

Honor Committee By-laws as of April 25, 2018

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HONOR COMMITTEE BY-LAWS

The purpose of these by-laws is to describe generally the powers of the Honor Committee and its support officers, as well as the procedures of the Honor System. While these by-laws contain many specific provisions, they are not meant to be an exhaustive list of enumerated powers, responsibilities, and procedures that extend to every imaginable contingency. Instead, they are intended to provide a general framework from which the Committee, using sound judgment and reason, can deduce the extent of its power and responsibility, and the procedural limitations of the Honor System.

I. THE HONOR SYSTEM—PURPOSE, JURISDICTION, SPECIAL PROGRAMS

A. Purpose: The Honor System at the University of Virginia exists to foster a cohesive bond of trust among all members of the University community and to instill in all students a mutual reverence for the ideal of honorable behavior. Honor, of course, is a complex and multidimensional principle—a moral aspiration that defies simple characterizations. At the University of Virginia, however, the Honor System rests on a particular conception of that ideal. The cardinal injunction of our system is that students must refrain from Lying, Cheating, and Stealing or face permanent dismissal from the University, and, where applicable, revocation of their University degree

B. Jurisdiction:

1. General Rules. Subject to the deadlines for the filing of a Report (as set forth in Section IV.A, below), the Honor Committee has jurisdiction with respect to any allegation of a Significant Act of Lying, Cheating or Stealing, which alleged Act is committed with Knowledge (each, an “Alleged Honor Offense”) which meets all of the following criteria:

- a) the Alleged Honor Offense was committed by a “University student” which, for these purposes, includes any person who is or was registered or enrolled in any University of Virginia program, including, without limitation, any student in the School of Continuing and Professional Studies (the “SCPS”) and
- b) the Alleged Honor Offense was committed in Charlottesville, Albemarle County, any of the University of Virginia’s regional centers, or anywhere else that a University student represents themselves as a student of the University, and
- c) the Alleged Honor Offense was committed
 - i. while the University student in question was registered or enrolled (including during any summer sessions, holidays, study periods or other breaks between semesters), or
 - ii. within a period of two years after the University student was no longer registered or enrolled, but only with respect to alleged Lying by such student in any University disciplinary proceedings arising out of such student’s own conduct, including, without

limitation, any proceedings of the University's Judiciary Committee or the Honor Committee itself.

2. Questions Resolved by Vice Chair for Investigations. Questions concerning the jurisdiction of the Honor Committee shall be decided by the Vice Chair for Investigations, in consultation with the Executive Committee.
3. Former Students. Students who leave or have left the University for any reason (including, without limitation, transfer, withdrawal, leave of absence, graduation or other failure to return to the University for any reason), at any time, whether prior to the reporting and/or official accusation of an Alleged Honor Offense or thereafter, are subject to these procedures so long as the requirements of Paragraph 1, above, are met and a case is properly reported in accordance with Section IV.A, below.
4. By-law References to "Students." References in these by-laws to a "student" or to "students" include all persons described in Subparagraph 1(a), above (except that in the context of student panelists at hearings, "students" must be registered at the time of the relevant hearing, and in the context of performing the roles of Committee members or support officers, "students" must be registered when elected or appointed and throughout the time they are performing those roles).

- C. Special Programs. Special procedures governing the reporting, investigation and hearing of cases relating to Semester at Sea participants are set forth in the Voyager's Handbook for the Semester at Sea Program, and special procedures governing the reporting, investigation and hearing of cases relating to SCPS Students are set forth in Section IV.K of these by-laws.

II. ORGANIZATION

A. Honor Committee

Purpose: The Honor Committee is the body responsible for the administration of the Honor System. In discharging this function, the Committee's principal purpose is to maintain the Community of Trust on which the Honor System rests within a framework of fundamental fairness to students involved in Honor proceedings.

1. The Honor Committee shall uphold the principles established in the Honor Committee Constitution.
2. The Honor Committee shall consist of five representatives from the College of Arts and Sciences and two representatives from each of the other Schools of the University.
3. Each Honor Committee member shall:
 - a) be registered in the school or department that they represent at the time of the election,

- b) be a student enrolled in a degree program in the school or department they represent,
 - c) be subject to a recall election if the Committee member fails to conform to these guidelines at any time during their tenure, and
 - d) not serve in any capacity as a support officer during their tenure as a Committee member.
4. Pursuant to Article 3, Section 7 of the Honor Constitution, each Committee shall adopt a meeting procedure in accordance with:
- a) the latest edition of Robert's Rules of Order, or
 - b) any other specified format that is ratified by 2/3 of the Committee.

B. Executive Committee

Purpose: While the Committee as a whole retains ultimate authority over the administration of the Honor System, the Executive Committee shall be responsible for dealing with the Committee's routine business. Additionally, the Executive Committee may fulfill any other duties that the full Honor Committee may specifically delegate to it. Under all circumstances, the Executive Committee should keep the full Committee apprised of its actions and shall not act on behalf of the full Committee without the full Committee's consent and authorization.

1. The Executive Committee shall be composed of five officers elected by the full Honor Committee from among the Honor Committee membership.
2. The five officers of the Executive Committee shall be the Chair, the Vice Chair for Investigations, the Vice Chair for Hearings, the Vice Chair for Education, and the Vice Chair for Community Relations. Each Vice Chair shall oversee the relevant support officer pool and shall represent the concerns of the relevant support officer pool, as well as the concerns of the Vice Chair's constituent school or department, to the Honor Committee.
 - a) The Chair shall preside over all Honor Committee meetings and all Executive Committee meetings and shall be responsible for the administration of the Honor System.
 - b) The Vice Chair for Investigations shall oversee all cases under investigation and shall be responsible for the administration of all Reports, investigations, Investigative Panels, and other procedures regarding a student under investigation for an Alleged Honor Offense.
 - c) The Vice Chair for Hearings shall oversee all cases of accused and dismissed students and shall be responsible for the administration of all Honor hearings and appeals. These responsibilities include notification of parties regarding the disposition of Honor hearings and appeals.

- d) The Vice Chair for Education shall be responsible for the administration of all efforts by the Committee to educate the Community regarding the Honor System and its significant principles and practices.
- e) The Vice Chair for Community Relations shall be responsible for the administration of the Committee's informal Bad Debt resolution process, for heading the Community Relations and Diversity Advisory Committee, for approving and facilitating co-sponsored events, and for building relationships between the Honor Committee and members of the student body and University community.

3. Three votes are required for actions by the Executive Committee.

C. Support Officers

Purpose: Support Officers help the Committee with the proper and fair administration of the Honor System. Support Officers can be assigned to assist with the processing of an Honor case in one of three roles: Honor Advisor, Honor Investigator, or Honor Counsel. All references to "Advisors," "Investigators," and "Counsel" in these By-laws shall be understood to refer only to these specific roles, and not to any standing sub-group of Support Officers. Beyond case processing, all Support Officers are expected to assist the Honor Committee in educating the community about the Honor System. Each Support Officer must be a University student.

1. Honor Advisors

Purpose: Honor proceedings can be difficult and trying for the parties involved. Advisors can help alleviate some of the pressures and anxieties that accompany Honor proceedings.

- a) The responsibilities of Honor Advisors are twofold:
 - i. to provide students who are the subject of Honor proceedings, and to provide relevant members of the Community, if applicable, with confidential, emotional support; and
 - ii. to provide the parties to whom they are assigned with neutral and impartial information about the process they will be experiencing.

2. Honor Investigators

Purpose: In a system premised on the principle of honor, the procedures of the Committee should be guided by the critical goal of pursuing the truth. Investigators play a crucial role in attaining this goal.

- a) The responsibility of Honor Investigators are to investigate thoroughly and impartially Reports of Alleged Honor Offenses

3. Honor Counsel

Purpose: In a system premised on the principle of honor, the procedures of the Committee should be guided by the critical goal of pursuing the truth. Counsels play a crucial role in attaining this goal.

- a) The responsibilities of the Honor Counsel are to assist, in a fair and balanced manner, in the presentation of the views of both the accused student and the Community throughout the Honor process. Notwithstanding the availability of Honor Counsel to assist in the presentation of the views, arguments and defenses of the accused student at the hearing (and later, if applicable, to assist the dismissed student on appeal), the primary responsibility for any Honor case lies with the student. Accordingly, the student is expected to take the principal role in explaining the student's own actions and formulating arguments or defenses at the hearing (and, if applicable, thereafter).

4. Senior Support Officers

Purpose: In a system that exemplifies student self-governance, Support Officers should have much of the responsibility for their own management. Senior Support Officers help fulfill that goal.

- a) Senior Support Officers, chosen from the Support Officers and approved by the Committee, shall help the Vice Chairs for Hearings, Investigations, and Education train and supervise the Support Officers. Senior Support Officers may also serve, along with those specifically approved for this purpose by the Committee, as Investigation Coordinators and Pre-Hearing Coordinators.

D. Code of Ethics; Standards Panel

Purpose: The Committee and its support officers must hold themselves to the most exacting standards of ethical conduct.

1. Code of Ethics. Guidelines for the ethical conduct expected and required of Committee members and support officers are set forth in the Committee's Code of Ethics, copies of which are available at the offices of the Honor Committee. Violations of the Code of Ethics may result in a hearing before the Standards Panel.
2. Standards Panel Composition. The Standards Panel shall consist of five members, including two Support Officers, two Committee members, and the Chair of the Committee, who also shall serve as the Chair of the Standards Panel. The Chair of the Committee shall appoint the remaining four members of the Standards Panel. If any Standards Panel member is the subject of a Standards Panel referral, or has a conflict of interest with a referral, such member (including the Chair, if applicable), shall be removed for purposes of the Standards Panel in question and replaced by another member to be appointed by the Executive Committee.
3. Standards Panel Matters. For purposes of these by-laws, a "Standards Panel Matter" shall mean (a) any alleged violation of the Code of Ethics by an Honor Committee member or support officer acting in an official capacity, or

(b) any alleged conduct by an Honor Committee member or support officer acting in an official capacity that, although not in violation of the Code of Ethics, nevertheless constitutes unethical, unprofessional, or improper conduct.

4. Referral of Standards Panel Matters to a Standards Panel. Allegations of a Standards Panel Matter should be made in writing and delivered to the Chair of the Honor Committee. The Chair of the Honor Committee may, in their discretion, refer such allegations to the Standards Panel. If such allegations are raised against the Chair of the Honor Committee, the Executive Committee, acting without the Chair, shall decide, by a three-fourths vote, whether or not to refer the allegation to the Standards Panel.
5. Proceedings of the Standards Panel. The Standards Panel shall convene to consider any Standards Panel Matters that may be referred to the Standards Panel. Standards Panel proceedings and decisions shall be handled in accordance with the Standards Panel Policies and Procedures, copies of which are available at the offices of the Honor Committee.
6. Exclusive Jurisdiction over Standards Panel Matters. The Standards Panel shall have exclusive jurisdiction over Standards Panel Matters. If the Honor Committee Chair (or the Chair's replacement, if applicable) declines to refer allegations of a Standards Panel Matter to the Standards Panel, such allegations shall be deemed to have been dismissed.

III. RETRACTIONS

A. Conscientious Retraction

Purpose: The Honor System permits a student to atone for their mistakes by filing a Conscientious Retraction (or "CR"). A valid and complete CR involves the admission of a possible Honor Offense *before the student has reason to believe that such Offense has come under suspicion by anyone* and can be used as a full, exonerating defense against Honor charges. The CR is an opportunity and not a right, and it must be valid *and* complete in order to constitute a defense in Honor proceedings.

1. Validity. A CR must be valid, i.e., it must be delivered before a student has reason to believe that the relevant Act has come under suspicion by anyone.
2. Completeness: A CR must also be complete, i.e., it must satisfy all of the following conditions:
 - a) The student must deliver the CR, in writing, to the Vice-Chair for Investigations. Where these requirements (i.e., that the CR must be in writing, and that the written CR must be delivered to the Vice-Chair for Investigations) are not known by the student, or for other compelling reasons the student is unable to make their initial admission in writing and/or to the Vice-Chair for Investigations, a CR may nevertheless be deemed to be complete (in which case it would be deemed to date back to the time that it was made) if, in the discretion of the Vice-Chairs for Investigations and Hearings, (i) it meets all of the other requirements of

this section, (ii) it is followed by a conforming CR, delivered to the Vice-Chair for Investigations, and (iii) the person to whom the nonconforming CR was initially delivered signs a statement, to be attached to the CR, explaining the circumstances of the nonconforming CR.

