

Honor Committee By-laws as of March 3, 2013

- I. THE HONOR SYSTEM—PURPOSE, JURISDICTION, SPECIAL PROGRAMS 2
 - A. Purpose..... 2
 - B. Jurisdiction..... 2
 - C. Special Programs 3
- II. ORGANIZATION 3
 - A. Honor Committee..... 3
 - B. Executive Committee..... 4
 - C. Support Officers..... 5
 - D. Code of Ethics; Standards Panel 7
- III. RETRACTIONS 8
 - A. Conscientious Retraction 8
 - B. Informed Retraction 10
- IV. PROCEDURES: HOW THE SYSTEM WORKS 13
 - A. Report..... 14
 - B. Investigation..... 15
 - C. Investigative Panel 16
 - D. Psychological Hearings..... 17
 - E. Trial Request..... 19
 - F. Trial Panel..... 21
 - G. Pre-Trial Conference..... 22
 - H. Trial Hearing 23
 - I. Effect of Guilty Verdicts and “LAGS” 27
 - J. Post-Trial Procedures..... 29
 - K. School of Continuing and Professional Studies 32
 - L. Semester at Sea Cases; Additional Proceedings Following Shipboard Conviction..... 33
 - M. Registration Blocks and Transcript Holds; Degree Holds 34
 - N. Bad Checks and Honor Debts 35
- V. CONFIDENTIALITY..... 36
- VI. DEFINITIONS..... 36

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

[Back to Top](#)

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 any Semester at Sea Program participant (whether such Semester at Sea participant is a student primarily at the University of Virginia or at any other institution(s)), 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 himself or herself 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, the University's Sexual Assault Board, 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 jury panelists, "students" must be registered at the time of the relevant trial, 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 trial 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 trial of cases relating to SCPS Students are set forth in Section IV.K of these by-laws.

[Back to Top](#)

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 he or she represents at the time of the election,
 - b) be a student enrolled in a degree program in the school or department he or she represents,
 - c) be subject to a recall election if he or she fails to conform to these guidelines at any time during his or her tenure, and
 - d) not serve in any capacity as a support officer during his or her 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.

[Back to Top](#)

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 Trials, 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 his or her constituents' concerns 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 Trials shall oversee all cases of accused and dismissed students and shall be responsible for the administration of all Honor trials and appeals. These responsibilities include notification of parties regarding the disposition of Honor trials 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 head the Community Relations Committee.
3. Three votes are required for actions by the Executive Committee.

[Back to Top](#)

C. Support Officers

Purpose: Support officers help the Committee with the proper and fair administration of the Honor System. There are four pools of support officers: Honor Advisors (or “Advisors”), Honor Counsel (or “Counsel”), Honor Educators (or “Educators”), and Community Relations Committee members. Each support officer shall be assigned to one pool only and must be a University student.

1. Honor Advisors; Advisor Pool

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.
- b) Investigative Coordinators, chosen from members of the Counsel or Advisor pools by the Vice Chair for Investigations and approved by the Committee, will help the Vice Chair for Investigations assign cases and monitor the progression of cases through the Honor System.
- c) Senior Advisors, chosen from members of the Advisor pool by the Vice Chair for Investigations and approved by the Committee, will help the Vice Chair for Investigations train and supervise the Advisor pool.

2. Honor Counsel; Counsel Pool

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. Counsel play a crucial role in attaining this goal.

- a) The responsibilities of Honor Counsel are twofold:
 - i. to investigate thoroughly and impartially Reports of Alleged Honor Offenses, and

- ii. 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 trial (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 his or her actions and formulating arguments or defenses at trial (and, if applicable, thereafter).
- b) Senior Counsel, chosen from members of the Counsel Pool and approved by the Committee, shall help the Vice Chair for Trials train and supervise the Counsel Pool and the Pre-Trial Coordinators (see Subparagraph (c), below). Senior Counsel may also serve, along with those specifically approved for this purpose by the Committee, as Pre-Trial Coordinators.
- c) Pre-Trial Coordinators, chosen from members of the Counsel Pool and approved by the Committee, shall make all necessary rulings at Pre-Trial Conferences, in consultation with the applicable Trial Chair and Trial Observer.

3. Honor Educators; Educator Pool

Purpose: The primary responsibility of Honor Educators is to assist the Honor Committee in educational and orientation programs for the Community.

Senior Educators, chosen by the Vice Chair for Education from members of the Educator Pool and approved by the Honor Committee, shall assist the Vice Chair for Education in educating the Community about the Honor System.

4. Community Relations Committee

Purpose: The Community Relations Committee (or “CRC”) endeavors to preserve, to the extent reasonably possible, certain privileges for University students, including, without limitation, the privilege of writing personal checks within the broader Charlottesville community.

