

# HONOR COMMITTEE BYLAWS

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|       |                                                        |    |
|-------|--------------------------------------------------------|----|
| I.    | THE HONOR SYSTEM                                       | 2  |
| A.    | Purpose                                                | 2  |
| B.    | Jurisdiction                                           | 2  |
| II.   | ORGANIZATION                                           | 3  |
| A.    | Honor Committee                                        | 3  |
| B.    | Executive Committee                                    | 3  |
| C.    | Support Officers                                       | 5  |
| D.    | Code of Ethics; Standards Panel                        | 6  |
| III.  | RETRACTIONS                                            | 7  |
| A.    | Conscientious Retraction                               | 7  |
| B.    | Informed Retraction                                    | 9  |
| IV.   | PROCEDURES: HOW THE SYSTEM WORKS                       | 12 |
| A.    | Report                                                 | 12 |
| B.    | Investigation                                          | 13 |
| C.    | Investigative Panel                                    | 14 |
| D.    | Hearing Preferences                                    | 15 |
| E.    | Hearing Panels                                         | 17 |
| F.    | Pre-Hearing Conference                                 | 17 |
| G.    | Hearing                                                | 20 |
| H.    | Sanctioning                                            | 23 |
| I.    | Non-Compliance                                         | 26 |
| J.    | Post-Hearing Procedures                                | 29 |
| K.    | Contributory Health Impairment; Lack of Capacity       | 33 |
| L.    | School of Continuing and Professional Studies          | 35 |
| M.    | Registration Blocks and Transcript Holds; Degree Holds | 35 |
| V.    | CONFIDENTIALITY                                        | 36 |
| VI.   | RECORDS MANAGEMENT & RETENTION                         | 36 |
| VII.  | AMENDMENTS                                             | 36 |
| VIII. | DEFINITIONS                                            | 37 |

The purpose of these Bylaws is to describe generally the powers of the Honor Committee and its support officers, as well as the procedures of the Honor System. While these Bylaws contain many specific provisions, they are not meant to be an exhaustive list of enumerated powers, responsibilities, and procedures that extend to every imaginable contingency. Instead, they are intended to provide a general framework from which the Committee, using sound judgment and reason, can deduce the extent of its power and responsibility, and the procedural limitations of the Honor System.

## I. THE HONOR SYSTEM

### A. Purpose

1. The Honor System at the University of Virginia exists to foster a cohesive bond of trust among all members of the University community and to instill in all students a mutual reverence for the ideal of honorable behavior. Honor is a complex and multidimensional principle—a moral aspiration that defies simple characterizations. At the University of Virginia, the Honor System rests on a particular conception of that ideal. The cardinal injunction of our system is that students must refrain from Lying, Cheating, and Stealing to maintain our Community of Trust. In general, students found guilty of having committed an Honor offense are subject to appropriate sanctions as determined by the Honor Committee, including but not limited to amends, education, and temporary or permanent dismissal from the University.

### B. Jurisdiction

1. General Rules. Subject to the deadlines for the filing of a Report (as set forth in Section IV.A.2, below), the Honor Committee has jurisdiction with respect to any allegation of a Significant Act of Lying, Cheating or Stealing, which alleged Act is committed with Knowledge (each, an “Alleged Honor Offense”) which meets all of the following criteria:

- a) the Alleged Honor Offense was committed by a “University student” which, for these purposes, includes any person who is or was registered or enrolled in any University of Virginia program, including, without limitation, any student in the School of Continuing and Professional Studies (the “SCPS”) for which special procedures are set forth in IV.L, and
- b) the Alleged Honor Offense was committed in Charlottesville, Albemarle County, any of the University of Virginia’s regional centers, or anywhere else that a University student represents themselves as a student of the University, and
- c) the Alleged Honor Offense was committed
  - (1) while the University student in question was registered or enrolled (including during any summer sessions, holidays, study periods or other breaks between semesters), or
  - (2) within a period of two years after the University student was no longer registered or enrolled, but only with respect to alleged Lying by such student in any University disciplinary proceedings arising out of such student’s own conduct, including, without limitation, any proceedings of the University’s Judiciary Committee or the Honor Committee itself.

2. Former Students. Students who leave or have left the University for any reason (including, without limitation, transfer, withdrawal, leave of absence, graduation or other failure to return to the University for any reason), at any time, whether prior to the reporting and/or official accusation of an Alleged Honor Offense or thereafter, are subject to these procedures so long as the requirements of Paragraph 1, above, are met and a case is properly reported in accordance with IV.A, below.

3. Bylaw References to “Students.” References in these Bylaws to a “student” or to “students” include all persons described in Paragraph 1, above (except that in the context of student panelists at hearings,

“students” must be registered at the time of the relevant hearing, and in the context of performing the roles of Committee members or support officers, “students” must be registered when elected or appointed and throughout the time they are performing those roles).

## II. ORGANIZATION

### A. Honor Committee

1. Purpose. The Honor Committee is the body responsible for the administration of the Honor System. In discharging this function, the Committee’s principal purpose is to promote and maintain the Community of Trust on which the Honor System rests within a framework of fundamental fairness to students involved in Honor proceedings. Accordingly, The Honor Committee shall uphold the principles established in the Honor Committee Constitution.

2. Composition. 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:

- a) be registered in the school or department that they represent at the time of the election,
- b) be a student enrolled in a degree or credit-granting certificate program in the school or department they represent,
- c) be subject to a recall election or impeachment, as further described in Section II.D, if the Committee member fails to conform to these guidelines or the Code of Ethics at any time during their tenure, and
- d) not serve in any capacity as a support officer during their tenure as a Committee member.

3. Meeting Procedures. The Honor Committee shall adopt a meeting procedure in accordance with:

- a) the latest edition of Robert’s Rules of Order, or
- b) any other specified format that is ratified by 2/3 of the Committee.

4. Meeting Format. The Honor Committee shall, when feasible, meet in a physical location central to the University of Virginia. All meetings of the Honor Committee shall be held publicly, except for such closed session meetings as may, from time to time, be necessary to discuss sensitive or protected information. The Committee may meet in a virtual platform which transmits simultaneously both audio and video, when circumstances so require the Committee to meet. Any meeting of the Honor Committee shall be called either by the Chair acting alone or by any three representatives acting jointly.

5. Sub-Committees and Working Groups. In addition to the Executive Committee, as described below, the Committee may form and appoint members to standing sub-committees and temporary working groups as it sees fit for the limited purposes which the Committee shall describe upon their creation. Permanent sub-committees shall include the Executive Committee, the Policies & Procedures Committee, the Community Relations and Diversity Advisory Committee, the Faculty Advisory Committee, and the Support Officer Selections & Recruitment Committee.

### B. Executive Committee

1. Purpose. While the Committee as a whole retains ultimate authority over the administration of the Honor System, the Executive Committee shall be responsible for dealing with the Committee's routine business. Additionally, the Executive Committee may fulfill any other duties that the full Honor Committee may specifically delegate to it. Under all circumstances, the Executive Committee should keep the full Committee apprised of its actions and shall not act on behalf of the full Committee without the full Committee's consent and authorization.
2. Composition. The Executive Committee shall be composed of seven officers elected by the full Honor Committee from among the Honor Committee membership.
3. Positions. The seven officers of the Executive Committee shall be the Chair, the Vice Chair for Investigations, the Vice Chair for Hearings, the Vice Chair for Sanctions, the Vice Chair for the Undergraduate Community, the Vice Chair for the Graduate Community, and the Vice Chair for Operations.
  - a) The Chair shall preside over all Honor Committee meetings and all Executive Committee meetings and shall be responsible for the administration of the Honor System, including filling representative vacancies with respective schools.
  - b) The Vice Chair for Investigations shall oversee all cases under investigation and shall be responsible for the administration of all Conscientious Retractions, Reports, investigations, Investigative Panels, and other procedures regarding a student under investigation for an Alleged Honor Offense.
  - c) The Vice Chair for Hearings shall oversee all cases of accused and guilty students and shall be responsible for the administration of hearings for guilt and all appeals.
  - d) The Vice Chair for Sanctions shall oversee hearings for sanction and shall be responsible for monitoring completion and compliance of all sanctions imposed by the Committee, following the filing of an Informed Retraction or guilty verdict, and for maintaining information and data regarding the distribution of sanctions across all Honor cases.
  - e) The Vice Chair for the Undergraduate Community shall be responsible for the administration of all efforts by the Committee to educate the Undergraduate Community regarding the Honor System and its significant principles and practices. Such efforts shall include, but are not limited to, coordinating incoming and current undergraduate student outreach initiatives including Popular Assembly, facilitating school-specific education efforts led by Committee representatives, and forming partnerships with undergraduate communities.
  - f) The Vice Chair for the Graduate Community shall be responsible for the administration of all efforts by the Committee to educate the Graduate Community regarding the Honor System and its significant principles and practices. Such efforts shall include, but are not limited to, coordinating incoming and current graduate student outreach initiatives including Popular Assembly, facilitating school-specific education efforts led by Committee representatives, and forming partnerships with graduate communities.
  - g) The Vice Chair for Operations shall be responsible for managing the finances and operations of the Honor Committee. Each Committee term, the Vice Chair for Operations shall assist the Chair in appropriating Honor Committee funds for delegations including, but not limited to, Committee-wide, sub-committee, school-specific, and co-sponsorship expenses. In addition, the Vice Chair for Operations shall lead in coordinating and optimizing logistical functions of the Committee, while ensuring transparency through activities such as maintaining meeting minutes and other record-keeping as provided for in state law, University policy, or Committee practice.

4. Actions. Four votes are required for actions by the Executive Committee. In the case that four or more Executive Committee members recuse themselves from a decision of the Executive Committee, the Chair of the Honor Committee shall appoint randomly selected members of the Honor Committee to serve on the Executive Committee for the purposes of such decision. The Chair shall appoint as many randomly selected members of the Honor Committee as is necessary to constitute a four-member Executive Committee.

5. Other Non-Executive Officers. The Committee shall appoint at least one of its members to act as the Secretary of the Committee, who shall be responsible for taking the minutes of the Honor Committee's meetings and other record-keeping as provided for in state law, University policy, or Committee practice. The Committee may also appoint any other officers as it sees fit for the limited purposes which the Committee shall describe upon its appointment of the same.

### C. Support Officers

1. Purpose. Support Officers help the Committee with the proper and fair administration of the Honor System. Each Support Officer is assigned by the Executive Committee to one of three pools: Honor Advisors ("Advisors"), Honor Counsel ("Counsel"), or Honor Educators ("Educators"). Each Support Officer must be a University student and may be assigned to no more than a single pool (i.e., Advisor, Counsel, or Educator) at any given time. Regardless of their respective assignments, all Support Officers are expected to assist the Educator Pool in educating the Community about the Honor System.

#### 2. Honor Advisors, Advisor Pool

a) Purpose. Honor proceedings can be difficult and trying for the parties involved. Advisors can help alleviate some of the pressures and anxieties that may accompany Honor proceedings.

b) Role. The responsibilities of Advisors are to provide the parties to whom they are assigned with neutral and impartial information about the Honor process; and to provide students who are the subject of Honor proceedings, and to provide relevant members of the Community, if applicable, with confidential, emotional support.

c) Senior Advisors. Chosen from members of the Advisor Pool by the Executive Committee and approved by the Committee, Senior Advisors shall assist the Executive Committee in training and supervising the Advisor Pool. Senior Advisors may serve, along with those specifically approved for this purpose by the Committee, as Investigation Coordinators.

#### 3. Honor Counsel; Counsel Pool

a) Purpose. In a system premised on the principle of honor, the procedures of the Committee should be guided by the critical goal of pursuing the truth. Counsel play a crucial role in attaining this goal.

b) Role. The responsibilities of Counsel are to investigate thoroughly and impartially Reports of Alleged Honor Offenses; and to assist, in a fair and balanced manner, in the presentation of the views of both the accused student and the Community, respectively, throughout the Honor process. Notwithstanding the availability of Honor Counsel to assist in the presentation of the views, defenses, and arguments of the accused student at the hearing of guilt and, if applicable, sanction, (and later, if applicable, to assist the guilty student on appeal), the primary responsibility for any Honor case lies with the student. Accordingly, the student is expected to take the principal role in explaining the student's own actions and formulating defenses or arguments at their hearing (and, if applicable, thereafter).

c) Senior Counsel. Chosen from members of the Counsel Pool by the Executive Committee and approved by the Committee, Senior Counsel shall assist the Executive Committee in training and supervising the Counsel Pool and the Pre-Hearing Coordinators. Senior Counsel may also serve, along with those specifically approved for this purpose by the Committee, as Investigation Coordinators or Pre-Hearing Coordinators.

4. Honor Educators; Educator Pool

a) Purpose. In a system premised on the principle of honor, it is important that the Honor Committee engage in efforts to educate the Community about the ideals and processes of the Honor System.

b) Role. The Responsibilities of Honor Educators are to provide orientation and educational programs for the Community. Orientation and educational programs shall include, but are not limited to, presentations to students, other members of the Community, and visiting groups; education efforts undertaken as part of the Committee's co-sponsorship program; and any other education and outreach events. Educators shall be knowledgeable about the Committee's policies (including those related to case processing) and initiatives and provide a factual, impartial description of the Honor System and appropriate answers to questions to members of the Community.

c) Senior Educators. chosen from members of the Educator Pool by the Executive Committee and approved by the Honor Committee, Senior Educators shall assist the Executive Committee in training and supervising the Educator Pool.

D. Code of Ethics; Standards Panel

1. Purpose. The Committee and its support officers must hold themselves to the most exacting standards of ethical conduct. Guidelines for the ethical conduct expected and required of Committee members and support officers are set forth in the Committee's Code of Ethics. Violations of the Code of Ethics may result in a hearing before the Standards Panel. The Code of Ethics may be amended by a majority vote of the Honor Committee, voting in accordance with the regular procedures of the Honor Committee. The Chair shall promptly notify the Support Officer pools of any amendments.

2. Standards Panel Composition. The Standards Panel shall consist of five members, including two Senior Support Officers, two Committee members, and the Chair of the Committee, who also shall serve as the Chair of the Standards Panel. The Chair of the Committee shall randomly select the remaining four members of the Standards Panel. If any Standards Panel member is the subject of a Standards Panel referral, or has a conflict of interest with a referral, such member (including the Chair, if applicable), shall be ineligible to serve as a member of the Standards Panel in question.

3. Standards Panel Matters. For purposes of these Bylaws, a "Standards Panel Matter" shall mean (a) any alleged violation of the Code of Ethics by an Honor Committee member or support officer acting in an official capacity, or (b) any alleged conduct by an Honor Committee member or support officer acting in an official capacity that, although not in violation of the Code of Ethics, nevertheless constitutes unethical, unprofessional, or improper conduct.

4. Referral of Standards Panel Matters to a Standards Panel. Allegations of a Standards Panel Matter should be made in writing and delivered to the Chair of the Honor Committee. The Chair of the Honor Committee may, in their discretion, refer such allegations to the Standards Panel. If such allegations are raised against the Chair of the Honor Committee, the Executive Committee, acting without the Chair, shall decide, by a majority vote, whether or not to refer the allegation to the Standards Panel.

