

HONOR COMMITTEE MEETING MINUTES – June 18th, 2023
Virtual Meeting via Zoom.

I. ROLL CALL (19/23 present)

- A. Tyler Sesker - **Present**
- B. Hamza Aziz - **Present**
- C. Jonathan Swap - **Present**
- D. Laura Howard- **Present**
- E. Nishita Ghanate - **Present**
- F. Rachel Liesegang - **Present**
- G. David Armstrong - **Present**
- H. William Whitehurst Jr. - **Present**
- I. Adrian Mamaril - **Present**
- J. Stephanie McKee - **Present**
- K. Brianna Kamdoun - **Present**
- L. Carson Breus - **Present**
- M. Tim Dodson - **Present**
- N. Maille Bowerman - **Present**
- O. Kasra Lekan - **Present**
- P. Lukas Lehman - **Present**
- Q. Daniel Elliot - Absent
- R. MK O'Boyle - Absent
- S. Brian Florenzo - Absent
- T. Lam-Phong Pham - **Present**
- U. Emily Brobbey - Absent
- V. Sophie Campbell - **Present**
- W. Skylar Tessler - **Present**

II. PUBLIC COMMENT

- A. None.

III. EXECUTIVE REPORTS

- A. Hamza Aziz, Chair
 - a. None.
- B. Laura Howard, Vice Chair for Hearings
 - a. None.
- C. Nishita Ghanate, Vice Chair for Investigations
 - a. None.
- D. Carson Breus, Vice Chair for Sanctions
 - a. None.
- E. Rachel Liesegang, Vice Chair for the Undergraduate Community
 - a. None.
- F. Tyler Sesker, Vice Chair for the Graduate Community
 - a. None.
- G. Lukas Lehman, Vice Chair of the Treasury

- a. None.

IV. SUBCOMMITTEE & WORKING GROUP REPORTS

- A. Faculty Advisory Committee
 - a. Brianna Kamdoun: Met this past Saturday to speak about their meetings with schools and their policies, and are working to arrange the best format for their next town hall.
- B. Community Relations and Diversity Advisory Committee
 - a. None.
- C. Sanctioning Guidelines Working Group
 - a. None.

V. REPRESENTATIVE REPORTS

- A. None.

VI. OLD BUSINESS

- A. None.

VII. NEW BUSINESS

- A. Review of P&P's Proposed Bylaws
 - a. Hamza Aziz: Explains that nonparticipation entails not participating during the Honor process (not requesting a Panel for Guilt, not appearing to the Panel for Guilt or the Panel for Sanction), and that noncompliance means that the student is not complying with their sanction, after a determination by the Executive Committee.
 - b. Tim Dodson: States that the Committee has to figure out what to do when the student is not participating in the various steps in the Honor process. The Committee has to replace the old "LAG", maintaining efficiency while continuing to protect the student's due process rights. Earlier, P&P recommended a default sanction for noncompliance to be expulsion, but a number of representatives expressed concern at the last Committee meeting. P&P produced alternatives this week, and Hamza Aziz consulted with the Committee's legal advisor in crafting the three paths. The options are the original method with a default sanction of expulsion; to require both the Panel for Guilt and Panel for Sanction to convene regardless of if the student participates; or the student has waived their right to the Panel for Guilt and the Panel for Sanction still meets, which the student can attend. P&P's recommendation is to not hold the Panel for Guilt, but hold the Panel for Sanction. In the past, the LAG process was deemed to meet the student's right to due process, as long as there was timely, adequate, and due notice.
 - i. Hamza Aziz: Emphasizes keeping the role of the accused student in their Honor case from the Bylaws in mind in this conversation. Asks if there are any clarifying questions on the options themselves.
 - c. Nishita Ghanate: Is firmly in favor of having the Panel for Guilt and the Panel for Sanction convene, because it is the only chance for the student body to participate in Honor proceedings and receive their input, before they are sanctioned. Also, student non-participation also does not meet that the evidence has necessarily been met "beyond a reasonable doubt", and it is important to have the Panel for Guilt meet to see if it does. Not showing up to the Hearing should be a large aggravating circumstance, but they should still

meet.