- a) The responsibilities of the CRC include the investigation and resolution of claims of bad checks and/or Honor Debts, as described in Section IV.M of these by-laws.
- b) The Honor Committee shall select a Community Relations Coordinator from members of the CRC to assist the Vice Chair for Community Relations.

5. School of Continuing and Professional Studies (“SCPS”) Coordinators

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.

[Back to Top](#)

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 Honor Committee members, including the Chair of the Committee, who also shall serve as the Chair of the Standards Panel. The other four members of the Standards Panel shall be elected by the Honor Committee each year at the same time as Executive Committee elections are held. If any Standards Panel member is the subject of a Standards Panel referral, such member (including the Chair, if applicable), shall be removed for purposes of the Standards Panel in question and replaced by another Honor Committee 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 in his or her official capacity, or (b) any alleged conduct by an Honor Committee member or support officer in his or her 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 his or her 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 his or her 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.

[Back to Top](#)

III. RETRACTIONS

A. Conscientious Retraction

Purpose: The Honor System permits a student to atone for his or her mistakes by filing a Conscientious Retraction (or “CR”). A valid and complete CR involves the admission of a possible Honor Offense 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 his or her 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 Trials, (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 the 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 his or her 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 Trials 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 his or her 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 Trials have certified that a CR is complete, the student's case shall proceed to the Investigative Panel when (and if) a Report is received concerning the Act in question. The question before such an Investigative Panel is whether, applying the criteria of this section, the CR is valid. Voting standards for CRs at the Investigative Panel are described in Section IV.C.3. If the Investigative Panel determines that the CR is valid, the student shall not be accused. If the Investigative Panel determines that the CR is not valid and a trial ensues, (a) the student may present evidence of the attempted CR to the jury in an effort to persuade the jury 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 Standards for CRs at trial are described in Section IV.H.4, below.
5. Procedure Relating to Uncertified CRs. If the Vice-Chairs for Investigations and Trials have not certified that a CR is complete, 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 trial (a) the student may present evidence of the uncertified CR to the jury in an effort to persuade the jury 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.

B. Informed Retraction

1. Interim Informed Retraction

The following By-laws regarding the Informed Retraction and any contingent definitions, sections, or related procedures passed in conjunction with such By-laws shall be considered interim and temporary. The Honor Committee shall adopt By-laws implementing permanent procedures that conform to the Informed Retraction guaranteed in the Honor Committee Constitution on or before May 1, 2013.

Purpose: Subject to the terms and conditions of these By-laws, the Honor System permits a student to atone for his or her mistakes by submitting an Informed Retraction (an “IR”). In contrast to a Conscientious Retraction, an Informed Retraction may be submitted by a student who is the subject of an Honor Report. The IR is predicated on a student taking responsibility for the commission of an Honor Offense and making amends therefor, both by admitting such Honor Offense to all affected parties and by taking a leave of absence from the University community, all as more specifically set forth below. A student who submits an IR agrees, implicitly, to recommit him- or herself 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.

2. IR Form; Method and Deadline for Submission; Notice 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 Informed Retraction Form (the “IR Form”). A template of the IR Form can be viewed through the website of the Honor Committee at [link]. The completed IR Form must be submitted to the Vice Chair for Investigations within seven (7) days of receiving the Notice Letter (the “IR Period”). The Notice Letter shall be provided to the student by his or her Advisor at their first meeting. The student shall be deemed to have received the Notice 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, via email, to the student’s official University email address, whichever shall first occur. For purposes of these By-laws, the “Notice 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 (as hereinafter defined), which shall be provided as an attachment to the Notice Letter, (c) describes, in general, the investigation and trial procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR. A template of the Notice Letter can be viewed through the website of the Honor Committee at [link]. 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 Notice Letter is delivered.

3. Sufficiency of the Submitted IR. The decision whether a submitted IR meets all of the criteria of these By-laws, sufficient to result in the dismissal of the Honor Report in question, is within the sole, reasonable discretion of the Vice Chair for Investigations and the Vice Chair for Trials (or, if either of such Vice Chairs is unavailable or unable to participate, by reason of familiarity with the parties in question or for any other reason, the other Honor Committee member or members designated for such purpose by the Honor Chair; such Vice Chairs and/or any such designee(s) are hereinafter referred to, in this Section III.B, as

the “Vice Chairs”). The Vice Chairs may accept or reject any IR submission or, in their sole reasonable discretion, return the IR Form to the submitting student for additions, modifications and/or clarifications. The decision of the Vice Chairs is final. A submitted IR that has been accepted as sufficient, pursuant to these procedures, is hereinafter referred to as an “accepted” IR.