5. Proceedings of the Standards Panel. The Standards Panel shall convene to consider any matters that

may be referred to it. Standards Panel proceedings and decisions shall be handled in accordance with the Standards Panel Policies and Procedures. The Standards Panel may amend the Standards Panel Policies and Procedures by majority vote. The Chair shall promptly notify the Honor Committee and Support Officer pools of any amendments.

6. Decisions of the Standards Panel. If the decision of the Standards Panel results in the recommended impeachment of an Honor Committee representative, the Standards Panel Matter shall be referred to the full Committee to be heard during a closed session meeting in which the accused representative shall be afforded a full hearing of the charges and defense. An affirmative vote of at least two-thirds of the Committee shall be necessary for impeachment of the accused representative. Notwithstanding the foregoing, any representative may be recommended for impeachment by the submission of a petition signed by at least half of the sitting representatives.

7. Exclusive Jurisdiction over Standards Panel Matters. The Standards Panel shall have exclusive jurisdiction over Standards Panel Matters. If the Honor Committee Chair (or the Chair's replacement, if applicable) declines to refer allegations of a Standards Panel Matter to the Standards Panel, such allegations shall be deemed to have been dismissed.

8. Standing of a Support Officer serving as Counsel. The disciplinary status or standing of a Support Officer shall not impair the right of an Accused Student to select that Support Officer to serve as their Counsel in the Honor Process.

### III. RETRACTIONS

#### A. Conscientious Retraction

1. Purpose. The Honor System permits a student to atone for their mistakes by filing a Conscientious Retraction (or "CR"). A valid and complete CR involves the admission of a possible Honor Offense before the student has reason to believe that such Offense has come under suspicion by anyone and can be used as a full, exonerating defense against Honor charges. The CR is an opportunity and not a right, and it must be valid and complete in order to constitute a defense in Honor proceedings.

2. Validity. A CR must be valid; i.e., it must be delivered before a student has reason to believe that the relevant Act has come under suspicion by anyone.

3. Completeness. A CR must also be complete; i.e., it must satisfy all of the following conditions:

a) The student must deliver the CR, in writing, to the Vice-Chair for Investigations. Where these requirements (i.e., that the CR must be in writing, and that the written CR must be delivered to the Vice-Chair for Investigations) are not known by the student, or for other compelling reasons the student is unable to make their initial admission in writing and/or to the Vice-Chair for Investigations, a CR may nevertheless be deemed to be complete (in which case it would be deemed to date back to the time that it was made) if, in the discretion of the Vice-Chairs for Investigations and Sanctions, (i) it meets all of the other requirements of this section, (ii) it is followed by a conforming CR, delivered to the Vice-Chair for Investigations, and (iii) the person to whom the nonconforming CR was initially delivered signs a statement, to be attached to the CR, explaining the circumstances of the nonconforming CR.

b) The student has completely acknowledged committing an Act that might be an Honor Offense by describing:

(1) the Act in question, and

(2) the circumstances surrounding the commission of such Act.

c) The student has agreed to correct and/or make amends for the Act in question, according to the following guidelines:

(1) Cheating: admit the Cheating to the relevant instructor and comply with any conditions imposed by such instructor for academic reevaluation.

(2) Lying: admit the Lie to everyone to whom such Lie was communicated.

(3) Stealing: admit the theft and return all property (in its original condition, if applicable) to the rightful owner(s) or provide monetary compensation, if applicable.

d) The student has provided a signed statement from each affected individual, stating that the applicable corrections and/or amends have been made (except that, where the affected individual is unable or unwilling to provide such a statement, the student may explain the situation to the Vice-Chairs for Investigations and Sanctions who may, in their reasonable discretion, decide to set aside such requirement in a particular case). Where corrections and/or amends are to be made in the future (i.e., following the Investigative Panel), failure by the student to make such corrections and/or amends will result in a retroactive determination that the CR was invalid, regardless of the outcome of any earlier proceedings before the Investigative Panel, and a Report of Honor charges may be made.

4. Evaluation of Completeness by Vice-Chairs. The Vice-Chairs for Investigations and Sanctions shall review the CR to determine whether the CR is complete, applying the criteria of this section. Then, if satisfied, both Vice-Chairs will sign the CR, certifying that it is complete. If the CR is not complete, the Vice-Chairs may, in their reasonable discretion, send it back to the student for revision and, if applicable, reconsider the revised CR on the question of completeness.

5. Evaluation of Validity by Investigative Panel. If the Vice-Chairs for Investigations and Sanctions have certified that a CR is complete, an investigation as to the validity of such CR, shall take place when (and if) a Report is received concerning the Act in question. In such cases, an Investigative Panel shall convene to determine whether, applying the criteria of this section, the CR is valid. Voting procedures for CRs at the Investigative Panel are described in Section IV.C.5, below. If the Investigative Panel determines that the CR is valid, the case shall be dismissed. If the Investigative Panel determines that the CR is not valid, an investigation shall be conducted into the alleged Act, pursuant to Section IV.B of these Bylaws, and the student shall have the opportunity to file an IR pursuant to the procedures set forth in Section III.B, below. If an Honor hearing ensues, (a) the student may present evidence of the attempted CR to the student panel in an effort to persuade the panel of its validity, and (b) the Community may offer the CR into evidence to establish the student's admission of the Act in question. Voting procedures for CRs at a hearing are described in Section IV.G.5, below.

6. Procedure Relating to Uncertified CRs. If the Vice-Chairs for Investigations and Sanctions have not certified that a CR is complete, the student may, if eligible, file a request for IR, pursuant to the procedures set forth in Section III.B, below. If the student is not eligible, does not elect, or otherwise fails to, file an IR, the student proceeds to the Investigative Panel when (and if) a Report is received concerning the Act in question. In such cases, the Investigative Panel will not reach the issue of validity and the uncertified CR will not by itself be an exonerating defense to the Honor Offense alleged in the Report. If the Investigative Panel accuses the student of an Honor Offense, at the ensuing hearing (a) the student may present evidence of the uncertified CR to the student panel in an effort to persuade the panel of its sincerity, and (b) the Community may offer the uncertified CR into evidence to establish the student's admission of the Act in question and to establish the circumstances surrounding the commission of such Act.



7. Public Summaries of CRs. Upon the certification of completeness by the Vice-Chairs, the Vice Chair for Investigations shall prepare a brief “Official Summary.”

- a) The Official Summary shall describe the Act in question in accordance with past procedure. The content and publication of the Official Summary shall be subject to the rules relating to anonymity, review, timing, and other relevant procedures that are set forth in Section IV.J.1 of these Bylaws.

B. Informed Retraction

1. Purpose. Subject to the terms and conditions of these Bylaws, the Honor System permits a student to atone for their mistakes by submitting an Informed Retraction (an “IR”). In contrast to a Conscientious Retraction, an Informed Retraction may be submitted by a student who has been reported for an Honor offense. The IR is predicated on a student taking responsibility for the commission of each of the Covered IR Offenses and making amends therefore, by (1) admitting each of the Covered IR Offenses to all affected parties, (2) attempting in good faith to agree upon appropriate amends to all affected parties, and (3) complying with restorative sanctions as determined with the Committee, all as more specifically set forth below.

2. Limit to a Single IR. Because a student who submits an IR agrees, implicitly, to recommit, fully, to the Community of Trust and, accordingly, not to commit another Act of Lying, Cheating or Stealing following submission of the IR, each student may submit a single IR during the entirety of their time at the University.

3. Covered IR Offenses. An IR that meets all of the other requirements of these Bylaws will be deemed to cover each of the following Honor offenses (collectively, the “Covered IR Offenses”):

- a) Any Honor offense or offenses reported to the Honor Committee prior to the submission of the IR Form (as hereinafter defined), whenever such Honor offense(s) occurred; and
- b) Any other Honor offense or offenses admitted by the reported student, in writing and in the manner required by the IR Form, if each of such Honor offense or offenses:
  - (1) occurred simultaneously with, or prior to, the date of the most recent Honor offense alleged in the Honor report, and
  - (2) is described in the IR Form with specificity, such description(s) to include, as to each admitted Honor offense:
    - (a) if applicable, in cases of Cheating or Lying, the name and semester of the relevant class and the name(s) of the professor(s) and/or teaching assistant(s) in question;
    - (b) if applicable, in cases of Cheating, the specific assignment, quiz, test, paper or other work in question (e.g., “the fourth quiz, administered on [date];” “the final exam;” “the second research paper, due on [date], entitled [paper title]);
    - (c) in cases of Cheating, the specific nature of the Cheating in question (e.g., “plagiarism of portions of the conclusion of the paper;” “copying answers from another student during the exam;” “consulting an unauthorized source during quiz #4;” “collaborating on the second homework assignment, in violation of the syllabus”);

(d) in cases of Lying, a specific description of the lie in question; the date of such lie; the name of each individual to whom the lie was communicated; the specific circumstances of the lie in question, including, where a lie relates to course attendance or coursework, information describing the course and the specific assignment, quiz, test, paper or other work in question; and any other information necessary to provide a full explanation of the lie in question;

(e) in cases of Stealing, a specific description of the theft in question; the date of such theft; the name of each individual affected by such theft; the specific circumstances of the theft in question; and any other information necessary to provide a full explanation of the theft in question.

4. Effect of IR on Covered IR Offenses. Subject to the terms and conditions of these Bylaws, following the submission of a completed IR Form:

a) Any Covered IR Offenses originally reported by a third party and set forth in such IR Form will be dropped; and

b) Any Covered IR Offenses that are self-reported by the submitting student and set forth in such IR Form will be considered resolved by the IR, meaning that any future report of the same, specific Honor offense(s) will also be dropped. In order to be included within the Covered IR Offenses, self-reported offenses must be described with specificity, as required by the terms of these Bylaws and the IR Form. Future reported Honor offenses that describe an Act or Acts that do not match those specifically described in the IR Form will not be considered “the same Honor offense(s) that have been self-reported and are part of the Covered IR Offenses” and, accordingly, may give rise to future Honor proceedings.

5. Informed Retraction Form (“the IR Form”); Method and Deadline for Submission; Informed Retraction Letter (“the IR Letter”). To provide consistency and clarity in the IR process, the Honor Committee requires students wishing to file an IR to complete and submit an IR Form, provided by the Vice Chair for Investigations. The completed IR Form must be submitted to the Vice Chair for Investigations not later than seven (7) days after receiving the IR Letter (the “IR Period”). The student shall be deemed to have received the IR Letter on the date that it is delivered to the student’s Primary E-Mail Address (as more particularly described in the preamble of Article IV of these Bylaws) and their Honor Advisor. Upon receipt of the IR Letter, the student shall meet synchronously with their Honor Advisor (the “IR Meeting”). For purposes of these Bylaws, the “IR Letter” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of each Act which is the subject of an Honor Report, (b) includes all information regarding the Honor Report in the possession of the Committee at the time the IR Letter is delivered, (c) describes, in general, the investigation and hearing procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR.

6. Sufficiency of the Submitted IR. An IR that meets all of the requirements of the IR Form will be accepted by the Vice Chair for Investigations and Vice Chair for Sanctions; provided, however, that the Vice Chairs may return the IR Form to the student for additions, modifications and/or clarifications, as needed. A completed IR that has been amended, modified, or clarified, if applicable, is hereinafter referred to as an “accepted” IR by a “submitting” student. If the Vice Chairs are unable to agree on any decision relating to an IR, the decision of the Honor Chair shall prevail.

7. The Cornerstones of the IR: Taking Accountability and Recommitting to the Community of Trust. The cornerstones of the IR are the decisions by the submitting student to take accountability for each of the Covered IR Offenses by admitting to, agreeing upon, and presenting amends with affected parties, and fully recommitting to the Community of Trust.

a) Taking Accountability: Admission, Acknowledgment, Amends.

(1) Admission of Covered IR Offenses. In accordance with the requirements of the IR Form, a student wishing to submit an IR must admit the commission of each of the Covered IR Offenses to all third parties directly affected thereby.

(2) Acknowledgement by Third Parties. Pursuant to the IR Form, the submitting student shall provide the names and titles, if applicable, of third parties directly affected by the alleged Honor Offense and shall obtain the signatures of each of such parties acknowledging the student's admission of the underlying Act. The Vice Chairs may, in their reasonable discretion, require the student to add other directly affected third parties to this list. In cases where the student fails to make good faith efforts to obtain such signature(s), the sufficiency of the submitted IR shall be made in the reasonable discretion of the Vice Chairs.

(3) Amends. In accordance with the requirements of the IR Form, a student wishing to submit an IR also must agree to comply with any proposed amends or corrections by third parties, which are to be presented to and imposed by the Panel for Sanction, as specified below and further in these Bylaws.

b) Recommitting to the Community of Trust: Restorative Sanctioning.

(1) Panel for Sanction; Assignment of Counsel. In contrast with a student who does not submit an IR, a student who has submitted an accepted IR will not be subject to the full Honor investigation and hearing processes, as outlined in Article IV of these Bylaws, and shall instead proceed immediately before a Panel for Sanction, which shall consist of five randomly selected Honor Committee representatives, provided that at least one representative is from the school of the submitting student, to be selected by the Vice Chair for Sanctions. The student and assigned counsel of their choosing or to be randomly assigned by the Vice Chair for Sanctions, may present their proposed sanction(s), as agreed upon with relevant third parties, and other sanctioning arguments.

(2) IR Sanctioning Procedures and Considerations. The Panel for Sanction shall convene, as soon as reasonably possible, but no later than twenty-one (21) days, following the acceptance of the submitting student's IR. Following the IR sanctioning hearing, the student shall be immediately aware of their imposed sanction(s) and receive a written outcome letter within seven (7) day explaining the sanction(s) and compliance stipulations, as further described in Section IV.H.5.

(a) Sanctioning Limitations. By submitting an IR, the Panel for Sanction shall credit the submitting student for their willingness to repair and rejoin the Community of Trust by not considering expulsion or permanent transcript notations as impossible sanction(s) administered upon the submitting student.

(b) Consideration of Non-Reported Covered IR Offenses. The Panel for Sanction shall receive the accepted IR Form in full, which includes covered IR offenses as disclosed by the student in accordance with Section III.B.3.b) of these Bylaws and do not originate from the original Report made to the Honor Committee. The Panel for Sanction may consider these non-reported Covered IR Offenses in their sanctioning determination.

8. Public Summaries of IRs. Upon the conclusion of the IR process, the Vice Chair for Sanctions shall prepare a brief "Official Summary." The Official Summary shall describe the Act(s) in question in accordance

with past procedure. The content and publication of the Official Summary shall be subject to the rules relating to anonymity, review, timing, and other relevant procedures that are set forth in Section IV.J.1 of these Bylaws.

