

# Procedures for Psychological Hearings on Honor Offenses

(For Honor cases initiated on or after November 17, 2002)

## I. Introduction

These procedures complement the Honor System of the University of Virginia (the "University") and apply to University students or former students against whom an Honor case has been initiated (individually, "Student"; collectively, "Students") and who are alleging a Contributory Mental Disorder ("CMD") or are asserting a Lack of Capacity ("LC") to stand trial. These procedures establish a method for assessing claims of CMD and for assessing whether a Student who establishes a CMD poses a Significant Risk (as hereinafter defined) to the University community, such that his or her actions and/or current condition make suspension from the University or from certain University activities, or other protective actions, conditions or restrictions, necessary. These procedures also define the process to be followed when LC is asserted by a Student in individual cases.

The University has established rigorous standards for evaluating an alleged CMD, and imposes immediate suspension on those Students asserting LC. Further, these procedures establish specific and formal deadlines. Failure to follow these procedures will prevent a Student from obtaining a Hearing on CMD (as hereinafter defined) or asserting LC.

It is the responsibility of a Student asserting CMD or LC to be familiar with, and proceed consistent with, these procedures. All Students with concerns about their mental health or psychological condition should carefully familiarize themselves with these procedures. As is discussed more fully in the Honor Committee's Bylaws, Psychological Evidence (as hereinafter defined) is not admissible in an Honor trial. Students charged with an Honor offense wishing to introduce Psychological Evidence must utilize these procedures. Questions regarding the procedures can be addressed to the Honor Committee at: (434) 924- 7602. The University assumes no responsibility for the accuracy of responses to questions about these procedures, or about Honor Committee procedures, generally, except as may be provided by duly authorized representatives of the Honor Committee.

## II. Definitions

As used in these procedures, the following terms shall have the meanings indicated:

- A. "Bylaws" - the applicable Bylaws of the University's Honor Committee;
- B. "Complainant" - the Dean, or a University employee within the organizational chain reporting to the Dean who is designated by the Dean;
- C. "Contributory Mental Disorder" or "CMD" - a mental disease or disorder or medical condition which significantly contributed to the commission of an alleged Honor offense, causing the Student:
  - 1. To be unable to intend or control his or her actions giving rise to such alleged Honor offense; or

2. To have been so impaired at the time of the commission of the alleged Honor offense as to lack the specific intent to commit such alleged offense;

D. "Days" - non-holiday weekdays;

E. "Dean" - the University's Dean of Students or his or her designee;

F. "Executive Committee" - the Executive Committee of the University Honor Committee;

G. "Hearing" - the psychological evaluation hearing described in Section C below;

H. "Honor Committee Participant" - an individual selected by the Vice Chair for Trials or Chair of the Honor Committee to participate in or observe the Hearing;

I. "Lack of Capacity" - the substantial inability to understand charges brought against the Student under the Honor System or to assist in his or her defense, due to a mental disease or disorder or medical condition;

J. "Panel" - the Panel of three persons selected to evaluate the Student's psychological condition, as described in Section C below;

K. "Psychological Evidence" - any evidence relating to the mental state of the student in relation to the commission of the alleged Honor offense, including any testimony, reports, written analyses or diagnoses on psychological or psychiatric matters, whether offered by the student, any other fact witness, or any psychologist, psychiatrist, therapist, counselor or other, similar expert, and any evidence relating to medication prescribed for and/or taken by the student for any alleged psychological condition;

L. "Representative" - the person, if any, selected by the Student to act as the Student's Representative under these procedures (a Representative shall be a student or employee of the University, but may not be an attorney);

M. "Restrictions" - the suspension from the University or from certain University activities, or other protective actions, conditions or restrictions, collectively, which may be imposed by the Panel upon a Student who has established the existence of a Contributory Mental Disorder;

N. "Significant Risk" - the likelihood that the Student will, because of a Contributory Mental Disorder, commit an act or acts which would constitute lying, cheating or stealing (as defined in the Bylaws);