- d. Brianna Kamdoun: Doesn't want to pass anything that jeopardizes what Honor stands for. It is our responsibility to uphold the constitution, and students have the right not the obligation to meet the Panel for Guilt. The UJC has a trial in absentia, and our best approach is to hold a trial in absentia with the Trial for Guilt. There could be grounds for appeal or a lawsuit for violating the rights of the student, and this new system gives the chance for people to re-invest in what we are doing.
- e. Hamza Aziz: Sends a poll to see which direction Committee members are leaning. 10/18 favor continuing to hold the Panel for Guilt if the student is not participating. 8/18 representatives favor maintaining the default guilt assumption.
- f. Stephanie McKee: Says that the option of continuing to have the Panel for Guilt gives the student the option to be lazy, since they could still be found not guilty while not doing anything. Believes that people should have to participate in the Honor process, because they have agreed to follow the Honor process by attending UVA and signing the Honor pledge. Since we don't have a strong record of conviction, there may be an incentive for students to not participate, since they may think they can get off scot-free.
- g. Skylar Tessler: Voted for the default guilt, because actions deserve consequences. The student determines the facts and evidence they bring, and I can't see a difference between not participating in the process and not complying with the sanction— it seems that the two would go together. There should be consequences for not participating.
- h. Rachel Liesegang: Resonates with Stephanie McKee's and Skylar Tessler's points. Asks if there could be an option for the student who does not participate to not be assumed guilty, but to still face a punishment?
 - i. Hamza Aziz: Mentions that not showing up to the Panel for Guilt can be an aggravating circumstance. Also, once a student has been accused, Honor places a degree hold, which tells the student that their degree conferral depends on the Honor process concluding, whether it is acquittal or guilt.
- i. William Whitehurst Jr.: States that we want students to live by and be active participants in the Honor process. We should account for extenuating circumstances. But not showing up to the Panel for Guilt is not permissible.
- j. David Armstrong: Says that if you want the opportunity for a trial, you have to engage in the process. If you don't, you lose that opportunity.
- k. Nishita Ghanate: Doesn't want to punish students who have been falsely reported for an Honor offense because they didn't show up to their Hearing. Rachel Liesegang's suggestion may be a good middle ground between the options.
- l. Maille Bowerman: Agrees with Nishita Ghanate's point. Says that it should be up to the panel members to factor in their nonparticipation in the trial in absentia. The panel should be given the deference to consider it themselves.
- m. Lukas Lehman: What does it look like in terms of efficiency and buy-in, if we're having Panels for people who aren't showing up? If we're adding more cogs into the system?
 - i. Nishita Ghanate: The frustration with the slowness of the system tends to be related to investigations, which we have worked on, not Hearings.
- n. Skylar Tessler: Warns that Honor loses a lot of credibility if students find out the nonparticipation can lead to a not guilty verdict. We sign onto this system and try to help people be members of the Community of Trust— if they aren't participating, it isn't really restorative.
- o. David Armstrong: Says that when students show up, there is a high bar to find them guilty. When they do not show up, how do we continue to use that high bar? If we're allowing people to not participate and not be found guilty, how do we bring that to the Community?
- p. Jonathan Swap: Notes that a lot of students wanted a change within Honor, and they have the right to engage in the process, but it is not a requirement. Students may have jobs or other responsibilities, and the Honor process can take a large emotional toll, so some