4. The Cornerstones of the IR: Taking Responsibility and Making Amends. The cornerstones of the Informed Retraction are the decisions by the submitting student to take responsibility for his or her alleged Honor Offense and to make amends therefor, both by admitting such alleged Honor Offense 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 the Act. In accordance with the requirements of the IR Form, a student wishing to submit an IR must admit the commission of the underlying Act 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 Conscientious Retractions.

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 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 excluded from 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. 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 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.** Upon the submission of an IR, the Honor Chair will immediately notify the University Registrar to place a notation on the student's transcript in accordance with existing University of Virginia Registrar policies and procedures. Such notation shall remain, assuming that the submitted IR is accepted, until the commencement 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 Leave of Absence. Such notation will be removed at the completion of such Honor Leave of Absence.

5. **Multiple Concurrent Honor Offenses.** If a student is concurrently reported for multiple Honor Offenses that result from the same single nexus of events or in which the facts surrounding such alleged Honor Offenses are inextricably linked, in the sole, reasonable discretion of the Vice Chairs, the student may submit an IR covering all such alleged Honor Offenses. If a student is concurrently reported for multiple Honor Offenses that do not meet either or both of the foregoing criteria, in the sole, reasonable discretion of the Vice Chairs, the student may not submit an IR covering all such alleged Honor Offenses.

6. **Limitation on Number of Informed Retractions.** Because a student who submits an IR agrees, implicitly, to recommit him- or herself to the Community of Trust and, accordingly, not commit another Act of Lying, Cheating or Stealing

following submission of the IR, each student shall have the opportunity to have a single IR accepted during the entirety of his or her time at the University. Accordingly, if a student successfully submits an IR (i.e., if such submission is accepted), any attempt by such student to submit a subsequent IR shall be rejected.

7. Submission of IR by Degree Candidates; Submission of IR by University Graduates. If a student wishes to submit an IR in the year in which the student would otherwise graduate, he or she 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. After that date, an IR will not be accepted. Upon such submission, and the acceptance of such IR by the Vice Chairs, the student's degree shall be held for two full academic semesters. 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. 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 his or her degree during the Honor Leave of Absence period, and cause the date of degree-conferral to reflect such surrender, in accordance with the procedures of the University Registrar.
8. Students Ineligible to Submit an IR. The following students are not eligible to submit an IR:
 - a) Students subject to an Honor Report relating to an Act or Acts committed while participating in the Semester at Sea program (which Report shall be governed exclusively by the procedures set forth in the Semester at Sea Voyager's Handbook);
 - b) Students who have previously submitted an IR that was accepted.
9. 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.
10. Honor Committee Records of IRs. The Honor Committee shall retain a confidential record of each accepted IR.
11. 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.

[Back to Top](#)

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, trial, and post-trial. 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. Notwithstanding the general suspension of Honor Committee proceedings during non-school days, when a case is reported during a semester and case investigators have not had an opportunity to interview the investigated student prior to the end of such semester, the investigated student's Advisor will attempt to notify such student of the nature of the investigation as soon as reasonably possible following the end of such semester. This attempt at early notification will occur only for investigations that span recesses in order to allow for the opportunity to preserve pertinent evidence, whenever reasonably possible. 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.

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. 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 trial 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 Counsel to Investigate the Alleged Honor Offense. Within a reasonable time after a Report has been received, two Honor Counsel will be assigned by the Vice Chair for Investigations to investigate the Alleged Honor Offense.

[Back to Top](#)

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 Notice 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 he or she does not intend to submit an IR, or (c) the expiration of the IR Period. If the reported student indicates that he or she does 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 his or her enumerated rights under the Honor System.
3. Investigation; Responses; Investigative Log: The investigation will be jointly and impartially conducted by two Honor Counsel. The Counsel 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 his or her 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 Counsel.
5. Investigating Counsel may Recommend Dismissal. If both investigating Counsel 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.

[Back to Top](#)

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 Counsel 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.

4. **Conscientious Retraction.** The Investigative Panel should not accuse the investigated student if he or she is able to prove that it is “more likely than not” that he or she 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 his or her status prior to the investigation and the case file is destroyed.
8. **Consequences Flowing from Formal Accusation.** Notice of accusation by the Investigative Panel will be provided by email and certified mail, and shall include a list of at least five (5) proposed trial dates. An accused student may either (a) proceed with an Honor trial, in which case he or she must request such a trial, in writing, within ten (10) days following delivery of notice (by email) 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 trial, in writing, within such ten- (10-) day period, in which case he or she will be deemed to have waived the right to an Honor trial and to have admitted guilt as to the Honor Offense(s) charged, whether or not such an admission is expressly made (i.e., he or she 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 of his or her 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 his or her 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 trial, the trial process, the post-trial process, and the consequences flowing from a guilty verdict are described, in detail, in Sections IV.E, F, G, H, I, and J, below.