#### IV. PROCEDURES: HOW THE SYSTEM WORKS

Overview of the Honor Process. The Honor System process is divided into four principal stages: reporting, investigation, hearing, and sanctioning. Every reasonable effort is made to conduct the entire process in a timely manner. For that reason, certain timelines have been built into the System. In general, however, the Honor Committee suspends all case-related proceedings during non-school days, unless the proceeding can be reasonably conducted over a recess and is requested by involved parties. School days are days when the College of Arts & Sciences is officially in session during the fall and spring semesters, but not during summer session. School days include weekends between class days but do not include any registration or examination periods, breaks, or holidays. Except as otherwise noted, the entire process will be conducted in accordance with the most recent Bylaws as of the date a case Report is received.

Notices. For purposes of these Bylaws, notices and other significant correspondence shall be delivered to students at their respective “Primary E-mail Addresses,” as outlined in the University Undergraduate Record (the “Record”). Pursuant to the Record, the “Primary E-Mail Address” is the address to which the University sends official e-mail notifications. A student may request, by completing and submitting a Notice Affidavit, that the Honor Committee also send notices and other significant correspondence to the additional electronic or other addresses set forth in such Notice Affidavit. Unless otherwise specifically defined (e.g., the “IR Notice,” the “IR Letter”), the Primary E-Mail Address, together with any additional electronic or other addresses set forth in the Notice Affidavit, are referred to in these Bylaws as the “notice,” and shall be deemed to be effective notice when sent, whether or not the recipient actually receives and/or reads the notice.

##### A. Report

1. Purpose. The Honor Committee does not exist to police the student body. Instead, it adjudicates allegations that members of the Community bring to its attention. The act of bringing a possible Honor Offense to the attention of the Honor Committee is called reporting an Alleged Honor Offense, and the product of that process is called a “Report.”
2. Making a Report. Any person may report an Alleged Honor Offense that meets the requirements of Section I.B, above, provided that such Report is made within two years of the date of the alleged Act. To make a Report, the reporting witness or “reporter” should contact either an Honor Advisor or a Committee member. The Vice Chair for Investigations, in their reasonable discretion, may request additional information to supplement the information provided in the original Report. Once a Report has been submitted, it cannot be retracted by the reporter. If the Executive Committee determines that a Report has been made in Bad Faith, the Executive Committee may, by majority vote, elect to dismiss the Report.
3. Dismissal by Vice Chair for Investigations if Committee Lacks Jurisdiction. If the Vice Chair for Investigations determines that the Honor Committee lacks jurisdiction pursuant to Section I.B, above, or that the two-year limitations period has been exceeded, the Vice-Chair for Investigations shall dismiss the Report, in consultation with the Executive Committee.
4. No Re-Investigation Following Acquittal. Students shall not be re-investigated for an Alleged Honor Offense if a previous hearing has resulted in an acquittal on the same Alleged Honor Offense.
5. Re-Investigation of Cases Dropped by the Investigative Panel. Cases dropped by the Investigative Panel may be reinvestigated if:
  - a) a new Report is filed, and
  - b) the Executive Committee determines that:

- (1) such new Report includes new evidence, and
- (2) such new evidence could have affected the outcome of the original Investigative Panel.

6. Dismissal of Cases Involving Re-Adjudication of Evidence Considered in Sexual Misconduct Proceedings. The Honor Committee will dismiss any report of an alleged Honor Offense when, in the discretion of the University's Title IX Coordinator (in consultation with any relevant Title IX investigator(s)), the conduct alleged in the Honor report was previously adjudicated pursuant to the University's Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence (together with the University's Procedures for Reports Against Students, the "Sexual Misconduct Policy"). The Title IX Coordinator will deem conduct raised in an Honor report to have been "previously adjudicated" pursuant to the Sexual Misconduct Policy when the allegations made in the Honor report arise from testimony or other evidence relevant to, and considered in the course of, an investigation and Formal Resolution of alleged Prohibited Conduct pursuant to the Sexual Misconduct Policy. The Executive Committee shall refer an Honor report involving issues that may have been previously adjudicated pursuant to the Sexual Misconduct Policy to the Title IX Coordinator immediately following the filing of the report, or at any subsequent time that such issues arise, as further described in Section IV.B of these Bylaws. The Title IX Coordinator will make the determination contemplated in this section following completion of the investigation and Formal Resolution of the matter in question, and the Honor Committee's process with respect to the related Honor Report will be stayed until such determination has been made and communicated by the Title IX Coordinator to the Executive Committee. Notwithstanding the foregoing, the Executive Committee, by unanimous vote, may override the Title IX Coordinator's decision if it determines that such decision represents a fundamental misapplication of the description of "previous adjudication" set forth above.

7. Assignment of Honor Advisors. Throughout the Honor process, the student and relevant members of the Community, if applicable, will be assigned an Honor Advisor by the Vice Chair for Investigations. Although efforts are made to ensure continuity of Advisors throughout the Honor process, scheduling difficulties may sometimes necessitate the replacement and reassignment of Honor Advisors. In addition, although students may request a particular Advisor, the assignment of Advisors is in the sole discretion of the Vice Chair for Investigations and is limited by, among other things, Advisor availability.

8. Notice of Receipt of Honor Report. Following the receipt of a report and assignment of an Honor Advisor, the Honor Committee shall provide written notice to the reported student as soon as reasonably possible, at the discretion of the Vice Chair for Investigations. This notice shall inform the reported student that a report has been received and shall include a brief description of the general nature of the report. Notwithstanding the foregoing, the student's right to file an IR shall continue through the period ending seven (7) days following the receipt by the student of the IR Letter.

## B. Investigation

1. Purpose. The purpose of the investigation is to collect written testimony and evidence to determine whether an Honor Offense has occurred. As more particularly described in Section III.B, above, if the reported student indicates that they do not intend to submit an IR or allows the IR Period to expire without submitting an IR, the investigation shall promptly commence.

2. Status as "Investigated Student." Following the indication by the reported student that they do not intend to submit an IR or the expiration of the IR Period without the submission of an IR, the reported student will be referred to as the "investigated student."

3. Enumerated Rights. Every investigated student will receive a list of their enumerated rights under the Honor System.

4. Assignment of Honor Investigators to investigate the Alleged Honor Offense. At the commencement of an Honor investigation, two Honor Investigators will be assigned by the Vice Chair for Investigations to investigate the Alleged Honor Offense. The investigation will be jointly and impartially conducted by both Investigators.

5. Investigation Process; Investigative Log: The Investigators will conduct an interview (or interviews as necessary) with the reporting witness, the investigated student, and other relevant witnesses, and will collect other pertinent evidence, if any. Following the student's initial interview and witnesses for the student, the reporting witness and then student, subsequently, will be provided with written transcripts of all interviews conducted, together with any other evidence that has been collected as of that time, and may respond to such interview(s), and/or to such other evidence, in writing, within three (3) days. Thereafter, if Honor Investigators conduct additional relevant interviews with witnesses for the Community, and/or collect additional relevant evidence, the Vice Chair for Investigations will provide copies of such interviews and/or evidence to the student and the student may respond to such interviews and/or evidence, if desired, in writing, as promptly as reasonably possible, but in any case no later than seven (7) days before the date of the Hearing. All the interviews, evidence, and responses, if any, will be collected into an "Investigative Log" for consideration by the Investigative Panel.

a) Timeliness. Interviews with the reporting witness, the investigated student, and other relevant witnesses, and collection of pertinent evidence, shall be conducted within seven (7) days following delivery of the request by the respective party's Honor Advisor. This seven (7) day period may be extended in the Vice Chair for Investigations or designee's reasonable discretion for good cause shown.

b) Failure to cooperate. If the reporting witness, the investigated student, and other relevant witnesses fail to cooperate with the investigation in a timely fashion, as described above, the Vice Chair for Investigations or designee may, in their reasonable discretions, proceed with the investigation without the respective party's testimony or evidence, provided notice of such action to the given party, or implement procedures outlined in Section IV.L.7 of these Bylaws.

6. Presence of Honor Advisor. The investigated student's Advisor will be present when the investigated student is interviewed by Investigators.

7. Support Officers May Recommend Dismissal. If either Honor Advisor or either Honor Investigator request that a case be dropped at any time prior to the Investigative Panel, the Executive Committee will determine, in its reasonable discretion, whether the case should continue or should be dropped, for reasons that include, but are not limited to, lack of evidence or Bad Faith.

### C. Investigative Panel

1. Purpose. The Investigative Panel, comprised of three rotating Honor Committee members, meets to review the findings of the investigation and decides whether formally to accuse the investigated student of committing an Honor Offense. Statements by the investigated student, the reporting witness and other witnesses, together with other relevant evidence, are collected in the Investigative Log; neither the investigated student nor other witnesses attend the Investigative Panel.

2. Scheduling. The Investigative Panel generally convenes within one (1) week of the completion of the investigation, unless the Vice Chair for Investigations determines that circumstances exist which warrant a delay.

3. Incomplete Investigation. If the Investigative Panel believes that it is unable to make a determination because the investigation was incomplete, the Investigative Panel may instruct the Investigators to investigate the matter further.

4. Standard for Formal Accusation. The Investigative Panel shall accuse the investigated student if it is “more likely than not” that the investigated student committed an Honor Offense. For purposes of the Investigative Panel, “More Likely than Not” shall mean the investigative information shows that the probability of guilt outweighs the probability of innocence on each component of an Alleged Honor Offense, with the exception of consideration of a CR. Investigative Panel members may formally Accuse reported students, based on the “More Likely than Not” standard, for any Acts that are revealed as a result of either Report or Investigation. Specifically, the question before the Investigative Panel is whether it is “more likely than not” that:

- a) the investigated student committed the Act in question, and
- b) the student committed such Act with Knowledge, and
- c) such Act was Significant.

5. Conscientious Retraction. The Investigative Panel should not accuse the investigated student if the investigated student is able to prove that it is “more likely than not” that the investigated student submitted a complete and valid CR, as described in Section III.A, above. If the CR has been certified as complete the role of the Investigative Panel is to determine whether such complete CR is also valid. If the CR has not been certified as complete, the Investigative Panel will not reach the issue of validity and the uncertified CR will not by itself be an exonerating defense to the Honor Offense alleged in the Report. In such cases, the Investigative Panel may consider the uncertified CR, together with the other evidence presented, in its decision whether or not to formally accuse the investigated student of an Honor Offense.

6. Investigative Panel Voting. Accusation of an investigated student requires a two-thirds vote by the Investigative Panel.

7. “Accused Student” Status. If the Investigative Panel votes to accuse the investigated student, the student’s status immediately changes to that of an “accused student.” In the event that graduation occurs while a student is an “accused student,” such student’s degree will be held pending resolution (i.e., acquittal or sanctioning) of the Honor charges.

8. Destruction of Case File when Student not Accused. If the Investigative Panel does not accuse the investigated student, the student's status immediately reverts to their status prior to the investigation and the case file is destroyed according to Article VI of these Bylaws.

9. Consequences Flowing from Formal Accusation. Following notice of accusation by the Investigative Panel, an accused student may either (a) proceed with an Honor hearing with a Panel for Guilt, in which case the accused student must, in writing, select possible hearing dates and indicate preferences to matters described in Section IV.D.5 of these Bylaws, or (b) admit guilt, either by an admission that is expressly made or by leaving the University, in which case the accused student will be deemed to have waived the right to an Honor hearing and associated privileges, including random student panelist considerations outlined in Section IV.G.7. In cases where a student expressly admits guilt, the Panel for Sanction shall not consider expulsion as a sanction for the guilty student.

#### D. Hearing Preferences

1. Purpose. Following a formal accusation by the Investigative Panel, an accused student may proceed with adjudication at an Honor hearing with a Panel for Guilt or admit guilt.

2. Counsel

- a) Assignment of Counsel. An accused student may request one of the two Investigators involved in the initial investigation, to the extent reasonably available, or another University of Virginia student to serve as the accused student's Counsel at hearing. If the accused student chooses one of the Investigators to assist them as Counsel at the hearing, the other Investigator will generally be assigned to represent the community at the hearing.
- b) Role of Accused Student. Notwithstanding the assignment of Counsel to assist the accused student at the hearing, the primary responsibility for any Honor case lies with the student. In other words, the accused student is expected to take the principal role in explaining their own actions, formulating arguments and defenses, and arranging for witnesses, if any, to testify on behalf of the accused student at the hearing.
- c) Private Communications between Counsel and Accused Student. Except as provided in Subparagraphs d(1) and d(2) below, consistent with the right of accused students to refuse to testify against themselves, as set forth in the Honor Committee's Constitution, and in order to promote honesty and candor between an accused student and the accused student's Counsel, the private communications between an accused student and the accused student's Counsel in the course of hearing preparation may not be admitted into evidence at the hearing for purposes of establishing the accused student's guilt or innocence, without the approval of the accused student and the Hearing Chair.
- d) Role of Counsel. Consistent with the fundamental purpose of the Honor hearing, which is to pursue the truth about the Alleged Honor Offense, Counsel are charged with the following additional responsibilities:
- (1) Counsel for the community and for the accused student shall promptly identify and disclose to the Vice Chair for Hearings and the Hearing Chair, if applicable, relevant witnesses or documents as may be discovered by them at any time.
  - (2) Counsel shall not condone, assist or permit anyone to perpetrate a fraud during Honor proceedings by knowingly providing false testimony or other evidence. If Counsel are unable to dissuade the accused student or other person from perpetrating a fraud, Counsel shall promptly inform the Vice Chair for Hearings and the Hearing Chair, if applicable, and
    - (a) the Counsel may request to be withdrawn from the case;
    - (b) the Counsel may be required to disclose their knowledge and to testify as a witness against the accused student in the pending proceeding in order to correct the fraud; and
    - (c) the Committee may, in its reasonable discretion, cause a separate Report to be filed against the accused student to be considered at a later date, at which time the Counsel may be required to testify as a witness against the accused student in such subsequent proceeding.
- e) Other Disclosures. Notwithstanding the foregoing, the Honor Committee may always require such disclosure(s) by Counsel at any time as may be necessary or appropriate to evaluate any appeal or complaint, or for other good cause in aid of its jurisdiction, or as may be required by applicable law. Nothing contained in these Bylaws shall create any legally recognized privilege or bar to the admissibility of relevant evidence in other proceedings.



- f) Hearings in Absentia. An accused student may select that an Honor Hearing with a Panel for Guilt convene without hearing arguments from the accused student. In such cases, counsel will not be assigned to the student.
3. Inclusion of Undergraduate and Graduate Student Panelists. An accused student may elect to have at least seven members of the student panel selected from either the undergraduate (if the accused student is an undergraduate student) or graduate (if the accused student is a graduate student) schools or departments, subject to the reasonable availability of such student panelists.
4. Open or Closed Hearings. An accused student may select a hearing that is either open or closed to the public.
5. Indicating Preferences. When selecting possible hearing dates, an accused student must inform the Vice Chair for Hearings, in writing, as to the accused student's preferences in the following matters:
- a) the selection of Honor Counsel, other counsel, or a hearing in absentia;
  - b) whether to include panelists from the undergraduate or graduate schools; and
  - c) an open versus closed hearing.

