hearing.
- B. The Secretary of the Executive Committee, or a designate from the Executive Committee, shall act as Recorder.
- C. The Chair shall appoint the Sergeants-at-Arms from the student body.
- D. The accused may have up to three advocates, who must be members of the Student Body. The accused has the right to continue to utilize the advocates from the Executive Committee Hearing, to have the Executive Committee provide new advocates, or to select any other three members of the Student Body. These advocates may be present at the hearing, call witnesses, and ask questions of any witnesses and of the accused, if the accused chooses to testify.
- E. The Executive Committee shall select no more than three of its members to act as its advocates in the Student Body Hearing. The Executive Committee advocates may ask questions of the witnesses and of the accused, if the accused decides to testify.

#### **II. Selection of the Jury**

- A. The names of seventy-five students shall be chosen at random by the Registrar or the Registrar's designate. Freshmen and First-Year Law Students are not eligible for jury participation until their respective Executive Committee representatives have been elected.

- B. The list shall contain the name, class, local address, telephone number, and, if applicable, major and Greek affiliation of the students chosen. The names on the list shall appear in the order that they were selected by the Registrar. The list shall be signed by the Registrar or the Registrar's designate and given to the Student Body Hearing Recorder.
- C. The Sergeants-at-Arms shall make an effort to contact prospective jurors in the order that their names appear on the Registrar's list.
- D. The prospective jurors shall be interviewed individually at a time and in a manner determined by the Chair. The accused, the advocates of the accused, and the Executive Committee advocates shall be allowed to ask questions during the selection of the jury. The Chair shall rule on the propriety of the questions. The Chair shall also explain the confidential nature of the jury selection process, read the name(s) of the accused(s) and the list of all possible witnesses, and ask the following questions of each potential juror:
1. Do you know any of the facts of this case?
  2. Do you know the accused personally?
  3. Is your relationship with the accused, the advocates, any witness, or the Chair such that it may affect your ability to be impartial?
  4. Do you have any opinions about the Executive Committee which would inhibit your ability to render a decision based solely on the facts?
  5. Do you have any opinions about the Honor System which would inhibit your ability to render a decision based solely on the facts?
  6. Do you believe in the single sanction?
- The Chair may ask any other questions he or she deems relevant.
- E. At the end of each interview, the Chair shall excuse the prospective juror from the room.
- F. The Chair shall strike for cause any prospective juror whose knowledge of the case or the accused may prejudice the juror's decision. The Chair shall strike for cause any prospective juror whose opinions about the Honor System, including opposition to the single sanction system, would interfere with a decision based on the facts alone. The Chair shall have discretion as to strikes for cause.
- G. After fifteen prospective jurors have been interviewed and not struck for cause, the Chair shall allow both the accused and the Executive Committee to exercise two peremptory strikes.
- H. Thereafter, the interviewing of prospective jurors shall continue until sixteen prospective jurors remain. At that time, the Chair shall allow both the accused and the Executive Committee one peremptory strike.

- I. The list of names so accumulated shall be arranged in the order that they appeared on the list provided by the Registrar.
- J. Of these fourteen names, no more than four may be from any one class.
- K. At least two jurors shall be members of the Student Body from the same school (undergraduate or law) as the accused.
- L. The first twelve names on the list shall be jurors.
- M. The last two names on the list shall be the alternates. In the event that a juror becomes unable to serve before the jury reaches a verdict, the Chair shall select as a replacement the first available alternate in the order that they appeared on the list provided by the Registrar.
- N. Each juror and each alternate shall receive a copy of the White Book upon selection.
- O. The jury shall select a foreperson at the beginning of the Student Body Hearing.

### **III. Administrative Matters**

- A. The Student Body Hearing shall be open only to members of the Washington and Lee community.
- B. No information about the Student Body Hearing is allowed outside the Washington and Lee community.
- C. The Executive Committee advocates shall not be counted for the purpose of reaching a quorum for administrative matters. No Executive Committee advocate shall have a vote in any administrative matter pertaining to the Student Body Hearing. A majority vote of the remaining Executive Committee members present shall be required to decide any administrative matters.
- D. The Student Body Hearing shall be held in Lee Chapel or at the discretion of the Executive Committee in the Lewis Hall Moot Court Room.
- E. Within five days after an appeal is made by the accused (Saturdays, Sundays and legal holidays excluded), the Chair shall decide and set a date for the Student Body Hearing. The date of the Hearing shall be within five days of its announcement (Saturdays, Sundays and legal holidays excluded). This second five-day period may be extended at the discretion of the Chair.

