

Appendix A

College of Liberal Arts and Sciences

Honor Constitution Organizational and Procedural Appendix

Article I: Scope of the Honor Code

Section 1. The violations of the Honor Code are lying, cheating, and stealing in all their various forms.

Article II: Organization

Section 1. The College of Liberal Arts and Sciences Honor Council is a judicial body designed to try specific cases brought to it regarding possible violations of the Honor Code.

Section 2. The Honor Council consists of a president and 16 other members.

- A. The Honor Council president is elected at large by the entire student body from among currently enrolled students. The president must have at least one academic year's experience as either an Honor Council representative or Honor Council advisor.
- B. The 16 other members consist of four representatives each from the freshman, sophomore, junior, and senior classes, elected by currently enrolled students in the respective classes.
- C. One Honor Council representative shall be elected by the Council to serve as vice president. That person shall assume the duties of the president in the president's absence, and shall perform such other duties as may be assigned by the president.
- D. The terms of office of Honor Council members shall begin in the spring semester of the year in which elected, and shall continue until the installation of the succeeding members the following year. Members of the Honor Council may be reelected.
- E. Any member of the Honor Council who fails to perform the duties or uphold the standards of office may be removed by action of his or her constituency or by the Honor Council itself, as follows:
 1. Upon presentation to the Honor Council of a petition signed by at least 20 percent of the member's currently enrolled class (in the

case of an honor representative), or at least 20 percent of the entire currently enrolled student body (in the case of the president), the question of recall shall be considered. At least three-fourths of the Honor Council must vote in favor of removal in order for the motion to be carried. If, upon petition, the Honor Council fails to remove the member in question, such action may be overridden upon petition of at least 40 percent of the appropriate constituency followed by a majority of the votes cast by that constituency.

2. Alternatively, the Honor Council itself may initiate the recall of a member by a vote of at least three-fourths of its members in favor of removal.
3. Whenever a member is removed or resigns from office, an election shall be held as soon as practicable by the appropriate constituent group to fill the vacancy thus created.

Section 3. There shall be an Honor Investigator appointed by the Honor Council president whenever an alleged honor violation has been reported, and it shall be the duty of this person to gather information from both the accuser and the accused concerning the alleged violation. This information shall be presented to the Honor Advisory Board (see below, Art. II, Sec. 4). The duties of the Honor Investigator shall ordinarily be carried out by the vice president of the Honor Council, but may be assigned to another member of the Honor Council at the discretion of the president. Whoever serves as Honor Investigator shall not be eligible subsequently to participate in any hearing or appeal which may result from the investigated incident.

Section 4. There shall be an Honor Advisory Board consisting of the president of the Honor Council (as chair), the president of the Student Government Association, and the president of the Judicial Review Board. It is the responsibility of this body to receive information from the Honor Investigator and, on that basis, to determine the appropriate dispensation of the alleged violation.

Section 5. There shall be Student Honor Advisors appointed by the Student Advisor Coordinator from among the student applicants.

A. The Student Advisor Coordinator, chosen by the Honor Council president from among student applicants, will appoint two Student Honor Advisors to each hearing.

B. At each hearing, one Student Honor Advisor will serve as advisor for the accuser and one will serve as advisor for the accused.

Section 6. There shall be eight nonvoting faculty advisors to the Honor Council, two of whom shall be present at each hearing.

- A. Faculty advisors shall be appointed for staggered three-year terms by the President of the University in consultation with the president of the Honor Council.
- B. Faculty advisors shall be selected in such a manner that there is at least one representative from each of the classroom buildings and the library.
- C. Prior to each honor hearing, one faculty advisor shall be available to assist the accuser and one to assist the accused, but neither shall participate in the conduct of the hearing itself.
- D. Faculty advisors should meet with the Honor Council president and/or vice president and members of the Honor Council at least twice per semester to review matters of function and practice and to review sanctions imposed by the Honor Council. Either the convener of the faculty advisors, and the president of the Honor Council, or the vice president of the Honor Council, shall report to the Faculty Senate at least once per semester concerning such matters.

Section 7. There shall be an Honor Contact within each residence hall, to be elected by the hall's residents in the fall semester of each year, to serve as liaison between the Honor Council and the residents of that hall. The commuting students shall also elect an Honor Contact to serve as their liaison.