[Back to Top](#)

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 his or her 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 he or she may have a claim of Contributory Mental Disorder (or “CMD”) should consult with his or her 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 trial request within the 10-day time frame after accusation, and then later seeks to change his 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 trial. 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 Trials, 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 trial, the jury panel will be informed of the student’s admission of the underlying Act, the student

will be precluded from denying that he or she committed such Act, and the jury panel's vote will reflect that the "Act" element of the Alleged Honor Offense has been satisfied.

- d) Psychological Evidence Not Admissible at an Honor Trial. Psychological Evidence is inadmissible at an Honor trial. Such evidence may be presented, if at all, only at a Hearing on CMD.
2. Assertion of Lack of Capacity. Any student who wishes to assert a Lack of Capacity (or "LC") should consult with his or her 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 trial are set forth, in detail, in the Psychological Procedures.

[Back to Top](#)

E. Trial Request

Purpose: Following a formal accusation by the Investigative Panel, an accused student may LAG or request that his or her guilt or innocence be adjudicated at an Honor trial.

1. Counsel
 - a) Assignment of Counsel. An accused student has a right to be assisted by Counsel at trial, as provided in the student Constitution and these bylaws. For this purpose, an accused student may request one of the two Counsel involved in the initial investigation, to the extent reasonably available, or another University of Virginia student to serve as his or her Counsel at trial. If the accused student chooses one of the investigating Counsel to assist him or her at trial, the other investigating Counsel will generally be assigned to represent the community at trial.
 - b) Role of Accused Student. Notwithstanding the assignment of Counsel to assist the accused student at trial, 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 his or her actions, formulating arguments and defenses, and arranging for witnesses, if any, to testify on his or her behalf at trial.
 - c) Private Communications between Counsel and Accused Student. Except as provided in Subparagraphs (d) and (e) below, consistent with the right of a student to refuse to testify against himself or herself, as set forth in the Honor Committee's Constitution, and in order to promote honesty and candor between an accused student and his or her Counsel, the private communications between an accused student and his or her Counsel in the course of trial preparation may not be admitted into evidence at trial for purposes of establishing the accused student's guilt or innocence, without the approval of the accused student and the Trial Chair.

- d) Role of Counsel. Consistent with the fundamental purpose of the Honor trial, which is to pursue the truth about the Alleged Honor Offense, Counsel is 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 Trials and the Trial 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 is unable to dissuade the accused student or other person from perpetrating a fraud, Counsel shall promptly inform the Vice Chair for Trials and the Trial Chair, if applicable, and
 - A) Counsel may request to be withdrawn from the case;
 - B) Counsel may be required to disclose his or her 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 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. Jury Panel Composition. The accused student may choose one of three types of jury 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 jury panel requested, he or she must notify the Vice Chair for Trials in writing at least 14 days prior to the date of his or her trial.

3. Inclusion of Undergraduate and Graduate Student Jurors. Each accused student may elect to have at least four members of the jury 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 jurors.
4. Open or Closed Trials. Each accused student may request a trial that is either open or closed to the public.
5. Requesting a Trial. For purposes of these By-laws, the ten- (10-) day period following delivery of notice of accusation by the Investigative Panel shall be referred to as the "Trial Request Period." When requesting a trial, an accused student must inform the Vice Chair for Trials, in writing, prior to the expiration of the Trial Request Period, as to his or her preferences in the following matters:
 - a) at least one trial date, selected from the list of at least five (5) possible and feasible dates proposed by the Vice Chair for Trials with the notice of accusation;
 - b) the selection of Honor Counsel or other counsel;
 - c) whether the jury 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 jurors from the undergraduate or graduate schools (as described in Paragraph 3, above); and
 - e) an open versus closed trial.

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

If, within the Trial Request Period, the student selects a trial date (or dates) but fails to specify his or her preference as to the matters described in Sections 5(b), (c), (d), and/or (e), above, then the Vice Chair for Trials shall, as applicable, assign Counsel from the Counsel Pool; select a random jury panel without regard to the undergraduate or graduate status of particular jurors; and/or schedule a trial that is closed to the public.

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

[Back to Top](#)

F. Trial Panel

Purpose: The duty of the trial panel, or jury, is to determine whether an Honor Offense has been committed.