O. "Vice Chair for Trials" - the Honor Committee's Vice Chair for Trials;

P. "Vice President" - the University's Vice President for Student Affairs.

### **III. Procedures for Claims of CMD**

#### **A. Requesting and Receiving a Hearing**

##### **1. TIMING OF REQUEST**

Each Request for a Hearing on CMD must be made within ten (10) days following the date of the Student's Investigative Panel (as defined in the Bylaws), unless the Vice Chair for Trials or Chair of the Honor Committee determines, in his or her sole reasonable discretion, that good cause justifies an extension of time. The request for Hearing must be submitted to the Vice Chair for Trials, on the form attached hereto as Appendix A (a "Request for Hearing on CMD"). The Vice Chair for Trials shall forward a copy of the Request for Hearing on CMD to the Dean, together with copies of the Honor Committee's records relating to the underlying Honor charges.

##### **2. ADMISSION OF ACT**

As indicated on the form used for the Request for Hearing on CMD, any Student requesting a Hearing on CMD will be deemed to have admitted the "act" relating to the underlying Honor charges. This admission will be deemed to have been made upon delivery to the Vice Chair for Trials of the Request for Hearing on CMD, whether or not a Hearing is approved by the Dean or held, and regardless of the outcome of any Hearing. If the Student's case ultimately is referred back to the Honor Committee for trial, the jury panel will be informed of the Student's admission of the underlying act, the Student will be precluded from denying that he or she committed such act, and the jury panel's vote will reflect that the "act" element of the alleged Honor offense has been satisfied. The Student's ability to introduce evidence on the remaining elements of an Honor offense (i.e., "knowledge" and "significance") will not be affected, except that, as is noted above and detailed in the Bylaws, Psychological Evidence will not be allowed.

##### **3. CONTACTING THE DEAN**

The Student must also contact the Dean within 10 days of filing the Request for Hearing on CMD to arrange an initial interview with the Dean. Absent good cause, as determined by the Dean, in his or her sole reasonable discretion, failure to contact the Dean within such timeframe shall void the Request for Hearing on CMD, and the Dean shall notify the Honor Committee of such failure as soon as possible.

##### **4. REFERRAL BY THE EXECUTIVE COMMITTEE FOR CMD EVALUATION**

The Executive Committee may, by majority vote at any time, refer a Student for a CMD evaluation by a Panel. In such cases, the other provisions of this Section relating to request timelines, forms of Request for Hearing on CMD, and the Student's admission of the act element of the alleged Honor offense, shall not apply. The Student has the right to refuse such evaluation and remain within the Honor trial process. If a Hearing is held, the Vice President may make any special arrangements regarding representation of the Student that he or she deems appropriate.

##### **5. INCOMPLETE REQUESTS**

If the Dean determines that a Request for Hearing on CMD is incomplete, the Dean may provide the Student with a reasonable amount of time in which to furnish additional information. Barring good cause, such time shall not be extended for more than thirty (30)

days. In the event that the Student fails to timely provide the additional information requested, the Dean shall notify the Honor Committee of such failure as soon as is reasonably possible.

#### 6. REINSTATEMENT OF CASE BY HONOR COMMITTEE

In the event that a Student alleging a CMD fails to timely request a Hearing and/or to contact the Dean, or upon notification by the Dean that the Student has failed to provide the information needed by the Dean to fully evaluate the request, or if a Student forfeits a Hearing pursuant to subsection (8), below, the Honor Committee will proceed on the underlying Honor charges. If an Honor trial ensues, the jury panel will be informed of the Student's admission of the underlying act, the Student will be precluded from denying that he or she committed such act, and the jury panel's vote will reflect that the "act" element of the alleged Honor offense has been satisfied.

#### 7. NOTIFICATION OF APPROVAL HEARING REQUESTS

If the Dean approves a Request for Hearing on CMD, the Dean shall so notify the Student, the Vice President, and the Honor Committee, in writing. Such notice shall state that it is given under these procedures, shall refer to the underlying Honor charges, and shall enclose a copy of these procedures.

