

## **Honor Committee Constitution**

*We the students of the University of Virginia recognize that Honor is at once an injunction and an aspiration. The Honor System exists at the intersection of these two purposes: to foster our Community of Trust and to hold ourselves to the highest standards of integrity.*

*We recognize that as students, we have a responsibility to each other: to trust in the integrity of our peers; to recognize our capacity to make amends and restore our commitment to honor; and to value honesty above ambition and our community above ourselves. In these dedications to each other, we aspire to build this Community of Trust: a pluralistic community founded on the high values of trusting and being trusted, an allegiance to intellectual honesty, and of being honest in one's dealings with others.*

*The Honor System rests on the University's foundational value of student self-governance, the audacious belief that students are capable of dedication to each other and these ideals. This Constitution delineates the role of the Honor Committee in this mutual commitment.*

### **Article I: Purpose and Authority**

The authority of the Honor Committee is delegated to this Constitution and to this Committee by action of the Board of Visitors of the University of Virginia in accordance with its powers under state law. The Honor Committee shall embody the interests and attitudes of the current generation of Students of the University of Virginia in performing all functions which are necessary and proper to uphold and promote the Honor System and the Community of Trust.

### **Article II: Powers of the Committee**

The Honor Committee is empowered to:

- a. Inform current and prospective students and faculty of the philosophy and operation of the Honor System;
- b. Determine and publicize what constitutes an Honor violation in the view of the current generation of Students of the University;
- c. Investigate, call for a hearing regarding, and hear appeals following the finding of an Honor violation;
- d. Administer sanctions in accordance with the Honor Committee's purpose of upholding and promoting the Community of Trust, including but not limited to; amends, education, and temporary or permanent removal from University student status;
- e. Maintain records of all Honor violations and the resolution of any accusations of an Honor violation, in accordance with University of Virginia policy and Virginia state law;
- f. Establish programs, policies, and guidelines for the operation and maintenance of the Honor System, including the Bylaws of the Honor Committee; and
- g. Establish rules of procedure for appeals from Honor accusations and from the findings of Honor panels.

### **Article III: Structure**

*Section 1:* The Honor Committee shall consist of two elected representative members from each school of the University, except that the Undergraduate College of Arts and Sciences shall be represented by five elected representatives and the School of Engineering and Applied Sciences shall be represented by three. Each member shall have one vote.

*Section 2:* The Honor Committee, by a majority vote, shall elect from among its members a Chair and six Vice Chairs. The Chair shall preside at all meetings of the Honor Committee, and a Vice-Chair shall preside at the request and/or absence of the Chair. These officers shall also perform other duties which the Honor Committee may from time to time assign to them.

*Section 3:* The Honor Committee may provide for the selection of such other officers as it may deem appropriate and assign to them such duties as it may deem appropriate, provided, however, that one officer shall always be responsible for keeping the records and minutes of the Honor Committee.

*Section 4:* Honor Committee officers may be removed from their positions as Honor Committee officers by two-thirds vote of the entire Committee.

*Section 5:* Any elected officer of a school shall be eligible to sit on honor panels in accordance with such rules as the Honor Committee may establish.

*Section 6:* A quorum shall consist of two-thirds of the Honor Committee. Meetings may be called by the Chair or by request of three of its members.

*Section 7:* Except as otherwise provided in this Constitution or Bylaws adopted under it, meetings shall be conducted in accordance with the latest edition of Robert's Rules of Order.

### **Article IV: Election and Removal**

*Section 1:* Honor Committee elections shall be conducted at least seven weeks before University Spring commencement exercises each year. Those elected shall take office at noon Eastern Time on the first Monday in April, provided that the newly elected Honor Representatives may meet in their official capacity before such a date for the limited purpose of electing incoming Honor officers consistent with this Constitution and the Bylaws of the Committee.

*Section 2:* Unless otherwise provided in a school's constitution, an Honor Committee member may be recalled by a majority of those voting in a recall election in his school within a reasonable time after its receipt of a recall petition signed by at least ten percent of the students in the school.

*Section 3:* The Honor Committee shall provide procedures for the removal of any Honor officer or any Honor Representative for cause or violation of the Code of Ethics. Such procedures shall always permit a school of the University, in accordance with its own policies, to recall any elected Representative to the Committee.

*Section 4:* Any Honor Officer or Honor Representative officially accused of an Honor Offense shall be suspended from their duties pending the result of any subsequent Hearing.

*Section 5:* Unless otherwise provided in a school's constitution, a vacancy shall be filled by another election within a reasonable time.

*Section 6:* The University Board of Elections or its successor body shall have the power to regulate Honor Committee elections.