1. Selection by Vice Chair for Trials. The Vice Chair for Trials shall be responsible for randomly selecting the students for panels consisting of student jurors.
2. Failure to Comply with Duties of a Juror. Failure by a student who has been selected and has committed to be a juror in an Honor trial to comply with the duties of a juror will be considered a breach of the University Standards of Conduct enforced by the University Judiciary Committee. For purposes hereof, the “duties of a juror” shall mean attendance at the trial (absent medical or other emergency) and compliance with the instructions of the Trial Chair.

[Back to Top](#)

G. Pre-Trial Conference

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

1. Pre-Trial Conference Composition. The Vice Chair for Trials will assign Committee members to serve as the Trial Chair and Trial Observer, and a member of the Counsel Pool to serve as Pre-Trial Coordinator. Together, the Trial Chair, Trial Observer and Pre-Trial Coordinator preside over and make rulings at the Pre-Trial Conference.
2. Rulings at the Pre-Trial Conference. The Trial Chair, Trial Observer and Pre-Trial Coordinator, together with the assigned Counsel, will convene a Pre-Trial Conference prior to the trial. Except as provided in Paragraph 7, below, the Trial Chair, Trial Observer and Pre-Trial Coordinator will make all necessary rulings at the Pre-Trial Conference, in each case by majority vote.
3. Witnesses. The Pre-Trial Conference will determine the list of witnesses who will testify during the trial. If possible, the parties will mutually agree to a list of witnesses and the order in which they will appear at the trial. Witnesses for the Community shall testify first, followed by witnesses for the accused student. If no agreement can be reached, the Trial Chair, Trial Observer, and Pre-Trial Coordinator shall intervene and establish the list and order of witnesses.
4. Evidentiary Rulings. The Pre-Trial Conference will determine the nature and scope of the evidence to be presented at trial.
 - a) Relevant Evidence Generally Admissible. Except as provided below, all Relevant Evidence necessary to a fair and thorough adjudication should be admitted at trial.
 - b) Exceptions to Admissibility. Notwithstanding the foregoing presumption in favor of admitting Relevant Evidence, certain evidence, although relevant, shall be inadmissible at trial. 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 his or her 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 trial); and
 - vi. information contained on any Honor Committee post-trial evaluation form or juror notes.
- c) Hearsay. Hearsay evidence may be admitted at the discretion of the Trial Chair, Trial Observer, and Pre-Trial Coordinator.
- d) Official Summaries of Honor cases are not Relevant Evidence.
5. Opening Statements. The Pre-Trial Conference will determine the content of the Trial Chair's opening statement at trial, the identity of observers to be allowed in closed trials, whether the trial 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 trials.
6. General Rule on Multiple Charges: Single Trial. 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 trial.
7. Motion to Dismiss. The Pre-Trial Conference will consider whether a case should proceed to trial when substantial issues of fundamental fairness or timeliness are raised by the accused student. If the Trial Chair and the Trial Observer decide, by a unanimous vote, that proceeding with the trial would, under the circumstances, be fundamentally unfair to the accused student, the case will be dropped.

[Back to Top](#)

H. Trial Hearing

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

1. Failure to Appear at Trial. If the accused student, having been properly notified (such proper notice to include, without limitation, notice sent to the student's Notice Address), fails to appear at trial, the student shall be deemed to have waived his or her right to an Honor trial 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 of his or her 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 his or her 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. Trial Procedure; Order of Witnesses; Role of Trial Chair. The Trial Chair will begin the proceedings with an opening statement, drafted and approved at the Pre-Trial Conference. In the opening statement, the Trial Chair will name the parties, describe the Alleged Honor Offense(s), and list the witnesses who will testify at trial, along with a brief description of the nature of their respective testimony.
 - a) After the opening statement, the jury panel will hear the witnesses, first for the Community, and then for the accused student, in the order determined at the Pre-Trial Conference. As to each witness,
 - i. the Trial Chair will first ask each witness to state the nature of his or her involvement in the case;
 - ii. the jury panel will then be invited to ask questions of the witness, subject to objection(s) from the Trial Chair and/or Counsel;
 - iii. the party calling the witness (or his or her 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 his or her Counsel) will have an opportunity to ask any questions that were not asked and sufficiently answered during previous testimony.
 - b) The Trial Chair will rule on any objections raised by Counsel. In addition, the Trial Chair may, acting on his or her 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 his or her reasonable discretion.
 - c) The accused student reserves the right to appear as the last witness, even if he or she has already testified.
 - d) After the jury 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.
 - e) After all of the witnesses have been heard (including any who may have been recalled by the panel), the Trial 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 jury instructions by the Trial Chair, each party (or his or her Counsel) may make a closing statement of up to five minutes (or longer, in the sole discretion of the Trial 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 jury 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 Trial Chair shall be present during deliberations. The role of the Trial 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 trial, of demonstrating that "more likely than not," the CR is valid. In such cases, when the jury 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 jury 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 jury 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 jury 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 trials 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 trial, the Trial Chair believes that the fundamental fairness of the trial has been compromised, the Trial Chair may, in his or her reasonable discretion, declare a mistrial.
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 jury 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 that he or she committed such Act, and the jury panel’s vote will reflect that the “Act” element of the Honor offense in question has been satisfied.
8. Public Summary of trial At the conclusion of the trial (except trials in which, because of a mistrial, 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 (either in the person of the accused or of his 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 his Advisor and Counsel, and advise the Chair of the Committee if he 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. For this purpose, he shall consult (whenever reasonably feasible) with at least one Committee member from the acquitted or convicted student's school and 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 trial if, on the advice of legal counsel, he 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 he exercises this option, he shall so advise the Committee.
- f) At the penultimate Committee meeting each semester, the Chair of the Committee shall distribute to the Committee and to all community members present all Official Summaries that are due to be released. An Official Summary of a trial is due to be released if at least 30 days have elapsed since such trial, the verdict in such trial is not currently under appeal and has not been overturned on appeal, an Official Summary of such trial has not previously been released, and a Chair of the Committee has not refused to publish an Official Summary of such trial.
- g) All Official Summaries that have been distributed to the Committee 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 trials, and all Official Summaries released by the Committee (in print or online) shall carry a notice to that effect.
- i) Jurors 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 trial.

