

HONOR COMMITTEE MEETING MINUTES - MAY 28th, 2023

Virtual Meeting via Zoom

I. ROLL CALL (17/23 present)

- A. Tyler Sesker - **Present**
- B. Hamza Aziz - **Present**
- C. Jonathan Swap - **Present**
- D. Laura Howard- **Present**
- E. Nishita Ghanate - **Present**
- F. Rachel Liesegang - Absent
- G. David Armstrong - Absent
- H. William Whitehurst Jr. - **Present**
- I. Adrian Mamaril - Absent
- 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 - **Present**
- S. Brian Florenzo - Absent
- T. Lam-Phong Pham - **Present**
- U. Emily Brobbey - Absent
- V. Sophie Campbell - Absent
- W. Skylar Tessler - **Present**

II. PUBLIC COMMENT

- A. Professor Mark Erath: Has been working with Brianna Kamdoun in the Faculty Advisory Committee

III. EXECUTIVE REPORTS

- A. Hamza Aziz, Chair
 - 1. Reunions this Friday (6/2) and next (6/9) at 4 p.m. in the Trial Room if any representatives would like to attend.
 - 2. AI Syllabus Statements w/ CTE, received feedback that having a synchronous workshop event may not be the best option and that asynchronous resources are preferable.
 - 3. Website update in progress, updating materials and creating new resources for the website.
- B. Laura Howard, Vice Chair for Hearings
 - 1. Created case processing flow charts this week, asks for feedback.
- C. Nishita Ghanate, Vice Chair for Investigations
 - 1. 14 active investigations, 3 of which are currently on hold until July 1.
- D. Carson Breus, Vice Chair for Sanctions
 - 1. Worked on sanctioning Bylaws with P&P.
- E. Rachel Liesegang, Vice Chair for the Undergraduate Community

1. Will start to plan O-day and creating a working group for the event.
- F. Tyler Sesker, Vice Chair for the Graduate Community
 1. None.
- G. Lukas Lehman, Vice Chair of the Treasury
 1. None.

IV. SUBCOMMITTEE & WORKING GROUP REPORTS

- A. Faculty Advisory Committee
 1. Brianna Kamdoun: Meeting with faculty members, increasing faculty resources and work between the schools, will work throughout the summer.
- B. Policies & Procedures Committee
 1. Mentioned later in the meeting.
- C. Community Relations and Diversity Advisory Committee
 1. None.
- D. Sanctioning Guidelines Working Group
 1. Carson Breus: Still working on the document.

V. REPRESENTATIVE REPORTS

- A. Undergraduate College of Arts and Sciences
 1. Hamza Aziz: Encourages members to communicate with their Deans about orientation sessions.
- B. Graduate School of Arts and Sciences
 1. None.
- C. School of Law
 1. None.
- D. School of Nursing
 1. None.
- E. School of Architecture
 1. None.
- F. Darden School of Business
 1. None.
- G. School of Medicine
 1. None.
- H. Frank Batten School of Leadership & Public Policy
 1. None.
- I. McIntire School of Commerce
 1. None.
- J. School of Engineering & Applied Science
 1. None.

VI. OLD BUSINESS

- A. None.

VII. NEW BUSINESS

- A. Restorative Justice Survey Results, presented by Jonathan Swap and Nishita Ghanate
 1. Hamza Aziz: Some schools sent it directly to their students, he sent it in his school-wide email.