#### 8. SCHEDULING AND FORFEITING A HEARING

A Student who fails to cooperate in the scheduling of a Hearing or who otherwise unduly delays the Hearing will forfeit the Hearing that has been granted by the Dean. Such cooperation includes responding to phone calls, emails, or letters addressed to the Student, working affirmatively with persons the Student wishes to have present at the Hearing to facilitate their availability, and making reasonable efforts to accommodate proposed Hearing dates. Students should anticipate that the University will be making a serious effort to schedule a Hearing time and date soon after a Request for Hearing on CMD has been granted. (The actual date of individual Hearings is necessarily dependent on the number of Hearing requests that have been granted, and on the time of year.) If the University reasonably concludes that a Student is not cooperating in the scheduling or preparation of a Hearing, it will notify the Student of this determination, in writing, and provide the Student with a fourteen (14) day opportunity to cure the problem. After that time, the University in its sole reasonable discretion, may determine that the Student has forfeited the Hearing and return the case to the Honor Committee.

### **IV. Evaluation of Request for Hearing on CMD**

#### A. The Dean's Review:

The Dean shall meet with the Student and review the Request for Hearing on CMD. In order to grant such a request, the Dean must find that sufficient facts have been presented for the Panel to have a strong basis for concluding that:

1. The alleged CMD was contemporaneous with the alleged Honor offense;
2. There was a direct connection between the alleged CMD and the alleged offense; and
3. An expert opinion regarding the alleged CMD has been rendered by a person with relevant credentials in the assessment and treatment of mental health disorders and has been

provided in writing. In cases where Students are requesting a Hearing on CMD on the sole ground that they were so impaired at the time of the commission of the alleged Honor offense as to lack the specific intent to commit such alleged offense, and not because they were unable to intend or control their actions giving rise to such alleged offense, the Dean, in his or her sole reasonable discretion, may dispense with the requirement of an expert opinion, provided that other independent and credible evidence exists to support the Student's Request for Hearing on CMD.

#### B. Factors Guiding Review:

While no single factor is decisive, the Dean's assessment shall take into account:

1. The timing of the alleged CMD and psychological counseling/therapy in light of questions such as: When was the disorder or condition first diagnosed? Did psychological counseling/therapy begin prior to the commission of the alleged offense? If so, when? Was counseling sought contemporaneous with such alleged offense? Was counseling sought only after the Student was made aware that Honor charges had been filed?
2. Whether the Student developed a counseling relationship related primarily to preparing a Request for Hearing on CMD evaluation or has documented an ongoing therapeutic relationship with a mental health counselor/therapist.
3. Whether the Student has presented other independent evidence (witness testimony, academic/grades, other social/environmental information) documenting a pre-existing or contemporaneous disorder or condition.
4. Whether the Student has documented a diagnosed medical condition that created a neuro/psychiatric condition that might meet the standard for a CMD.
5. Whether the alleged psychological condition might be found to be of a type and severity to have made the Student substantially unable to intend or control his or her actions giving rise to the underlying Honor charges.
6. Whether credible evidence suggests that the Student's psychological, emotional or mental state might have been so impaired during the commission of the alleged offense as to negate the Student's specific intent to commit such alleged offense.
7. Appeal of the Dean's Decision: The decision of the Dean to deny a Request for Hearing on CMD may be appealed to the Vice President, in writing, within ten (10) days of receipt of the Dean's letter denying the request. The Vice President shall discuss the Dean's decision with the Dean and the Student in such fashion as the Vice President may determine to be expeditious and appropriate. The Vice President may affirm or reverse the Dean's decision. The Vice President's decision is final and may not be appealed.

## **V. Hearing Panels, Notification, Documentation**

### **A. Panel Appointment**

A Panel shall preside over each Hearing under these procedures. The Vice President shall select the Panel members and shall notify the Complainant and the Student of the names of the Panel members and of the Panel Chair. This notification shall occur as soon as possible after notification by the Dean that a Hearing has been granted. The Vice President shall strive to staff the Panel with persons he or she deems as having the appropriate expertise, such as psychologists, psychiatrists, or both. Selection of Panel members may be made without any restriction on the number of prior Panels on which a person has served.

