

## HONOR COMMITTEE MEETING MINUTES – SEPTEMBER 24<sup>th</sup>, 2023

### I. ROLL CALL (21/27 present)

- A. Tyler Sesker - **Present**
- B. Hamza Aziz - **Present**
- C. Jonathan Swap - **Present (via Zoom)**
- D. Laura Howard - **Present**
- E. Nishita Ghanate - **Present**
- F. Rachel Liesegang - **Present (via Zoom)**
- G. David Armstrong - **Present**
- H. William Whitehurst Jr. - **Present**
- I. Adrian Mamaril - **Absent**
- J. Stephanie McKee - **Present (via Zoom)**
- K. Brianna Kamdoum - **Present**
- L. Carson Breus - **Absent**
- M. Tim Dodson - **Present**
- N. Maille Bowerman - **Present**
- O. Alexander Church - **Present**
- P. Kasra Lekan - **Absent**
- Q. Lukas Lehman - **Absent**
- R. Daniel Elliott - **Present**
- S. MK O'Boyle - **Present**
- T. Brian Florenzo - **Present**
- U. Lam-Phong Pham - **Present (via Zoom)**
- V. Emily Brobbey - **Present (via Zoom)**
- W. Sophie Campbell - **Absent**
- X. Skylar Tessler - **Absent**
- Y. Quana Dennis - **Present (via Zoom)**
- Z. Matthew Bonner - **Present (via Zoom)**
- AA. Brendan Puglisi - **Present (via Zoom)**

### II. PUBLIC COMMENT

- A. William Hancock: Discussed with other educators and Senior Educator, Amelle Chanda, and it is their preference to do Popular Assembly in early February for planning purposes.

### III. EXECUTIVE REPORTS

- A. Hamza Aziz, Chair
  - 1. Support Officer Selections Update
    - a) Have been conducting the interviews for new Support Officers, approximately 25 new SOs for Advisors and Investigator/Counsel each. Thanks Margaret Zirwas and Simran Havaldar for a great recruitment cycle.
    - b) Location change for dinner; Garden X instead of outside of 37W. This Tuesday (9/26) at 6 pm. Thanks Lukas Lehman for ordering Sticks for the event.
  - 2. Educator Facilitation Workshop

- a) Some of the educators, along with Hamza Aziz and Nishita Ghanate, met about conducting the restorative ethics course and attended a workshop with the Virginia Center for Inclusive Communities.
  - 3. Next Meeting
    - a) Will not be meeting next Sunday. The Committee will meet next on Sunday, October 8th, due to fall break.
- B. Laura Howard, Vice Chair for Hearings
  - 1. Two upcoming hearings: October 15 and October 21. The October 21 hearing is an open hearing.
- C. Nishita Ghanate, Vice Chair for Investigations
  - 1. 6 active investigations. Working on AI information gathering and did an interview about AI, and the professor said that the best way to tell if AI was used was to compare the work in question and the student's own work.
- D. Carson Breus, Vice Chair for Sanctions
  - 1. Next Panel for Sanction tentatively scheduled on October 8th.
- E. Rachel Liesegang, Vice Chair for the Undergraduate Community
  - 1. Met with the Alumni Association and Hamza Aziz about Popular Assembly, about future partnerships, and various organizations on Grounds.
- F. Tyler Sesker, Vice Chair for the Graduate Community
  - 1. Approved a co-sponsorship on the Family Medicine Interest Group, the Jefferson Literary and Debating Society, and Pancakes for Parkinson's, and Smart Women's Securities.
  - 2. Hamza Aziz: The co-sponsorship form is now fully electronic and is on the website.
  - 3. Tyler Sesker: Needs applications at least a week before the event, preferably two weeks.
- G. Lukas Lehman, Vice Chair for the Treasury
  - 1. None.