If the accused student selects possible hearing dates but fails to specify their preference as to the matters described above, then the Vice Chair for Hearings shall, as applicable, assign Counsel from the Counsel Pool; select a Panel for Guilt without regard to the undergraduate or graduate status of particular panelists; and/or schedule a hearing that is closed to the public.

#### E. Hearing Panels

1. Purpose. The duty of the hearing panel is to determine whether an Honor Offense has been committed.
2. Hearing Panel Composition. A hearing panel, also referred to as a Panel for Guilt, is 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.
3. Selection by Vice Chair for Hearings. The Vice Chair for Hearings shall be responsible for randomly selecting the Committee representatives and students for panels.
4. School Vacancies. In the event that the accused student is enrolled in a school in which all Honor Committee representatives seat are vacant, the Chair of the Committee and the Vice Chair for Hearings shall coordinate with the school's respective council to acquire a temporary dispensation from the respective school to fill the school vacancy for the sole purpose of the appointed student to serve as the Committee representative from the school of the accused on the Panel for Guilt and/or Panel for Sanction, if applicable.
5. Failure to Comply with Duties of a Student Panelist. Failure by a random student who has been selected and has committed to be a panelist in an Honor hearing to comply with the duties of a panelist will be considered a breach of the University Standards of Conduct enforced by the University Judiciary Committee. For purposes hereof, the "duties of a panelist" shall mean attendance at the hearing (absent medical or other emergency) and compliance with the instructions of the Hearing Chair.

#### F. Pre-Hearing Conference

1. Purpose. The purpose of the Pre-Hearing Conference is to determine the witnesses who will testify at the hearing, the nature and scope of the evidence and testimony to be presented to the Panel for Guilt, and certain other measures that will serve the interest of a fair and efficient hearing.
2. Pre-Hearing Conference Composition. The Vice Chair for Hearings will assign Committee members to serve as the Hearing Chair and Hearing Observer, and a member of the Counsel Pool to serve as Pre-Hearing Coordinator. Together, the Hearing Chair, Hearing Observer and Pre-Hearing Coordinator preside over and make rulings at the Pre-Hearing Conference.
3. Rulings at the Pre-Hearing Conference. The Hearing Chair, Hearing Observer and Pre-Hearing Coordinator, together with the assigned Counsel, will convene a Pre-Hearing Conference prior to the hearing. Except as provided in Paragraph 7, 8, 9, and 10 below, the Hearing Chair, Hearing Observer and Pre-Hearing Coordinator will make all necessary rulings on motions at the Pre-Hearing Conference, cast by majority vote.
4. Witnesses. The Pre-Hearing Conference can determine the list of witnesses who will testify during the hearing. If possible, the parties will mutually agree to a list of witnesses and the order in which they will appear at the hearing. Witnesses for the Community shall testify first, followed by witnesses for the accused student. If no agreement can be reached, the Hearing Chair, Hearing Observer, and Pre-Hearing Coordinator shall intervene and establish the list and order of witnesses.
5. Evidentiary Rulings. The Pre-Hearing Conference can determine the nature and scope of the evidence to be presented to the Panel for Guilt.
  - a) Relevant Evidence Generally Admissible. All relevant evidence necessary to a fair and thorough adjudication of the claims present at the Panel for Guilt may be admitted, provided that the evidence does not conflict with an objection specifically enumerated below.
  - b) Exceptions to Admissibility. Notwithstanding the foregoing presumption in favor of admitting Relevant Evidence, certain evidence, although relevant, shall be inadmissible for presentation to the Panel for Guilt. Such inadmissible evidence includes:
    - (1) Unnecessarily Cumulative Evidence;
    - (2) Unfairly Prejudicial Evidence;
    - (3) Polygraph Evidence;
    - (4) Character Evidence;
    - (5) Causal Psychological Evidence;
    - (6) information contained on any Honor Committee post-hearing evaluation form or student panelist notes; and
    - (7) Official Summaries.
  - c) Hearsay. Hearsay evidence may be admitted at the discretion of the Hearing Chair, Hearing Observer, and Pre-Hearing Coordinator.
6. Opening Statements. The Pre-Hearing Conference can determine the content of the counsel's opening statements at the hearing, the identity of observers to be allowed in closed hearings, whether the hearing should be delayed, and whether, in the case of multiple accusations against a single student or related

accusations against more than one student, such accusations should be heard in a single or in multiple hearings.

7. General Rule on Multiple Charges: Single Hearing. Generally, in cases where multiple alleged Acts of one or more students are linked to the same factually related event(s), or in cases where multiple alleged Acts of one student are substantially similar, all charges may be heard in the same hearing. Notwithstanding the foregoing, if, in the reasonable discretion of the Hearing Chair and Hearing Observer, the joinder of two or more cases or charges would result in a hearing which is not fundamentally fair to the student or students in question, then the Hearing Chair and the Hearing Observer will direct that the cases or charges be heard in separate proceedings.

8. Motion to Return to Investigative Panel. If there has been a fundamental change in the available and admissible evidence since the decision by the Investigative Panel, either counsel or the Hearing Chair and the Hearing Observer, decided by an unanimous vote, may move to return the case to an Investigative Panel for reconsideration in light of such fundamental change. For purposes of this provision, a “fundamental change” may include, in the discretion of the Hearing Chair and the Hearing Observer, (a) the discovery of significant new and exonerating evidence; (2) a substantial reduction in the scope or admissibility of significant evidence or witnesses (including a decision to separate the hearing from that of a party accused of the same or a related offense); and/or (c) a reduction in the number or seriousness of the offenses charged.

9. Motion to Amend I-Panel Accusation. If, upon motion of either counsel and in the opinion of the Hearing Chair and the Hearing Observer, the language of an Investigative Panel Accusation is unclear or ambiguous as to the nature of the Honor charges, the Hearing Chair and Hearing Observer may decide, by unanimous vote, to take one or more of the following actions, in their reasonable discretion:

a) Consultation with the Investigative Panel Chair. The Pre-Hearing Panel may refer their questions (and any relevant arguments or suggestions of Counsel as to how to amend the Accusation) to the Investigative Panel Chair. The Investigative Panel Chair may propose changes they deem appropriate, if any, and return the revised Investigative Panel Accusation to the Pre-Hearing Panel. The Hearing Chair and Official Observer may, by unanimous vote, adopt the proposed revisions as the Investigative Panel Accusation.

b) Return to the Investigative Panel. The Pre-Hearing Panel may refer their questions (and any relevant arguments or suggestions of Counsel as to how to amend the Accusation) to the full Investigative Panel for reconsideration. The Investigative Panel, by majority vote, may adopt revisions they deem appropriate, if any, and return the Investigative Panel Accusation to the Pre-Hearing Panel.

(1) The Investigative Panel Accusation may be amended one or more times, through the procedures outlined above, in the discretion of the Hearing Chair and the Hearing Observer.

c) Unavailability of the Investigative Panel Chair or Investigative Panel. If and only if one or more members of the Investigative Panel is no longer available for any reason, the Pre-Hearing Panel may return the Investigative Panel Accusation to a new Investigative Panel to consider the issues in question.

d) Nothing in this provision is intended to limit the ability of the Pre-Hearing Panel to return a case to the Investigative Panel for reasons other than consideration of amendment(s) to the Investigation Panel Accusation.

10. Motion to Dismiss. Upon motion of either counsel, the Pre-Hearing Conference will consider whether a case should proceed to the hearing when substantial issues of fundamental fairness or timeliness

are raised by the accused student. If the Hearing Chair and the Hearing Observer decide, by a unanimous vote, that proceeding with the hearing would, under the circumstances, be fundamentally unfair to the accused student, the case will be dropped.

11. Written Pre-Hearing Conference. At the discretion of the Pre-Hearing Coordinator, the Pre-Hearing Conference may be conducted through written communication. All relevant motions and evidence should be distributed via electronic mail to all parties. The Written Pre-Hearing Conference should not be used for the first Pre- Hearing Conference for any given case, except under exceptional circumstances and with permission from the Vice Chair for Hearings.

G. Hearing

1. Purpose. The fundamental purpose of the hearing is to pursue the truth about the Alleged Honor Offense.

2. Failure to Appear at the Hearing. If the accused student, following the delivery of notice (and absent extraordinary circumstances, as determined in the reasonable discretion of the Vice Chair for Hearings) fails to appear at their hearing for guilt, the accused student will be tried in absentia and the counsel for the accused will not present arguments, and the failure to appear will be considered a breach of the University Standards of Conduct enforced by the University Judiciary Committee.

3. Hearing Procedure; Order of Witnesses; Role of Hearing Chair. The Hearing Chair will begin the proceedings with an opening statement, drafted and approved at the Pre-Hearing Conference. In the opening statement, the Hearing Chair will name the parties, describe the Alleged Honor Offense(s), and list the witnesses who will testify at the hearing, along with a brief description of the nature of their respective testimony.

a) After the introduction by the Hearing Chair, Counsel for the Community will deliver their opening statement, approved at the Pre-Hearing Conference, then Counsel for the Accused.

b) Following the opening statements, the student panel will hear the witnesses, first for the Community, and then for the accused student, in the order determined at the Pre-Hearing Conference. As to each witness,

(1) the Hearing Chair will first ask each witness to state the nature of their own involvement in the case; then,

(2) the party calling the witness (or the party's Counsel) will have an opportunity to ask any questions that were not asked and sufficiently answered during previous testimony; then,

(3) the opposing party (or the opposing party's Counsel) will have an opportunity to ask any questions that were not asked and sufficiently answered during previous testimony; and, finally,

(4) the hearing panel will be invited to ask questions of the witness, subject to objection(s) from the Hearing Chair and/or Counsel and limited only to those matters which have not already been covered in prior questioning.

This process shall repeat until no party has any further questions, provided that the party calling the witness shall always have the right to ask the final questions.

c) The Hearing Chair will rule on any objections raised by Counsel. To raise an objection,

either counsel must simply get the attention of the Hearing Chair by standing and stating their objection and the grounds thereof. Objections may be raised at any appropriate time, including during the closing arguments of the parties. Objections may be raised on grounds, including but not limited to, irrelevancy, evidence that has previously been ruled inadmissible, Leading Questions, and questions previously Asked and Answered. In addition, the Hearing Chair may, acting on the Hearing Chair's own initiative (i.e., even in the absence of objections by either party or Counsel), rule that certain questions asked by Counsel and/or statements made or answers given by witnesses are inadmissible or inappropriate, in the reasonable discretion of the Hearing Chair.

d) The accused student reserves the right to appear as the last witness, even if the accused student has already testified.

e) After the student panel has heard from all of the witnesses, the panel will recess to consider whether to recall witnesses for further questioning. Any witnesses recalled by the panel are subject to questioning by the parties or Counsel as well. Only the panel, however, may recall witnesses. If the panel recalls any witnesses for further questioning, the accused student reserves the right to appear as the last witness, even if the accused student has already testified.

f) After all of the witnesses have been heard (including any who may have been recalled by the panel), the Hearing Chair will remind the panel of the charges brought against the accused student and instruct the panel as to the standards for evaluating guilt and innocence.

g) Following the giving of student panel instructions by the Hearing Chair, each party (or the party's Counsel) may make a closing statement of up to five minutes (or longer, in the sole discretion of the Hearing Chair) in duration. The Community's closing statement is made first, followed by that of the accused student, followed by a brief rebuttal, if desired, by the Community; provided that the total time allotted to the Community, for the closing statement plus the rebuttal, shall not exceed the total time allotted to the accused student for the closing statement.

4. Deliberations. Once the hearing has recessed for deliberations, only the Chair, the Official Observer, and the panelists shall be present for deliberations. During that time, the panel must discuss only evidence presented to them at hearing and no outside evidence relating to the matter beyond what is common knowledge or common sense.

a) The question before the panel is whether the evidence against the accused student demonstrates, Beyond a Reasonable Doubt, that an Honor offense was committed. In other words, the panel must determine as to each Act charged, Beyond a Reasonable Doubt, whether:

- (1) the accused student committed such Act;
- (2) the accused student committed such Act with Knowledge; and
- (3) such Act was Significant.

b) Each Act charged shall be deliberated and voted upon separately

c) The Hearing Chair and Official Observer shall be present during deliberations. The role of the Hearing Chair during deliberations shall be to clarify definitions, answer questions and facilitate discussion of the case, as necessary.

5. Conscientious Retractions. Where CR was Certified as Complete. If the accused student submitted a CR that was certified as complete, as described in Section III.A, above, such student bears the burden, at the hearing, of demonstrating that "more likely than not," the CR is valid. In such cases, when the student panel

has retired to deliberate, the panel shall consider and decide first the issue whether the accused student has met such burden, i.e., whether the CR is “more likely than not” valid. If at least three-fourths of the student panel determines that the CR is valid, no further vote is necessary, and the accused student is acquitted without further deliberation. If less than three-fourths of the student panel considers the CR to be valid, the panel shall proceed to deliberate on the underlying Honor charge(s).

a) Where CR was Not Certified as Complete. If the accused student submitted a CR that was never certified as complete, as described in Section III.A, above, the uncertified CR may not be evaluated as an exonerating defense to the Honor charge(s). The student panel may consider such uncertified CR as part of the totality of the evidence in the case, however, including, without limitation, the student’s admission, in such uncertified CR, of the Act in question and the circumstances surrounding commission of such Act.

6. Voting to Acquit or Convict. In hearings with multiple charges of Lying, Cheating, and/or Stealing, each Act charged shall be voted upon separately. When ready to record their verdict as to all elements of the Honor accusation, the panelists shall do so both in writing and by voice.

- a) When voting to acquit or convict, the panel first votes on the issues of Act and Knowledge.
- (1) If less than three-fourths of the panel votes in the affirmative on the issues of Act and Knowledge (i.e., that the Act in question was not committed at all or was not committed with Knowledge), then a verdict of not guilty is rendered.
- (2) If at least three-fourths of the panel votes in the affirmative on the issues of Act and Knowledge (i.e., that the Act in question was committed with Knowledge), then a third vote will be taken as to whether the Act in question was Significant.
- (a) If a simple majority of the panel votes that the offense was Significant, then a guilty verdict is rendered.
- (b) If a simple majority of the panel votes that the offense was not Significant, a verdict of not guilty is rendered.

7. Post-Conviction. If a guilty verdict is rendered, as stipulated above, the seven random students on the Panel for Guilt will immediately provide the following two sanctioning considerations to be utilized by the Panel for Sanction, comprised of the five Committee representatives in subsequent sanctioning procedures, which are described in Section IV.G.9 of these Bylaws, below.

- a) 5/7ths Vote. With consideration of the facts, testimony, and Significance of the case, if five-sevenths of the random student panelists vote that the offense(s) do not rise to permanent sanctions, which are expulsion from the University or permanent transcript notations, such sanctions shall not be considered by the Panel for Sanctions, except in such case in which the Guilty student has previously been found to have committed an Honor violation.
- b) Sanctioning Recommendation. The random student panelists shall deliberate on and share with Committee representatives, to the extent deemed appropriate by the Hearing Chair and Official Observer, of the Panel for Sanction their non-binding recommendation regarding the appropriate sanction(s) to be imposed upon the student.

