

Resolution 2013-12. On Reforming the Honor System.

Introduced by the Committee on Student Conduct (COSC)

The Faculty Council:

Endorses the following suite of reforms to the Honor System (“the suite”) developed and promulgated by the Committee on Student Conduct (COSC), and adopted by Student Congress, including:

Section 1. Section III.A.2 of the *Instrument of Student Judicial Governance* is amended to read as follows:

~~**1. Relevant Factors.** Sanctions imposed in particular cases should take into account the gravity of the offense in question, including its implications for other members of the campus community, and any relevant recurring patterns of misconduct; the value of learning through experience so as to develop a greater sense of responsibility for one’s actions and their consequences to others; the importance of equitable treatment for similar offenses; and other compelling circumstances, so as to reach a just and appropriate resolution in each case.~~

1. Relevant Factors. Per Section III.A.2, the Honor Council shall take into account the following factors in imposing sanctions:

a. The gravity of the offense in question including, but not limited to: intent and deliberation involved in committing the offense; implications for other members of the campus community; and University interests impacted by the offense.

b. The value of learning through experience so as to develop a greater sense of responsibility for one’s actions and their consequences to others, including but not limited to: demonstrated sense of responsibility; demonstrated respect for the importance of academic and/or personal integrity; existence of plans to correct the offense and/or prevent future offenses; and any relevant recurring patterns of misconduct.

c. The importance of equitable treatment for similar offenses including the minimum sanctions established in Section III of this *Instrument* and guidelines for usual sanctions in this Appendix.

d. Other compelling circumstances. In some cases, it is appropriate for the Honor Council to consider other factors that would render a sanction unduly punitive, including but not limited to extraordinary personal circumstances of the student; the educational goals of the University; and University interests in a student’s participation in the campus community.

2. Instructor Recommendations. Per Section III, in cases charged under Section II.B. of this *Instrument*, the course instructor’s grade recommendation is binding upon the Honor Council. Instructors are encouraged to consult relevant Honor System personnel and the sanctioning guidelines below in deciding a grade recommendation.

3. Flexibility and Available Sanctions. Per Section III.A.1, the Honor Council may impose any combination of the available sanctions outlined in Section III.B, as well as other sanctions that it deems appropriate, provided that the sanctions not conflict with other provisions of this

Instrument.

4. The Importance of Honesty. The Honor Code values the importance of honesty within the University community. If the Honor Council, or any member of the Honor System staff, believes that a student has furnished false information in connection with any and all Honor System proceedings, the matter will be referred to the Student Attorney General, who may charge the student with an additional violation under section II.C.3.g. or Section II.B.6. of this *Instrument*.

B. Sanctioning Guidelines

- 1. Purpose of the below chart.** The sanctioning chart below exists to provide a starting point for discussion during the deliberation of appropriate sanctions by the Honor Council. Because the Honor Council must consider all four relevant factors described in Section A of this Appendix, this chart should not be viewed as an assurance or predictor of sanctions for individual cases; the Honor Council may deviate from any usual sanction described in this chart based on other aspects of the gravity of the offense, the value of learning, the importance of equitable treatment, or other compelling circumstances. Neither adherence to nor deviation from the usual sanctions established in this chart alone shall constitute grounds for appeal under Appendix I.1.b.ii. of Appendix C.

Category	Description	Usual Sanction¹
Minimal	The student committed academic dishonesty despite a clear intent and effort to produce honest work.	Instructor's recommended grade sanction, a written letter of warning, and an educational assignment or written apology
Reckless AND/OR Minor	The student committed academic dishonesty whereby he or she did not desire to violate standards of academic honesty but foresaw or should have foreseen the risk of doing so and did not take requisite precautions to prevent it. AND/OR The student committed academic dishonesty that did not have the potential to (a) give a substantial undue advantage over other students or (b) allow him or her to subvert a substantial amount of academic work.	Instructor's recommended grade sanction (including a possible X-notation as determined by the Honor Court), and one semester of disciplinary probation
Deliberate AND Substantial	The student consciously acted in a way that he or she knew or should have known constituted a violation of the Honor Code	Instructor's recommended grade sanction (including a

¹ In this context, "usual sanction" does not indicate the sanction that will be imposed in the majority of cases. "Usual sanction" refers to the sanction that will be imposed *unless* the Honor Court finds compelling reason to deviate from the usual sanction based on the Relevant Factors established in Section A of this Appendix.