### **B. Notification and Provision of Case Documents**

If the Vice President has not already done so, the Complainant and the Student shall be notified as soon as possible regarding the date, time, and place of the Hearing. The Vice President shall provide the Student a copy of the complete case file to be presented to the Panel for examination prior to the Hearing. The Complainant shall provide copies of any additional documents that might be submitted at the Hearing to the Student and the Honor Committee a reasonable time prior to commencement of the Hearing, which ordinarily should be no less than seventy-two (72) hours before the Hearing commences.

### **C. Notification of and Participation by the Honor Committee**

The Chair of each Panel shall inform the Vice Chair for Trials of the date of each Hearing sufficiently in advance to allow for selection of an Honor Committee Participant. The Honor Committee in turn will notify the Chair and the Student prior to the Hearing if an Honor Committee Participant will be present. Further, the Committee shall timely provide copies to the Complainant of any written materials (beyond those already in the case file) that the Honor Committee Participant might introduce into the Hearing, sufficient to allow the Complainant to distribute such materials to the Student in advance of the Hearing, as provided above.

## **VI. General Hearing Procedures**

### **A. Attendance at the Hearing: Role of Student's Attorney**

The Complainant, the Student, and if present, the Student's Representative, the Student's attorney, and the Honor Committee Participant, shall be entitled to attend the entire Hearing, excluding deliberations. (Any references herein to "party" refer to the Complainant, or the Student, as the context may require.) Any action required or permitted to be undertaken by the Student during the Hearing may be undertaken by the Student or by his or her Representative, if any. The Student's attorney, if present, may advise the Student and the Student's Representative, if any, during the Hearing, but only if this can be accomplished without interrupting the Hearing. The Student's attorney may not address the Panel. The Panel shall determine the propriety of attendance at the Hearing by any other persons. Witnesses other than the parties and, in the Student's case, his or her Representative, if present, may remain in the Hearing room only while giving their testimony, unless the Panel and the parties agree otherwise. The Panel shall be entitled to have present a person who may advise it, privately or otherwise.

#### B. Evidence

The Panel may allow for flexibility in the sequencing and introduction of evidence. The Panel is not bound by the rules of procedure or evidence applicable to judicial proceedings, and may adopt such rules of procedure and evidence, and take into account any evidence, it deems appropriate. The Panel shall decide all procedural and evidentiary questions raised during the Hearing.

#### C. Decisions by the Panel

All decisions by the Panel shall be made by majority vote.

#### D. Recordings and Transcripts

The Panel shall make its best efforts to arrange for the Hearing to be accurately recorded and shall arrange for any transcription of the recording which it deems appropriate, or which a party requests, upon payment by the requesting party of reasonable transcription charges. Such recording and transcription may be made by any person or persons, including University employees, that the Panel may designate.

#### E. Testimony Under Oath

Before testifying, each witness shall swear or affirm to the Panel that his or her testimony shall be the truth, the whole truth, and nothing but the truth.

#### F. Burden of Proof

The Student bears the burden of proof on all issues (i.e., the existence of a CMD and, if applicable, the lack of a Significant Risk) at the Hearing and any related proceedings hereunder. In order to carry this burden, the Student must persuade the Panel on the issue in question by a preponderance of the evidence. A preponderance of the evidence means the greater weight of the evidence; to establish a fact by a preponderance of the evidence means to prove that the fact is more likely true than not true.

#### G. Opening Statements, Order of Evidence; Questioning Witnesses; Exhibits

The parties may make opening statements at the beginning of the Hearing, and closing statements at the end of the Hearing. The Student shall have the right to make the first opening statement and to make a rebuttal opening statement. The Student shall first present any witnesses, documents, and other evidence to support his or her position. The Complainant shall then have the opportunity to present relevant evidence. The Student shall then have the right to present rebuttal evidence. The Honor Committee Participant may present evidence when the Student and the Complainant have completed their presentations. The Panel may allow such additional evidence as it deems appropriate, in its sole reasonable discretion. The Student, the Complainant, and the Honor Committee Participant shall have the right to question witnesses upon the completion of witnesses' initial testimony. Panel members may question witnesses at any time. Documents and other exhibits offered shall be marked and, when received in evidence by the Panel, made a part of the Hearing record.