[Back to Top](#)

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 his or her 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 trial 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 student is in the midst of, or has completed, his or her 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 trial, 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 his or her 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 trial, 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.

[Back to Top](#)

J. Post-Trial Procedures

1. Appeals

Purpose: The purpose of the appeal process is to allow a dismissed student to present his or her claims, if any, regarding the timeliness or fairness of the Honor proceedings leading to his or her dismissal, whether as a result of a guilty verdict following an Honor trial or as a result of a LAG. In the case of dismissal following an Honor trial, 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 trial, 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 trial 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-Trial Conference, to be admissible at trial, and (B) was not known by the dismissed student to exist at the time of trial and/or was not available at the time of trial.
 - ii. Appeal for good cause. Within thirty (30) calendar days following the applicable trial 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; Appeal Forwarded to Appeal Review Committee. All appeals must be in writing, and must be submitted to the Vice Chair for Trials. Each appeal must set forth the dismissed student's name and trial date or LAG Date, as applicable, and should include an appeal "brief." The appeal brief 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. The Vice Chair for Trials shall forward the appeal 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 his or her sole discretion, 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 his, her, or their place.

c) 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 trial), 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 his or her 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 Trials no later than 5:00 P.M. on the first Wednesday following the date of the trial, 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.

d) 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 Trials, 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 his or her 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 counsel, appointed by the Vice Chair for Trials, in his or her sole discretion.
 - 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 his or her investigation and present his or her 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 the results of his or her investigation (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 trial, 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) Prior Involvement by Vice Chair for Trials. In the event that the Vice Chair for Trials must be excluded from consideration of the appeal in question, the Vice Chair for Trials will not serve as a member of the Appeal Review Committee. Nevertheless, the Vice Chair for Trials 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.

[Back to Top](#)

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. 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.
2. 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.

3. Investigation. Cases reported against SCPS Students shall be investigated by the applicable Regional Coordinator, or two Honor Counsel at the discretion of the Vice Chair for Investigations.
4. Investigative Assessment. The applicable Regional Coordinator, or Counsel 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.
5. Trials in Charlottesville; Trial Scheduling. All trials 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 trial in Charlottesville. Trial 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 trials.
6. Trial 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 jurors shall be randomly selected from students enrolled at the University's main campus, in Charlottesville, Virginia.
7. Post-Trial. All appeals will be handled at the Honor Committee's offices in Charlottesville, Virginia

[Back to Top](#)

L. Semester at Sea Cases; Additional Proceedings Following Shipboard Conviction

1. 1. Request for Additional Proceedings. Any Semester at Sea Program participant who is convicted of an Honor Offense during the Semester at Sea Program may, within thirty (30) days following the issuance of a notice of dismissal from the Semester at Sea academic program, request additional proceedings with the Honor Committee to determine, (a) in the case of a University of Virginia student, whether he or she may remain enrolled at the University of Virginia, and, (b) in the case of a student primarily enrolled at another institution (a "Non-UVA Student"), whether he or she may retain the right to seek future enrollment in a University of Virginia program. Such a request may be made on a form provided by the Semester at Sea Registrar or the Honor Committee and is hereinafter referred to as an "SAS Request."
2. Failure to Request Additional Proceedings. In the event that a Semester at Sea Program participant convicted of an Honor Offense during the Semester at Sea Program fails to file an SAS Request pursuant to paragraph 1, above, he or she will be deemed to have LAGGED as of the date of his or her dismissal from the Semester at Sea academic program. In the case of Non-UVA Students, a LAG shall mean that such students are forever barred from enrollment in any University of Virginia program.