- b) The student has completely acknowledged committing an Act that might be an Honor Offense by describing:
 - i. the Act in question, and
 - ii. the circumstances surrounding the commission of such Act.
- c) The student has agreed to correct and/or make amends for the Act in question, according to the following guidelines:
 - i. Cheating: admit the Cheating to the relevant instructor and comply with any conditions imposed by such instructor for academic reevaluation.
 - ii. Lying: admit the Lie to everyone to whom such Lie was communicated.
 - iii. Stealing: admit the theft and return all property (in its original condition, if applicable) to the rightful owner(s) or provide monetary compensation, if applicable.
- d) The student has provided a signed statement from each affected instructor or other individual, stating that the applicable corrections and/or amends have been made (except that, where the affected instructor or other individual is unable or unwilling to provide such a statement, the student may explain the situation to the Vice-Chair for Investigations who may, in the Vice-Chair for Investigations' sole reasonable discretion, decide to set aside such requirement in a particular case). Where corrections and/or amends are to be made in the future (i.e., following the Investigative Panel), failure by the student to make such corrections and/or amends will result in a retroactive determination that the CR was invalid, regardless of the outcome of any earlier proceedings before the Investigative Panel, and a Report of Honor charges may be made.

3. Evaluation of Completeness by Vice-Chairs. The Vice-Chairs for Investigations and Hearings shall review the CR to determine whether the CR is complete, applying the criteria of this section. Then, if satisfied, both of the Vice-Chairs will sign the CR, certifying that it is complete. If the CR is not complete, the Vice-Chair for Investigations may, in the Vice-Chair for Investigations' sole reasonable discretion, send it back to the student for revision and, if applicable, reconsider the revised CR on the question of completeness.

4. Evaluation of Validity by Investigative Panel. If the Vice-Chairs for Investigations and Hearings have certified that a CR is complete, an

investigation as to the validity of such CR, shall take place when (and if) a Report is received concerning the Act in question. In such cases, an Investigative Panel shall convene to determine whether, applying the criteria of this section, the CR is valid. Voting procedures for CRs at the Investigative Panel are described in Section IV.C.4, below. If the Investigative Panel determines that the CR is valid, the case shall be dismissed. If the Investigative Panel determines that the CR is *not* valid, an investigation shall be conducted into the alleged Act, pursuant to Section IV.B of these By-laws, and the student shall have the opportunity to file an IR pursuant to the procedures set forth in Section III.B, below. If an Honor hearing ensues, (a) the student may present evidence of the attempted CR to the student panel in an effort to persuade the panel of its validity, and (b) the Community may offer the CR into evidence to establish the student's admission of the Act in question. Voting procedures for CRs at a hearing are described in Section IV.H.4, below.

5. Procedure Relating to Uncertified CRs. If the Vice-Chairs for Investigations and Hearings have not certified that a CR is complete, the student may, if eligible, file a request for IR, pursuant to the procedures set forth in Section III.B, below. If the student is not eligible, does not elect, or otherwise fails to, file an IR, the student proceeds to the Investigative Panel when (and if) a Report is received concerning the Act in question. In such cases, the Investigative Panel will not reach the issue of validity and the uncertified CR will not by itself be an exonerating defense to the Honor Offense alleged in the Report. If the Investigative Panel accuses the student of an Honor Offense, at the ensuing hearing (a) the student may present evidence of the uncertified CR to the student panel in an effort to persuade the panel of its sincerity, and (b) the Community may offer the uncertified CR into evidence to establish the student's admission of the Act in question and to establish the circumstances surrounding the commission of such Act.
6. Public Summaries of CRs. Upon the certification of completeness by the Vice-Chairs, the Vice Chair for Investigations shall prepare a brief "Official Summary."
 - a) The Official Summary shall describe the Act in question in accordance with past procedure, as more fully described in Attachment A. The content and publication of the Official Summary shall be subject to the rules relating to anonymity, review, timing, and other relevant procedures that are set forth in Section IV.H.8 of these By-laws.

B. Informed Retraction

1. Purpose. Subject to the terms and conditions of these By-laws, the Honor System permits a student to atone for their mistakes by submitting an Informed Retraction (an "IR"). In contrast to a Conscientious Retraction, an Informed Retraction may be submitted by a student who has been reported for an Honor offense. The IR is predicated on a student taking responsibility for the commission of each of the Covered IR Offenses (as hereinafter

defined) and making amends therefor, by (1) admitting each of the Covered IR Offenses to all affected parties, (2) taking a leave of absence from the University community, and (3) attempting in good faith to make any other appropriate amends to affected third parties, all as more specifically set forth below.

2. A student who submits an IR agrees, implicitly, to recommit, fully, to the Community of Trust and, accordingly, not to commit any further Act of Lying, Cheating or Stealing. The IR must be submitted in the form and within the time periods specified below, in the reasonable discretion of the Honor Committee, in order to result in the dismissal of Honor proceedings.
3. Limit to a Single IR. Because a student who submits an IR agrees, implicitly, to recommit, fully, to the Community of Trust and, accordingly, not to commit another Act of Lying, Cheating or Stealing following submission of the IR, each student may submit a single IR during the entirety of their time at the University.
4. Covered IR Offenses. An IR that meets all of the other requirements of these By-laws will be deemed to cover each of the following Honor offenses (collectively, the “Covered IR Offenses”):
 - (a) Any Honor offense or offenses reported to the Honor Committee prior to the submission of the IR Form (as hereinafter defined), whenever such Honor offense(s) occurred; and
 - (b) Any other Honor offense or offenses admitted by the reported student, in writing and in the manner required by the IR Form, if each of such Honor offense or offenses:
 - i. occurred simultaneously with, or prior to, the date of the most recent Honor offense alleged in the Honor report, and
 - ii. is described in the IR Form with specificity, such description(s) to include, as to each admitted Honor offense:
 1. if applicable, in cases of Cheating or Lying, the name and semester of the relevant class and the name(s) of the professor(s) and/or teaching assistant(s) in question;
 2. if applicable, in cases of Cheating, the specific assignment, quiz, test, paper or other work in question (e.g., “the fourth quiz, administered on [date];” “the final exam;” “the second research paper, due on [date], entitled [paper title]);
 3. in cases of Cheating, the specific nature of the Cheating in question (e.g., “plagiarism of portions of the conclusion of the paper,” “copying answers from another student during the exam;” “consulting an unauthorized source during quiz #4;” “collaborating on the second homework assignment, in violation of the syllabus”);

4. in cases of Lying, a specific description of the lie in question; the date of such lie; the name of each individual to whom the lie was communicated; the specific circumstances of the lie in question, including, where a lie relates to course attendance or coursework, information describing the course and the specific assignment, quiz, test, paper or other work in question; and any other information necessary to provide a full explanation of the lie in question;
5. in cases of Stealing, a specific description of the theft in question; the date of such theft; the name of each individual affected by such theft; the specific circumstances of the theft in question; and any other information necessary to provide a full explanation of the theft in question.

5. Effect of IR on Covered IR Offenses. Subject to the terms and conditions of these By-laws, following the submission of a completed IR Form:

- (a) Any Covered IR Offenses originally reported by a third party and set forth in such IR Form will be dropped; and
- (b) Any Covered IR Offenses that are self-reported by the submitting student and set forth in such IR Form will be considered resolved by the IR, meaning that any future report of the same, specific Honor offense(s) will also be dropped. In order to be included within the Covered IR Offenses, self-reported offenses must be described with specificity, as required by the terms of these By-laws and the IR Form. Future reported Honor offenses that describe an Act or Acts that do not match those specifically described in the IR Form will not be considered “the same Honor offense(s) that have been self-reported and are part of the Covered IR Offenses” and, accordingly, may give rise to future Honor proceedings.

6. Informed Retraction Form (“the IR Form”); Method and Deadline for Submission; Informed Retraction Letter (“the IR Letter”). In order to provide consistency and clarity in the IR process, the Honor Committee requires students wishing to file an IR to complete and submit an IR Form. The completed IR Form must be submitted to the Vice Chair for Investigations not later than seven (7) days after receiving the IR Letter (the “IR Period”). The IR Letter will be provided to the student by the student’s Advisor. The student shall be deemed to have received the IR Letter (a) on the date that it is delivered to the student, in person, by an Honor Advisor, or (b) on the date that it is delivered to the student’s Primary E-Mail Address (as more particularly described in the preamble to Section IV of these By-laws), whichever shall first occur. For purposes of these By-laws, the “IR Letter” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of each Act which is the subject of an Honor Report, (b) includes the IR Information (as hereinafter defined), which shall be provided as an attachment to the IR Letter, (c) describes, in general, the investigation and hearing procedures of the Honor Committee, and (d)

outlines the opportunity and conditions for submitting an IR. The “IR Information” shall mean, collectively, a copy of the initial interview with the Reporter or other primary witness, together with any other relevant documents in possession of the Honor Committee at the time the IR Letter is delivered.

7. Sufficiency of the Submitted IR. An IR that meets all of the requirements of the IR Form will be accepted; provided, however, that the Vice Chair for Investigations or the Vice Chair for Hearings may return the IR Form to the submitting student for additions, modifications and/or clarifications, as needed. A completed IR that has been amended, modified, or clarified, if applicable, is hereinafter referred to as an “accepted” IR. Before an accepted IR can be finalized, the submitting student must meet with the University Dean of Students (or the Dean of Students’ designee), and must obtain the signature of the Dean of Students (or the Dean of Students’ designee) on the IR Form. Instructions for contacting the Office of the Dean of Students for the purpose of setting up such a meeting are set forth in the IR Form. The submitting student must also meet with their Academic Dean (or the Academic Dean’s designee), and must obtain the signature of the Academic Dean (or the Academic Dean’s designee) on the IR Form.

8. Interaction with Request for Hearing on CMD. If a reported student elects to request a Hearing on CMD prior to the expiration of the IR Period, and if such Hearing on CMD is denied or such Hearing on CMD is granted but there is no finding of CMD, then such student may request an extension of the IR Period in which to subsequently submit an IR, such extended period to commence on the date such student receives notice of the outcome of the CMD process and continuing for seven (7) days thereafter. Following the expiration of such seven- (7-) day extension, the IR Period shall expire.

9. The Cornerstones of the IR: Taking Responsibility and Making Amends.

The cornerstones of the IR are the decisions by the submitting student to take responsibility for each of the Covered IR Offenses and to make amends therefor, both by admitting such Honor Offense(s) to all affected parties and by taking a leave of absence from the University community.

(a) Making Amends to Affected Parties: Admission, Acknowledgment, Corrections.

(i) Admission of Covered IR Offenses. In accordance with the requirements of the IR Form, a student wishing to submit an IR must admit the commission of each of the Covered IR Offenses to all third parties directly affected thereby. Such third parties might include, in particular cases, the applicable course professor(s), teaching assistant(s), other students, merchants and/or landlords.

(ii) Other Amends. In accordance with the requirements of the IR Form, a student wishing to submit an IR also must agree to comply with any corrections or amends imposed by relevant third parties, according to the guidelines set forth in Section III.A.2.C relating to CRs.