2. Jonathan Swap: Largest school response was nursing (68 students), but still responses from Darden, Batten, Data Science, the College, and the Law School. Noticed a large divide between preventative and rehabilitative, some prefer to invest in Community of Trust by having more strict sanctions to discourage violations, while others emphasized rehabilitation. Mixes reviews on transcript notations. Many concerns on what the Honor system would be, how effective it will be if others see it as “weak”, “ineffective”, or not upholding Honor’s values.
 3. Nishita Ghanate: Reviews all of the survey questions, 75% of students believe that people follow the Honor code, many people believe rehabilitation is the right move for Honor, many students desire community service and for outside circumstances to be considered.
 4. Jonathan Swap: Noticed how different schools had different opinions on sanctions, such as how they may affect law students and the bar.
 5. Nishita Ghanate: Some people would like visual way to show recommitment to Honor (perhaps resigning the Honor scrolls), having a support group with others who have committed Honor offenses, paying extra attention to and having more serious consequences for people who have previously committed Honor offenses, having students design their own semester-long community service projects. Some people mention providing therapy for students who have committed Honor offenses. 5% of people question if rehabilitation is possible, and think Honor should take a more preventative approach.
 6. Jonathan Swap: Results indicate a holistic approach– look at other sources and aspects of students' lives that could impact the likelihood of a student committing an Honor offense.
 7. Nishita Ghanate: People would like a more condensed email about the new system, perhaps videos or a new Honor module or events at each school with Honor representatives. Suggestions of flyers, the Stall Seat Journal, having professors add to their syllabi or give a short presentation to all of their classes at the beginning of the semester.
 8. Jonathan Swap: Many suggest scaling the sanctions to the amount of damage to the Community of Trust. Difficult for some to believe in this model, since they believe many students are not concerned about Honor.
 9. Hamza Aziz: Asks Jonathan Swap and Nishita Ghanate to share the results of the survey with Honor representatives, likes the idea of resigning the Honor scroll or reassigning the Honor module.
- B. Mentorship Sanction Proposal/Presentation by MK O’Boyle (Appendix A)
1. MK O’Boyle: Researched honor systems that historically shifted from single to multi-sanction, focused on the Naval Academy (student-run, similar focus on lying, cheating, and stealing) and its mentorship system. Based on the outcome of a hearing at the Naval Academy, they are either expelled or remediated (similar to UVA Honor’s restorative sanctions). At the Naval Academy, a student must find an instructor to walk them through the remediation process to ensure that they are remorseful and do not commit the same offense again. They meet for remediation counseling for 4-6 months (depending on offense), which would be a good supplement to the education course proposed by Will Hancock earlier in this term. At UVA, the student could be matched with someone in their field of choice to see how Honor is connected to their future, which is present in the Naval Academy’s model. Interviewed a Naval Academy alum, who said that having real-world

examples were most impactful. Students then write an “XYZ” case with the outcomes and lessons they learned that they want to anonymously share with the community, which are displayed around campus and are used in the ethics courses that all students take at the Naval Academy. Encourages transparency, consistency, and fairness. Provides an example XYZ case for Honor representatives to review.

2. Mark Erath: Is the record of a remediated student expunged once they complete this process satisfactorily at the Naval Academy?
 - a) MK O’Boyle: Will find out this information.
 - b) Mark Erath: This is a brilliant system, has done similar actions with students under the single sanction system to have a remedial aspect. Seems that having the record cleared after completion would be important in having the student fully re-enter the Community of Trust.
 - c) Hamza Aziz: Could be interesting to have a delineation between “Guilty Restored” and “Guilty Unrestored”, perhaps, if they complete their remediation or not.
 - d) Mark Erath: Having best practice ideas that reporters and students can look to for developing mutually agreed-upon amends would be beneficial, without sharing facts of cases. It would be useful for faculty members to have some guidelines and examples for making amends.
 - e) MK O’Boyle: Naval Academy worked to restore a belief in Honor and increase transparency through this system.

C. Review of P&P Interim Report, led by Tim Dodson (Appendix B)

1. Tim Dodson: Looked at minutes, Daniel Elliot’s proposed Bylaws, and a variety of other sources to present recommendations for the Honor Committee to consider by July 1.
2. New IR procedures
 - a) Tim Dodson: No substantive changes have been proposed for the Conscientious Retraction. VCI or Committee could implement a standardized report form– the proposed change is that the investigation would not start until *after* the reported student decides not to submit an Informed Retraction, or after the IR window expires. This would make case processing more efficient and preserve investigative resources.
 - (1) Mark Erath: It would be important to include in the standard reporting form for some summary of the evidence, so the student understands the context in order to decide if they take the IR.
 - (2) Tim Dodson: The IR Letter will give them any information that is relevant to their case so they can make an informed decision.
 - (3) Mark Erath: The report should be backed up by evidence, why they suspect that an Honor offense has occurred. Offers to send Committee his comments on the P&P interim report.
 - b) Tim Dodson: The student and the reporter will craft proposed amends, which will go to the Panel for Sanction. The Panel for Sanction is able to propose additional sanctions, if appropriate, and will provide an outcome letter with the sanctions and their rationale. The student can file an appeal on the sanctions that were not in the proposed amends.
3. Investigation Changes
 - a) Tim Dodson: There is no reporter interview unless the student declines the IR. Also recommendation to revive the reporter response interview, which

was removed in the previous Committee's term. No substantive changes are proposed for the I-Panel".