#### **IV. SUBCOMMITTEE & WORKING GROUP REPORTS**

- A. Policies and Procedures Subcommittee
  - 1. Tim Dodson: Will elaborate in the community engagement section about P&P's meeting this week.
- B. Faculty Advisory Committee
  - 1. Brianna Kamdoum: Thanks representatives for reaching out to faculty in their schools, asks people to send emails if they have not and to plan their school-wide faculty engagement events.
  - 2. MK O'Boyle: Asks representatives to ask faculty if they would be willing to serve as mentors for the mentorship sanction.
  - 3. Hamza Aziz: Asks if we are only asking faculty, or also administrators at the dean-level.
  - 4. MK O'Boyle: Yes, at the dean level as well.
- C. Community Relations and Diversity Advisory Committee
  - 1. Meeting with a fellow about equity in Honor, will be having a dinner with CRDAC members in the coming week.

## V. REPRESENTATIVE REPORTS

- A. Daniel Elliot, LAW: Received 8 applications for Support Officers– 6 counsel and 2 advisors, and all have been accepted.

## VI. OLD BUSINESS

- A. None.

## VII. NEW BUSINESS

- A. Due Process Training [slides are attached to these minutes]
  1. Daniel Elliot: Given how important due process is for our operations as a public university, we find it important to talk about this every year. Provides disclaimers that they are not lawyers, they are not the Committee's lawyers, and are not providing legal advice.
  2. Daniel Elliot: We need to make sure we're hearing the student's side of every case– when it's a close call, the benefit of the doubt should probably go to the student who has a constitutional right to be here. We have a very important job to do, and there are lots of schools where students running a Committee like this is not possible, so we have to take it very seriously.
  3. William Whitehurst Jr.: At Darden, since it's so small, students will come up to us and ask to talk to us about something. We've been saying that we can't tell students if something is an Honor violation, we just encourage them to check out the CR and look at the Honor website.
  4. Daniel Elliot: My inclination is that that is okay, since the student isn't an accused student yet. It's inappropriate to tell people what is an Honor violation, but it's okay to counsel them and give the advice that if they are not sure, they should go to the Committee.
  5. Hamza Aziz: P&P could even be a good space to talk about the new bylaw ideas.
- B. Community Engagement Sanction Discussion
  1. Overview of P&P Document with Tim Dodson
    - a) Hamza Aziz: This memo is not a final report. This is a continued discussion as we implement community engagement and other sanctions.
    - b) Tim Dodson: We've been discussing whether community service/community engagement should be included in the list of sanctions that can be considered. Questions about administration, the University's history, and other topics have been raised. P&P has thought that this sanction could work under the "community engagement" umbrella, where the student can positively impact a community, and then reflect on how their actions were harmful to the larger Community of Trust. We proposed some principles, for example, that any partnership would have to be mutually beneficial and formed with the consent of the harmed group. The Panel for Sanction may consider first if the student harmed a particular group or community that is identifiable, and if the student can do something that addresses the harm and leaves a positive impact. In many cases, this may not make sense– like cheating in a lecture hall, where it is hard to identify a group. But, it is possible that submitting students who

propose amends in the IR, may find it appropriate, as well as the reporter. This would be on the menu of sanctions that could be imposed. It's probably a mix of "Amends" and "Education". The UJC also does community service, but they operate under different principles. We want to ensure that community engagement is not disconnected from the honor offense, that it is not exploitative, that this work is not just for the sake of punishment, and is not an intermediary between expulsion and the education class. Community engagement may make sense; for example, if a student stole from a community garden, then the student could work for the community garden for a month. If the student cheats using improper SDAC accommodations, they could serve as an SDAC notetaker. Committee now needs to define what community engagement looks like and the administrability concerns (such as how this sanction would apply after convictions). Is there also something like the XYZ Case Summary that we can include with this community engagement sanction?