#### H. Continuances

The Panel may continue the Hearing from time to time as it may determine, provided that the Hearing shall be completed within ten (10) days of its commencement, unless the parties agree otherwise or the Panel decides otherwise, in writing, for good cause. Once the Hearing

has been completed, it may be reopened by the Panel at any time before the Panel renders its written decision.

## I. Findings of the Panel

### 1. EFFECT OF PANEL'S FINDINGS ON CMD

If the Panel finds that the Student has not established a CMD, it shall refer his or her case back to the Honor Committee for further proceedings on the underlying Honor charges. If the Panel finds that the Student has established a CMD, the underlying Honor charges shall be dismissed and the Panel shall proceed as described below.

### 2. DETERMINATION OF SIGNIFICANT RISK: RESTRICTIONS

If the Panel finds that the Student has established a CMD, the Panel shall impose Restrictions upon the Student, in its sole reasonable discretion, unless the Student is able to prove that he or she does not now pose a Significant Risk. The Panel shall in every case seriously evaluate whether a suspension is appropriate to allow the Student to recover from the CMD, and to protect the University community from the risk of dishonorable conduct in the future. A Restriction involving suspension shall be described in the Student's record with the University Registrar as "suspension pending elimination of risk found by Vice President for Student Affairs' Panel." Restrictions not involving suspension are not recorded with the Registrar. A notice of all Restrictions will also be filed with the Office of the Dean of Students and the Vice President. If the Panel determines that the Student has carried his or her burden on the issue of Significant Risk (i.e., the Panel determines that the Student does not pose a Significant Risk), no Restrictions will be imposed.

## VII. Panel Decision, Hearing Records

### A. The Panel's Written Decision

The Panel shall endeavor to provide the Complainant, the Student, the Vice President and the Honor Committee with a copy of its written decision within ten (10) Days from the conclusion of the Hearing. The decision shall include findings and conclusions as to the alleged CMD, findings and conclusions as to Significant Risk, if applicable, and will enumerate any Restrictions imposed by the Panel. Members of the Panel may submit separate written decisions concurring with, or dissenting from, in whole or part, the majority's decision.

### B. Effective Date of Restrictions

If the Panel determines that the University's or the Student's welfare requires it, the Panel may include in its decision a determination that the Restrictions imposed upon the Student shall be effective immediately and shall continue in effect until such time as the Vice President may determine otherwise. If the Restrictions include sanctions other than suspension, or if the Panel determines that a suspension need not commence immediately, the Restrictions shall take effect ten (10) Days after the Student's receipt of the Panel's written decision, or, in the event of a timely appeal, at such time as the Vice President determines.

### C. Disposition of Hearing Records

The Panel shall retain in confidence all records relating to its proceedings, except for:



1. Records of cases in which the Panel finds no CMD and the Student is later acquitted of the underlying Honor charges, which records shall be destroyed upon the completion of all Honor trials and appeals of the case; and
2. Cases in which applicable law authorizes disclosure of such records.

## **VIII. Appeals**

### **A. Notice of Appeal**

The Student may appeal the Panel's decision by so notifying the Vice President, the Honor Committee and the Complainant, in writing, within ten (10) days after receipt of the Panel's written decision. Such notification shall include a statement of the specific portion(s) of the Panel's decision with which the Student disagrees, any arguments in support of the Student's position, and the Student's proposed alternative to the conclusions of the portion(s) of the decision in question. Failure to meet these notice requirements may result in the denial of an appeal.

### **B. Proceedings on Appeal**

The Vice President may afford the Student, the Complainant, and the Honor Committee an opportunity to present written arguments, as opposed to evidence, in support of their positions on the Student's appeal. The Vice President may impose any reasonable time and length limitations on such presentations. The Vice President may question the Panel members about their decision. The Vice President may also obtain and review any or all of the transcripts and exhibits of the Hearing before the Panel.

### **C. Standard and Outcome of Appeal**

The Vice President shall evaluate whether the Panel's findings and conclusions are supported by substantial evidence in the record and, if so, shall affirm those findings and conclusions. If the Vice President is persuaded of the existence of fraud or serious mistake before the Panel, or of extraordinary circumstances justifying the introduction of new or additional evidence, the Vice President may direct the Panel to reopen its Hearing and receive additional evidence, or the Vice President may appoint a new Panel to consider the case de novo. The Vice President's determination of these issues is final and may not be appealed.