	<p>AND</p> <p>The student committed academic dishonesty that had the potential to (a) give a substantial undue advantage over other students or (b) allow him or her to subvert a substantial amount of academic work</p>	<p>possible X-notation as determined the Honor Court), and one semester of disciplinary suspension</p>
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Section 2. Section IV.A.7 of the *Instrument of Student Judicial Governance* is amended to read as follows:

~~IV.A.7. **Proof Beyond a Reasonable Doubt.** The right to have an alleged offense proven beyond a reasonable doubt, where “beyond a reasonable doubt” means a doubt that is based upon reason and common sense after careful and impartial consideration of all evidence, and does not mean a mere “shadow of a doubt” or any conceivable doubt.~~

IV.A.7. **Proof that is Clear and Convincing.** The right to have an alleged offense proven by evidence that is clear and convincing, where “clear and convincing” means that the evidence is substantially more likely to be true than not and that the panel has a firm belief of conviction in it.

Section 3. Appendix C E.7 is of the *Instrument of Student Judicial Governance* is amended to read as follows:

~~Appendix C E.7 **Deliberations and Judgment.** Immediately upon conclusion of the initial phase of the hearing, the hearing panel shall deliberate in private and determine whether the accused student or students have been shown beyond a reasonable doubt to have violated the Honor code as charged and determine the sanctions to be imposed. In extraordinary circumstances, the presiding officer may postpone deliberation or sanctioning and reschedule the hearing to the next available date.~~

Appendix C E.7 **Deliberations and Judgment.** Immediately upon conclusion of the initial phase of the hearing, the hearing panel shall deliberate in private and determine whether the accused student or students have been shown by evidence that is clear and convincing to have violated the Honor code as charged and determine the sanctions to be imposed. In extraordinary circumstances, the presiding officer may postpone deliberation or sanctioning and reschedule the hearing to the next available date.

Section 4. Appendix C E.7.a is of the *Instrument of Student Judicial Governance* is amended to read as follows:

~~Appendix C E.7.a. **Finding of Guilt.** For purposes of this Instrument, “beyond a reasonable doubt” means a doubt that is based upon reason and common sense after careful and impartial consideration of all evidence, and not a mere “shadow of a doubt” or any conceivable doubt. The hearing panel’s decision shall rest solely on the evidence presented in the hearing and shall be reached following deliberation by use of a secret ballot. The hearing panel may reach one of the following judgments: (a) not guilty, (b) guilty, or (c) guilty o a portion of the charges stated. In order to find a student responsible, at least 3 of the 5 members must vote responsible. In the event that the Court (with the accused student’s consent) is proceeding~~

~~with fewer than five members, at least 3 of the members present must vote guilty in order to find a student guilty.~~

Appendix C E.7.a. **Finding of Guilt.** For purposes of this Instrument, “clear and convincing” means that the evidence is substantially more likely to be true than not and that the panel has a firm belief or conviction in it. The hearing panel’s decision shall rest solely on the evidence presented in the hearing and shall be reached following deliberation by use of a secret ballot. The hearing panel may reach one of the following judgments: (a) not guilty, (b) guilty, or (c) guilty on a portion of the charges stated. In order to find a student responsible, at least 3 of the 5 members must vote responsible. In the event that the Court (with the accused student’s consent) is proceeding with fewer than 5 members, at least 3 of the members present must vote guilty in order to find a student guilty.

Section 5. Section V.C of the *Instrument of Student Judicial Governance* is amended to read as follows:

C. Faculty Honor Court Panel. The Chair of the Faculty and the Undergraduate and Graduate Court Chairs, in consultation with the Chair of the Committee on Student Conduct, shall establish a standing panel of at least 50 faculty members, whose interest and expertise qualifies them for service on University Hearings Boards charged with responsibilities to hear original or appellate matters pursuant to this Instrument and on Honor Court Panels as described in Section E.1.a of this Instrument. The Faculty Honor Court Panel should be drawn from a cross-section of departments, disciplines, and ranks of faculty in order to provide a diverse and representative pool of faculty who are known and respected by their peers. Graduate students at the University who also act in undergraduate instructor roles are eligible for membership on the faculty panel. Appointments to the Faculty Honor Court Panel shall be for three years. After selection, all members of the Faculty Honor Court Panel must meet the qualifications of Student Honor Court members as described in Section V.A.1.b.ii.1. and shall be provided relevant training concerning the operation of the campus honor system and other related matters.