- F. The Chair shall make appropriate announcements and orders.
- G. Exceptions to the rules in this section shall be made at the discretion of the Executive Committee.

#### **IV. Student Body Hearing**

- A. Any questions of procedure shall be decided by the Chair. All questioning shall be under the direction of the Chair.
- B. Rules of Evidence  
Rules of evidence include the following:
  - 1. All testimony and evidence admitted in the Executive Committee Hearing are admissible in the Student Body Hearing.
  - 2. The parties may call any witnesses and present any evidence subject to parts (a) and (b) of this subsection.
    - a. The parties shall, at least twenty-four hours prior to the Student Body Hearing, give the Chair and the opposing party a list of every witness whom they intend to call and a copy of, if possible, and reasonable access to, all evidence to be presented in the Hearing.
    - b. The Chair shall allow the introduction of new witnesses and new evidence not covered by this subsection, provided that the party wishing to introduce the witness or evidence shows good cause for its introduction and provided that each side is allowed reasonable time to prepare for its introduction.
  - 3. The accused does not have to testify in the Student Body Hearing. Failure of the accused to testify shall create no presumption against the accused, and the jury shall be so instructed by the chair. Should the accused decide to testify, he or she is subject to questioning by any party and shall answer all questions.
- C. Witnesses
  - 1. A witness in the Student Body Hearing shall be obligated to appear upon being summoned by the Executive Committee, the student jury, or the accused.
  - 2. The Sergeants-at-Arms shall be responsible for summoning witnesses.
  - 3. Each witness shall answer all questions asked by any party.
  - 4. When witnesses are not testifying, the Chair shall exclude them from the Student Body Hearing. At the discretion of the Chair, a witness may be allowed to remain at the hearing following his or her testimony. With the exception of the witnesses recalled by the jury, the Chair may disallow further testimony from a witness who has remained at the hearing.

5. Any member of the jury shall be permitted to ask for a recess after a witness's testimony so that the juror may write down notes without interruption of testimony.
- D. Convening the Hearing
- The Chair shall convene the Student Body Hearing by reading the charge against the accused. The Student Body Hearing, once convened, shall continue until it concludes with the reading of the verdict.
- E. Opening Statements
1. One Executive Committee advocate shall present a brief opening statement.
  2. The accused or one advocate of the accused may then present a brief opening statement.
- F. Witnesses and Evidence Introduction
1. The Executive Committee advocates may call witnesses and present evidence. The Executive Committee advocates, the accused, or the advocates of the accused, and the members of the student jury, may question those witnesses.
  2. The advocates of the accused may then call witnesses and present evidence. The accused and the advocates of the accused, the Executive Committee advocates, and the members of the student jury may ask questions.
- G. Witness Recall
- The student jury may recall any witness to clarify the witness's prior testimony. The student jury, the Executive Committee advocates, and the accused or the advocates of the accused may ask questions.
- H. Closing Statements
1. One Executive Committee advocate shall present a closing statement.
  2. The accused or one advocate of the accused may present a closing statement.
- I. Jury Instructions
- Before the jury retires for deliberations, the Chair shall instruct the jury, both orally and in writing, to resolve any reasonable doubt in favor of the accused, to vote by secret ballot only once, and to accept that decision as final. If the accused chooses not to testify, the jury instructions shall also state that the fact the accused did not testify should create no presumption against the accused.
- J. Jury Deliberations
1. The Sergeants-at-Arms shall deliver to the Chair any questions from the jury regarding the instructions or procedure during the

deliberation process. The Chair shall answer the questions, and the Sergeants-at-Arms shall convey the answers to the jury.

2. During deliberation the jury shall have access to all evidence and testimony admitted during the hearing.

K. Counting the Ballots

The foreperson of the jury will collect the ballots and place them in an envelope. The foreperson shall not count the ballots, but shall deliver them to the Chair. The Chair and the Sergeants-at-Arms shall count the ballots. Eight or more “guilty” ballots shall constitute a guilty verdict. Fewer than eight “guilty” ballots shall constitute a “not guilty” verdict.