### **D. Written Decision on Appeal**

The Vice President shall give the Student, the Complainant and the Honor Committee a written decision on the appeal in as timely a fashion as the Vice President's schedule can accommodate. This decision is final and may not be appealed.

### **E. Termination of Restrictions**

Student who is subject to Restrictions lasting longer than one year (365 days) may apply in writing to the Dean for termination or modification of the Restrictions. Such an application shall not be filed sooner than the ninth month from the effective date of such Restrictions, nor more than once every twelve months. If the Student is not satisfied with the decision of the Dean on such application, the Student may seek review of such decision, in writing, by the Vice President. The Vice President may, at that time, establish such procedure as he or she may deem appropriate to determine whether the Student's application should be granted, or may review and affirm, reverse, or alter the underlying decision by the Dean. The Vice President's decision on such an application is final and may not be appealed.

## **IX. Procedures for Claims of Lack of Capacity ("LC")**

### **A. Assertion of LC**

1. **Timing and Process for Asserting LC:** A Student may assert that he or she lacks the capacity to stand trial ("Assertion of LC") prior to the beginning of an Honor trial. The Assertion of LC must be made in writing, in the form attached hereto as Appendix B (the "Assertion of Lack of Capacity and Acknowledgement of Suspension from the University"), and must be submitted to the Vice Chair for Trials. The Vice Chair for Trials shall forward a copy of the Assertion of Lack of Capacity and Acknowledgement of Suspension from the University to the Dean.

2. **Consultation with the Dean:** Serious consequences attach to the Assertion of LC and resulting avoidance of the Honor trial process. Further, Students considering such a choice may by definition find themselves in an impaired and troubled state. For these reasons, Students must meet with the Dean to discuss the Assertion of LC and resulting suspension from the University, who must certify such consultation in writing. The Dean may consult with the University's Counseling and Psychological Services, with a mental health specialist treating the Student, or with others who might have relevant input to assist the Dean in this consultation.

### **B. Suspension from the University**

1. **Consequences of Assertion of LC:** An Assertion of LC involves a claim that a serious mental disease or disorder or medical condition currently impairs a Student's fundamental functioning so as to make his or her participation in an Honor trial impossible. For this reason, a Student making this claim will be deemed to pose a Significant Risk, mandating immediate suspension from the University. Students will not be allowed to complete classes if such suspension occurs mid-semester. Such suspension shall be noted on the Student's record as: "Suspension Pending Elimination of Risk and Resolution of Honor Charges."

2. **Procedures for Return to the University:** The above suspension shall only be removed if:  
a. The Student files a written Request for Conditional Return to Stand Trial, in the form attached hereto as Appendix C; and  
b. The Student is acquitted of the underlying Honor charges upon completion of such trial.

## **X. Notices**

All notices to be given under these procedures shall be in writing and shall be deemed to have been given upon actual receipt by, delivery in person to, or receipt by mail by, the person to whom the notice is addressed, or such person's secretary or, in the case of a Student, his or her Representative. In cases in which the Honor Committee has obtained a Notice Affidavit signed by the Student, notices mailed to the Notice Address (as defined in the Notice Affidavit) shall be deemed to have been given when sent, whether or not such notices are actually received by the Student.

## **XI. Amendments**

These procedures may be amended at any time, in writing, by mutual agreement of the Honor Committee and the Vice President. Representatives of the Honor Committee's Executive Committee, the Vice President, and the Office of the General Counsel shall make reasonable efforts to meet on or before March 15, 2003, for the purpose of reviewing and, if appropriate, revising, these procedures, and may meet thereafter for such purpose prior to the beginning of each academic year or at such other intervals as they may deem appropriate. The procedures applicable to a particular Student shall be these procedures, as amended through the date on which the relevant Honor charges are initiated.