Section 6. Appendix B, after Section IV of the *Instrument of Student Judicial Governance*, is extended to read as follows:

V. Faculty Honor Court membership. In order for a faculty member to qualify for participation on the Honor Council as a member of a hearing panel, that faculty member must be a member of the Faculty Honor Court Panel and have satisfied the requirements of Honor Court members as described in Section V.A.1.b.ii.1.

Section 7. Appendix C, Section E.1.a of the *Instrument of Student Judicial Governance* is amended to read as follows:

1. **Composition of Hearing Panels.**

- a) **Honor Student Panels.** Hearing panels of the Undergraduate Court shall be composed of a group of five Honor Court members; one presiding officer selected from a pool composed of the chair and vice chairs of the pertinent court, and four other Honor Court members selected at random, one of whom will be drawn from the Faculty Honor Court panel, so long as a member is available. Hearing panels of the Graduate and Professional Honor Council shall similarly be composed of a group of five Honor Court members; one presiding officer selected from a pool composed of

the Chair and vice chairs, ~~and four additional members selected by random drawing from a pool composed of the Chair and vice chairs, and four additional members selected by random drawing from a pool composed of the remaining members of the Council,~~ and four other Honor Court members selected at random, no more than one of which may be drawn from the Faculty Honor Court Panel. If the Graduate and Professional Honor Court is hearing an alleged offense committed by a student enrolled in a designated professional school, the Chair will endeavor to seat court members enrolled in the accused student's designated professional school on the hearing panel first.

Section 8. Appendix C, Section E.7 of the *Instrument of Student Judicial Governance* is amended to read as follows:

7. **Deliberations and Judgment: ...**

a) **Finding of Guilt.** For purposes of this *Instrument*, “clear and convincing” means that the evidence is substantially more likely to be true than not and that the panel has a firm belief or conviction in it. ~~beyond a reasonable doubt means a doubt that is based upon reason and common sense after careful and impartial consideration of all evidence, and not a mere “shadow of a doubt” or any conceivable doubt.~~ The hearing panel’s decision shall rest solely on the evidence presented in the hearing and shall be reached following deliberation by use of a secret ballot. The hearing panel may reach one of the following judgments: (a) not guilty, (b) guilty, or (c) guilty of a portion of the charges stated. In order to find a student responsible, at least 3 of the 5 members must vote responsible. In the event that the Court (with the accused student’s consent) is proceeding with fewer than ~~five~~ 5 members, at least 3 of the members present must vote Court in order to find a student responsible.

...

c) **Determination of Sanctions.** In instances in which the hearing panel determines that the accused student is ~~guilty or guilty in part~~ ~~guilty or guilty in part,~~ ~~it~~ ~~the student member portion of the hearing panel~~ shall determine the sanctions to be applied, as provided in Section III of this *Instrument*.

Section 9. Section III.D.2 of the *Instrument of Student Judicial Governance* is amended to read as follows:

Academic Dishonesty

a. For an initial instance of academic dishonesty,

- i. ~~—The usual sanction for grade-related misconduct shall be a failing grade in the course, an aspect or component of the course, or on the assignment as recommended by the instructor, and suspension for one full academic semester or until specified conditions are met.~~
- ii. ~~—The minimum sanction for grade-related misconduct shall be a failing grade in the course, component or aspect of the course, or on the assignment as recommended by the instructor; probation for at least one full academic semester; an additional educational assignment or other requirements as appropriate; and a written warning that further academic misconduct will lead to more serious sanctions.~~

b. For a second or subsequent instance of academic dishonesty, ~~the minimum sanction shall be suspension for at least two full academic semesters.~~

Academic Dishonesty

- a. **For an initial instance of academic dishonesty**, the minimum sanction shall be a failing grade in the course, component or aspect of the course, or on that assignment as recommended by the instructor; an additional educational assignment or other requirements as appropriate; and a written warning that further academic misconduct will lead to more serious sanctions.
- b. **For a second or subsequent instance of academic dishonesty**, the minimum sanction shall be disciplinary suspension for at least one full academic semester.

Section 10. This act is effective as soon as practicable.