- (iii) Acknowledgement by Third Parties. Pursuant to the IR Form, the submitting student shall provide the names and titles, if applicable, of third parties directly affected by the alleged Honor Offense and shall obtain the signatures of each of such parties acknowledging the student's admission of the underlying Act. The Vice Chairs may, in their sole, reasonable discretion, require the student to add other directly-affected third parties to this list. In cases where the student fails to make good faith efforts to obtain such signature(s), the sufficiency of the submitted IR shall be in the sole, reasonable discretion of the Vice Chairs.
- (b) Making Amends to the Community of Trust: The Honor Leave of Absence.
- (i) Honor Leave of Absence. In order to make amends to the Community of Trust, a student wishing to file an IR must agree to leave the University for two full academic semesters, commencing at the beginning of the fall or spring semester immediately following the date of acceptance of the IR (the "Honor Leave of Absence"). Summer sessions and January terms are not considered full academic semesters for the purposes of the Honor Leave of Absence. The Honor Leave of Absence must be completed over two, sequential academic semesters; i.e., the Honor Leave of Absence may not be interrupted by any period of re-enrollment. Notwithstanding the foregoing, the Honor Leave of Absence for graduates shall be determined as described in Section III.B.8 of these By-laws. As detailed in Part iv, below, a student who has submitted an accepted IR will be unable to enroll in additional University courses from the time of the acceptance of the IR until the completion of the Honor Leave of Absence. Any existing future enrollments shall be cancelled. The Honor Leave of Absence shall commence in the same manner and at the same time for students at any stage of their academic careers, graduate or undergraduate, first-year or fourth-year, regardless of the amount of coursework or number of credits still required for graduation.
 - (ii) Course Requirements and Grades. Upon the submission of an IR, the Vice Chairs will inform the Reporter that an IR has been submitted. All questions of grading, course requirements and course credit shall remain in the exclusive discretion of the applicable professor, school and/or department. In other words, notwithstanding the submission and acceptance of an IR, the Honor Committee has no authority or jurisdiction of any kind with respect to decisions about grades, coursework or course credit.
 - (iii) Leave of Absence Procedures; Re-enrollment. Upon Completion of Leave of Absence. The administration of the Honor Leave of Absence, including all financial matters and all questions of visa status, registration status, scholarship status, and status within the school or department in question, shall be in accordance with the guidelines of the applicable school or department with respect to a regular academic suspension. Once the Honor Leave of Absence has been completed, all

matters relating to re-enrollment and academic status shall reside exclusively with University and the school or department in question.

- (iv) **Transcript Notations; Registration Block.** Except in the case of an IR submitted by a University graduate, upon the acceptance of a submitted IR, the Honor Chair will immediately notify the University Registrar to (A) place a notation on the student's transcript reading "Honor Probation," which shall remain, assuming that the submitted IR is accepted, until the commencement of the Honor Leave of Absence, and (B) place a Registration Block on the student's record, cancelling any existing future enrollments, and preventing the student from enrolling in additional university courses, which shall remain until the completion of the Honor Leave of Absence. Upon the commencement of the Honor Leave of Absence, the student's transcript will bear a separate notation indicating the Honor Leave of Absence. In the case of a University graduate, upon acceptance of a submitted IR and the receipt of the surrendered degree, the Honor Chair will immediately notify the University Registrar to indicate, on the graduate's transcript, for the duration of the one-year degree surrender period, that the degree has been surrendered (i.e., by removing the usual degree-conferral notation(s) and/or adding a notation indicating that the graduate's degree has been surrendered pursuant to the By-laws of the Honor Committee).

10. **Submission of IR by Degree Candidates.** If a student wishes to submit an IR in the year in which the student would otherwise graduate, the student must submit a signed and completed IR Form to the Vice Chair for Investigations not later than the Wednesday before Final Exercises (or four (4) days before the applicable degree-conferral date in any semester other than the spring), or within the IR Period, whichever is sooner. Upon such submission, and the acceptance of such IR by the Vice Chairs, the student's degree shall be immediately held, and such hold shall remain until two full academic semesters have elapsed. Upon completion of the Honor Leave of Absence, the general faculty will confer such degree, subject to the satisfaction of any other applicable academic and/or University requirements. The student's University record will reflect that the student graduated at the end of the term in which the degree was actually conferred (i.e., following completion of the Honor Leave of Absence). If the student does not have the necessary credit to graduate, the student may submit an IR and take an Honor Leave of Absence, as described above.

11. **Submission of IR by Degree Recipients.** A student who has graduated from the University may, subject to the provisions of these By-laws, submit an IR which, as a condition of acceptance, shall require such graduate to surrender their degree immediately, such degree to remain surrendered from the date of such surrender until one full calendar year has elapsed. Such one-year degree surrender shall be in lieu of the Honor Leave of Absence applicable to students submitting an IR prior to graduation from the University. During such one-year degree surrender period, the Registrar shall indicate, on the graduate's transcript, that the degree has been surrendered (i.e., by removing the usual degree-conferral notation(s) and/or adding a notation indicating that

the graduate's degree has been surrendered pursuant to the By-laws of the Honor Committee).

12. Honor Committee Records of IRs. The Honor Committee shall retain a confidential record of each accepted IR.
13. Honor Chair as Tie-Breaker. If the Vice Chairs are unable to agree on any decision relating to an IR, the decision of the Honor Chair shall prevail.
14. Public Summaries of IRs. Upon the acceptance of an IR by the Vice-Chairs, the Vice Chair for Investigations shall prepare a brief "Official Summary." The Official Summary shall describe the Act(s) in question in accordance with past procedure, as more fully described in Attachment A. The content and publication of the Official Summary shall be subject to the rules relating to anonymity, review, timing, and other relevant procedures that are set forth in Section IV.H.8 of these By-laws.

IV. PROCEDURES: HOW THE SYSTEM WORKS

Purpose: When processing Honor cases, the Honor Committee and its support officers act on behalf of the Community of Trust to protect its interest in maintaining the ideal of honorable behavior. The Committee must balance its commitment to the Community with its responsibility to provide a fair process for investigation and adjudication of Alleged Honor Offenses. The Honor Committee's procedures, as set forth in these by-laws, help the Committee achieve this important balance.

Overview of the Honor Process: The Honor System process is divided into four stages: reporting, investigation, hearing, and post-hearing. Every reasonable effort is made to conduct the entire process in a timely manner. For that reason, certain timelines have been built into the System. In general, however, the Honor Committee suspends all proceedings during non-school days. School days are days when the College of Arts & Sciences is officially in session during the fall and spring semesters, but not during summer session. School days include weekends between class days but do not include any registration or examination periods, breaks or holidays. Except as otherwise noted, the entire process will be conducted in accordance with the most recent by-laws as of the date a case Report is received.

Notices: For purposes of these By-laws, notices and other significant correspondence shall be delivered to students at their respective "Primary E-mail Addresses," as outlined in the University Undergraduate Record (the "Record"). Pursuant to the Record, the "Primary E-Mail Address" is the address to which the University sends official e-mail notifications. The Record can be viewed here:

<http://records.ureg.virginia.edu/> An Investigated and/or Accused Student may request, by completing and submitting a Notice Affidavit, that the Honor Committee also send notices and other significant correspondence to the additional electronic or other addresses set forth in such Notice Affidavit. A form of Notice Affidavit may be obtained from any Honor Advisor and can be downloaded here:

<http://www.virginia.edu/honor/wp-content/uploads/2013/04/Notice-Affidavit-for-cases-reported-after-4-21-2013.doc>. Unless otherwise specifically defined (e.g., the "IR Notice," the "IR Letter"), the Primary E-Mail Address, together with any additional electronic or other addresses set forth in the Notice Affidavit, are referred to in these By-laws as the "notice," and shall be deemed to be effective notice when sent, whether or not the recipient actually receives and/or reads the notice.

A. Report

Purpose: The Honor Committee does not exist to police the student body. Instead, it adjudicates allegations that members of the Community bring to its attention. The act of bringing a possible Honor Offense to the attention of the Honor Committee is called reporting an Alleged Honor Offense, and the product of that process is called a “Report.”

1. Making a Report. Any person may report an Alleged Honor Offense that meets the requirements of Section I.B, above, provided that such Report is made within two years of the date of the alleged Act. To make a Report, the reporting witness or “reporter” should contact either an Honor Advisor or a Committee member. Once a report has been submitted, it cannot be retracted by the reporter. If the Executive Committee determines that a Report has been made in bad faith, the Executive Committee may, by majority vote, elect to dismiss the Report.
2. Dismissal by Vice Chair for Investigations if Committee Lacks Jurisdiction. If the Vice Chair for Investigations determines that the Honor Committee lacks jurisdiction pursuant to Section I.B, above, or that the two-year limitations period described in Paragraph 1, above, has been exceeded, the Vice-Chair for Investigations shall drop the case.
3. No Re-Investigation Following Acquittal. Students shall not be re-investigated for an Alleged Honor Offense if a previous hearing has resulted in an acquittal on the same Alleged Honor Offense.
4. Re-Investigation of Cases Dropped by the Investigative Panel. Cases dropped by the Investigative Panel may be reinvestigated if:
 - a) a new Report is filed, and
 - b) the Executive Committee determines that:
 - i. such new Report includes new evidence, or
 - ii. the investigated student acted in bad faith during the Committee’s investigation of the first Report,
AND
 - iii. such new evidence or bad faith, as the case may be, could have affected the outcome of the original Investigative Panel.
5. Assignment of Honor Advisors. Throughout the Honor process, the student and relevant members of the Community, if applicable, will be assigned an Honor Advisor by the Vice Chair for Investigations. Although efforts are made to ensure continuity of Advisors throughout the Honor process, scheduling difficulties may sometimes necessitate the replacement and reassignment of Honor Advisors. In addition, although students may request a particular Advisor, the assignment of Advisors is in the sole discretion of the Vice Chair for Investigations and is limited by, among other things, Advisor availability.
6. Assignment of Honor Investigators to investigate the Alleged Honor Offense. Within a reasonable time after a Report has been received, two Honor Investigators will be

assigned by the Vice Chair for Investigations to investigate the Alleged Honor Offense.

7. Notice of Receipt of Honor Report. Following the receipt of a report and assignment of an Honor Advisor, the Honor Committee shall provide written notice to the reported student as soon as reasonably possible, at the discretion of the Vice Chair for Investigations. This notice shall inform the reported student that a report has been received and shall include a brief description of the general nature of the report. Notwithstanding the foregoing, the student's right to file an IR, as described in Article V, Section 6 of the Honor Committee Constitution and in Section III.B.2 of these By-laws, shall continue through the period ending seven days following the receipt by the student of the IR Letter.

B. Investigation

Purpose: The purpose of the investigation is to collect information in order to determine whether an Honor Offense has occurred.

As more particularly described in Section III.B.2, above, the investigation shall pause upon delivery of the IR Letter until the earlier of (a) the date on which the reported student submits an IR, (b) the date on which the reported student indicates that they do not intend to submit an IR, or (c) the expiration of the IR Period. If the reported student indicates that they do not intend to submit an IR, or allows the IR Period to expire without submitting an IR, the investigation shall resume promptly. If the reported student submits an IR, the investigation shall resume if the IR is rejected, promptly upon the decision of the Vice Chairs to reject such IR. Upon resumption of an investigation, the case shall proceed pursuant to the provisions of this Article IV.

1. Status as "Investigated Student." Following the receipt of a Report and prior to the Investigative Panel, if any, the suspected student will be referred to as the "investigated student."
2. Enumerated Rights. Every investigated student will receive a list of their enumerated rights under the Honor System.
3. Investigation; Responses; Investigative Log: The investigation will be jointly and impartially conducted by two Honor Investigators. The Investigators will conduct an interview (or interviews as necessary) with the reporting witness, the investigated student, and other relevant witnesses, and will collect other pertinent evidence, if any. Following the investigated student's initial interview, the investigated student will be provided with copies of interviews and other relevant evidence, in the sole discretion of the Vice Chair for Investigations, and will have an opportunity to provide a response thereto. Similarly, at least one witness for the Community (as determined in the sole discretion of the Vice Chair for Investigations) will have an opportunity to provide a response to the initial interview provided by the investigated student. All of the interviews, evidence, and responses, if any, will be collected into an "Investigative Log" for consideration by the Investigative Panel.
4. Presence of Honor Advisor. The investigated student's Advisor will be present when the investigated student is interviewed by Investigators.

5. Investigators may Recommend Dismissal. If both Honor Investigators request that a case be dropped at any time prior to the Investigative Panel, the Executive Committee will determine, in its reasonable discretion, whether the case should continue or should be dropped, for reasons that include, but are not limited to, lack of evidence or bad faith.

C. Investigative Panel

Purpose: The Investigative Panel, comprised of three rotating Honor Committee members, meets to review the findings of the investigation and decides whether formally to accuse the investigated student of committing an Honor Offense. Statements by the investigated student, the reporting witness and other witnesses, together with other relevant evidence, are collected in the Investigative Log; neither the investigated student nor other witnesses attend the Investigative Panel.