## **XII. Honor Committee Authority**

The Vice President recognizes and respects the principles of student self-governance embodied in the Honor system. Notwithstanding anything to the contrary, these procedures are subject to the continuing authority of the Honor Committee which reserves the right to revoke them; provided any revocation shall not be applicable to cases initiated with the Honor Committee prior to the effective date of such revocation. The Vice President shall be notified, in writing, of such revocation not less than 30 days prior to its effective date.

### **XIII. Appendices**

#### **A. Appendix A**

#### **Request for Hearing on Contributory Mental Disorder and Admission of Act**

Student's Name: \_\_\_\_\_

Honor Committee Case Number: \_\_\_\_\_

Date of Investigative Panel hearing: \_\_\_\_\_

Date this Request received by Vice Chair for Trials: \_\_\_\_\_

[Note that a Notice Affidavit must be attached to this form, unless a current one is already on file with the Honor Committee]

Understanding Procedures: I have read and understand the Procedures for Psychological Hearings on Honor Offenses, a copy of which is attached to this Request. I understand that I may elect to have a University student or employee, but not an attorney, act as my Representative at my Hearing, if such a Hearing is granted.

Certification Regarding Admission of "Act"? I hereby understand and certify to all of the following:

In accordance with the Bylaws of the Honor Committee, in order to convict an accused student of an Honor offense, an Honor jury panel must find, beyond a reasonable doubt, that three elements exist: (1) the accused student committed the act in question; (2) the act was committed with Knowledge; and (3) the act was Significant.

The Bylaws of the Honor Committee define "act" as the specific event that gave rise to the Honor charges.

By submitting this Request for a Hearing on Contributory Mental Disorder ("CMD"), if my case ultimately is referred back to the Honor Committee for trial, I will be deemed to have admitted the "act" element of the alleged Honor offense, regardless of whether a Hearing on CMD is actually held and regardless of the outcome of the Hearing, if any.

The jury panel will be informed of my admission of the "act" element of the alleged Honor offense, I will be precluded from denying that I committed such act, and the jury panel's vote will reflect that the "act" element of such alleged Honor offense has been satisfied. However, I will not be precluded from introducing any evidence which would otherwise be admissible at an Honor trial on the issues of "knowledge" and "significance," except that Psychological Evidence will not be admissible. Psychological Evidence is defined by the Bylaws as any evidence relating to the mental state of the accused in relation to the commission of the alleged Honor offense, including any testimony, reports, written analyses or diagnoses on psychological or psychiatric matters, whether offered, by the accused, any other fact witness, or any psychologist, psychiatrist, therapist, counselor or other, similar expert, and any evidence relating to medication prescribed for and/or taken by the accused for any alleged psychological condition.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witnessed By

\_\_\_\_\_  
Date

B. Appendix B

Assertion of Lack of Capacity and Acknowledgement of Suspension from the University

Student's Name: \_\_\_\_\_

Honor Committee Case Number: \_\_\_\_\_

Date of Honor Trial (if scheduled): \_\_\_\_\_

Student's ID/SS number: \_\_\_\_\_

Date this Request received by Vice Chair for Trials: \_\_\_\_\_

[Note that a Notice Affidavit must be attached to this form, unless a current one is already on file with the Honor Committee]

Understanding Procedures: To the best of my ability, I have read and understand the Procedures for Psychological Hearings on Honor Offenses, a copy of which is attached to this Request.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

I have consulted, to the best of my abilities, with the Student whose signature is found above, regarding the consequences of the Student's decision to submit this Assertion of Lack of Capacity and Acknowledgement of Suspension from the University.

\_\_\_\_\_  
By Dean of Students or Dean's Designee

\_\_\_\_\_  
Date

C. Appendix C

Request for Conditional Return to Stand Trial

Student's Name: \_\_\_\_\_

Honor Committee Case Number: \_\_\_\_\_

Date of Student's Suspension: \_\_\_\_\_

I was suspended from the University pursuant to my Assertion of a Lack of Capacity to Stand Trial. I wish to request a conditional return to the University for the sole purpose of completing my Honor trial process. I understand that I may return fully as a student only if

I am acquitted through such Honor trial.

I am prepared to return for trial on or after the following date:

I will require assistance from an Honor Advisor: ( ) yes ( ) no

I can be reached as follows:

Address:

Telephone:

Email:

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date