Section 8. In order to take into account the existence of more than one Honor Council (one on each campus), a student suspected of an honor violation will be referred directly to their "home campus" Honor Council for investigation. "Home campus" shall be determined by the registrar's office.

Section 9. Procedural Advisor

- A. There shall be one nonvoting Procedural Advisor to the Honor Council, who shall be appointed by the President of the University in consultation with the president of the Honor Council. It shall be the role of the Procedural Advisor to aid the Honor Council president in providing clarification concerning Honor System procedures. The Procedural Advisor shall be present at each hearing and be present for jury and Honor Council deliberations during said hearings.

Article III: Procedure

Section 1. Investigation

- A. The Honor Council operates on the premise that every person is deemed innocent until proven guilty.

- B.** All members of the College community should feel obligated to investigate as quickly and discreetly as possible any suspected violation of the Honor Code. If it is apparent that no honor violation has in fact occurred, there shall be no further proceedings. If, however, it is believed that a violation has occurred, the person suspected of the violation should be approached with a request for an explanation of the suspected violation. If the explanation is deemed satisfactory, there shall be no further proceedings. If the explanation is not satisfactory, an accusation should be made, and the accuser must notify the president of the Honor Council in writing within five academic days. All accusations must be made within 45 days from the date of discovery of the alleged violation. The accused must be a member of the University community.
- C.** The Honor Council president shall meet with the accuser to provide procedural information and shall appoint an Honor Investigator to gather information from both the accuser and the accused.
- D.** Within 14 calendar days, the Honor Investigator shall report to the Honor Advisory Board, unless granted an extension by the Honor Council president. The Honor Investigator shall prepare an information packet consisting of relevant testimony and information collected during the investigation. This packet shall be made available to the accuser and accused persons following the Honor Advisory Board hearing. Based on the Honor Investigator's report, the Honor Advisory Board shall make one of the following determinations:
- 1.** If there is no evidence that a violation has occurred, the process shall end.
 - 2.** If the evidence presented is insufficient, or the grounds inappropriate, to warrant further adjudication, there shall be no further proceedings although, at the discretion of the Board, a letter of reprimand may be issued to the investigated student. Such reprimand, if issued, shall not be entered on the student's official academic record.
 - 3.** If there is evidence of a violation, but not one which involves an infraction of the Honor Code per se, the matter shall be referred to the appropriate body for adjudication (e.g., Judicial Review Board).
 - 4.** If there is evidence of an Honor Code violation, the accused student shall be given the option of withdrawing from the University or being heard by the Honor Council. If either determination 1 or 2 is made by the Honor Advisory Board, then the information packet that was prepared by the Honor Investigator is destroyed. If either

determination 3 or 4 is made, then the packet shall be given to the accuser and the accused persons.

E. Voluntary Withdrawal

1. An accuser cannot withdraw a charge of an honor violation upon agreement of the accused to withdraw from the University.
2. If the accused elects to discontinue enrollment:
 - a. the Honor Council shall take appropriate action to record the facts as they were presented;
 - b. the Honor Council president shall notify the President of the University and other appropriate administrative officers of such action; and,
 - c. the following entry shall be made on the student's official academic record: "*Discontinued enrollment from the University on [date] under accusation of an Honor Code violation of [name of violation] and is therefore permanently dismissed.*"

- F. If the accused student elects to stand trial, the president of the Honor Council shall arrange for a jury hearing. No trial shall be scheduled between the beginning of the Reading Period and the end of the Examination Period. Cases which arise within this time frame shall be tried as soon as possible, but ordinarily no later than the end of the second week of classes during the subsequent semester; in the event of extenuating circumstances, the president of the Honor Council may grant a postponement.

G. Admission of Guilt

1. The accused student may plead guilty at any point prior to convening the actual honor hearing. When doing so, the accused shall forego the right to a jury hearing and, instead, shall appear before a review and sanction hearing. The purpose of the hearing shall be to determine an appropriate sanction based on the honor violation.
2. When pleading guilty, the accused student must send a signed, written statement to the Honor Council president acknowledging a plea of guilty and waiving the right to a jury hearing.
3. Upon receipt of the accused student's statement, the Honor Council president shall arrange for a review and sanction hearing. At the hearing, the Honor Council shall be represented by six of its members: the Honor Council president, who is the presiding officer for the hearing, plus five unbiased Honor Council representatives. Both parties shall be entitled to have present at the hearing a Student

Honor Advisor, appointed by the Student Advisor Coordinator, and a faculty advisor. Both parties shall be entitled to present a statement at the time of the hearing.