4. Panel for Guilt and Constitutional Requirements
 - a) Tim Dodson: The Panel for Guilt must be composed of five randomly selected Committee members and seven randomly selected students, with specified representation of the accused student's school. $\frac{3}{4}$ of the Panel for Guilt will determine that the act may be considered an Honor offense beyond a reasonable doubt. Five-sevenths of the randomly-selected students must vote that the offense rises to permanent sanctions.
 - (1) William Whitehurt Jr.: Is it the default that expulsion can be considered? What is the logic behind giving this authority to the randomly-selected students? Received a lot of comments about why randomly selected students and the Honor representatives are woven together.
 - (2) Tim Dodson: Have been concerns in recent years about abuse of expulsion, so having this constitutional guardrail seeks to ensure that expulsion is only used in the most serious cases, and the student body would have a say in its use through these random students.
5. Panel for Sanction Procedures
 - a) Tim Dodson: The five Committee members on the Panel for Guilt serve as the Panel for Sanction to allow for consistency. Want Committee members to think about how soon after the Panel for Guilt the Panel for Sanction can meet, how the bylaws should define and describe potential sanctions, what the blanket sanction should be for a student who LAGs (Leaves Admitting Guilt). P&P considers expulsion for this blanket sanction because it is philosophically consistent and they fear that other lesser sanctions could lead to perverse incentives. The P&P Co-Chairs and Hamza will meet with each school's representatives individually for feedback.
6. Outstanding Questions

VIII. PUBLIC COMMENT

- A. None.

Meeting adjourned at 8:09 p.m. If not next Sunday, which is to be determined, the Honor Committee will meet next on June 11 at 7 p.m.

Sanction: Recommitment to the Community of Trust through “mentoring”

1. Overview of Naval Academy “Honor Concept”

- No lying, cheating, or stealing
- Student-run
- Single sanction (expulsion) → multi-sanction
- Graduates return as instructors
- Have courses on honor and ethics

2. When Midshipman [student] is accused:

Step 1: Honor Committee Hearing

Step 2: If Guilty → Committee recommends:

(a) Separation (expulsion) OR (b) Remediation (mentoring + other sanctions)

Step 3: if committee recommends (b) Remediation, then student is immediately assigned a remediator. Remediator determines whether the student shows “remorse” and “reform.” Remediation is tailored to the “offense.”

3. Remediation Counseling

- Meet weekly for 4-6 months with an assigned remediator (a professor or officer in field of choice). Duration depends on the severity of the offense.
- Goals: ensure that student has an understanding of why what they did was a conduct offense, has restored their honor, and will ensure it does not happen again.

4. Sample Meetings:

- Discuss earliest time student lied, cheated, or stole.
- Real-world application: in field of choice, discuss instances where dishonorable conduct had negative consequences.
- Books/documentaries on honorable members of field of choice. Highlights this is the type of person the student will lead.
- Discuss hypotheticals of real world challenges that may arise in the workplace.

5. Work Product: “XYZ Case”

- Each student writes their own XYZ case where they outline the facts, offense, and the adjudication process.
- “XYZ cases” are emailed to students, faculty, and are displayed on TVs in dining hall, so students can read them.
- “XYZ cases” are used as instructional tools in courses and in training.
- Encourages transparency, consistency, and fairness.





SAMPLE Honor XYZ Case

Facts of Case:

Refers to student as “student X.” Includes what, when, where, why you, and eliminates any identifying information of individuals involved.

Disposition:

Includes charges

Adjudicating Authorities Comments:

Include statement about mission of Community of trust.