8. “Guilty Student” Status. Students who are found guilty at an Honor hearing, or waive their right to an Honor Hearing and associated privileges by leaving the University upon accusation, assume the status of “guilty students” and are subject to sanctions as administered by the Panel for Sanction.

9. Fundamental Fairness. If at any time during the hearing, the Hearing Chair believes that the fundamental fairness of the hearing has been compromised, for reasons including but not limited to a fundamental breach of the rights of the accused has occurred, or evidence not admissible under these rules has been presented which is of such a nature that no reasonable Student Panel could be expected to ignore what they have heard, the Hearing Chair and Hearing Observer, by unanimous vote, may nullify and reschedule the hearing.

## H. Sanctioning

1. Purpose. The University has empowered the Committee to administer sanctions to uphold and promote the Community of Trust. The primary purpose of sanctioning is to hold members of our community accountable for their actions while, whenever possible, ensuring an individual has the opportunity to make amends and restore their commitment to the Community of Trust. The Panel for Sanction shall determine the most appropriate sanction, or set of sanctions, to meet this purpose.

2. Sanctions. The Panel for Sanction, accounting for considerations stipulated below in Section IV.H.4 of these Bylaws, may impose sanctions including, but not limited to, the following. Any sanction within the bounds of an academic course, including assignment and course grades, remain at the full discretion of the teaching faculty.

a) Permanent Removal. Guilty students who are unable to repair and restore their relationship with the Community of Trust cannot remain at the University. To protect the privileges enjoyed by the members of the Community of Trust, these guilty students must be dismissed.

(1) “Dismissed Student” Status. If a guilty student is sanctioned to permanent expulsion, the student’s status becomes that of a “dismissed student” immediately upon the rendering of such sanctioning, and the Committee will so notify the Registrar, unless an Expedited Appeal is filed. In all cases (including cases in which an Expedited Appeal is filed and unsuccessful), the date of dismissal shall be the date on which the sanction was rendered.

(2) Dismissal from Class Rolls; Readmission Barred; Transcript Notation. The Committee will take the following steps to enforce the sanction of permanent expulsion:

(a) request that the Registrar remove the dismissed student from active class rolls and forever bar the dismissed student's readmission to the University; and

(b) request that the Registrar place a notation on the transcript of the dismissed student reading “Enrollment Discontinued”; and

(c) in the case of a University graduate, initiate degree revocation proceedings with the General Faculty.

(3) Expedited Appeal. A dismissed student may appeal their permanent removal within three (3) days of such sanction being rendered, according to the procedures outlined in Section IV.J.2, below. Unless the Expedited Appeal is successful, the Committee will take the steps to implement expulsion procedures, as stipulated above. If the dismissed student in question is a degree candidate (i.e., the student is in the midst of, or has completed, their last semester prior to graduation from the University), and if such degree candidate’s appeal has not been decided at the time of graduation, the Committee will request that the Registrar hold such student’s degree until the conclusion of the Expedited Appeal process.

b) Temporary Removal. Guilty students who have seriously damaged the Community of Trust and their relationship with it are best served by taking an Honor Leave of Absence from the University. This suspension provides them the time and space to fully recommit and rejoin this Community.

(1) “Suspended Student” Status. If a student is sanctioned to a leave of absence, the student’s status becomes that of a “suspended student,” immediately upon the rendering of such sanctioning, and the Committee will so notify the Registrar, such suspension to commence on the first day of the beginning of the next regular academic semester following the date the sanction was rendered, and the Committee will so notify the Registrar.

(2) Suspension from Class Rolls; Transcript Notation. The Committee will take the following steps to enforce the sanction of a suspension:

(a) request that the Registrar place a Registration Block on the student’s record, cancelling any existing future enrollments, and preventing the student from enrolling in additional University courses, which shall remain until the completion of the Honor Leave of Absence, and

(b) request that upon the commencement of the Honor Leave of Absence, the student’s transcript bear either a permanent or temporary notation on the transcript of the suspended student reading “Involuntary Honor Suspension.”, as permitted by Section IV.G.7.a) of these Bylaws.

(c) In the case of a University graduate, the Honor Chair will immediately notify the University Registrar to indicate, on the graduate’s transcript, for the duration of the one-year degree surrender period, that the degree has been surrendered by removing the usual degree-notation(s) and/or adding a temporary or permanent notation reading “Involuntary Honor Degree Surrender” indicating that the graduate’s degree has been surrendered.

(3) Upon Completion of Suspension. The administration of the suspension, including all financial matters and all questions of visa status, registration status, scholarship status, and status within the school or department in question, shall be in accordance with the guidelines of the applicable school or department with respect to a regular academic suspension. Once the suspension has been completed, all matters relating to re-enrollment and academic status shall reside exclusively with the University Registrar and the school or department in question.

(4) Expedited Appeal. A suspended student may appeal their temporary removal within three (3) days of such sanction being rendered, according to the procedures outlined in Section IV.J, below. Unless the Expedited Appeal is successful, the Committee will take the steps to implement suspension procedures, as stipulated above.

c) Education. Education establishes pathways for guilty students to repair harm and restore their relationship with the Community of Trust. The goal of education is for guilty students to better understand the real impact of their offense on the broader community and to explore common ground between community and personal values. Education provides guilty students the tools to rediscover their evolving role in the Community of Trust and represents a recommitment to honor as a shared ideal during both the remainder of their time at the University and beyond. Examples of educative sanctions include, but are not limited to, mentorship and restorative courses.



d) Amends. Amends allow for guilty students to begin repairing their relationships and regaining trust with affected parties, as these individual relationships serve as a basis for the Community of Trust and when restored, strengthen it. The goal of amends is for the guilty student to leave a positive impact in place of the harm they have caused. This active renewal of the Community of Trust promotes increased responsibility, respect, and a duty to uphold its values in the future. Examples of amends include, but are not limited to, written reflection and remediation.

3. Sanctioning Procedures for Guilty Verdicts; Order of Arguments. The Panel for Sanction shall convene no later than seven (7) days from the rendering of a guilty verdict. The official observer shall be present during the presentation of arguments by the Community and guilty student, any questioning of either party by Committee representatives, and during deliberations on sanctioning.

a) Arguments by the Community. The Counsel for the Community will be provided with the opportunity to present the Community's arguments for reasonable sanctions and any aggravating circumstances. The Counsel for the Community should draw solely on the perspective of the Reporter and other affected parties while honoring the confidentiality of the student to decide on the Community's proposed sanctions and arguments. The Counsel for the Community and the Reporter, together, shall be limited to ten (10) minutes and may not call upon additional witnesses.

b) Arguments by the Guilty Student. The guilty student will be provided the opportunity to present their arguments for reasonable sanctions and any mitigating circumstances. While Students may be assisted by their assigned counsel, the principal responsibility in making arguments lies with the student. The student and their counsel's argument, together, shall be limited to ten (10) minutes and may not call upon additional witnesses.

c) Role of the Vice Chair for Sanctions. The Vice Chair for Sanctions shall ensure that the Panel for Sanction convenes in a timely fashion, hears arguments from Community and guilty student, and deliberates on sanctioning pursuant to the procedures outlines in these Bylaws. The Vice Chair for Sanctions shall ensure that all information needed for appropriate sanctioning is presented to the Panel for Sanction, including information that was not presented or ruled inadmissible, according to section IV.F.5.b) of these Bylaws, during pre-hearing procedures for the Panel for Guilt. Causal Psychological Arguments shall remain prohibited from presentation to the Panel for Sanction.

d) Non-Participating Student. In the case in which a guilty student had selected a hearing of guilt in absentia or left the University admitting guilt, the Vice Chair for Sanctions shall provide notice regarding the hearing date and time of the Panel for Sanction, in which the student may argue for reasonable sanction(s). The non-participation of the guilty student may be considered as an Aggravating or Mitigating circumstance.

4. Sanctioning Considerations. When making their sanctioning determination, 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 argument for reasonable sanction(s) from the reporter and their counsel. Additionally, the Panel for Sanction shall take into account the advice of the random student panelists, the evidence presented, and all other Aggravating and Mitigating Circumstances.

a) Precedent. The Panel for Sanction shall administer the appropriate sanction(s) for each unique case and circumstance. Accordingly, while the Panel for Sanction may access and utilize de-identified summaries of past cases to guide sanctioning deliberations, precedent is not a deciding consideration in sanctioning and shall never be the basis of appeal.

5. Written Outcome Letter. The guilty student, or submitting student filing an accepted IR, shall be advised, in writing, of both the decisions and reasonings of the Panel for Sanction. This written notice, known as the "Outcome Letter", shall:

- a) Summarize the Honor proceeding in question;
- b) List and provide explanation for each sanction administered;
- c) Detail requirements and timeframes for completion each sanction administered;
- d) Stipulate the consequences for non-compliance.

The Vice Chair for Sanctions shall draft and share the outcome letter with the Panel for Sanction for review and approval. This outcome letter shall be delivered to the guilty student no later than seven (7) days after the Panel for Sanction and shall be delivered to the student and their counsel by the Vice Chair for Sanctions.

6. Sanction Completion; Modifications. Upon imposition of sanction(s) by the Panel for Sanction, the sanctioned student shall complete their sanction(s) according to the requirements and timeframes stipulated in the outcome letter. In rare and extraordinary circumstances, modifications to the requirements and timeframes of sanction(s) may be requested by the student and granted by the Vice Chair for Sanctions in their reasonable discretion, in consultation with the Chair and, if possible, the Panel for Sanction members for the respective case. Modifications shall aim to maintain the original restorative intent of the sanction(s).

7. Non-Compliance Consequences. Sanctioned students who fail to comply with their administered sanction(s) despite notice are deemed non-compliant with sanctioning, with such determination of non-compliance to be made by the Executive Committee by majority vote. The consequence of non-compliance is permanent removal from the University (or permanent degree revocation, if the student has graduated). When a student has been deemed non-compliant, the student's status becomes that of a "dismissed student". In such cases, the Committee shall immediately begin implementing expulsion procedures as outlined in Section IV.H.2.a) of these Bylaws, and the date of dismissal shall be the date the student has been deemed non-compliant.

- a) Expedited Appeal for Non-Compliance. Notwithstanding Section IV.J.2.b)(2) below, a dismissed student may appeal their determination of their non-compliance within three (3) days of such determination, according to the procedures outlined in Section IV.J.2, below. Unless the Expedited Appeal results in the granting of a reversion to student status, the Committee will take the steps to implement expulsion procedures, as stipulated above.

## I. Non-Compliance

1. Purpose. The fundamental purpose of a non-compliance proceeding is to determine whether a sanctioned student has failed to comply with their sanction(s).
2. Status as a "Referred Student". Following the formal accusation of noncompliance by the Vice Chair for Sanctions and referral to the Executive Committee, the student will be referred to as the "referred student".
3. Failure to Appear at the Proceeding. If the student is referred for a non-compliance determination, following the delivery of notice (and absent extraordinary circumstances, as determined in the reasonable discretion of the Chair of the Honor Committee) fails to appear at their non-compliance determination proceeding, the referred student's compliance status will be determined in absentia and the counsel for the student will not present arguments.

4. Panel. The panel shall be made up of the Executive Committee, excluding the Chair of the Honor Committee and the Vice Chair for Sanctions. The Chair of the Honor Committee shall chair the non-compliance proceeding. If members of the Executive Committee recuse themselves or cannot be present for the proceeding, the Chair shall appoint randomly selected members of the Honor Committee to serve on the Executive Committee for the purposes of the decision. The Chair shall appoint as many randomly selected members of the Honor Committee as is necessary to constitute a five-member panel.

4. Witnesses. If possible, the parties will mutually agree to a list of witnesses and the order in which they will appear at the proceeding. Witnesses for the Community shall testify first, followed by witnesses for the student. If no agreement can be reached, the Chair shall intervene and establish the list and order of witnesses. The Vice Chair for Sanctions shall be the primary witness for the Community. No other member of the panel shall be a witness at a non-compliance proceeding.

5. Non-Compliance Determination Procedure; Order of Witnesses; Role of Chair. The Chair will begin the proceedings with an opening statement. In the opening statement, the Chair will name the parties, describe the Alleged Non-Compliance, and list the witnesses who will testify at the proceeding, along with a brief description of the nature of their respective testimony.

a) Both parties will be provided with the opportunity to present an opening statement. Each party shall be limited to five (5) minutes. The student may present their opening statement on their own behalf.

b) After the opening statements, the panel will hear the witnesses, first for the Community, and then for the student. As to each witness,

(1) the Chair will first ask each witness to state the nature of their own involvement in the case; then,

(2) the party calling the witness (or the party's Counsel) will have an opportunity to ask any questions that were not asked and sufficiently answered during previous testimony; then,

(3) the opposing party (or the opposing party's Counsel) will have an opportunity to ask any questions that were not asked and sufficiently answered during previous testimony; and, finally,

(4) the Panel will be invited to ask questions of the witness, subject to objection(s) from the Chair and/or Counsel and limited only to those matters which have not already been covered in prior questioning.

This process shall repeat until no party has any further questions, provided that the party calling the witness shall always have the right to ask the final questions.

The Chair will rule on any objections raised by Counsel. To raise an objection, either counsel must simply get the attention of the Chair by standing and stating their objection and the grounds thereof. Objections may be raised at any appropriate time, including during the closing arguments of the parties. Objections may be raised on grounds, including but not limited to, irrelevancy, Leading Questions, and questions previously Asked and Answered. In addition, the Chair may, acting on their own initiative, rule that certain questions asked by Counsel and/or statements made or answers given by witnesses are inadmissible or inappropriate, in their reasonable discretion.

The referred student reserves the right to appear as the last witness, even if the referred student has already testified.

After the panel has heard from all of the witnesses, the panel will recess to consider whether to recall witnesses for further questioning. Any witnesses recalled by the panel are subject to questioning by the parties or Counsel as well. Only the panel, however, may recall witnesses. If the panel recalls any witnesses for further questioning, the referred student reserves the right to appear as the last witness, even if the referred student has already testified.

After all of the witnesses have been heard, the Chair will remind the panel of the formal accusations of non-compliance brought against the student and instruct the panel as to the standards for determining non-compliance.

Following these panel instructions by the Chair, each party or their Counsel may make a closing statement of up to five minutes in duration. The Community's closing statement is made first, followed by that of the referred student, followed by a brief rebuttal, if desired, by the Community; provided that the total time allotted to the Community, for the closing statement plus the rebuttal, shall not exceed the total time allotted to the referred student for the closing statement. The referred student may present their closing statement on their own behalf.

6. Role of the Chair of the Honor Committee. The Chair shall ensure that the Executive Committee convenes in a timely fashion, hears arguments from the Community and the referred student, and deliberates on the non-compliance accusation pursuant to the procedures outlined in these Bylaws. The Chair shall ensure that all information needed for an appropriate determination is presented to the panel.