3. **New Investigation; Investigative Panel; Trial.** The filing of an SAS Request will trigger an investigation by the Honor Committee in the same manner, and following the same procedures, as if a Report had been filed in a regular Honor case. Once an SAS Request has been filed, the student shall be referred to as an “investigated student” and all of the rights and responsibilities of investigated students pursuant to these By-laws shall apply. As in a regular Honor case, an investigation will typically culminate in an Investigative Panel and, if the student is accused by the Investigative Panel, an Honor trial. All of the other provisions of the Honor Committee Constitution and Article IV of these By-laws, including the effects of a “guilty” verdict and the procedures for appeals, shall apply, except that, in the case of Non-UVA Students, procedures relating to the composition of juries, and other procedures or terminology not relevant or translatable to Non-UVA Students, shall be interpreted as reasonably as practicable, in the discretion of the Honor Committee, in light of the circumstances.
4. **Effect of Subsequent Dismissal or Acquittal.** In the event that a Semester at Sea Program Participant convicted of an Honor Offense during the Semester at Sea Program is subsequently tried and acquitted at an Honor trial (or the charges are dropped prior to an Investigative Panel, or the case is dismissed by the Investigative Panel), (a) no such student shall be entitled to any refund of tuition or other costs (including the costs of returning from the ship or the costs of travelling to Charlottesville for a trial) or to receive any credit for coursework that was completed (or could have been completed, but for the shipboard conviction) in connection with the voyage, (b) in the case of a University of Virginia student, his or her status shall immediately revert to his or her status prior to the Semester at Sea Program, and (c) in the case of a Non-UVA Student, he or she will remain entitled to seek future enrollment in any University of Virginia program.

[Back to Top](#)

M. 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 his or her 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 his or her 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 his or her 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 his or her 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 trial on appeal, and are awaiting such new trial) 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 trial or re-trial, as applicable. In some cases, degree candidates charged with bad checks and/or Honor Debts also may be subject to degree holds pending resolution of such claims.

[Back to Top](#)

N. Bad Checks and Honor Debts

Purpose: The purpose of these procedures is to enable the Community Relations Committee (or “CRC”) to investigate allegations relating to bad checks and Honor Debts so as to preserve the relationship of trust between the University community and merchants in the Charlottesville area.

1. Notice to Student of Bad Check or Honor Debt. When the Honor Committee is notified that a student has or may have written a bad check or incurred an Honor Debt, the CRC shall notify the student, in writing, that such allegation has been made. Such notice shall indicate the name(s) of the affected merchant(s), and the date(s) and amount(s) of the bad check(s) and/or Honor Debt(s) in question. The student then shall have fourteen (14) calendar days in which to resolve such bad check(s) and/or Honor Debt(s) and to satisfy the CRC that payment in full has been made.
2. Time for Resolution of Bad Check or Honor Debt; Degree Holds. If the student fails to resolve a bad check or Honor Debt within fourteen (14) days following such notification, the Vice Chair for Community Relations may, in his or her sole discretion, (a) report Honor charges, and/or (b) request that the ODOS impose a disciplinary suspension unless and until payment in full has been made. If the student is a degree candidate, the Honor Committee may take either of the foregoing actions prior to graduation, even if such fourteen- (14-) day period has not yet elapsed, and the Honor Committee also may request that the Registrar (or that office’s designee) hold such student’s degree pending resolution of the bad check or Honor Debt in question.
3. Disputed Claims of Bad Checks or Honor Debts. If, following notification, the student claims that the allegations are in error (i.e., that the student either did not write a bad check or incur an Honor Debt or that the facts and circumstances are otherwise exonerating), the Vice Chair for Community Relations may conduct an investigation in order to determine whether or not the alleged bad check(s) and/or Honor Debt(s) in fact exist. For this purpose, the Vice Chair for Community Relations may interview the student, the merchant and other relevant parties and may review such physical evidence as may be useful in determining whether or not the alleged bad check(s) and/or Honor Debt(s) in fact exist.

[Back to Top](#)

V. CONFIDENTIALITY

The Honor Committee aspires to maintain confidentiality throughout all of its proceedings. An investigated, accused, or dismissed student may waive his or her right to confidentiality at any time, however, either by signing a written waiver for that purpose or by him-or herself making (or causing to be made) public disclosure of matters that would otherwise be held to 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.