Lessons Learned to the Community of Trust from Student X:

Compiles the lessons the student learned to be shared with the Community of Trust

Questions for Reflection and Discussion:

1. What could have student X have done to prevent student Y from committing the act?
2. Imagine you are a student facing the same circumstances, how would you ensure that you did not commit the same honor offense?

Sources:

Interviews with alumni

[History of the Honor Concept at the Naval Academy](#)

[Updated Honor Concept at Naval Academy: Overview of Remediation](#)



IF THAT’S A BUDDY, I’LL PASS

Facts of the Case

- While on weekend liberty during second block summer school, MIDN 3/C X, MIDN 3/C Y, and MIDN 3/C Z went to a party before going to a country music concert.
- At the party, MIDN X, who was of age to drink, drank an excessive amount of alcohol in a very short amount of time.
- MIDN Y and Z also drank alcohol, but were both underage.
- MIDN X, Y, and Z left for the concert with a designated driver where they began to tailgate.
- While at the tailgate, MIDN Y decided to play a joke on MIDN X and hit his drink out of his hand. This caused the drink to spill all over MIDN X.
- MIDN X began yelling and pushing MIDN Y aggressively, due to his high level of intoxication.
- MIDN X and Y started shoving one another.
- The police at the concert heard the commotion and saw MIDN X’s drunk and aggressive behavior.
- When MIDN X talked to police, they observed that he was severely slurring his speech. He was arrested for public intoxication.
- After the arrest, MIDN Y and Z went into the concert without notifying anyone of the incident at that time.
- MIDN X was later released from police custody to his Company Officer later that night.

Disposition

MIDN 3/C X was charged with the following conduct offenses:

- 05.07 6K: Being under the influence of alcohol in a nature that brings discredit upon the Naval service, outrages public decency, or results in a breach of the peace.
- 04.21 6K: Violation of UCMJ, Navy Regulations, SECNAV and OPNAV Instructions, General Orders, federal, state or local laws.
- 05.04 Major: Aiding/abetting an alcohol offense or failure to prevent or act upon an alcohol offense.

On 08 August 2016, the Deputy Commandant of Midshipmen found MIDN X guilty of 05.07, 04.21, and 05.04. He awarded MIDN 90 demerits and 60 days restriction, Loss of Drydock privileges, Loss of civilian attire, Loss of spirit gear in Bancroft hall and Loss of PT during study period for 3 months

MIDN 3/C Y was charged with the following conduct offenses:

- 05.10 Major Consumption/Possession Alcohol in Violation of Federal, State, Local Law.
- 05.01 Major Irresponsible Drinking.

On 08 August 2016, the Deputy Commandant of Midshipmen found MIDN Y guilty of 05.10, and 05.01. He awarded MIDN Y 80 demerits and 45 days restriction, Loss of Drydock privileges, Loss of civilian attire, Loss of spirit gear in Bancroft hall and Loss of PT during study period for 3 months

MIDN 3/C Z was charged with the following conduct offense:

- 05.10 Major: Consumption/possession alcohol in violation of Federal, State, Local Law.



P&P Interim Report

May 28, 2023



Reporting Procedures

- No substantive changes proposed to the Conscientious Retraction
- All other cases
 - VCI or Committee could implement a standardized report form
 - Two important documents: (1) Notice of Receipt of Honor Report and (2) Informed Retraction Letter.
 - IR Letter provided at time of “IR Meeting”
 - Student would have a seven-day window to submit an “IR Form”
- Primary proposed change: investigation would NOT start until after reported student decides not to file an IR or the IR submission period expires

Informed Retraction

- The student and reporter will propose amends in the IR Form
- The proposed amends will later go to the Panel for Sanction, which will generally be expected to impose the proposed amends. But the panel could impose additional sanctions.
- Panel decision results in an IR Outcome Letter
- Student could appeal any additional sanctions beyond those proposed through the IR Form
- A student who files a complete and timely IR may not be expelled or receive any other permanent notation