H. Evidence and Witnesses

The accuser and accused may use anything contained in the Honor Investigator's report during an honor hearing. Any additional information presented at the hearing that is not contained in the Investigator's report, or the use of oral or written testimony from third parties, must be exchanged among the accuser, accused, and the Honor Council president within 24 hours prior to the convening of the hearing.

Section 2. Hearing

A. Composition

1. At a hearing, the Honor Council shall be represented by six of its members: the Honor Council president, who is the presiding officer for the hearing, plus five unbiased Honor Council representatives.
2. There shall be a jury of nine students, chosen at random from the student body.
 - a. It shall be the duty of the Honor Council president to ensure that each juror is unbiased. Toward that end, the accuser and the accused, as well as the members of the Honor Council, shall have the right to question prospective jurors in order to eliminate from service anyone who may be biased.
 - b. Although students are normally expected to serve if called, exemptions may be made for academic reasons or other legitimate extenuating circumstances.
3. Two faculty advisors appointed by the president of the Honor Council (see above, Art. II, Sec. 6C) shall be present, but shall not participate in the conduct of the hearing itself.
4. Two Student Honor Advisors shall be present. The Student Advisor Coordinator shall designate one to serve as advisor to the accused, and one as advisor to the accuser.
5. The accuser and the accused may each engage any person of his or her own choice to act as counsel (see below, Art. III, Sec. 2B3).

B. Format

1. Attendance at the hearing shall normally be restricted to those persons described above (Art. III, Sec. 2A). However, the accused

may request an open hearing, in which case additional members of the University community or other persons designated by the accused may also attend.

2. The Honor Council, with the president serving as the presiding officer, shall direct the hearing process.
3. Rules of Testimony
 - a. The accused is not required to testify on his or her behalf and cannot be compelled to answer questions during the hearing.
 - b. Failure of the accused to testify shall not be mentioned by the accuser during the hearing, nor shall it be a consideration in determining either a verdict or, in the event of conviction, a sanction.
 - c. If the accused chooses to respond to questions from the Honor Council, such responses must be made personally by the accused, not by counsel or by any other representative of the accused.
4. Upon conclusion of all testimony, the jury shall deliberate and deliver to the Honor Council president a verdict of guilt or innocence. A verdict of guilt shall be rendered only upon the concurrence of at least two-thirds of the jury.
 - a. If a verdict of guilt is rendered, the five Honor Council representatives who are present shall decide the appropriate penalty, which shall be announced by the president of the Honor Council.

C. Penalties

1. Following a verdict of guilty or an admission of guilt, the Honor Council must impose one or more of the following penalties:
 - a. Community Service. Where appropriate, the sanction of community service may be rendered.
 - b. Social Probation. In cases involving nonacademic violations, the probationary sanction shall include, as appropriate, loss of social and/or residential privileges for 15 consecutive weeks in which the student is enrolled in classes.
 - c. Academic Probation. In cases involving academic violations, the probationary sanction may require the loss of academic credit through the assignment of a failing grade in the course(s) involved.
 - d. Honor Suspension. Honor suspension is the loss of all academic

credit for the semester in which the violation occurred. The period of suspension may be longer at the discretion of the Honor Council.

- e. Permanent Dismissal. A student receiving the penalty of permanent dismissal is not eligible to return to the University.
2. Any record of previous honor offenses shall not be taken into account in determining the verdict in a hearing; however, the Honor Council shall consider such record in determining the penalty to be imposed in the event of subsequent conviction, as follows:
 - a. If a student, having been previously convicted and placed on probation or given community service, shall be found guilty of a second violation, the penalty for the latter violation must be either suspension or permanent dismissal.
 - b. If a student, having been previously convicted and suspended, shall be found guilty of a subsequent violation, the penalty for the latter violation must be permanent dismissal.
 3. All sanctions imposed shall be entered into the student's official academic record (see below, Art. III, Sec. 4).