[Back to Top](#)

VI. 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 support officer(s) whose primary responsibility 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, and “**Advisor Pool**” shall mean, collectively, all of the Advisors

“**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 Commission**” shall mean the three-member panel appointed by the Vice-Chair for Trials to review and investigate appeal briefs and to make recommendations to the Executive Committee as to the disposition of appeals, as more particularly described in Section IV.J of these by-laws.

“**Appeal Commission Chair**” shall mean the member of the Appeal Commission designated by the Vice Chair for Trials as its presiding member, whose responsibilities include reporting on the appeal to the Executive Committee and management of such other logistical matters as may arise from time to time, as more particularly described in Section IV.J.3 of these by-laws.

“**Appeal Investigator**” shall mean the trained Honor counsel 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 Committee**” or “**CRC**” shall mean the committee whose primary responsibilities are to interact with members of the Community and, where applicable, merchants and vendors in Charlottesville, and to investigate and process claims relating to bad checks and Honor Debts, as more particularly described in Section IV.M of these by-laws.

“**Community Relations Coordinator**” shall mean the member of the CRC chosen by the Vice Chair for Community Relations to assist such Vice Chair in the performance of his or her duties.

“**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 his or her 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 support officer(s) whose primary responsibility is to investigate Reports and assist in the presentation of Honor cases, as more particularly described in Section II.C.2 of these by-laws, and “**Counsel Pool**” shall mean, collectively, all of the Counsel. The term “**Counsel**” shall be read to include counsel selected from the general student body, when the context so requires.

“**Educator**” shall mean the support officer(s) whose primary responsibility is to educate the community about the Honor System, as more particularly described in Section II.C.3 of these by-laws, and “**Educator Pool**” shall mean, collectively, all of the Educators.

“**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 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 Debt**” shall mean an extension of credit by a local merchant for the purchase of goods or services (but not for the payment of rent) by University students, where (a) the merchant in question extended credit in reliance on the obligations of students under the Honor System, and (b) such debt has remained unpaid after the date on which it was due.

“**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.

“**Investigative Coordinator**” shall mean a member of the Counsel Pool or the Advisor Pool who is chosen by the Committee to provide administrative support to the Vice Chair for Investigations, as more particularly described in Section II.C.1 of these by-laws.

“**Investigative Log**” shall mean the compilation of witness interviews and other evidence that is the result of an Honor investigation. The “Investigative 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.

“**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 Notice Letter is delivered. A copy of the IR Information shall be attached to the Notice Letter.

“**IR Period**” shall mean the period commencing on the date on which a student receives the Notice 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 his or her 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 trial but did not appear for trial, or (b) did not request a trial 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 his or her right to an Honor trial 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 Address**” shall mean the address specified in the Notice Affidavit. The Notice Address shall be deemed to be the address to which all notices are sent, absent contrary written instruction from the student, and sending of notices to the Notice Address shall be deemed to be effective notice under these by-laws and the Honor Constitution, whether or not such notice is actually received.

“**Notice Affidavit**” shall mean the affidavit, entitled “Understanding and Instructions Regarding Honor Committee Notices,” to be signed by all investigated students indicating the address to which notices should be sent.

“**Notice 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 Notice Letter, (c) describes, in

general, the investigation and trial procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR.

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

“**Official Summary**” shall mean the brief summary of a trial, as more particularly described in Section IV.H.8 of these by-laws.

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

“**Pre-Trial Coordinator**” shall mean a member of the Counsel Pool who is chosen by the Committee to make rulings at the Pre-Trial Conference in consultation with the Trial Chair and Trial Observer, as more particularly described in Section II.C.2 of these by-laws.

“**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, as more particularly described in Section II.C.5 of these by-laws.

“**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.

“**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.

“**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.L of these by-laws.

“**Trial**” or “**trial**” shall mean the proceeding at which Honor charges are adjudicated.

“**Trial Chair**” shall mean the Honor Committee member assigned by the Vice Chair for Trials to preside at a Pre-Trial Conference and the related trial.

“Trial Observer” shall mean the Honor Committee member assigned by the Vice Chair for Trials to make rulings at Pre-Trial Conferences in consultation with the applicable Trial Chair and Pre-Trial Coordinator, as more particularly described in Section II.C.2 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 and any Semester at Sea Program participant (whether such Semester at Sea participant is a student primarily at the University of Virginia or at any other institution(s)), as more particularly described in Section I.B.1(a) of these by-laws.

“Vice Chair for Community Relations” shall mean the chair of the CRC, as more particularly described in Section II.B.2 of these by-laws.

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

[Back to Top](#)