Investigations

- Formal investigation does not start unless student declines to submit an IR
- No interview with reporter unless student declines an IR
- Reintroduces the reporter response interview
- Steps
 1. VCI assigns two investigators to the case
 2. Investigators interview all relevant witnesses + collect evidence
 3. Interview transcripts + evidence shared with reporter, who then has 3 days to provide a response
 4. Interview transcripts + evidence + reporter response shared with the reported student, who will have 3 days to respond
 5. Following the investigation, relevant materials shared with an Investigative Panel to determine whether to formally accuse the reported student of the offense
- No substantive changes are proposed for the “I-Panel”

Panel for Guilt

- Various Constitutional requirements
 - Composed of 5 randomly-selected Committee members and 7 randomly-selected members of the student body
 - At least 1 Committee member and 2 random student panelists must be from same school as the Accused Student
 - To find a student guilty of an offense:
 - 1) At least $\frac{3}{4}$ of the Panel determines the evidence against Accused Student supports, beyond a reasonable doubt, an act of lying, cheating, of stealing that the accused student knew or should have known might constitute an Honor offense
 - 2) A majority of the Panel determines the act is significant, such that open tolerance of such an act would be inconsistent with the Community of Trust
 - Limited role in sanctioning:
 - If 5/7 of the Panel's random student members vote that the offense(s) do not rise to the level of potentially requiring expulsion or other permanent sanctions, the Panel for Sanction cannot consider such severe sanctions
 - Can provide recommendations to the Panel for Sanction re: the appropriate sanction for the offense(s)

Panel for Guilt (continued)

- Proposed bylaws intend to codify these various constitutional requirements
- Proposed bylaws also address how to handle a vacant Committee seat
- Other proposed changes to note:
 - Some evidence excluded from the Panel for Guilt could be considered by the Panel for Sanction
 - Adjustment to the order of questioning of witnesses

Sanctioning

- Various Constitutional requirements
 - Panel composed of the same 5 Committee members who were on the Panel for Guilt
 - Sanctions may be imposed by a $\frac{4}{5}$ vote
 - Panel must consider a number of factors: significance of the case to the Community of Trust; arguments for reasonable sanction(s) from the Guilty Student and their counsel, as well as the Counsel for the Community; advice of random student panelists on the Panel for Guilt; the evidence presented; and all other aggravating and mitigating factors.
 - Limitations – (1) may not be able to consider expulsion and permanent sanctions based on the 5/7 vote of the student panelists; (2) panel cannot consider expulsion or any other permanent notation if a student files a complete and timely IR
 - Written notice of the sanctioning decision and the rationale for the sanction(s) within one week of sanctioning
- Committee needs to resolve a number of questions related to sanctioning

Other items

- Vice Chair positions
- Standards Panel procedures and impeachment
- Executive Committee voting thresholds
- Secretary position
- Hearing efficiency / order of questioning for each witness
- Gender-neutral language

Questions for Committee

- 1) *How soon after a Panel for Guilt renders a guilty verdict should the Panel for Sanction convene?*

P&P Recommendation: Committee should consider two options: (1) require the PS to meet the same day as PG or (2) require PS to meet within 72 hours of PG

Questions for Committee

2) *How should the Bylaws describe potential sanctions?*

P&P Recommendation: Committee adopt Bylaws that generally lay out four categories of sanctions – amends, education, temporary removal, and permanent removal – and describe the primary goal(s) of each sanction category

Questions for Committee

3) What should be the blanket sanction for a student who fails to request a Panel for Guilt hearing, fails to appear at their scheduled hearing, or otherwise refuses to participate in the Honor proceedings or sanctioning?

P&P Recommendation: Expulsion be the blanket sanction for non-compliance with sanctioning and the Honor process.

The sanction would be applied in the following three pre-sanctioning circumstances: when (1) a student fails to request a hearing, (2) a student fails to show up for their panel for guilt, and (3) a student fails to show up for their panel for sanctioning following a guilty verdict.

But, P&P proposes that a student filing an IR may elect to not show up for their Panel for Sanction, so the blanket sanction would not apply in this instance.

Next steps

- There are other topics P&P has not yet addressed, including appeals, the role of precedent in sanctioning, and the sanctioning outcome letter
- P&P will incorporate your feedback on the interim report and draft Bylaws, and provide an updated set of proposed Bylaws no later than June 9.
- Each school's reps should sign up for an individual meeting with Hamza and the P&P co-chairs