1. Scheduling. The Investigative Panel generally convenes within one week of the completion of the investigation, unless the Vice Chair for Investigations determines that circumstances exist which warrant a delay.
2. Incomplete Investigation. If the Investigative Panel believes that it is unable to make a determination because the investigation was incomplete, the Investigative Panel may instruct the Investigators to investigate the matter further.
3. Standard for Formal Accusation. The Investigative Panel shall accuse the investigated student if it is “more likely than not” that the investigated student committed an Honor Offense. Specifically, the question before the Investigative Panel is whether it is “more likely than not” that:
 - a) the investigated student committed the Act in question,
 - b) the student committed such Act with Knowledge, and
 - c) such Act was Significant.

For purposes of the Investigative Panel, “More Likely than Not” shall mean the investigative information shows that the probability of guilt outweighs the probability of innocence on each component of an Alleged Honor Offense, with the exception of consideration of a CR. Investigative Panel members may formally Accuse reported students, based on the “More Likely than Not” standard, for any Acts that are revealed as a result of either Report or Investigation.

4. Conscientious Retraction. The Investigative Panel should not accuse the investigated student if the investigated student is able to prove that it is “more likely than not” that the investigated student submitted a complete and valid CR, as described in Section III.A, above. If the CR has been certified as complete, in accordance with Section III.A, above, the role of the Investigative Panel is to determine whether such complete CR is also valid. If the CR has not been certified as complete, the Investigative Panel will not reach the issue of validity and the uncertified CR will not by itself be an exonerating defense to the Honor Offense alleged in the Report. In such cases, the Investigative Panel may consider the uncertified CR, together with the

other evidence presented, in its decision whether or not to formally accuse the investigated student of an Honor Offense.

5. Investigative Panel Voting. Accusation of an investigated student requires a two-thirds vote by the Investigative Panel.
6. “Accused Student” Status. If the Investigative Panel votes to accuse the investigated student, the student’s status immediately changes to that of an “accused student.” In the event that graduation occurs while a student is an “accused student,” such student’s degree will be held pending resolution of the Honor charges.
7. Destruction of Case File when Student not Accused. If the Investigative Panel does not accuse the investigated student, the student's status immediately reverts to their status prior to the investigation and the case file is destroyed.
8. Consequences Flowing from Formal Accusation. Notice of accusation by the Investigative Panel shall include a list of at least five (5) proposed hearing dates. An accused student may either (a) proceed with an Honor hearing, in which case the accused student must request such a hearing, in writing, within seven (7) days following delivery of notice (to the Accused Student’s Primary E-Mail Address) of the accusation (such request to include the information described in Section IV.E.5 of these by-laws), or (b) fail to request an Honor hearing, in writing, within such seven-(7-) day period, in which case the accused student will be deemed to have waived the right to an Honor hearing and to have admitted guilt as to the Honor Offense(s) charged, whether or not such an admission is expressly made (i.e., the accused student will be deemed to have left admitting guilt, or “LAGGED”). In each case in which a student is deemed to have left admitting guilt, or LAGGED, (i) such student is immediately dismissed and forfeits all rights under the Honor System, except for the right to file an appeal, if applicable, in accordance with Section IV.J of these by-laws; (ii) the Committee will so notify the Registrar; (iii) the Committee will request that the Registrar remove such student from active class rolls and forever bar the student's readmission to the University; (iv) the Committee will request that the Registrar place a notation on such student’s transcript, as described in Section IV.I., below; and (v) in the case of students who have already graduated from the University, the Committee will initiate degree revocation proceedings with the General Faculty. For students electing to proceed with an Honor hearing, the hearing process, the post- hearing process, and the consequences flowing from a guilty verdict are described, in detail, in Sections IV.E, F, G, H, I, and J, below.
 - a) Public Summaries of LAGs. After a student is deemed to have LAGGED, the Vice Chair for Hearings shall prepare a brief “Official Summary.”
 - i. The Official Summary shall describe the Formal Accusation rendered by the I-Panel, where applicable, in accordance with past procedure as more fully described in Attachment A. The content and publication of the Official Summary shall be subject to the rules relating to anonymity, review, timing, and other relevant procedures that are set forth in Section IV.H.8 of these By-laws.

D. Psychological Hearings

Purpose: The Honor Committee recognizes that a student may be afflicted by a mental disease or disorder or mental condition which (a) significantly contributed to the commission of an Alleged Honor Offense, and/or (b) renders such student substantially unable to understand the relevant Honor charges or to assist in their own defense. As more fully described below, certain separate procedures and a separate forum exist for the consideration of such claims.

1. Claims of Contributory Mental Disorder.

- a) Requesting a Hearing on Contributory Mental Disorder. Any student who believes that they have a claim of Contributory Mental Disorder (or “CMD”) should consult with their Honor Advisor, request a copy of the Psychological Procedures, and carefully review the Psychological Procedures in their entirety. Requests for a Hearing on CMD may be made at any time after a Report has been received and otherwise in conformity with the deadlines and other requirements set forth in the Psychological Procedures. A form for requesting a Hearing on CMD is attached to the Psychological Procedures and may also be obtained from the Honor Committee. The criteria applied in evaluating any request for a Hearing on CMD are set forth in the Psychological Procedures. Where such a request is not timely filed, fails to satisfy the relevant criteria, or otherwise fails to conform to the requirements set forth in the Psychological Procedures, such a request will be denied and the Honor Committee will proceed on the underlying Honor charges. If an accused student submits a hearing request within the 7-day time frame after accusation, and then later seeks to change their request to a CMD, the Executive Committee can grant the request provided that it conforms to the other requirements set forth in Psychological Procedures. Claims of CMD may not be made in an Honor hearing. Requests for a Hearing on CMD during the IR Period shall be handled in the manner described in Section III.B.9.
- b) Effect of Psychological Evaluation Panel’s Findings on CMD. If, following a Hearing on CMD, the Psychological Evaluation Panel (or “PEP”) finds that the student has not established a CMD, the PEP will refer such student’s case back to the Honor Committee for further proceedings on the underlying Honor charges. If, following a Hearing on CMD, the PEP finds that the student has established a CMD, (i) the underlying Honor charges will be dismissed, (ii) the PEP will consider whether such student poses a Significant Risk (as defined in the Psychological Procedures), and (iii) if the PEP finds that a Significant Risk does exist, the PEP may impose upon such student a suspension and/or other restrictions or conditions, all as more particularly described in the Psychological Procedures.
- c) Admission of “Act” Element of Honor Offense. Any student who requests 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 of the request form to the Vice Chair for Hearings, whether or not a Hearing on CMD is approved by the Dean of Students (as described in the Psychological Procedures) and actually held, and regardless of the outcome of any Hearing on CMD if one is held. If the student’s case ultimately is referred back to the Honor Committee for a hearing, the student

panel will be informed of the accused student's admission of the underlying Act, the student will be precluded from denying the commission of such Act, and the student panel's vote will reflect that the "Act" element of the Alleged Honor Offense has been satisfied.

- d) Psychological Evidence Not Admissible at an Honor Hearing. Psychological Evidence is inadmissible at an Honor hearing. Such evidence may be presented, if at all, only at a Hearing on CMD.

- 2. Assertion of Lack of Capacity. Any accused student who wishes to assert a Lack of Capacity (or "LC") should consult with their Honor Advisor, request a copy of the Psychological Procedures, and carefully review the Psychological Procedures in their entirety. A form for asserting LC is attached to the Psychological Procedures and may also be obtained from the Honor Committee. Any student who asserts LC will be deemed to pose a Significant Risk, mandating immediate suspension from the University. Rules governing the return to the University to stand hearing are set forth, in detail, in the Psychological Procedures.

E. Hearing Request

Purpose: Following a formal accusation by the Investigative Panel, an accused student may LAG or request adjudication at an Honor hearing.

1. Counsel

- a) Assignment of Counsel. An accused student has a right to be assisted by Counsel at hearing, as provided in the student Constitution and these bylaws. For this purpose, an accused student may request one of the two Investigators involved in the initial investigation, to the extent reasonably available, or another University of Virginia student to serve as the accused student's Counsel at hearing. If the accused student chooses one of the Investigators to assist him or her as Counsel at the hearing, the other Investigator will generally be assigned to represent the community at the hearing.
- b) Role of Accused Student. Notwithstanding the assignment of Counsel to assist the accused student at the hearing, the primary responsibility for any Honor case lies with the student. In other words, the accused student is expected to take the principal role in explaining their own actions, formulating arguments and defenses, and arranging for witnesses, if any, to testify on behalf of the accused student at the hearing.
- c) Private Communications between Counsel and Accused Student. Except as provided in Subparagraphs (d) and (e) below, consistent with the right of accused students to refuse to testify against themselves, as set forth in the Honor Committee's Constitution, and in order to promote honesty and candor between an accused student and the accused student's Counsel, the private communications between an accused student and the accused student's Counsel in the course of hearing preparation may not be admitted into evidence at the hearing for purposes of establishing the accused

student's guilt or innocence, without the approval of the accused student and the Hearing Chair.

- d) Role of Counsel. Consistent with the fundamental purpose of the Honor hearing, which is to pursue the truth about the Alleged Honor Offense, Counsel are charged with the following additional responsibilities:
 - i. Counsel for the community and for the accused student shall promptly identify and disclose to the Vice Chair for Hearings and the Hearing Chair, if applicable, relevant witnesses or documents as may be discovered by them at any time.
 - ii. Counsel shall not condone, assist or permit anyone to perpetrate a fraud during Honor proceedings by providing knowingly false testimony or other evidence. If Counsel are unable to dissuade the accused student or other person from perpetrating a fraud, Counsel shall promptly inform the Vice Chair for Hearings and the Hearing Chair, if applicable, and
 - A) the Counsel may request to be withdrawn from the case;
 - B) the Counsel may be required to disclose their knowledge and to testify as a witness against the accused student in the pending proceeding in order to correct the fraud; and
 - C) the Committee may, in its reasonable discretion, cause a separate Report to be filed against the accused student to be considered at a later date, at which time the Counsel may be required to testify as a witness against the accused student in such subsequent proceeding.
 - e) Other Disclosures. Notwithstanding the foregoing, the Honor Committee may always require such disclosure(s) by Counsel at any time as may be necessary or appropriate to evaluate any appeal or complaint, or for other good cause in aid of its jurisdiction, or as may be required by applicable law. Nothing contained in these by-laws shall create any legally recognized privilege or bar to the admissibility of relevant evidence in other proceedings.
2. Student Panel Composition. The accused student may choose one of three types of student panels:
- a) a mixed panel of Honor Committee members and randomly-selected students,
 - b) a panel of only Honor Committee members, or
 - c) a panel of only randomly-selected students.

If the accused student wishes to change the type of student panel requested, the accused student must notify the Vice Chair for Hearings in writing at least 14 days prior to the date of the accused student's hearing.

3. Inclusion of Undergraduate and Graduate Student Panelists. Each accused student may elect to have at least four members of the student panel selected from either the undergraduate (if the accused student is an undergraduate student) or graduate (if the accused student is a graduate student) schools or departments, subject to the reasonable availability of such student panelists.
4. Open or Closed Hearings. Each accused student may request a hearing that is either open or closed to the public.
5. Requesting a Hearing. For purposes of these By-laws, the seven- (7-) day period following delivery of notice of accusation by the Investigative Panel shall be referred to as the "Hearing Request Period." When requesting a hearing, an accused student must inform the Vice Chair for Hearings, in writing, prior to the expiration of the Hearing Request Period, as to the accused student's preferences in the following matters:
 - a) at least one hearing date, selected from the list of at least five (5) possible and feasible dates proposed by the Vice Chair for Hearings with the notice of accusation;
 - b) the selection of Honor Counsel or other counsel;
 - c) whether the student panel should be composed of a mixed panel, a panel of Honor Committee members only, or a panel of randomly-selected students only;
 - d) whether to include panelists from the undergraduate or graduate schools (as described in Paragraph 3, above); and
 - e) an open versus closed hearing.

If, within the Hearing Request Period, the student requests a hearing but fails to select a hearing date from the list of at least five (5) dates proposed by the Vice Chair for Hearings with the notice of accusation, then, absent good cause shown, as reasonably determined by the Vice Chair for Hearings or Committee Chair, such student shall be deemed to have waived the right to an Honor hearing and to have admitted guilt (or "LAGGED") as to the Honor Offense(s) charged, as of the last day of the Hearing Request Period. The consequences for such a LAG shall be as described in Section IV.C.8, below.