7. Deliberations. Once the proceeding has recessed for deliberations, only the panel and the Chair shall be present for deliberations.

a) The question before the panel is whether the evidence against the referred student demonstrates, Beyond a Reasonable Doubt, that the student did not comply with their sanction. In other words, the panel must determine as to each Act of non-compliance charged, Beyond a Reasonable Doubt, whether:

(1) the referred student committed such an Act of non-compliance. "Act" with respect to non-compliance shall mean any specific event or occurrence of non-compliance with a sanction;

(2) the referred student committed such Act with Knowledge. "Knowledge" with respect to non-compliance shall mean that the actor knew, or a reasonable University of Virginia student should have known, that the Act in question might be considered non-compliance with a sanction; and

(3) such Act was Significant. "Significance," with respect to non-compliance shall mean that open toleration of such an Act of non-compliance among sanctioned students would be inconsistent with the restoration of students to the Community of Trust.

b) Each Act charged shall be deliberated and voted upon separately.

c) The Chair shall be present during deliberations. The role of the Chair during deliberations shall be to clarify definitions, answer questions, and facilitate discussion of the case, as necessary.

8. Voting to Determine Non-Compliance. In proceedings with multiple charges of non-compliance, each sanction with which the student is accused of non-compliance shall be voted upon separately. When ready to record their verdict as to all elements of the non-compliance referral, the panelists shall do so both in writing and by voice. If a simple majority votes in the affirmative on the issues of Act, Knowledge, and Significance, then a non-compliant verdict is rendered.

9. Non-Compliance Consequences. Sanctioned students who fail to comply with their administered sanction(s) despite notice are deemed non-compliant with sanctioning, with such determination of noncompliance to be made by the Executive Committee by majority vote. The consequence of non-compliance is permanent removal from the University (or permanent degree revocation, if the student has graduated). When a student has been deemed non-compliant, the student's status becomes that of a "dismissed student". In such cases, the Committee shall immediately begin implementing expulsion procedures as outlined in Section IV.H.2. of these Bylaws, and the date of dismissal shall be the date the student has been deemed non-compliant.

a) Expedited Appeal for Non-Compliance. Notwithstanding Section IV.J.2.b)(2) below, a dismissed student may appeal their determination of their non-compliance within three (3) days of such determination, according to the procedures outlined in Section IV.J.2, below. Unless the Expedited Appeal results in the granting of a reversion to student status, the Committee will take the steps to implement expulsion procedures, as stipulated above.

## J. Post-Hearing Procedures

1. Public Summary of the Hearing. At the conclusion of the hearing process (i.e., acquittal or sanctioning), the Official Observer shall prepare a brief "Official Summary."

a) For each significant issue on which Counsel for the community and the accused student (or the accused student's Counsel) disagreed, the Official Summary shall identify the issue and the arguments of each side. The Official Summary also shall state whether the panel voted to convict or acquit and, if the latter, whether it was on the basis of Act and Knowledge or on the basis of Significance. If convicted, the Official Summary shall include a brief summary of the administered sanction(s).

b) The Official Summary shall not reveal the name of any student (including the accused student and any student who is involved as a witness) or other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty. The Official Summary shall provide the same confidentiality to non-student witnesses.

c) The acquitted or convicted student shall be provided a reasonable opportunity to review the Official Summary, together with the student's Advisor and Counsel, and advise the Chair of the Honor Committee if the student believes that it does not conform to the confidentiality requirements of subsection (b), above.

d) The Chair of the Committee shall review the Official Summary for conformity with this Section prior to publication. For this purpose, the Chair of the Committee shall consult with the Committee's legal advisor and, whenever reasonably feasible, with at least one Committee member from the acquitted or convicted student's school. The Chair of the Committee may, in his discretion, consult other Committee members or support officers.

e) The Chair of the Committee may refuse to publish an Official Summary of a particular hearing if, on the advice of legal counsel, the Chair of the Committee determines that it is not possible to construct an Official Summary that will comply with subsection (b), above, and still be of value to the community. If the Chair of the Committee exercises this option, the Chair shall so advise the Committee.

- f) An Official Summary of a hearing is due to be released if at least 3 days have elapsed since such hearing, an Official Summary of such hearing has not previously been released, and a Chair of the Committee has not refused to publish an Official Summary of such hearing. If the guilty student has indicated an intention to file an Appeal before the Official Summary is due to be released, such fact shall be included in the Official Summary. If the guilty student has not indicated an intention to file an Appeal, the Official Summary shall indicate that the student retains that right.
- g) All Official Summaries that are due to be released shall be posted to the Committee's website and shall remain there for four (4) years.
- h) Student Panelists shall be instructed that the results of prior Honor cases, as described in any Official Summary or otherwise, are not to be considered in their deliberations at any Honor hearing.

## 2. Appeals

- a) Purpose. The purpose of the appeal process is to allow a student to present their claims, if any, regarding the timeliness or fairness of the Honor proceedings that led to the student's conviction or sanctioning.
- b) Appeal Grounds and Time Limits for Filing Appeals
  - (1) Appeal for new evidence. Within two years following the hearing with the Panel for Sanction, a guilty student may file an unlimited number of appeals based on new evidence. For purposes hereof, "new evidence" is defined as evidence that (i) is within the scope of evidence deemed, at the Pre-Hearing Conference, to be admissible at the hearing, and (ii) was not known by the guilty student to exist at the time of the hearing and/or was not available at the time of hearing.
  - (2) Appeal for good cause. Within thirty (30) calendar days following the hearing with the Panel for Sanction, a guilty student may file a single appeal for good cause (including an Expedited Appeal, in the case of a suspended or dismissed student) with respect to their conviction and/or sanctioning. For purposes hereof, appeals for "good cause" shall include, without limitation, appeals relating to the fundamental fairness and/or timeliness of the applicable proceedings.
- c) Form of Appeal. An appeal will be considered only if: (i) It is submitted in writing to the Vice Chair for Hearings; and (ii) the appeal sets forth the student's name and conviction, sanctioning, and/or non-compliance determination dates as applicable; and (iii) the appeal states explicitly which proceedings are being appealed (i.e., conviction and/or sanctioning); and (iv) the appeal includes an appeal "Brief," which should describe the ground(s) on which the appeal is filed (i.e., new evidence or good cause), and should include a detailed prose narrative outlining the issue(s) on appeal, detailed arguments supporting each issue raised in the appeal, and any relevant attachments or information necessary to determine the factual accuracy of any claims raised in the appeal. For purposes hereof, references to an "appeal" shall mean the applicable appeal brief.
  - (1) If the appeal does not meet the requirements above, the Vice Chair for Hearings may, at their reasonable discretion and in consultation with the Chair and the Vice Chair for Sanctions, return the appeal to the student to allow for the student to bring the appeal into conformity with such requirements. In the case that a dismissed student submits an expedited appeal that does not meet the requirements of Section J.1.a or J.1.b, the student has three (3) days to bring the appeal into conformity with such requirements. If the student does not do so, their status will revert back to the status of a dismissed student.

d) Appeal Forwarded to Appeal Review Panel. The Vice Chair for Hearings shall forward the appeal meeting the requirements of section IV.J.2, above, to an Appeal Review Panel (or “ARP”) for review. The Appeal Review Panel shall be composed of five members of the Honor Committee who are not affiliated with the case in question. Appointments to and removals from the Appeal Review Panel shall be made by the Chair of the Honor Committee in the sole discretion of the Chair.

e) Expedited Appeals. In order to invoke the benefits of an Expedited Appeal (i.e., the postponement, until the conclusion of the Expedited Appeal, of the usual consequences following sanctioning or non-compliance determination) a dismissed or suspended student may elect to file a single Expedited Appeal for good cause. The Honor Committee will request that the Registrar (or that office’s designee) place a notation on the transcript of the dismissed or suspended student reading “Enrollment Contingent Upon Appeal of Honor Conviction,” which notation will remain until the expiration of the period provided for requesting an Expedited Appeal. In order to file an appeal, the dismissed or suspended student must:

(1) indicate their intention to file an Expedited Appeal, on a form to be provided by the Committee, and complete, sign, and deliver such form to the Vice Chair for Hearings no later than three (3) days following the Panel for Sanction or non-compliance determination, and

(2) file an appeal brief meeting the requirements of Section IV.J.2.c), above, within fourteen (14) calendar days following the date of the filing of the Expedited Appeal election form.

f) Extension of Deadlines. Students are expected to comply with all of the deadlines set forth in these Bylaws for the filing of appeal forms and briefs and may be granted an extension only upon a showing of good cause, in the sole discretion of the Executive Committee.

### 3. Appeal Review Panel

a) Substantial Question. Upon receipt of the student’s appeal from the Vice Chair for Hearings, the Appeal Review Panel shall determine whether the student has raised a Substantial Question relating to the fairness (whether by reason of a claim of good cause or a claim of new evidence) or the timeliness of the Honor proceedings leading to the student's conviction and/or sanctioning which (i) very likely has a factual basis, and (ii) more likely than not affected the outcome of such proceedings.

b) Dismissal of Appeal Where no Substantial Question Raised. If the Appeal Review Panel determines that a student’s appeal does not raise a Substantial Question, the Appeal Review Panel shall dismiss the appeal.

c) Where a Substantial Questions is raised, the Appeal Review Panel may appoint an Appeal Investigator:

(1) Appointment of Appeal Investigator. The Appeal Investigator shall be a member of the Counsel Pool, appointed at the discretion of the Vice Chair for Hearings.

(2) Action as an Impartial Investigator. The Appeal Investigator shall investigate impartially the Substantial Question(s) raised in the appeal brief. The Appeal Investigator shall have full authority to collect evidence, to interview witnesses, and to pursue such further information as may be necessary to decide the appeal.

(3) Timeline for Investigation and Recommendations; Extension of Time. The Appeal

Investigator shall conduct an investigation and present their findings of facts to the Appeal Review Panel within fourteen (14) calendar days following the initial referral of Substantial Question(s) by the Appeal Review Panel. If completion within such fourteen- (14-) day period is not reasonably feasible, the Appeal Review Panel may extend such period as reasonably necessary for such process to be completed.

(4) Presentation of Facts by Appeal Investigator. The Appeal Investigator shall make a verbal and written presentation of their investigation results (including both facts discovered and facts still undiscovered, if any) at the next meeting of the Appeal Review Panel.

d) Voting by the Appeal Review Panel. All decisions by the Appeal Review Panel shall be made by majority vote.

e) Action by the Appeal Review Panel. The Appeal Review Panel shall review the Appeal Investigator's presentation and may order any action in response to the appeal including, without limitation, the dismissal of the appeal, the granting of a new Investigative Panel, the granting of a new Panel for Guilt and/or Panel for Sanction, modification of sanction(s), or the dismissal of the Honor charge(s), or the Appeal Review Panel may request further investigation of the claims set forth in the appeal brief.

f) Standards for Granting Relief. The Appeal Review Panel shall order the granting of relief if it determines that it is very likely that there is a factual basis for the claims alleged in the appeal brief, and:

(1) the student was denied a substantive and material right explicitly granted in the Honor Committee Constitution or Bylaws, or

(2) the student was denied a "full and fair hearing," or

(3) the Honor proceedings were not conducted objectively and in accordance with established Honor Committee procedures, or

(4) the Honor proceedings were not conducted in a timely manner (unless delays were significantly caused or contributed to by the dismissed student's actions or failure(s) to act),

(5) and such denial or failure very likely affected the outcome of the proceedings.

g) Following the initial meeting of the Appeal Review Panel, the Chair and the Vice Chair for Hearings shall consult with the Honor Legal Advisor on substantive issues raised in the Appeal Brief.

h) Prior Involvement by Vice Chair for Hearings. In the event that the Vice Chair for Hearings must be excluded from consideration of the appeal in question, the Vice Chair for Hearings will not serve as a member of the Appeal Review Panel. Nevertheless, the Vice Chair for Hearings may, in such circumstances, continue to perform administrative functions including, but not limited to, receiving and forwarding appeals, assisting in scheduling functions, and serving as a point of contact for the convicted student.

#### 4. Effect of Successful Appeals

a) Reversion of Student Status. If, following a regular or an Expedited Appeal:

(1) the Honor charges are dismissed, then the student's status reverts to their status immediately prior to the reporting of any Honor charges;



(2) the student is granted a new Investigative Panel hearing, then the student's status reverts to that of an investigated student; or the student is granted a new Panel for Guilt, then the student's status reverts to that of an accused student. As in the case of students newly accused by an Investigative Panel, in the event that graduation occurs while a student is an "accused student," such student's degree will be held pending resolution of the Honor charges.

(3) Documents Destroyed. As in the case of an acquittal, if, following a regular or an Expedited Appeal, the Honor charges are dismissed, all of the files relating to the case will be destroyed according to Article VI.

K. Contributory Health Impairment; Lack of Capacity

1. Purpose. The Honor Committee recognizes that a student may be affected by a health impairment which caused or significantly contributed to the commission of an Alleged Honor Offense, and/or renders such student substantially unable to understand the relevant Honor charges or to assist in their own defense. As fully described below, certain separate procedures and a separate forum exist for the consideration of such claims.

2. Claims of Contributory Health Impairment.

a) In General. Any student who believes that they have a claim of Contributory Health Impairment (or "CHI") should consult with their Honor Advisor, request a copy of the CHI Hearing Procedures, and carefully review the CHI Hearing Procedures in their entirety. A student may request a CHI Hearing at any time after the student has been informed of the underlying Honor report up to and including the date ten (10) days after the student has been formally accused by an I-Panel. If an accused student proceeds with an Honor Hearing with a Panel for Guilt and later seeks to submit a CHI Hearing Request, the Executive Committee may accept the CHI Hearing Request provided that it conforms to the other requirements set forth in the CHI Hearing Procedures. CHI Hearing Requests must be submitted to the Vice Chair for Hearings. A form for submitting such requests is attached to the CHI Hearing Procedures and may also be obtained from the Honor Committee. Claims of CHI may not be made in an Honor Hearing.

b) Procedures Governing CHI Requests and Hearings. The Honor Committee's CHI Hearing Procedures shall govern the processing of all CHI Requests and the adjudication of all claims of CHI. CHI Hearing Requests must conform to the deadlines and other requirements set forth in the CHI Hearing Procedures and will be evaluated according to the criteria enumerated therein. Where such a Request fails to satisfy the relevant criteria or otherwise fails to conform to the requirements set forth in the CHI Hearing Procedures, such a request will be denied, and the case will be returned to the Honor Committee for resolution pursuant to these Bylaws.

c) Interaction Between CHI and Honor Case Processing Timelines:

(1) CHI Requests Submitted Prior to Investigative Panel. If the student submits a CHI Hearing Request prior to the time an Investigative Panel has convened to consider their case, the investigation shall nevertheless proceed and an Investigative Panel shall nevertheless be convened in accordance with Sections IV.B and IV.C, above. If the resulting Investigative Panel accuses the student of an Honor Offense, then the Honor proceedings will be paused, and the Request for a Hearing on CHI will be submitted to Judicial Affairs for evaluation pursuant to the CHI Hearing Procedures. If the Investigative Panel does not accuse the student, then the Honor charges, and the related CHI Hearing Request, will be dismissed.