Section 3. Appeal

A. Appeal of Verdict

1. A student convicted of an honor offense may appeal the verdict on procedural grounds or upon the presentation of relevant new evidence which was unavailable at the time of the original hearing. Such appeal must be made in writing, and may, in addition, be presented orally to the Honor Advisory Board within five calendar days after the initial verdict is rendered; the Board shall then determine whether sufficient grounds exist for granting the appeal.
2. If the appeal is granted, a new hearing is ordered. Such hearing shall be conducted in accordance with established honor hearing procedures (see Art. III, Sec. 2), but shall include no Honor Council member or juror who participated in the initial hearing.
3. If the appeal is not granted, the original verdict shall stand as rendered.

B. Appeal of Sanction

1. A student convicted of an honor offense has the right to appeal the sanction on the grounds that the penalty is too harsh for the violation committed. Such appeal must be made in writing, and may, in addition, be presented orally to the president of the

Honor Council within five calendar days after the initial verdict is rendered.

2. The president of the Honor Council shall appoint an Honor Appellate Panel to consider such appeal. The Panel shall consist of five unbiased Honor Council members who did not participate in the initial hearing.
 3. The Honor Appellate Panel shall review transcripts and/or tapes of the initial hearing and, on that basis, determine whether to sustain, decrease, or increase the penalty imposed at the initial hearing.
 4. The decision of the Honor Appellate Panel shall be final, and the convicted student shall have no further right of appeal.
- C. In the event that an insufficient number of current Honor Council members is available to consider an appeal, the Honor Council president shall have the right to authorize previous Honor Council members to serve at an appeal hearing.

Section 4. Notation on Academic Record

- A. In the case of acquittal, all records of the hearing shall be destroyed expeditiously.
- B. In the case of conviction, an entry shall be made on a student's academic record as described in Article IV of the Constitution.

Section 5. Violations of Conditions of Previously Imposed Sanctions

- A. The Honor Council may resanction a student who has violated the conditions of a previously imposed sanction even if the violation itself does not constitute an honor offense.
- B. Hearing
 1. The president of the Honor Council shall arrange for a hearing to consider whether the conditions of a previously imposed sanction have been violated. At this hearing the Honor Council shall be composed of six of its members: the Honor Council president, who is the presiding officer for the hearing; plus five unbiased Honor Council representatives. The accused shall be entitled to have present at the hearing a Student Honor Advisor, appointed by the Student Advisor Coordinator, and a faculty advisor. The Honor Council will bring a charge of violation of conditions of a previously imposed sanction. The accused shall be entitled to present any evidence at the hearing that is relevant to the charge that the previously imposed sanction has been violated. No evidence may be presented at the hearing which is otherwise excluded by the procedures of the Honor Council or the Honor Constitution.

2. Upon conclusion of all testimony, the five Honor Council representatives who are present at the hearing shall determine what sanction, if any, will be imposed.
 3. The sanction imposed pursuant to this procedure may supersede, or be in addition to, the sanction previously imposed for the honor offense.
- D. In the event that an insufficient number of current Honor Council members is available to attend this type of hearing, the Honor Council president shall have the right to authorize previous Honor Council members to participate.

Section 6. A brief summary of every case heard by the Honor Council, whether resulting in acquittal or conviction, shall be submitted to *The Bullet* for publication in an appropriate format. Such summary shall include the verdict and the punishment (if any), but shall not include the names of the accuser or accused.

Article IV: Amendments of the Appendix

Section 1. Amendments to this Appendix may be initiated either by the Honor Council itself or by the student body.

- A. The Honor Council may initiate an amendment by an affirmative vote of at least three-fourths of its members. For approval, the amendment must then receive an affirmative vote of a majority of the currently enrolled student body in a referendum.
- B. The student body may initiate an amendment by presenting to the Honor Council a petition signed by at least ten percent of the currently enrolled student body. For approval, the amendment must then receive an affirmative vote of at least three-fourths of the Honor Council members. It must then receive an affirmative vote of a majority of the currently enrolled student body in a referendum.
- C. In the event that the Honor Council does not approve an amendment initiated by the student body, such action can be overridden if a petition, signed by at least 25 percent of the currently enrolled student body is presented to the Honor Council requesting a referendum on the amendment. For approval, the amendment must then receive an affirmative vote of a majority of the currently enrolled student body in a referendum.

Section 2. Any amendment must be approved by the Board of Visitors of the University before it can become operative.