If, within the Hearing Request Period, the accused student selects a hearing date (or dates) but fails to specify their preference as to the matters described in Sections 5(b), (c), (d), and/or (e), above, then the Vice Chair for Hearings shall, as applicable, assign Counsel from the Support Officer Pool; select a random student panel without regard to the undergraduate or graduate status of particular panelists; and/or schedule a hearing that is closed to the public.

6. Hearing Date. Unless the Pre-Hearing Conference determines that extraordinary circumstances exist, the hearing will convene at the next available hearing date on or subsequent to the date requested by the accused student.

F. Student Panel

Purpose: The duty of the student panel is to determine whether an Honor Offense has been committed.

1. Selection by Vice Chair for Hearings. The Vice Chair for Hearings shall be responsible for randomly selecting the students for panels.
2. Failure to Comply with Duties of a Student Panelist. Failure by a student who has been selected and has committed to be a panelist in an Honor hearing to comply with the duties of a panelist will be considered a breach of the University Standards of Conduct enforced by the University Judiciary Committee. For purposes hereof, the "duties of a panelist" shall mean attendance at the hearing (absent medical or other emergency) and compliance with the instructions of the Hearing Chair.

G. Pre-Hearing Conference

Purpose: The purpose of the Pre-Hearing Conference is to determine the witnesses who will testify at the hearing, the nature and scope of the evidence and testimony to be presented during the hearing, and certain other measures that will serve the interest of a fair and efficient hearing.

1. Pre-Hearing Conference Composition. The Vice Chair for Hearings will assign Committee members to serve as the Hearing Chair and Hearing Observer, and a member of the Support Officer Pool to serve as Pre-Hearing Coordinator. Together, the Hearing Chair, Hearing Observer and Pre-Hearing Coordinator preside over and make rulings at the Pre-Hearing Conference.
2. Rulings at the Pre-Hearing Conference. The Hearing Chair, Hearing Observer and Pre-Hearing Coordinator, together with the assigned Counsel, will convene a Pre-Hearing Conference prior to the hearing. Except as provided in Paragraph 7, below, the Hearing Chair, Hearing Observer and Pre-Hearing Coordinator will make all necessary rulings at the Pre-Hearing Conference, in each case by majority vote.
3. Witnesses. The Pre-Hearing Conference will determine the list of witnesses who will testify during the hearing. If possible, the parties will mutually agree to a list of witnesses and the order in which they will appear at the hearing. Witnesses for the Community shall testify first, followed by witnesses for the accused student. If no agreement can be reached, the Hearing Chair, Hearing Observer, and Pre-Hearing Coordinator shall intervene and establish the list and order of witnesses.
4. Evidentiary Rulings. The Pre-Hearing Conference will determine the nature and scope of the evidence to be presented at the hearing.

- a) Relevant Evidence Generally Admissible. Except as provided below, all Relevant Evidence necessary to a fair and thorough adjudication should be admitted at the hearing.
 - b) Exceptions to Admissibility. Notwithstanding the foregoing presumption in favor of admitting Relevant Evidence, certain evidence, although relevant, shall be inadmissible at the hearing. Such inadmissible evidence includes:
 - i. unnecessarily cumulative evidence;
 - ii. evidence as to which its probative value is far outweighed by its potentially unfair prejudicial effect on the panel;
 - iii. polygraph evidence;
 - iv. character evidence;
 - v. Psychological Evidence (although the accused may testify about their general life circumstances at the time of the Alleged Honor Offense, so long as such testimony does not incorporate or refer to any Psychological Evidence and so long as such testimony is otherwise relevant and admissible at the hearing); and
 - vi. information contained on any Honor Committee post-hearing evaluation form or student panelist notes.
 - c) Hearsay. Hearsay evidence may be admitted at the discretion of the Hearing Chair, Hearing Observer, and Pre-Hearing Coordinator.
 - d) Official Summaries of Honor cases are not Relevant Evidence.
5. Opening Statements. The Pre-Hearing Conference will determine the content of the Hearing Chair's opening statement at the hearing, the identity of observers to be allowed in closed hearings, whether the hearing should be delayed, and whether, in the case of multiple accusations against a single student or related accusations against more than one student, such accusations should be heard in a single or in multiple hearings.
6. General Rule on Multiple Charges: Single Hearing. Generally, in cases where multiple alleged Acts of one or more students are linked to the same factually related event(s), or in cases where multiple alleged Acts of one student are substantially similar, all charges may be heard in the same hearing.
7. Motion to Return to Investigative Panel. If there has been a fundamental change in the available and admissible evidence since the decision by the Investigative Panel, the Hearing Chair and the Hearing Observer may decide, by unanimous vote, to return the case to an Investigative Panel for reconsideration in light of such fundamental change. For purposes of this provision, a "fundamental change" may include, in the discretion of the Hearing Chair and the Hearing Observer, (a) the discovery of significant new and exonerating evidence; (2) a substantial reduction in the scope or admissibility of significant evidence or witnesses (including a decision

to separate the hearing from that of a party accused of the same or a related offense); and/or (c) a reduction in the number or seriousness of the offenses charged.

8. Motion to Dismiss. The Pre-Hearing Conference will consider whether a case should proceed to the hearing when substantial issues of fundamental fairness or timeliness are raised by the accused student. If the Hearing Chair and the Hearing Observer decide, by a unanimous vote, that proceeding with the hearing would, under the circumstances, be fundamentally unfair to the accused student, the case will be dropped.
9. Written Pre-Hearing Conference. At the discretion of the Pre-Hearing Coordinator, the Pre-Hearing Conference may be conducted through written communication. All relevant motions and evidence should be distributed via electronic mail to all parties. The Written Pre-Hearing Conference should not be used for the first Pre-Hearing Conference for any given case, except under exceptional circumstances and with permission from the Vice Chair for Hearings.

H. Hearing

Purpose: The fundamental purpose of the hearing is to pursue the truth about the Alleged Honor Offense.

1. Failure to Appear at the Hearing. If the accused student, following the delivery of notice, fails to appear at the hearing, the accused student shall be deemed to have waived their right to an Honor hearing and to have left admitting guilt, or LAGGED, whether or not such an admission is expressly made. In each such case, (a) such student is immediately dismissed and forfeits all rights under the Honor System, except for the right to file an appeal, if applicable, in accordance with Section IV.J of these by-laws; (b) the Committee will so notify the Registrar; (c) the Committee will request that the Registrar remove such student from active class rolls and forever bar the student's readmission to the University; (d) the Committee will request that the Registrar place a notation on such student's transcript, as described in Section IV.I., below; and (e) in the case of students who have already graduated from the University, the Committee will initiate degree revocation proceedings with the General Faculty.
2. Hearing Procedure; Order of Witnesses; Role of Hearing Chair. The Hearing Chair will begin the proceedings with an opening statement, drafted and approved at the Pre-Hearing Conference. In the opening statement, the Hearing Chair will name the parties, describe the Alleged Honor Offense(s), and list the witnesses who will testify at the hearing, along with a brief description of the nature of their respective testimony.
 - a) After the opening statement, the student panel will hear the witnesses, first for the Community, and then for the accused student, in the order determined at the Pre-Hearing Conference. As to each witness,
 - i. the Hearing Chair will first ask each witness to state the nature of their own involvement in the case;

- ii. the student panel will then be invited to ask questions of the witness, subject to objection(s) from the Hearing Chair and/or Counsel;
 - iii. the party calling the witness (or the party's Counsel) will then have an opportunity to ask any questions that were not asked and sufficiently answered during previous testimony; and, finally
 - iv. the opposing party (or the opposing party's Counsel) will have an opportunity to ask any questions that were not asked and sufficiently answered during previous testimony.
- b) The Hearing Chair will rule on any objections raised by Counsel. In addition, the Hearing Chair may, acting on the Hearing Chair's own initiative (i.e., even in the absence of objections by either party or Counsel), rule that certain questions asked by Counsel and/or statements made or answers given by witnesses are inadmissible or inappropriate, in the reasonable discretion of the Hearing Chair.
- c) The accused student reserves the right to appear as the last witness, even if the accused student has already testified.
- d) After the student panel has heard from all of the witnesses, the panel will recess to consider whether to recall witnesses for further questioning. Any witnesses recalled by the panel are subject to questioning by the parties or Counsel as well. Only the panel, however, may recall witnesses. If the panel recalls any witnesses for further questioning, the accused student reserves the right to appear as the last witness, even if the accused student has already testified.
- e) After all of the witnesses have been heard (including any who may have been recalled by the panel), the Hearing Chair will remind the panel of the charges brought against the accused student and instruct the panel as to the standards for evaluating guilt and innocence.
- f) Following the giving of student panel instructions by the Hearing Chair, each party (or the party's Counsel) may make a closing statement of up to five minutes (or longer, in the sole discretion of the Hearing Chair) in duration. The Community's closing statement is made first, followed by that of the accused student, followed by a brief rebuttal, if desired, by the Community; provided that the total time allotted to the Community, for the closing statement plus the rebuttal, shall not exceed the total time allotted to the accused student for the closing statement.
3. Deliberations. Following the closing statements, the student panel will convene to deliberate in private.
- a) The question before the panel is whether the evidence against the accused student demonstrates, Beyond a Reasonable Doubt, that an Honor offense was committed. In other words, the panel must determine as to each Act charged, Beyond a Reasonable Doubt, whether:

- i. the accused student committed such Act;
- ii. the accused student committed such Act with Knowledge; and
- iii. such Act was Significant.

- b) Each Act charged shall be deliberated and voted upon separately.
- c) The Hearing Chair shall be present during deliberations. The role of the Hearing Chair during deliberations shall be to clarify definitions, answer questions and facilitate discussion of the case, as necessary.

4. Conscientious Retractions.

- a) Where CR was Certified as Complete. If the accused student submitted a CR that was certified as complete, as described in Section III.A, above, such student bears the burden, at the hearing, of demonstrating that “more likely than not,” the CR is valid. In such cases, when the student panel has retired to deliberate, the panel shall consider and decide first the issue whether the accused student has met such burden, i.e., whether the CR is “more likely than not” valid. If at least four-fifths of the student panel determines that the CR is valid, no further vote is necessary, and the accused student is acquitted without further deliberation. If less than four-fifths of the student panel considers the CR to be valid, the panel shall proceed to deliberate on the underlying Honor charge(s).
- b) Where CR was Not Certified as Complete. If the accused student submitted a CR that was never certified as complete, as described in Section III.A, above, the uncertified CR may not be evaluated as an exonerating defense to the Honor charge(s). The student panel may consider such uncertified CR as part of the totality of the evidence in the case, however, including, without limitation, the student’s admission, in such uncertified CR, of the Act in question and the circumstances surrounding commission of such Act.

5. Voting to Acquit or Convict. In hearings with multiple charges of Lying, Cheating, and/or Stealing, each Act charged shall be voted upon separately.

- a) When voting to acquit or convict, the panel first votes on the issues of Act and Knowledge.
 - i. If less than four-fifths of the panel votes in the affirmative on the issues of Act and Knowledge (i.e., that the Act in question was not committed at all or was not committed with Knowledge), then a verdict of not guilty is rendered.
 - ii. If at least four-fifths of the panel votes in the affirmative on the issues of Act and Knowledge (i.e., that the Act in question was committed with Knowledge), then a second vote will be taken as to whether the Act in question was Significant.