L. Announcement of the Verdict

The Chair shall announce only the verdict.

**V. Following the Student Body Hearing**

- A. If the jury finds that student not guilty, the student remains an active member of the University. A guilty verdict results in dismissal from the University. The verdict of the Student Body Hearing is final.

- B. The decision of the jury at the Student Body Hearing cannot be appealed.

- C. If the accused is found guilty in a Student Body Hearing, the Executive Committee shall notify the appropriate University officials that the student is to be dropped from the rolls of the University. The notation “Dismissed” shall be placed on his or her official University transcript. An announcement shall be posted to the effect that:

A member of the Student Body has been dismissed from the University after having been found guilty of an Honor Violation (here will follow a brief description of the violation).

- D. Immediately following the Student Body Hearing, the accused, his or her advocates, the Executive Committee advocates, and the Chair shall turn over to the Executive Committee all evidence, including transcripts from the Executive Committee Hearing. If the accused is declared not guilty, all records of the hearing shall be destroyed at the end of the academic year in which the hearing was held. If the accused is declared guilty, a permanent, written summary of the case shall be made by the Secretary. All other records of the hearing shall be retained by the Executive Committee for one year from the time of the hearing, after which time, those records shall be destroyed.

- E. The Executive Committee may request that the appropriate University officials allow any student involved in Honor System proceedings a reasonable amount of time to make up, without loss of credit, all work that the student missed because of the proceedings.

## **STUDENT BODY ANNOUNCEMENTS**

On the first day of each month when class is in session, the Executive Committee Secretary shall post an announcement listing the numbers of investigations; withdrawals while being investigated; withdrawals in the face of a closed hearing; Executive Committee hearings and their verdicts; Student Body hearings and their verdicts to date in the current academic year; and when necessary, all Honor System announcements indicating that a student has withdrawn from the University. If relevant, the accompanying case summaries shall be posted on the same day.

## **PROCESS FOR AMENDING THE WHITE BOOK**

### **I. Procedure for Amendment**

The Executive Committee shall give consideration to any proposal for amendment to the White Book that is submitted on proper motion by any member of the Executive Committee, any student with an accompanying petition signed by at least fifty current students, or the White Book Review Committee. The Executive Committee may adopt such an amendment to the White Book by a two-thirds vote of the quorum present in two consecutive votes, provided that such votes are at least one week apart.

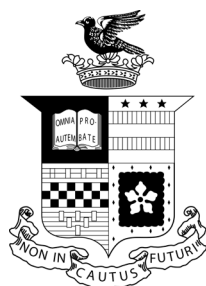
### **II. White Book Review Committee**

- A. Beginning in the 2005-2006 academic year and in every third year thereafter (2008-2009, 2011-2012, etc.), the Executive Committee shall appoint a White Book Review Committee to thoroughly examine all aspects of the Honor System.
- B. Members of the White Book Review Committee shall be appointed by the Executive Committee by October 1 of the year in which the Review Committee is to be called.
- C. There shall be nine members, one of whom shall be the chair. No current member of the Executive Committee shall be allowed to sit on the Review Committee.
- D. The Review Committee shall ascertain the opinions of those in the Washington and Lee community regarding all aspects of the Honor System. The Review Committee shall report periodically to the Executive Committee.
- E. By March 1, the Review Committee shall submit to the Executive Committee a comprehensive report on the state of the Honor System as well as proposals for any changes to the White Book and all other recommendations that the Review Committee deems appropriate.

*(Revised 6/3/09)*

THE EXECUTIVE COMMITTEE  
OF THE STUDENT BODY  
2009–2010

President of the Student Body . . . . .	Eric J. Hoffman '10L
Vice President . . . . .	Scott G. Centorino '11
Secretary . . . . .	William B. Larson, Jr. '08, '11L
Third Year Law Representative . . . . .	Elizabeth E. Clarke
Second Year Law Representative . . . . .	Joseph M. Toner
Senior Academic Representatives . . . . .	Kenneth A. Hopkins Edward S. Yeilding
Junior Academic Representatives . . . . .	Thomas L. Bowden, Jr. Jordan S. Wilson
Sophomore Academic Representatives . . . . .	Austin S. Branstetter Scott H. McClintock
First Year Law Representative . . . . .	To be elected in the fall
Freshman Academic Representative . . . . .	To be elected in the fall



2009-2010

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