(2) CHI Requests Submitted After Investigative Panel. If the student submits a CHI Hearing Request after having been accused by an Investigative Panel, the Honor proceedings will be paused upon receipt of such request by the Vice Chair for Hearings, and the case shall be submitted to Judicial Affairs for evaluation pursuant to the CHI Hearing Procedures.

d) Interaction Between CHI and the Informed Retraction. At any time during the IR Period, a student may elect to file both an IR and a CHI Request covering the same underlying Report. In such cases, the student shall submit an IR Form in accordance with Section III.B.5 of the Bylaws to the Vice Chair for Investigations and their CHI request to the Vice Chair for Hearings, and the case will be paused and submitted to Judicial Affairs for evaluation pursuant to the CHI Hearing Procedures.

e) Honor Committee Records to be Provided to Judicial Affairs. The Honor Committee will provide Judicial Affairs copies of the Honor I-Log, if available, and any other records relating to the charge(s) in question for review in connection with each Request for a Hearing on CHI.

f) Return of Cases to the Honor Committee:

(1) Cases Returned by Judicial Affairs. Where (i) the student fails to satisfy the requirements for evaluation of a CHI Request by Judicial Affairs or (ii) Judicial Affairs denies the Request for Hearing on CHI, the case will be returned to the Honor Committee for resolution pursuant to these Bylaws. The CHI Hearing Request submission requirements and the criteria governing the Judicial Affairs decision to grant or deny a Hearing on CHI, are described, in detail, in the CHI Hearing Procedures.

(2) Cases Returned After an Adverse Outcome in a Hearing on CHI. If a student (i) fails to carry the burden of proving the existence of a CHI at a Hearing on CHI or (ii) if a student forfeits the Hearing on CHI by reason of failure to cooperate in the scheduling of the Hearing or by otherwise unduly delaying the Hearing, in accordance with the provisions of the CHI Procedures, then the case shall be returned to the Honor Committee for resolution pursuant to these Bylaws. In any resulting Honor Hearing with a Panel for Guilt, the panel will be informed that the student has admitted the Act or Acts underlying the Honor charge(s) in question, the student will be precluded from denying that they committed such Act or Acts, and the jury panel's vote will reflect that the "Act" element of each alleged Honor offense has been satisfied.

(3) Cases Involving Both IR and CHI. If a student's case is returned to the Honor Committee (either because the student's CHI Hearing Request was denied, or because the student forfeited the Hearing on CHI, or because of an adverse outcome in a CHI Hearing) and such student previously elected to file an IR with respect to the underlying charges, then the student's case shall be resolved pursuant to these Bylaws in the same manner as if they had submitted an IR covering the Honor charges within the IR Period.

### 3. Claims of Lack of Capacity.

a) In General. Any accused student who wishes to assert a Lack of Capacity (or "LC") should consult with their Honor Advisor, request a copy of the CHI Hearing Procedures, and carefully review the CHI Hearing Procedures in their entirety. Assertions of LC must be submitted in writing to the Vice Chair for Hearings. A form for submitting such requests is attached to the CHI Hearing Procedures and may also be obtained from the Honor Committee. The Vice Chair for Hearings shall forward a copy of the LC Form to Judicial Affairs.

b) Procedures Governing Assertions of LC. The Honor Committee's CHI Hearing Procedures shall govern the processing and adjudication of all assertions of LC. To be effective, such assertions

must conform to the requirements set forth in the CHI Hearing Procedures.

L. School of Continuing and Professional Studies

1. Purpose. The procedures governing Honor cases reported against SCPS Students are intended, generally, to mirror the procedures governing other Honor cases. In order to reflect the administrative challenges in applying the Honor System to SCPS Cases, however, certain procedures have been modified slightly, as indicated below. Except as expressly set forth below, SCPS Cases shall be treated like other Honor cases, and SCPS Students shall have the same rights and responsibilities as other students with respect to the Honor System.
2. Regional Coordinators. The dean of the SCPS shall nominate, and the Honor Committee shall approve, at least one administrative coordinator from each regional center (each, a “Regional Coordinator”) for a term of one year. Each Regional Coordinator shall be responsible for the administration of the Honor System and for maintaining the Community of Trust at the applicable regional center.
3. Certain SCPS Cases Originating in Charlottesville; Online Courses. Notwithstanding any other provision of this Section IV.K., (a) the Committee may elect to apply some or all of its standard, unmodified, procedures to SCPS Cases originating in Charlottesville, and (b) allegations relating to online courses may be investigated and processed in Charlottesville.
4. Report. Any person wishing to report an Honor case against an SCPS Student should contact an Honor Advisor, a Committee member, or the applicable Regional Coordinator.
5. Investigation. Cases reported against SCPS Students shall be investigated by the applicable Regional Coordinator, or two Honor Investigators at the discretion of the Vice Chair for Investigations.
6. Investigative Assessment. The applicable Regional Coordinator, or Investigators as applicable, shall submit all relevant case materials to the SCPS Investigative Assessment Panel. The SCPS Investigative Assessment Panel consists of three Committee members and functions like an Investigative Panel to decide whether or not to accuse the SCPS Student.
7. Hearings in Charlottesville; Hearing Scheduling. All hearings and appeals of SCPS Cases shall be held at the Honor Committee’s offices in Charlottesville, Virginia. SCPS Students will be reimbursed for expenses deemed reasonable by the Honor Committee and associated with attendance at hearing in Charlottesville. Hearing scheduling for SCPS Cases generally shall be handled in the same manner as for other Honor cases. Because of the off-site locations and difficulty of coordination between the respective regional centers and the Committee, however, the Committee may require additional time and flexibility in the scheduling of SCPS Case hearings.

M. Registration Blocks and Transcript Holds; Degree Holds

1. Registration Blocks and Transcript Holds. It is the Committee’s and the University’s expectation that, following a report of Honor charges, each affected student will cooperate with the Committee in order that the affected student's case may be processed in accordance with the rules set forth in these Bylaws and brought to a timely conclusion. Among other things, affected students are expected to communicate with the Committee in a reasonably timely fashion and to cooperate in the scheduling of, and to make best efforts to attend, relevant meetings and hearings with Committee members and support officers. In the event that a student fails to cooperate, in the judgment of the Committee, in the timely processing of the student's case, the Committee may, at its discretion, request that the Registrar or that office’s designee implement (a) a “Registration Block”, and/or (b) a “Transcript Hold” relating to such student’s registration and records. When a “Registration Block” is in effect, any attempt by the affected student to register for additional classes at the University will trigger a referral by the Registrar back to the Committee, and registration will be blocked

unless and until, in the judgment of the Committee, the student is cooperating in the timely processing of the student's case. When a "Transcript Hold" is in effect, any request for transcripts (by the student or third parties) will be deferred unless and until, in the judgment of the Committee, the student is cooperating in the timely processing of the student's case.

2. Degree Candidates; Degree Holds. Accused students (i.e., students who have been (a) accused by an Investigative Panel, but not yet tried, or (b) tried and convicted, but who have not yet been sanctioned or succeeded in winning the grant of a new hearing on appeal, and are awaiting such new hearing), who would otherwise be eligible to graduate shall have their degrees held by the Registrar at the time of graduation, pending the outcome of the hearing or re-hearing, as applicable.

3. Where the outcome of an Honor case involving a non-degree-seeking student would otherwise (i.e., if such student were a regular, degree-seeking University student) result in the imposition of a transcript notation, a degree hold, a modification to the student's status, or the initiation of temporary or permanent degree revocation proceedings, the Committee will impose such measures to the extent reasonably possible within the context of the particular program in which the student is enrolled or participating. Accordingly, the Committee may impose a transcript notation and/or transcript hold with respect to such student's University transcript; may take action which modifies such student's University status; and/or may initiate proceedings to temporarily revoke such student's certificate, program credit, or other University credential in a similar manner as such actions are normally imposed with respect to a regular, degree-seeking University student and, if applicable, such regular, degree-seeking student's University degree.

## V. CONFIDENTIALITY

The Honor Committee aspires to maintain confidentiality throughout all of its proceedings. An investigated, accused, or suspended student may waive their right to confidentiality at any time, however, either by signing a written waiver for that purpose or by publicly disclosing matters that would otherwise be confidential. Only upon the giving of such waiver are other participants in any Honor proceeding released from their responsibility to maintain confidentiality with respect to that student. Questions as to confidentiality and/or the status of a waiver should be directed to the Honor Committee. The Honor Committee will enforce confidentiality through the University Standards of Conduct, administered by the University Judiciary Committee.

## VI. RECORDS MANAGEMENT & RETENTION

- A. The Honor Committee shall retain or destroy all Honor case materials in accordance with University of Virginia Records Management guidance and with policies outlined in Article IV of these Bylaws.
- B. Lack of Jurisdiction; Executive Committee Dismissal; Investigative Panel Election not to Accuse; Not Guilty Finding by Student Panel. In case dismissal, drops, acquittals, or other findings of non-responsibility, all case materials and identifying records related to that case shall be maintained for a period of ten (10) years, according to State and University Records Management policy.
- C. Conviction at Hearing; Leaving the University Admitting Guilt; Conscientious Retraction; Informed Retraction; Contributory Health Impairment claims. Should a student be found Guilty by a Panel for Guilt, Leave the University Admitting Guilt, submit a Conscientious Retraction, submit an Informed Retraction, or elect to request a hearing for a Contributory Health Impairment, the Honor Committee shall retain case materials and identifying records related to that student's case(s) permanently.

## VII. AMENDMENTS

- A. Voting Majority; Housekeeping Amendments. These Bylaws may be amended by a majority vote of the Honor Committee, voting in accordance with the regular procedures of the Honor Committee. In addition, the Executive Committee may adopt Housekeeping Amendments at any time, without obtaining the approval of the entire Honor Committee, provided that the Executive Committee shall give reasonable notice of the content of such Housekeeping Amendments to the entire Honor Committee within at least twenty-four (24) hours prior to their adoption.

“Housekeeping Amendments” shall mean certain limited modifications intended exclusively to correct errors (in spelling, grammar, punctuation, numbering, lettering, spacing, formatting, and/or errors of clearly inadvertent redundancy or omission of particular words), and to update the Bylaws to reflect changing University norms in gender references, changes in University-wide policy (e.g., records-retention policies; transcript-management policies), and changes in the names or other signifiers of University departments or programs.

- B. Effective Date of Amendments; Governing Amendments. Unless otherwise provided in the language of an amendment, amended Bylaws are effective when published on the website of the Honor Committee. The Bylaws governing a particular Honor case are the Bylaws in effect on the date when the applicable Report was received. For purposes of clarity and ease of use, the Honor Committee will endeavor to enact substantive By-law amendments (versus Housekeeping Amendments) once each academic year, at the same time each year, to the extent possible; provided, however, that nothing herein shall prevent the Committee from enacting such amendments at any time and at any interval if the Committee deems it prudent to do so.

## VIII. DEFINITIONS

With respect to the following defined terms, the plural shall be deemed to mean the singular, and the singular shall be deemed to mean the plural, where the context so requires.

“**Act**” shall mean any specific event or occurrence of Lying, Cheating or Stealing.

“**Advisor**” shall mean the Support Officer(s) whose primary responsibility is to provide support and neutral information to investigated, accused and suspended students, as more particularly described in Section II.C.2 of these Bylaws.

“**Advisor Pool**” shall mean, collectively, all of the Advisors.

“**Alleged Honor Offense**” shall mean an allegation of a Significant Act of Lying, Cheating or Stealing, which alleged Act is committed with Knowledge, as more particularly described in Section I.B of these Bylaws.

“**Aggravating and Mitigating Circumstances**” shall mean the constellation of factors that amplify or diminish the committing of an Honor Offense and merit consideration during the Panel for Sanction.

“**Appeal Investigator**” shall mean the member of the Counsel Pool appointed to investigate a Substantial Question raised in an appeal brief, at the request of an Appeal Review Panel, as more particularly described in Section IV.J.3.c(1) of these Bylaws.

“**Appeal Review Panel**” shall mean the five-member panel charged with deciding appeals and comprised of five rotating members of the Honor Committee, all as more particularly described in Section IV.J.3 of these Bylaws.

“**Asked and Answered**” shall mean that questions from counsel or a Panel Member which have already been asked in the same form and to which a satisfactory and complete answer has already been given are inadmissible as asked and answered questions.

“**Bad Faith**” shall mean dishonest intent by the reporter in reporting a case. Determinations of Bad Faith shall be made by the Executive Committee, in its sole, reasonable discretion. Factors that may indicate Bad Faith include, but are not limited to, a poor relationship between the reporter and the reported student predating the circumstances surrounding the Honor report, statements made by the reporter suggesting dishonest intent in reporting the case, a lack of evidence to support the reporter’s allegation(s), evidence directly contradictory to the reporter’s allegation(s), and a timeline of events that calls into question the reporter’s motives for reporting the case.

“**Beyond a Reasonable Doubt**” shall mean the standard that is met when no hypothesis exists that is at the same time: reasonable, consistent with the evidence, and does not itself satisfy the criteria of an Honor Offense.

“**Bylaws**” shall mean these Bylaws of the Honor Committee, as they may be amended (or amended and restated)

from time to time.

**“Causal Psychological Evidence”** shall mean evidence which tends to prove that the accused’s behavior in this matter was caused by an underlying psychological condition is inadmissible as causal psychological evidence. Evidence which is merely collateral psychological evidence or which is merely related to general circumstances of life for the accused at the time of the Alleged Honor Offense, is not causal psychological evidence, though it may be inadmissible on other grounds.

**“Character Evidence”** shall mean evidence of a person’s character or character traits is inadmissible as character evidence for the purpose of proving the individual acted in accordance with that character or character trait on a particular occasion.

**“Cheating”** shall mean a violation of any standards, conditions, or rules for which a student may receive benefit, credit, or acknowledgment, academic or otherwise. Cheating includes, but is not limited to, performance of any of the following acts, or abetting a fellow student in the performance of any of the following acts: using unauthorized materials in the completion of work, copying from a fellow student, plagiarism, multiple submission, false citation, false data submission, and/or unauthorized acquisition of advance knowledge of the contents of an exam or assignment.

**“CHI Hearing Procedures”** shall mean the Contributory Health Impairment Hearing Procedures, as the same may be amended from time to time. Copies of the CHI Hearing Procedures are available at the offices of the Honor Committee.

**“Code of Ethics”** shall mean the written set of guidelines for ethical conduct by Committee members and support officers, copies of which are available at the offices of the Honor Committee.

**“Collateral Psychological Evidence”** shall mean any Psychological Evidence other than Causal Psychological Evidence.

**“Committee”** shall mean the Honor Committee.

**“Community”** or **“Community of Trust”** shall mean, collectively, the students, faculty, administrators, and other members of the University of Virginia community.