- A) If a simple majority of the panel votes that the offense was Significant, then a guilty verdict is rendered.
 - B) If a simple majority of the panel votes that the offense was not Significant, a verdict of not guilty is rendered.
6. Fundamental Fairness. If at any time during the hearing, the Hearing Chair believes that the fundamental fairness of the hearing has been compromised, the Hearing Chair may, in the reasonable discretion of the Hearing Chair, nullify and reschedule the hearing.
 7. No Vote Taken on “Act” Element in Certain Cases. Notwithstanding subparagraphs (3) and (5), above, in cases where a student has requested a Hearing on CMD and such request has been denied, or such request has been granted but the Hearing on CMD did not result in a finding of CMD, the student panel will be informed of the student’s admission of the “Act” relating to the underlying Honor charge(s), such student will be precluded from denying their commission of such Act, and the student panel’s vote will reflect that the “Act” element of the Honor offense in question has been satisfied.
 8. Public Summary of the Hearing. At the conclusion of the hearing (except hearings in which, because of a called-off hearing, no verdict is rendered), the Official Observer shall prepare a brief “Official Summary.”
 - a) For each significant issue on which Counsel for the community and the accused student (or the accused student’s Counsel) disagreed, the Official Summary shall identify the issue and the arguments of each side. The Official Summary also shall state whether the panel voted to convict or acquit and, if the latter, whether it was on the basis of Act and Knowledge or on the basis of Significance.
 - b) The Official Summary shall not reveal the name of any student (including the accused student and any student who is involved as a witness) or other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. The Official Summary shall provide the same confidentiality to non-student witnesses.
 - c) The acquitted or convicted student shall be provided a reasonable opportunity to review the Official Summary, together with the student’s Advisor and Counsel, and advise the Chair of the Honor Committee if the student believes that it does not conform to the confidentiality requirements of subsection (b), above.
 - d) The Chair of the Committee shall review the Official Summary for conformity with this Section prior to publication. For this purpose, the Chair of the Committee shall consult with the Committee’s legal advisor and, whenever reasonably feasible, with at least one Committee member from the

acquitted or convicted student's school. The Chair of the Committee may, in his discretion, consult other Committee members or support officers.

- e) The Chair of the Committee may refuse to publish an Official Summary of a particular hearing if, on the advice of legal counsel, the Chair of the Committee determines that it is not possible to construct an Official Summary that will comply with subsection (b), above, and still be of value to the community. If the Chair of the Committee exercises this option, the Chair shall so advise the Committee.
- f) An Official Summary of a hearing is due to be released if at least 3 days have elapsed since such hearing, an Official Summary of such hearing has not previously been released, and a Chair of the Committee has not refused to publish an Official Summary of such hearing. If the dismissed student has indicated an intention to file an Appeal before the Official Summary is due to be released, such fact shall be included in the Official Summary. If the dismissed student has not indicated an intention to file an Appeal, the Official Summary shall indicate that the student retains that right.
- g) All Official Summaries that are due to be released shall be posted to the Committee's website and shall remain there for four (4) years.
- h) Official Summaries are not Relevant Evidence in Honor hearings.
- i) Student Panelists shall be instructed that the results of prior Honor cases, as described in any Official Summary or otherwise, are not to be considered in their deliberations at any Honor hearing.

I. Effect of Guilty Verdicts and "LAGS"

1. Guilty Verdicts. If a guilty verdict is rendered, the student's status becomes that of a "dismissed student," immediately upon the rendering of such verdict, and the Committee will so notify the Registrar. In all cases (including cases in which an Expedited Appeal is filed), the date of dismissal shall be the date on which the guilty verdict was rendered.
2. LAGS. If a student is deemed to have LAGGED, the student's status becomes that of a "dismissed student," immediately as of the LAG Date, and the Committee will so notify the Registrar. In all such cases (including cases in which an Expedited Appeal is filed), the date of dismissal shall be LAG Date.
3. Dismissal from Class Rolls; Readmission Barred; Transcript Notation. The Honor Committee will request that the Registrar or that office's designee place a notation on the transcript of each dismissed student reading "Enrollment Contingent Upon Appeal of Honor Conviction," which notation will remain until the expiration of the period provided for requesting an Expedited Appeal (see Section J.1, below). Immediately upon the expiration of such period, unless the dismissed student has elected to file an Expedited Appeal, the Committee will take the following steps to enforce the sanction of permanent expulsion:

- a) request that the Registrar remove the dismissed student from active class rolls and forever bar the dismissed student's readmission to the University; and
 - b) request that the Registrar place a notation on the transcript of the dismissed student reading "Enrollment Discontinued"; and
 - c) if applicable, initiate degree revocation proceedings with the General Faculty.
4. Special Treatment of Expedited Appeals. If the dismissed student elects to file an Expedited Appeal, the notation reading "Enrollment Contingent Upon Appeal of Honor Conviction" will remain on such student's transcript until the conclusion of the Expedited Appeal process (i.e., until the Executive Committee has announced its decision on the Expedited Appeal). At that time, unless the Expedited Appeal results in the granting of a new hearing or the dismissal of the Honor charges, the Committee will take the steps described in Paragraph 3, above. If the dismissed student in question is a degree candidate (i.e., the dismissed student is in the midst of, or has completed, their last semester prior to graduation from the University), and if such degree candidate's Expedited Appeal has not been decided at the time of graduation, the Committee will request that the Registrar hold such student's degree until the conclusion of the Expedited Appeal process.
5. Effect of Successful Appeal.
- a) Removal of Transcript Notations. If, following a regular or an Expedited Appeal, the Honor charges are dismissed, or the dismissed student is granted either a new Investigative Panel or a new hearing, the Committee will request that the Registrar remove the transcript notations referred to in Paragraphs 3 and 4, above, from the student's transcript in their entirety.
 - b) Reversion of Student Status. If, following a regular or an Expedited Appeal:
 - i. the Honor charges are dismissed, then the student's status reverts to their status immediately prior to the reporting of any Honor charges;
 - ii. the student is granted a new Investigative Panel hearing, then the student's status reverts to that of an investigated student; or
 - iii. the student is granted a new hearing, then the student's status reverts to that of an accused student. As in the case of students newly accused by an Investigative Panel, in the event that graduation occurs while a student is an "accused student," such student's degree will be held pending resolution of the Honor charges.
 - c) Documents Destroyed. As in the case of an acquittal, if, following a regular or an Expedited Appeal, the Honor charges are dismissed, all of the files relating to the case are destroyed.

J. Post-Hearing Procedures

1. Appeals

Purpose: The purpose of the appeal process is to allow a dismissed student to present their claims, if any, regarding the timeliness or fairness of the Honor proceedings that led to the student's dismissal whether as a result of a guilty verdict following an Honor hearing or as a result of a LAG. In the case of dismissal following an Honor hearing, the appeal process also provides an opportunity to present certain “new evidence.” A successful appeal may result in the granting of a new Investigative Panel, a new hearing, or a dismissal of the charges, in the discretion of the Appeal Review Committee.

a) Appeal Grounds and Time Limits for Filing Appeals

The dismissed student may file an appeal on either of two grounds:

- i. Appeal for new evidence. Within two years following the applicable hearing date, a dismissed student may file an unlimited number of appeals based on new evidence. For purposes hereof, “new evidence” is defined as evidence that (A) is within the scope of evidence deemed, at the Pre-Hearing Conference, to be admissible at the hearing, and (B) was not known by the dismissed student to exist at the time of the hearing and/or was not available at the time of hearing.
- ii. Appeal for good cause. Within thirty (30) calendar days following the applicable hearing date, a dismissed student may file a single appeal for good cause (including an Expedited Appeal for good cause, if the dismissed student elects to file such Expedited Appeal). In the case of a student dismissed following a LAG, such thirty (30)-day period shall commence on the LAG Date. For purposes hereof, appeals for “good cause” shall include, without limitation, appeals relating to the fundamental fairness and/or timeliness of the applicable proceedings.

b) Form of Appeal. An appeal will be considered only if: 1) It is submitted in writing to the Vice Chair for Hearings; 2) The appeal sets forth the dismissed student’s name and hearing date or LAG Date, as applicable; 3) The appeal states explicitly which verdicts are being appealed, if more than one accusation was heard at the hearing; 4) The appeal includes an appeal “Brief,” which should describe the ground(s) on which the appeal is filed (i.e., new evidence or good cause), and should include a detailed prose narrative outlining the issue(s) on appeal, detailed arguments supporting each issue raised in the appeal, and any relevant attachments or information necessary to determine the factual accuracy of any claims raised in the appeal. For purposes hereof, references to an “appeal” shall mean the applicable appeal brief.

- i. If the appeal does not meet the requirements of Section J.1.a or J.1.b, above, the Vice Chair for Hearings may, at their reasonable discretion and in consultation with the Chair and the Vice Chair for Investigations, return the appeal to the dismissed student to allow for

the student to bring the appeal into conformity with such requirements.

- ii. In the case that a dismissed student submits an expedited appeal that does not meet the requirements of Section J.1.a or J.1.b, the student has seven (7) days to bring the appeal into conformity with such requirements. If the student does not do so, their status will revert back to the status of a dismissed student.

- c) Appeal Forwarded to Appeal Review Committee. The Vice Chair for Hearings shall forward the appeal meeting the requirements of section J.1.b, above, to an Appeal Review Committee for review. The Appeal Review Committee shall be composed of three members of the Honor Committee who are not members of the Executive Committee and two members of the Executive Committee. The three non-Executive Committee members, in addition to one alternate, shall be appointed at the start of each Committee term and will serve as standing members of the Appeal Review Committee. Appointments to and removals from the Appeal Review Committee shall be made by the Chair of the Honor Committee in the sole discretion of the Chair, regardless of any prior involvement by the Chair. If any members of the Appeal Review Committee have had prior involvement in the case on appeal, and the alternate is unable to serve or is already serving, the Chair of the Honor Committee shall appoint another member or members of the Honor Committee to serve in place of the original Appeal Review Committee member.

- d) Expedited Appeals. In order to invoke the benefits of an Expedited Appeal, as described in Section IV.I of these by-laws (i.e., the postponement, until the conclusion of the Expedited Appeal, of the usual consequences of dismissal following conviction at an Honor hearing), a dismissed student may elect to file a single Expedited Appeal for new evidence and/or a single Expedited Appeal for good cause.

In order to file an Expedited Appeal, the dismissed student must:

- i. indicate their intention to file an Expedited Appeal, on a form to be provided by the Committee, and complete, sign, and deliver such form to the Vice Chair for Hearings no later than 5:00 P.M. on the first Wednesday following the date of the hearing, and

- ii. file an appeal brief meeting the requirements of Paragraph 1(b), above, within fourteen (14) calendar days following the date of the filing of the Expedited Appeal election form.

- e) Extension of Deadlines. Dismissed students are expected to comply with all of the deadlines set forth in these by-laws for the filing of Expedited Appeal forms and appeal briefs, and may be granted an extension only upon a showing of good cause, in the sole discretion of the Executive Committee.

2. Appeal Review Committee

- a) **Substantial Question.** Upon receipt of the dismissed student's appeal from the Vice Chair for Hearings, the Appeal Review Committee shall determine whether the dismissed student has raised a Substantial Question relating to the fairness (whether by reason of a claim of good cause or a claim of new evidence) or the timeliness of the Honor proceedings leading to the dismissed student's dismissal which (i) very likely has a factual basis, and (ii) more likely than not affected the outcome of such proceedings.
- b) **Dismissal of Appeal Where no Substantial Question Raised.** If the Appeal Review Committee determines that a student's appeal does not raise a Substantial Question, the Appeal Review Committee shall dismiss the appeal.
- c) **Substantial Questions Forwarded to Appeal Investigator.** If the Appeal Review Committee determines that a student's appeal raises a Substantial Question, the Appeal Review Committee may request the appointment of an impartial investigator to investigate any claims set forth in the appeal brief or any other matters relevant to the appeal.
 - i. **Appointment of Appeal Investigator.** The Appeal Investigator shall be a trained Support Officer, appointed at the discretion of the Vice Chair for Hearings.
 - ii. **Action as an Impartial Investigator.** The Appeal Investigator shall investigate impartially the Substantial Question(s) raised in the appeal brief. The Appeal Investigator shall have full authority to collect evidence, to interview witnesses, and to pursue such further information as may be necessary to decide the appeal.
 - iii. **Time for Investigation and Recommendations; Extension of Time.** The Appeal Investigator shall conduct an investigation and present their findings of facts to the Appeal Review Committee within fourteen (14) calendar days following the initial referral of Substantial Question(s) by the Appeal Review Committee. If completion within such fourteen- (14-) day period is not reasonably feasible, the Appeal Review Committee may extend such period as reasonably necessary for such process to be completed.
 - iv. **Presentation of Facts by Appeal Investigator.** The Appeal Investigator shall make a verbal and written presentation of their investigation results (including both facts discovered and facts still undiscovered, if any) at the next meeting of the Appeal Review Committee
- d) **Voting by the Appeal Review Committee.** All decisions by the Appeal Review Committee shall be made by majority vote.
- e) **Action by the Appeal Review Committee.** The Appeal Review Committee shall review the Appeal Investigator's presentation and may order any action in response to the appeal including, without limitation, the dismissal of the appeal, the granting of a new Investigative Panel, the

granting of a new hearing, and the dismissal of the Honor charge(s), or the Appeal Review Committee may request further investigation of the claims set forth in the appeal brief.