### **Article V: Rights of the Accused**

*Section 1:* Every student accused of an honor violation shall have the right:

- a. To have their Honor accusation heard before an impartial panel, with the Panel for Guilt to consist of five randomly selected Committee representatives and seven randomly selected student panelists, provided that at least one representative and two random student panelists are from the school of the accused;
- b. To be advised in writing of the nature of the accusation;
- c. To be informed of the nature of the evidence to be used against the accused student;
- d. To have all proceedings against the accused student held publicly or privately at the election of the accused student. Where charges against two or more students will be heard at the same trial, the proceedings shall be held either publicly or privately, as agreed upon by such students and, lacking such agreement, shall be held privately.
- e. To be given a reasonable time to prepare for a hearing before the panel;
- f. To be assisted by counsel chosen by the accused student from the student body;
- g. To cross-examine witnesses against the accused student;
- h. To present evidence and witnesses in the accused student's own defense;
- i. To be heard in the accused student's own defense;
- j. To refuse to testify;
- k. To be informed of the results of the vote of the Panel for Guilt;
- l. To be informed of the sanction(s) the Counsel for the Community proposes to the Panel for Sanction;
- m. To present their case for reasonable sanction(s) to the Panel for Sanction;
- n. To be assisted by counsel chosen by the accused student from the student body in front of the Panel for Sanction;
- o. To be advised in writing of both the decision and reasoning of the Panel for Sanction within one week of Sanctioning; and

p. To appeal the decision of the Panel for Guilt or the Panel for Sanction for new evidence or good cause.

*Section 2:* No student shall be found to have committed an Honor violation unless:

a. Evidence against the accused student supports, beyond a reasonable doubt, an accusation of an act of lying, cheating, or stealing that the accused student knew or should have known might constitute an Honor Offense, to the satisfaction of at least three-fourths of the Hearing panel; and

b. The act is significant, such that open tolerance of such an act would be inconsistent with the Community of Trust, to the satisfaction of at least a majority of the panel. The panel shall take a separate vote on each criterion of guilt.

*Section 3:* Every Guilty student shall be subject to appropriate sanction(s) by a four-fifths vote of the Panel for Sanction consisting of Committee panelists from the Panel for Guilt. The Panel for Sanction shall consider the significance of the case to the Community of Trust, arguments for reasonable sanction(s) from the Guilty Student and their counsel and the Counsel for the Community, taking into consideration the advice of the random student panelists, the evidence presented, and all other aggravating and mitigating circumstances. The Panel for Sanction shall not consider expulsion and permanent sanctions in any case in which five-sevenths of the random student panelists vote that the offense(s) do not rise to such sanction(s), except in such case in which the Guilty student has previously been found to have committed an Honor violation.

*Section 4:* Every student found to have committed an Honor violation shall have access to a record of the proceedings and may appeal both panels' findings on the basis of new evidence affecting that finding or of a denial of a full and fair hearing in accordance with this Constitution.

*Section 5:* All documents of the proceedings against a student not found to have committed an honor violation shall be destroyed in accordance with state law, provided that statistical data concerning the accusation are maintained in accordance with this Constitution and the Bylaws of the Committee.

*Section 6:* Notwithstanding any other provisions in this Constitution, a student leaving the University upon accusation shall be deemed to have admitted the Honor violation.

*Section 7:* A student who has been reported for an Honor violation shall have the right, within a reasonable timeframe of being informed of the report by the Honor Committee, to file an Informed Retraction admitting guilt and waiving all rights except those pertaining to the Panel for Sanction and Appeals.

*Section 8:* A student filing an Informed Retraction shall have the necessary sanction(s) determined with a Panel for Sanction who shall consider the admission(s) of the Informed Retraction and credit the accused student for their willingness to repair and rejoin the Community of Trust. Where a complete and timely Informed Retraction is submitted, expulsion or any other permanent notation shall not be considered by the Panel for Sanction.

## **Article VI: Bylaws**

*Section 1:* Honor Committee shall establish Bylaws to administer the operation of the Committee and the Honor System consistent with this Constitution and shall be adopted by a majority vote of the Honor Committee.

### **Article VII: Self-Governance**

*Section 1:* Every year, the Honor Committee shall, in accordance with its most fundamental purpose, convene a Popular Assembly open to the general student body with the following aims: to facilitate discussion on the state of the Honor System; to ascertain the pressing concerns of the community; and to generate potential measures to be put before the student body for consideration.

*Section 2:* Should a majority of voting students vote affirmatively on a non-binding question of opinion pertaining to the Honor System in a University-wide election, the Honor Committee shall enact a response within the timeframe of one year.

### **Article VIII: Amendments**

Amendments to this Constitution shall be proposed either by a vote of two-thirds of the entire Honor Committee, or by a petition meeting the requirements, including the form of the petition and all signature requirements, set by the University Board of Elections or its successor body from time to time. In either case, proposed amendments take effect, if at all, upon ratification by three-fifths of those students voting in a referendum election, provided that at least ten percent (10%) of the entire eligible voting population has voted in favor of such amendments. The validity and deadlines for receipt or petitions and signatures, election dates, vote counts, and other matters relating to the process and administration of elections, shall be determined by the UBE.

### **Article IX: Ratification**

*Section 1:* This Constitution shall take effect on July 1, 2023, provided that its adoption meets the requirements of Article VIII by that date.

*Section 2:* Honor Committee members elected to take office on April 1, 2023, shall take office as described in Article IV.

*Section 3:* The Honor Committee shall bring its existing literature, rules, and Bylaws into conformity with this Constitution as soon as practicable to do so.