- c) Hamza Aziz: We've also been discussing detaching the XYZ Case Summary so that it can be applied with various sanctions.
- d) Alexander Church: Thanks P&P for the helpful document. Notes that the ways in which community engagement is proposed, a lot of them fall under amends. For example, the community garden could be a part of amends, so it is unsure about what community engagement is doing outside of amends since it seems more that the student would be doing more amends than really engaging.
- e) Hamza Aziz: We can also talk about moving where it is in the Bylaws.
- f) Alexander Church: Yes, that may be something I look into.
- g) David Armstrong: I have some concerns about using SDAC as an example.
- h) Tyler Sesker: I agree.
- i) Tim Dodson: We were trying to hypothetically think of ways specific entities at UVA could be harmed, but I'm not saying that happens often.
- j) Maille Bowerman: The policy looks great. My only concern is disseminating information about this. Maybe we should avoid tying this to UVA's history of enforced labor since it may be inappropriate to tie community engagement to it since they are not comparable at all. Out of respect, we should refrain from making that comparison.
- k) William Whitehurst Jr.: I agree.
- l) Hamza Aziz: As a note, P&P will continue working on these discrete details and will include everything in the sanctioning guidelines.

## 2. Potential Sanctioning Guidelines Additions

- a) Hamza Aziz: P&P will start thinking about other sanctions that can help students, like community referrals to prevent future Honor offenses. For example, they could be referred to Wahoo Well for time management. Also, we worked on an apology letter rubric.
- b) Alexander Church: Deeply opposes sanctioning someone to something regarding Wahoo Well.

## C. Popular Assembly Timing Update

1. Hamza Aziz: Suggests planning for early February for planning purposes and working with community partners. Added additional consideration after their Alumni Association meeting.

#### **VIII. PUBLIC COMMENT**

- A. None.

The meeting adjourned at 8:01 p.m. The Honor Committee will meet in person in Newcomb Hall on Sunday, October 8th, at 7:00 p.m.

# DUE PROCESS AND THE HONOR COMMITTEE

Daniel Elliott LAW '24

MK O'Boyle LAW '25

# DISCLAIMER

- We are not lawyers.
- We are not YOUR lawyers.
- This is not legal advice.

# WHAT IS DUE PROCESS?

- “... No State shall ... deprive any person of life, liberty, or property, without due process of law;”
  - 14<sup>th</sup> Amendment, Section 1.
- Continued enrollment in education is a property (*Goss v. Lopez*, 419 U.S. 565 (1975)) (K-12 context).
  - Continued enrollment in higher education is a property right by contract (*Doe v. Alger*, 228 F.Supp.3d 713 (W.D.Va Dec. 23, 2016)).



## THREE ELEMENTS OF DUE PROCESS

- Notice:
  - Does the accused have reasonable time to prepare and is reasonably aware of the allegations against them in detail enough to allow preparation?
- Opportunity to be Heard:
  - Does the accused have a chance to present evidence and test the evidence against them?
- Impartial Tribunal:
  - Is the hearing afforded the accused before an impartial factfinder/decision-maker?
- *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950)

# BALANCING INTERESTS

- Nature of the right
  - How heavily does the right to complete one's higher education weigh into the equation?
- Adequacy of the proceedings compared to other proceedings
  - How favorably does the procedure for a hearing compare to other hearing procedures in similar circumstances?
- Burden of additional procedure on the state
  - How costly is it to exact the procedure the accused is asking for/complaining of?
- *Mathews v. Eldridge*, 424 US 319 (1976)

## WHAT THIS MEANS FOR US

- Notice:
  - Timely sending out accusation letters with a statement from the I-Panel with sufficient detail to alert the accused about the alleged misconduct
- Hearing:
  - Following all our own rules for hearing procedure; allowing accused student the opportunity to submit evidence; ensuring counsel and the student are able to ask questions to test the evidence
- Impartiality:
  - Committee members on the panel cannot pre-judge the case

## WHERE TO GO FROM HERE

- Improving training on due process and hearing procedures
  - SOs, Committee Members, Prehearing Coordinators
- Reframe thinking about hearings
  - Not a chore or an administrative burden; they're an obligation and a due process minimum
- Silo discussion of investigations off from potential hearing panelists
  - I-Panel participants should not discuss facts with other Reps

## MORE TO CONSIDER

- Pre-Hearing Conference
  - Does the number of decisions made at PHC without the accused student risk violating their right to a fair hearing?
- Evidence Packet
  - Should we continue to pre-determine the set of evidence and give the panel everything? Should hearing counsel introduce evidence as it comes up?