**“Community Relations and Diversity Advisory Committee”** or **“CRDAC”** shall mean the sub-committee whose primary responsibilities are, first, to provide a formal mechanism for the University’s diverse student body to express its views and interests as they relate to the Honor System and, second, to foster a constructive relationship between the System and the student body.

**“Conscientious Retraction”** or **“CR”** shall mean the written confession of an Act that might be an Honor Offense delivered before the student has reason to believe that such Act has come under suspicion by anyone; a complete and valid CR may serve as a full and exonerating defense against Honor charges, as more particularly described in Section III.A of these Bylaws.

**“Contributory Health Impairment”** or **“CHI”** shall mean a health impairment that (i) caused the Student’s judgment to be substantially impaired at the time of the reported conduct such that the Student substantially lacked the ability to discern that the conduct in question might be considered an Honor offense, and/or (ii) caused or significantly contributed to the Student’s commission of such reported conduct, which shall mean that, in the absence of the CHI, a reasonable University student in the same or similar circumstances would not have committed such conduct.

**“Counsel”** shall mean the Support Officer(s) whose primary responsibility is to assist in the investigation and presentation during hearings of Honor cases, as more particularly described in Section II.C.3 of these Bylaws. The term “Counsel” shall be read to include counsel selected from the general student body, when the context so requires.

“**Counsel Pool**” shall mean, collectively, all of the Counsel.

“**Educator**” shall mean the Support Officer(s) whose primary responsibility is to educate the Community about the Honor System, as more particularly described in Section II.C.4 of these Bylaws.

“**Educator Pool**” shall mean, collectively, all of the Educators.

“**Executive Committee**” shall mean the seven-officer committee described in Section II.B of these Bylaws.

“**Expedited Appeal**” shall mean the process by which a dismissed or suspended student may file an appeal on an expedited basis, thereby retaining student status pending the resolution of such appeal, as more particularly described in Section IV.J.2 of these Bylaws.

“**Faculty Advisory Committee**” or “**FAC**” shall mean the sub-committee that serves as a bridge between the Honor Committee and general faculty members. Its purpose is to collect and synthesize the academic division’s sentiments and to improve the overall academic experience as it relates to the Honor System. With such a platform, the Faculty Advisory Committee may deliver policies and initiatives to the Honor Committee as well as construct outreach to the University.

“**Hearing**” or “**hearing**” shall mean the proceeding at which Honor charges are adjudicated.

“**Hearing Chair**” shall mean the Honor Committee member assigned by the Vice Chair for Hearings to preside at a Pre-Hearing Conference and the related hearing.

“**Hearing Observer**” shall mean the Honor Committee member assigned by the Vice Chair for Hearings to make rulings at Pre-Hearing Conferences in consultation with the applicable Hearing Chair and Pre-Hearing Coordinator, as more particularly described in Section IV.F.2 of these Bylaws.

“**Hearing on CHI**” shall mean the CHI evaluation hearing described in the CHI Hearing Procedures.

“**Honor Chair**” or “**Chair**” shall mean the Committee’s presiding officer charged with ultimate responsibility for the administration of the Honor System, as more particularly described in Section II.B.3 of these Bylaws.

“**Honor Offense**” shall mean a Significant Act of Lying, Cheating or Stealing, which Act is committed with Knowledge.

“**Housekeeping Amendments**” shall mean certain limited modifications intended exclusively to correct errors (in spelling, grammar, punctuation, numbering, lettering, spacing, formatting, and/or errors of clearly inadvertent redundancy or omission of particular words), and to update the Bylaws to reflect changing University norms in gender references, changes in University-wide policy (e.g., records-retention policies; transcript-management policies), and changes in the names or other signifiers of University departments or programs.

“**Insignificant**” or “**Insignificance**” shall mean, with respect to a particular Act, that open toleration of the Act in question would be consistent with the Community of Trust.

“**Investigation Coordinator**” shall mean a member of the Advisor or Counsel Pool who is chosen by the Vice Chair for Investigations to provide administrative support to the Vice Chair for Investigations, as more particularly described in Section II.C of these Bylaws.

“**Investigation Log**” or “**I-Log**” shall mean the compilation of witness interviews and other evidence that is the result of an Honor investigation.

“**Investigative Panel**” or “**I-Panel**” shall mean the panel of three rotating Honor Committee members that reviews the findings of the investigation and decides whether or not to formally accuse an investigated student of an Honor Offense, as more particularly described in Section IV.C of these Bylaws. As used in these Bylaws, the term

“Investigative Panel” may also refer to the deliberations of the Investigative Panel.

“**Investigator**” shall mean the Support Officer(s) from the Counsel Pool whose responsibility on a given case is to investigate the Report(s), as more particularly described in Section II.C.3 of these Bylaws.

“**IR Form**” shall mean the Informed Retraction Form that must be completed by a student wishing to submit an Informed Retraction; the completed IR Form must be submitted by the student to the Vice Chair for Investigations within the IR Period.

“**IR Letter**” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of the Act which is the subject of an Honor Report, (b) includes the IR Information, which shall be provided as an attachment to the IR Letter, (c) describes, in general, the investigation and hearing procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR.

“**IR Period**” shall mean the period commencing on the date on which a student receives the IR Letter and ending seven (7) days thereafter.

“**Judicial Affairs**” shall mean the Judicial Affairs branch of the Office of the Vice President and Dean of Students, Chief Student Affairs Officer.

“**Knowledge**” shall mean, with respect to a particular Act, that the actor knew, or a reasonable University of Virginia student should have known, that the Act in question might be considered an Honor Offense. Ignorance of the scope of the Honor System shall not be considered a defense.

“**Lack of Capacity**” or “**LC**” shall mean the substantial inability of a student to understand the Honor charges described in the applicable Report or to assist in their own defense, due to a mental disease or disorder or medical condition.

“**Leading Question**” shall mean any question which presupposes its answer. A question which can be answered with a “yes” or “no” is not necessarily a leading question. For example, the question “Did you go to the store?” can be answered with a “yes” or “no” but is not leading; the question “You went to the store, did you not?” is a leading question, as it presupposes its own answer. Leading questions are objectionable on examination, except in limited cases as necessary to clarify testimony.

“**Sanctioned Admitting Guilt**” or to “**SAG**” shall mean that the accused student has left the University and is deemed to have waived their right to an Honor hearing and associated privileges, and to have admitted guilt to the relevant Honor charge(s), whether or not such an admission is expressly made. The consequences of a SAG are generally the same as the consequences of a conviction (i.e., sanctioning).

“**Lying**” shall mean the misrepresentation of one or more facts in order to gain a benefit or harm another person, where the actor knows or should know that the misrepresentation will be relied upon by another person.

“**Notice**” shall mean the notices and other significant correspondence delivered to students as described in the preamble to Article IV of these Bylaws.

“**Notice Affidavit**” shall mean the form by which an Investigated and/or Accused Student may request that the Honor Committee send notices and other significant correspondence to additional electronic or other addresses. A form of Notice Affidavit may be obtained from any Honor Advisor.

“**Notice of Report Letter**” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of the alleged conduct that is the subject of an Honor Report and describes, in general, the investigation and hearing procedures of the Honor Committee.

“**Official Summary**” shall mean the brief summary of a CR, IR, or hearing, as more particularly described in Section IV.J.1 of these Bylaws.



**“Outcome Letter”** shall mean the written documentation provided to the guilty student at the end of their Honor proceedings, particularly the convening of the Panel for Sanction. This document shall contain provisions surrounding compliance and sanctioning, as outlined in detail in Section IV.H.5 of these Bylaws.

**“Panel for Guilt”** shall mean the group of Committee representatives and randomly selected student panelists who hear arguments of Act, Knowledge and Significance and deliberate on the Guilt of an Accused Student.

**“Panel for Sanction”** shall mean the group of randomly selected Honor Committee representatives who determine the appropriate level of Sanction levied on a Guilty Student to repair and restore the Community of Trust.

**“Policies & Procedures Committee”** or **“P&P”** shall mean the sub-committee that critically examines the common procedures and written Bylaws of the Honor Committee in order to recommend changes when necessary.

**“Polygraph Evidence”** shall mean evidence obtained from a polygraph machine or examination. This evidence shall not be considered probative within the Honor System.

**“Popular Assembly”** shall mean the annual event open to the student body with the aims of facilitating discussion on the state of the Honor System, ascertaining the pressing concerns of the community, and generating potential measures to be put before the student body for consideration as described in Article VII Section I of the Honor Committee Constitution.

**“Pre-Hearing Conference”** shall mean the conference held prior to the hearing and presided over by the Hearing Chair, the Hearing Observer and the Pre-Hearing Coordinator. The primary purpose of the Pre-Hearing Conference is to determine the witnesses and the nature and scope of evidence to be admitted at hearing, all as more particularly described in Section IV.F of these Bylaws.

**“Pre-Hearing Coordinator”** shall mean a member of the Counsel Pool who is chosen by the Vice Chair for Hearings to make rulings at the Pre-Hearing Conference in consultation with the Hearing Chair and Hearing Observer, as more particularly described in Section IV.F.2 of these Bylaws.

**“Primary E-Mail Address”** shall mean the address to which the University sends official e-mail notifications, as set forth in the University’s Undergraduate Record.

**“Psychological Evidence”** shall mean any evidence relating to the mental state of the accused student, including any testimony, reports, written analyses or diagnoses on psychological or psychiatric matters, whether offered by the accused student, any other fact witness, or any psychologist, psychiatrist, therapist, counselor or other, similar expert, and any evidence relating to medication prescribed for and/or taken by the accused student for any alleged psychological condition.

**“Regional Coordinator”** shall mean the administrative coordinator for each regional center of the SCPS, nominated by the Dean of the SCPS and approved by the Honor Committee.

**“Registration Block”** shall mean the device by which certain uncooperative investigated or accused students attempting to register for additional University classes may trigger a referral by the Registrar to the Honor Committee for resolution of pending Honor charges, as more particularly described in Section IV.M.1 of these Bylaws.

**“Relevant Evidence”** shall mean any evidence having the tendency to make the existence of any material fact more or less probable than it would be without the evidence, and the fact is of consequence in determining the action. Evidence which does not meet this definition is objectionable as irrelevant.

**“Report”** shall mean the initial report of an alleged Honor offense, as set forth in Section IV.A of these Bylaws, and **“reporter”** shall mean the person who delivers the Report.

**“SCPS”** shall mean the School of Continuing and Professional Studies.

“**SCPS Cases**” shall mean Honor cases involving students from the SCPS, as more particularly described in Section IV.K of these Bylaws.

“**SCPS Investigative Assessment Panel**” shall mean the panel of three Committee members who decide, by majority vote, whether or not to accuse an SCPS Student who is the subject of a Report, as more particularly described in Section 0 of these Bylaws.

“**SCPS Students**” shall mean SCPS students who are the subject of Honor charges, as more particularly described in Section 0 of these Bylaws.

“**School Days**” shall mean days when the College of Arts & Sciences is officially in session during the fall and spring semesters, but not during summer session, including weekends between class days but not any registration or examination periods, breaks or holidays, all as more particularly set forth in the preamble to Section IV of these Bylaws.

“**Support Officer**” shall mean a student selected and trained by the Committee to assist in processing Honor cases and in educating the Community about the Honor System, as more particularly described in Section II.C of these Bylaws.

“**Significant**” or “**Significance**” shall mean, with respect to a particular Act, that open toleration of such Act would be inconsistent with the Community of Trust.

“**Standards Panel**” shall mean the five-member panel whose primary responsibility is to consider Standards Panel Matters, as more particularly described in Section II.D of these Bylaws.

“**Standards Panel Matters**” shall mean certain alleged violations of the Code of Ethics and certain other allegations of unethical conduct by Honor Committee members or support officers, as more particularly described in Section II.D.3 of these Bylaws.

“**Standards Panel Policies and Procedures**” shall mean the policies and procedures of the Standards Panel, copies of which are available at the offices of the Honor Committee.

“**Stealing**” shall mean the taking, keeping, or appropriation of the property of another without the owner’s permission or approval. Stealing also includes the planning of or participation in the taking, keeping, or appropriation of the property of another without the owner’s permission or approval. Stealing may include, without limitation, the passing of bad checks, the failure to pay for goods or services received, and other failures to fulfill lawful financial obligations.

“**Substantial Question**” shall mean a substantial issue raised on appeal as to the fairness or timeliness of the relevant Honor proceedings which (a) very likely has a factual basis, and (b) more likely than not affected the outcome of such proceedings, as more particularly described in Section IV.J.3.a) of these Bylaws.

“**Support Officer Selections and Recruitment Committee**” or “**S&R**” shall mean the sub-committee that orchestrates the process of selecting and recruiting new support officers, including the application, interview, and final decision-making stages.

“**Transcript Hold**” shall mean the device by which transcripts requested by an investigated and/or accused student (or third parties) may be held until such student has provided a completed and signed Notice Affidavit, if applicable, as more particularly described in Section IV.M.1 of these Bylaws.

“**Unfair prejudice**” shall mean an undue tendency to suggest decision on an improper basis, commonly, though not necessarily, an emotional one. “Unfair prejudice” may also arise from evidence or testimony that may be persuasive because of its strongly misleading or confusing nature.

**“Unfairly Prejudicial Evidence”** shall mean evidence whose probative value is substantially outweighed by the danger of unfair prejudice is inadmissible as unfairly prejudicial.

**“University student”** or **“student”** shall mean a current or former student of the University of Virginia who is or was enrolled in any University of Virginia program, including, without limitation, any SCPS Student.

**“Unnecessarily Cumulative Evidence”** shall mean evidence which is needlessly cumulative, such that the probative value of the evidence is substantially outweighed by the unneeded repeating of evidence, is inadmissible as unnecessarily cumulative.

**“Vice Chair for Investigations”** shall mean the officer whose primary responsibility includes oversight of all cases under investigation, as more particularly described in Section II.B.3.b) of these Bylaws.

**“Vice Chair for Hearings”** shall mean the officer whose primary responsibility includes oversight of Honor hearings and appeals, as more particularly described in Section II.B.3.c) of these Bylaws.

**“Vice Chair for Sanctions”** shall mean the officer whose primary responsibility includes oversight of sanctioning administration, completion, and compliance, as more particularly described in Section II.B.3.d) of these Bylaws.

**“Vice Chair for the Graduate Community”** shall mean the officer whose primary responsibility includes oversight of all education and outreach efforts undertaken by the Honor Committee with respect to the Graduate Community, as more particularly described in Section II.B.3.e) of these Bylaws.

**“Vice Chair for Operations”** shall mean the officer whose primary responsibility includes managing the administration and finances of the Honor Committee, while ensuring transparency, as more particularly described in Section II.B.3.g) of these Bylaws.

**“Vice Chair for the Undergraduate Community”** shall mean the officer whose primary responsibility includes oversight of all education and outreach efforts undertaken by the Honor Committee with respect to the Undergraduate Community, as more particularly described in Section II.B.3.d) of these Bylaws.