- f) Standards for Granting Relief. The Appeal Review Committee shall order the granting of relief if it determines that it is very likely that there is a factual basis for the claims alleged in the appeal brief, AND:
- i. the dismissed student was denied a substantive and material right explicitly granted in the Honor Committee Constitution or by-laws, or
 - ii. the dismissed student was denied a “full and fair hearing,” or
 - iii. the Honor proceedings were not conducted objectively and in accordance with established Honor Committee procedures, or
 - iv. the Honor proceedings were not conducted in a timely manner (unless delays were significantly caused or contributed to by the dismissed student’s actions or failure(s) to act),

AND such denial or failure very likely affected the outcome of the proceedings.

- g) Following the initial meeting of the ARC, the Chair and the Vice Chair for Hearings shall consult with the Honor Legal Advisor on substantive issues raised in the Appeal Brief.
- h) Prior Involvement by Vice Chair for Hearings. In the event that the Vice Chair for Hearings must be excluded from consideration of the appeal in question, the Vice Chair for Hearings will not serve as a member of the Appeal Review Committee. Nevertheless, the Vice Chair for Hearings may, in such circumstances, continue to perform administrative functions including, but not limited to, receiving and forwarding appeals, assisting in scheduling functions, and serving as a point of contact for the convicted student.

K. School of Continuing and Professional Studies

Purpose: The procedures governing Honor cases reported against SCPS Students are intended, generally, to mirror the procedures governing other Honor cases. In order to reflect the administrative challenges in applying the Honor System to SCPS Cases, however, certain procedures have been modified slightly, as indicated below. Except as expressly set forth below, SCPS Cases shall be treated like other Honor cases, and SCPS Students shall have the same rights and responsibilities as other students with respect to the Honor System

1. The Dean of the SCPS shall nominate, and the Honor Committee shall approve, at least one administrative coordinator from each regional center (each, a “Regional Coordinator”) for a term of one year. Each Regional Coordinator shall be responsible

for the administration of the Honor System and for maintaining the Community of Trust at the applicable regional center.

2. Certain SCPS Cases Originating in Charlottesville; Online Courses. Notwithstanding any other provision of this Section IV.K., (a) the Committee may elect to apply some or all of its standard, unmodified, procedures to SCPS Cases originating in Charlottesville, and (b) allegations relating to online courses may be investigated and processed in Charlottesville.
3. Report. Any person wishing to report an Honor case against an SCPS Student should contact an Honor Advisor, a Committee member, or the applicable Regional Coordinator.
4. Investigation. Cases reported against SCPS Students shall be investigated by the applicable Regional Coordinator, or two Honor Investigators at the discretion of the Vice Chair for Investigations.
5. Investigative Assessment. The applicable Regional Coordinator, or Investigators as applicable, shall submit all relevant case materials to the SCPS Investigative Assessment Panel. The SCPS Investigative Assessment Panel consists of three Committee members and functions like an Investigative Panel to decide whether or not to accuse the SCPS Student.
6. Hearings in Charlottesville; Hearing Scheduling. All hearings of SCPS Cases shall be held at the Honor Committee's offices in Charlottesville, Virginia. SCPS Students will be reimbursed for expenses deemed reasonable by the Honor Committee and associated with attendance at hearing in Charlottesville. Hearing scheduling for SCPS Cases generally shall be handled in the same manner as for other Honor cases. Because of the off-site locations and difficulty of coordination between the respective regional centers and the Committee, however, the Committee may require additional time and flexibility in the scheduling of SCPS Case hearings.
7. Student Panels. If an SCPS Student elects a panel of randomly-selected students, or a mixed panel of randomly-selected students and Committee members, the applicable number of student panelists shall be randomly selected from students enrolled at the University's main campus, in Charlottesville, Virginia.
8. Post-Hearing. All appeals will be handled at the Honor Committee's offices in Charlottesville, Virginia

L. Registration Blocks and Transcript Holds; Degree Holds

1. Registration Blocks and Transcript Holds. Registration Blocks and Transcript Holds. It is the Committee's and the University's expectation that, following a report of Honor charges, each affected student will cooperate with the Committee in order that the affected student's case may be processed in accordance with the rules set forth in these by-laws and brought to a timely conclusion. Among other things, affected students are expected to communicate with the Committee in a reasonably timely fashion and to cooperate in the scheduling of, and to make best efforts to attend,

relevant meetings and hearings with Committee members and support officers. In the event that a student fails to cooperate, in the judgment of the Committee, in the timely processing of the student's case, the Committee may, at its discretion, request that the Registrar or that office's designee implement (a) a "Registration Block", and/or (b) a "Transcript Hold" relating to such student's registration and records. When a "Registration Block" is in effect, any attempt by the affected student to register for additional classes at the University will trigger a referral by the Registrar back to the Committee, and registration will be blocked unless and until, in the judgment of the Committee, the student is cooperating in the timely processing of the student's case. When a "Transcript Hold" is in effect, any request for transcripts (by the student or third parties) will be deferred unless and until, in the judgment of the Committee, the student is cooperating in the timely processing of the student's case.

2. Degree Candidates; Degree Holds. Accused students (i.e., students who have been (a) accused by an Investigative Panel, but not yet tried, or (b) tried and convicted, but who have succeeded in winning the grant of a new hearing on appeal, and are awaiting such new hearing), who would otherwise be eligible to graduate shall have their degrees held by the Registrar at the time of graduation, pending the outcome of the hearing or re-hearing, as applicable.

V. CONFIDENTIALITY

The Honor Committee aspires to maintain confidentiality throughout all of its proceedings. An investigated, accused, or dismissed student may waive their right to confidentiality at any time, however, either by signing a written waiver for that purpose or by publicly disclosing matters that would otherwise be confidential. Only upon the giving of such waiver are other participants in any Honor proceeding released from their responsibility to maintain confidentiality with respect to that student. Questions as to confidentiality and/or the status of a waiver should be directed to the Honor Committee. The Honor Committee will enforce confidentiality through the University Standards of Conduct, administered by the University Judiciary Committee.

VI. RECORDS MANAGEMENT & RETENTION

- A. The Honor Committee shall retain or destroy all Honor case materials in accordance with University of Virginia Records Management guidance and with policies outlined in Article IV of these By-Laws.
- B. Lack of Jurisdiction; Executive Committee Dismissal; Investigative Panel Election not to Accuse; Not Guilty Finding by Student Panel. Should an Honor case be dismissed, dropped, or found Not Guilty at any point, all case materials and identifying records related to that case shall be destroyed.
- C. Guilty Finding by Student Panel; Leaving the University Admitting Guilt; Conscientious Retraction; Informed Retraction; Contributory Mental Disorder claims. Should a student be found Guilty by a Student Panel, Leave the University Admitting Guilt, submit a Conscientious Retraction, submit an Informed Retraction, or elect to request a hearing for a Contributory Mental Disorder, the Honor Committee shall retain case materials and identifying records related to that student's case(s) permanently.

VII. DEFINITIONS

With respect to the following defined terms, the plural shall be deemed to mean the singular, and the singular shall be deemed to mean the plural, where the context so requires.

“**Act**” shall mean any specific event or occurrence of Lying, Cheating or Stealing.

“**Advisor**” shall mean the role of the support officer(s) whose primary responsibility on a given case is to provide support and neutral information to investigated, accused and dismissed students, as more particularly described in Section II.C.1 of these by-laws.

“**Alleged Honor Offense**” shall mean an allegation of a Significant Act of Lying, Cheating or Stealing, which alleged Act is committed with Knowledge, as more particularly described in Section I.B of these by-laws.

“**Appeal Investigator**” shall mean the trained Honor Support Officer appointed to investigate a Substantial Question raised in an appeal brief, at the request of an Appeal Review Committee, as more particularly described in Section J.2(c) of these by-laws.

“**Appeal Review Committee**” shall mean the five member panel charged with deciding appeals and comprised of three standing members (and one alternate) who are not members of the Executive Committee and two rotating members who are members of the Executive Committee, all as more particularly described in Section J.1(b) of these by-laws.

“**Beyond a Reasonable Doubt**” shall mean the standard that is met when no hypothesis exists that is at the same time: reasonable, consistent with the evidence, and does not itself satisfy the criteria of an Honor Offense.

“**By-laws**” or “**by-laws**” shall mean these by-laws of the Honor Committee, as they may be amended (or amended and restated) from time to time.

“**Cheating**” shall mean a violation of any standards, conditions, or rules for which a student may receive benefit, credit, or acknowledgment, academic or otherwise. Cheating includes, but is not limited to, performance of any of the following acts, or abetting a fellow student in the performance of any of the following acts: using unauthorized materials in the completion of work, copying from a fellow student, plagiarism, multiple submission, false citation, false data submission, and/or unauthorized acquisition of advance knowledge of the contents of an exam or assignment.

“**Code of Ethics**” shall mean the written set of guidelines for ethical conduct by Committee members and support officers, copies of which are available at the offices of the Honor Committee.

“**Committee**” shall mean the Honor Committee.

“**Community**” or “**Community of Trust**” shall mean, collectively, the students, faculty, administrators, and other members of the University of Virginia community.

“**Community Relations and Diversity Advisory Committee**” or “**CRDAC**” shall mean the committee, chaired by the Vice Chair for Community Relations, whose primary

responsibilities are, first, to provide a formal mechanism for the University's diverse student body to express its views and interests as they relate to the Honor System and, second, to foster a constructive relationship between the System and the student body.

"Conscientious Retraction" or **"CR"** shall mean the written confession of an Act that might be an Honor Offense delivered before the student has reason to believe that such Act has come under suspicion by anyone; a complete and valid CR may serve as a full and exonerating defense against Honor charges, as more particularly described in Section III of these by-laws.

"Contributory Mental Disorder" or **"CMD"** shall mean a mental disease or disorder or medical condition which significantly contributed to the commission of an Alleged Honor Offense, causing the student (a) to be unable to intend or control their own actions giving rise to such Alleged Honor Offense, or (b) to have been so impaired at the time of the commission of the Alleged Honor Offense as to lack the specific intent to commit the Act in question.

"Counsel" shall mean the role of the support officer(s) whose primary responsibility on a given case is to assist in the presentation of Honor cases during hearings, as more particularly described in Section II.H. of these By-laws. The term "Counsel" shall be read to include counsel selected from the general student body, when the context so requires.

"Executive Committee" shall mean the five-officer committee described in Section II.B of these by-laws.

"Expedited Appeal" shall mean the process by which a dismissed student may file an appeal on an expedited basis, thereby retaining the right to continue to attend classes, among other things, pending the resolution of such appeal, as more particularly described in Section IV.J of these by-laws.

"Hearing" or **"hearing"** shall mean the proceeding at which Honor charges are adjudicated.

"Hearing Chair" shall mean the Honor Committee member assigned by the Vice Chair for Hearings to preside at a Pre-Hearing Conference and the related hearing.

"Hearing Observer" shall mean the Honor Committee member assigned by the Vice Chair for Hearings to make rulings at Pre-Hearing Conferences in consultation with the applicable Hearing Chair and Pre-Hearing Coordinator, as more particularly described in Section II.C.3 of these by-laws.

"Hearing on CMD" shall mean the psychological evaluation hearing described in the Psychological Procedures.

"Honor Chair" or **"Chair"** shall mean the Committee's presiding officer charged with ultimate responsibility for the administration of the Honor System, as more particularly described in Section II.B.2 of these by-laws.

"Honor Leave of Absence" shall mean the amends made to the Community of Trust when a student, whose IR has been submitted and accepted, is required to leave the Community for two full, sequential academic semesters, commencing at the beginning of the fall or spring semester immediately following the date of acceptance of the IR.