- students may not want to be in the room while their fate is being decided.
- q. Adrian Mamaril: States that if a student doesn't believe in the system, we should not immediately assume guilt. We should go through the process before determining guilt. Asks if there are other ways before the nonparticipation to see if the student is admitting guilt, since there are so many situations, as Jonathan Swap mentioned, that impact students. People may not initially buy-in because of other factors, so I don't believe that nonparticipation automatically means guilt. We could lose the buy-in we built up from the new system if we automatically assume guilt, and we should take extra measures to protect their due process rights.
 - r. William Whitehurst Jr.: Asks if we give the student channels to notify Honor that they cannot attend their Hearing because of external circumstances, like jobs. The student has the right to a fair, restorative process, but an obligation to fully participate in the system.
 - i. Carson Breus: Notes that Honor is really accommodating for students, I've been on cases like that. We give students 4-5 trial dates, and we move it if they can't make it. If the student is reasonable, we'll give them the benefit of the doubt. We're talking here about the students who don't participate in the system. The Evidence Packet is very contradictory, and the student doesn't always make a cohesive argument, and if they don't show up, the Panel for Guilt can't really tell what's going on. The Panel for Guilt won't convict them if they can't ask clarifying questions, so it gives room for the student to cheat the system.
 1. Skylar Tessler: Agrees with Carson Breus.
 2. Stephanie Mckee: Agrees with Carson Breus. In the legal system in California, they don't allow people to pass through when they are not participating. You have to be actively involved, or give a really good reason to not show up.
 3. Tim Dodson: Clarifies that both options have the Panel for Sanction meet, and consider the circumstances before giving a unique sanction. There is no requirement for them to expel the student in these options.
 - s. Jonathan Swap: Asks if a student is not able to make a Hearing, how does that automatically qualify them as not participating?
 - i. Hamza Aziz: Clarifies that if we offer them dates and they respond that they cannot make them, we will infinitely accommodate them. Nonparticipation is going completely "M.I.A." There isn't likely a circumstance where the student is responding to our emails, and we default them guilty.
 - t. Nishita Ghanate: Asks if we go with the option of the Panel for Guilt not meeting, will there still be 7 randomly-selected students to provide their input for the Panel for Sanction?
 - i. Hamza Aziz: No. Their nonparticipation would be viewed as them waiving the Hearing and the associated privileges, such as the 5/7 vote (all sanctions remain on the table), and the randomly-selected students' recommendation.
 - u. Laura Howard: Asks if we could make it an option for the trial to be held in absentia, but they waive the privileges associated with their hearing, so there is still a punishment, but we preserve the idea of the randomly-selected students participating in the process, which was an important part of the process?
 - v. Brianna Kamdoun: Poses another thing to think about– that we still need the random students' input for the Panel for Sanction. In the constitution, permanent sanctions can only be considered if the 5/7 vote of random students approves it, so we need a way for this to happen if we proceed with the default guilt assumption. They would need to see the facts of the case to conduct the 5/7 vote.
 - w. Carson Breus: Notes that a student can ask to delay the Hearing at any time in the process, so there isn't really a legitimate reason for the student to miss their trial.
 - x. David Armstrong: Warns that when we have our first in absentia non-guilty verdict, this could open the door for in absentia to no longer be rare. We need to send the message that

participation is necessary for a trial.

- y. Jonathan Swap: Suggests an option where people can request an in absentia hearing, and then it would have to be approved by a majority of Committee, so the people who need that option can still access it, but it isn't used by everyone.
- z. Hamza Aziz: Sends another poll to see where representatives stand. It is split 50/50 for options A and B. We must approve Bylaws on June 25. An evidentiary rulebook, notes on the order of witnesses and making objections, the new Informed Retraction, the rotating Appeals Review Committee, temporary appointment of representatives for a Panel for Guilt, the four categories of sanctions, and the details of the outcome letter from the Panel for Sanction, among other changes, are now in the proposed Bylaws. These Bylaws are shorter and easier to navigate and include gender-neutral language now. Will share an email by Friday of this week where a majority of Committee is leaning. Will reach out to everyone in this room for their stance.
 - i. Brianna Kamdoun: Asks if we can pass Bylaws in sections.
 - ii. Hamza Aziz: We shouldn't have incomplete Bylaws by the time cases resume.
- aa. Tim Dodson: Suggests that representatives look into the UJC's trial in absentia. We also have the power to revise things with experience, and the Bylaws aren't set in stone.

Meeting adjourned at 8:05 p.m. The Honor Committee will meet next on June 25 at 7:00 p.m. via Zoom.