“**Honor Offense**” shall mean a Significant Act of Lying, Cheating or Stealing, which Act is committed with Knowledge.

“**Insignificant**” or “**Insignificance**” shall mean, with respect to a particular Act, that open toleration of the Act in question would be consistent with the Community of Trust.

“**Investigation Coordinator**” shall mean a member of the Support Officer Pool who is chosen by the Vice Chair for Investigations to provide administrative support to the Vice Chair for Investigations, as more particularly described in Section II.C.3 of these by-laws.

“**Investigation Log**” shall mean the compilation of witness interviews and other evidence that is the result of an Honor investigation. The “Investigation Log” is sometimes referred to as the “I-Log.”

“**Investigative Panel**” shall mean the panel of three rotating Honor Committee members that reviews the findings of the investigation and decides whether or not to formally accuse an investigated student of an Honor Offense, as more particularly described in Section IV.C of these by-laws. As used in these by-laws, the term “Investigative Panel” may also refer to the deliberations of the Investigative Panel.

“**Investigator**” shall mean the role of the support officer(s) whose primary responsibility on a given case is to investigate Reports, as more particularly described in Section II.C.2 of these By-laws.

“**IR Form**” shall mean the Informed Retraction Form that must be completed by a student wishing to submit an Informed Retraction; the completed IR Form must be submitted by the student to the Vice Chair for Investigations within the IR Period.

“**IR Information**” shall mean, collectively, a copy of the initial interview with the Reporter or other primary witness, together with any other relevant documentation in the possession of the Honor Committee at the time the IR Letter is delivered. A copy of the IR Information shall be attached to the IR Letter.

“**IR Letter**” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of the Act which is the subject of an Honor Report, (b) includes the IR Information, which shall be provided as an attachment to the IR Letter, (c) describes, in general, the investigation and hearing procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR.

“**IR Period**” shall mean the period commencing on the date on which a student receives the IR Letter and ending seven (7) days thereafter.

“**Knowledge**” shall mean, with respect to a particular Act, that the actor knew, or a reasonable University of Virginia student should have known, that the Act in question might be considered an Honor Offense. Ignorance of the scope of the Honor System shall not be considered a defense

“**Lack of Capacity**” or “**LC**” shall mean the substantial inability of a student to understand the Honor charges described in the applicable Report or to assist in their own defense, due to a mental disease or disorder or medical condition.

“**LAG**” or to “**Leaving Admitting Guilt**” shall mean that the student in question either (a) requested a hearing but did not appear for the hearing, or (b) did not request a hearing in a timely fashion, in accordance with and as more particularly described in Sections IV.C.8 and IV.H.1 of these by-laws. A student who LAGS is deemed to have waived their right to an Honor hearing and to have admitted guilt to the relevant Honor charge(s), whether or not such an admission is expressly made. The consequences of a LAG are generally the same as the consequences of a conviction and include, without limitation, permanent expulsion from the University of Virginia and, in appropriate cases, revocation of a previously conferred University degree.

“**LAG Date**” shall mean the date described as the effective date of the LAG in the Honor Committee’s notice to the student that the LAG has occurred.

“**Lying**” shall mean the misrepresentation of one or more facts in order to gain a benefit or harm another person, where the actor knows or should know that the misrepresentation will be relied upon by another person.

“**Notice**” shall mean the notices and other significant correspondence delivered to students as described in the preamble to Article IV of these By-laws.

“**Notice Affidavit**” shall mean the form by which an Investigated and/or Accused Student may request that the Honor Committee send notices and other significant correspondence to additional electronic or other addresses. A form of Notice Affidavit may be obtained from any Honor Advisor.

“**Notice of Report Letter**” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of the alleged conduct that is the subject of an Honor Report and (b) describes, in general, the investigation and hearing procedures of the Honor Committee.

“**ODOS**” shall mean the Office of the Dean of Students.

“**Official Summary**” shall mean the brief summary of a CR, IR, LAG, or hearing, as more particularly described in Sections III.A.6, III.B.12, IV.C.8, and IV.H.8, respectively, of these by-laws.

“**Pre-Hearing Conference**” shall mean the conference held prior to the hearing and presided over by the Hearing Chair, the Hearing Observer and the Pre-Hearing Coordinator. The primary purpose of the Pre-Hearing Conference is to determine the witnesses and the nature and scope of evidence to be admitted at hearing, all as more particularly described in Section IV.G of these by-laws.

“**Pre-Hearing Coordinator**” shall mean a member of the Support Officer Pool who is chosen by the Committee to make rulings at the Pre-Hearing Conference in consultation with the Hearing Chair and Hearing Observer, as more particularly described in Section II.C.3 of these by-laws.

“**Primary E-Mail Address**” shall mean the address to which the University sends official e-mail notifications, as set forth in the University’s Undergraduate Record.

“**Psychological Evaluation Panel**” or “**PEP**” shall mean the three-person panel designated by the Vice President and Chief Student Affairs Officer to evaluate a student’s claim of CMD.

“**Psychological Evidence**” shall mean any evidence relating to the mental state of the accused 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 accused 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 accused student for any alleged psychological condition. Psychological Evidence will be considered only at a Hearing on CMD, and students wishing to present Psychological Evidence may wish to consider whether to pursue a Hearing on CMD.

“**Psychological Procedures**” shall mean the Procedures for Psychological Hearings on Honor Offenses, as the same may be amended from time to time. Copies of the Psychological Procedures are available at the offices of the Honor Committee.

“**Regional Coordinator**” shall mean the administrative coordinator for each regional center of the SCPS, nominated by the Dean of the SCPS and approved by the Honor Committee.

“**Registration Block**” shall mean the device by which certain uncooperative investigated or accused students attempting to register for additional University classes may trigger a referral by the Registrar to the Honor Committee for resolution of pending Honor charges, as more particularly described in Section IV.L.2 of these by-laws.

“**Relevant Evidence**” shall mean any evidence having the tendency to make the existence of any material fact more or less probable.

“**Report**” shall mean the initial report of an alleged Honor offense, as set forth in Section IV.A of these by-laws, and “**reporter**” shall mean the person who delivers the Report.

“**SCPS**” shall mean the School of Continuing and Professional Studies.

“**SCPS Cases**” shall mean Honor cases involving students from the SCPS, as more particularly described in Section IV.K of these by-laws.

“**SCPS Investigative Assessment Panel**” shall mean the panel of three Committee members who decide, by majority vote, whether or not to accuse an SCPS Student who is the subject of a Report, as more particularly described in Section IV.K of these by-laws.

“**SCPS Students**” shall mean SCPS students who are the subject of Honor charges, as more particularly described in Section IV.K of these by-laws.

“**School days**” shall mean days when the College of Arts & Sciences is officially in session during the fall and spring semesters, but not during summer session, including weekends between class days but not any registration or examination periods, breaks or holidays, all as more particularly set forth in the preamble to Section IV of these by-laws.

“**Support Officer**” shall mean a student selected and trained by the Committee to assist in processing Honor cases and in educating the community about the Honor System.

“**Significant**” or “**Significance**” shall mean, with respect to a particular Act, that open toleration of such Act would be inconsistent with the Community of Trust.

“**Significant Risk**” shall have the meaning set forth in the Psychological Procedures.

“**Standards Panel**” shall mean the five-member panel whose primary responsibility is to consider Standards Panel Matters, as more particularly described in Section II.D of these by-laws.

“**Standards Panel Matters**” shall mean certain alleged violations of the Code of Ethics and certain other allegations of unethical conduct by Honor Committee members or support officers, as more particularly described in Section II.D of these by-laws.

“**Standards Panel Policies and Procedures**” shall mean the policies and procedures of the Standards Panel, copies of which are available at the offices of the Honor Committee.

“**Stealing**” shall mean the taking, keeping, or appropriation of the property of another without the owner’s permission or approval. Stealing also includes the planning of or participation in the taking, keeping, or appropriation of the property of another without the owner’s permission or approval. Stealing may include, without limitation, the passing of bad checks, the failure to pay for goods or services received, the failure to pay rent, and other failures to fulfill lawful financial obligations.

“**Substantial Question**” shall mean a substantial issue raised on appeal as to the fairness or timeliness of the relevant Honor proceedings which (a) very likely has a factual basis, and (b) more likely than not affected the outcome of such proceedings, as more particularly described in Section IV.J.2 of these by-laws.

“**Transcript Hold**” shall mean the device by which transcripts requested by an investigated and/or accused student (or third parties) may be held until such student has provided a completed and signed Notice Affidavit, if applicable, as more particularly described in Section IV.M of these by-laws.

“**Unfair prejudice**” shall mean an undue tendency to suggest decision on an improper basis, commonly, though not necessarily, an emotional one. “Unfair prejudice” may also arise from evidence or testimony that may be persuasive because of its strongly misleading or confusing nature.

“**University student**” or “**student**” shall mean a current or former student of the University of Virginia who is or was enrolled in any University of Virginia program, including, without limitation, any SCPS Student.

“**Vice Chair for Community Relations**” shall be responsible for the administration of the Committee’s informal Bad Debt resolution process, for heading the Community Relations and Diversity Advisory Committee, for approving and facilitating co-sponsored events, and for building relationships between the Honor Committee and members of the student body and University community.

“Vice Chair for Education” shall mean the officer whose primary responsibility includes oversight of all education efforts undertaken by the Honor Committee, as more particularly described in Section II.B.2 of these by-laws.

“Vice Chair for Investigations” shall mean the officer whose primary responsibility includes oversight of all cases under investigation, as more particularly described in Section II.B.2 of these by-laws.

“Vice Chair for Hearings” shall mean the officer whose primary responsibility includes oversight of Honor hearings and appeals, as more particularly described in Section II.B.2 of these by-laws.

VIII. ATTACHMENTS

Attachment A

Guidelines for the Official Summaries of Conscientious Retractions, Informed Retractions, LAGs, and Hearings

Note: The following guidelines and examples are provided solely as a reference. The examples are not intended to correspond to any actual case or cases that have been processed by the Honor Committee. The circumstances of a given case may necessitate that an Official Summary departs from the exact format detailed below. If the Chair determines that it is not reasonably possible to construct an Official Summary that will comply with Section IV.H.8.b of these By-laws and still be of value to the community, the Chair of the Committee may decline to publish it, as set forth more fully in Section IV.H.8.c.

Conscientious Retraction. In [month], [year], a student filed a Conscientious Retraction for [lying/cheating/stealing] [brief description of the Act].

Example: In March, 2009, a student filed a Conscientious Retraction for lying to a professor about being unable to sit for an examination because of illness.

Example: In November, 2006, a student filed a Conscientious Retraction for cheating on a homework project by inappropriately collaborating with a classmate.

Example: In June, 2010, a student filed a Conscientious Retraction for stealing a phone that he found unattended in a library.

Informed Retraction. A student was reported for [lying/cheating/stealing] [brief description of the Act]. The student admitted to the Act and filed an IR.

Example: A student was reported for lying to a professor about being unable to sit for an examination because of illness. The student admitted to the Act and filed an IR.

LAG. A student was formally accused by an Investigation Panel of [statement of formal accusation]. The student decided to Leave Admitting Guilt.

Example: A student was formally accused by an Investigation Panel of lying to a professor about being unable to sit for an examination because of illness. The student did not request a hearing and therefore was deemed to have Left Admitting Guilt.

Hearing. A student in the [school] was accused of [statement of formal accusation]. The case was reported by [category of reporter]. The Community argued [summary of Community's arguments]. The Accused Student argued [summary of the Accused Student's arguments]. A panel of [randomly-selected students/Honor Committee representatives/both randomly-selected students and Honor Committee representatives] found the Accused Student [guilty/not guilty on the basis of [Act and Knowledge/Significance]].

Example: A student in the College of Arts and Sciences was accused of cheating on an exam by copying answers from the exams of students sitting in front of him. The Community argued that the combination of the eye-witness testimony of the professor and another student in the class and the statistical analysis of the similarity between the responses of the Accused Student and those of the students sitting in front of him proved beyond a reasonable doubt that the Accused Student

committed the Act in question. The Accused Student argued that he was simply looking up to think, and that the similarity between his responses and those of one of the students sitting in front of him could be explained by their having studied together. A panel of randomly-selected students found the Accused Student not guilty on the basis of Act and Knowledge.