



## Investigation Handbook

*Note: This Investigation Handbook supersedes all provisions in the existing Honor Council By-Laws concerning investigations of honor violations.*

This Handbook details how the Honor Council investigates potential violations of the Honor Code. The process involves up to seven steps: 1) initial reports and preliminary investigations; 2) formal investigations; 3) hearings; 4) panel deliberations; 5) sanctions; 6) appeals; and 7) recordkeeping.

The Honor Council makes every effort to act in a manner consistent with the procedures outlined here. If these procedures do not account for the circumstances of exceptional cases, the Honor Council investigates such cases in a manner consistent with the Honor Code and the spirit of fairness these procedures embody.

### **Article I: Reports of Suspected Violations and Preliminary Investigations**

Investigations begin with reports alleging a violation of the Honor Code. Any member of the College community may report an alleged honor violation or may question whether the actions of a student or a group of students violate the academic integrity standards outlined in the Honor Code.

#### **Section 1: Reporting**

Reports of possible violations of the Honor Code are delivered to the Co-Chairs of the Honor Council; or to other members of the Honor Council or the Council's Faculty Advisor or Advisors, who then refer the reports to the Co-Chairs.

#### **Section 2: Preliminary Investigations**

Upon receiving a report, the Co-Chairs decide which Co-Chair serves as the Supervising Co-Chair. The Supervising Co-Chair conducts the preliminary investigation, interviewing the person who reported the possible violation or raised questions about whether student actions may have violated the Honor Code, in order to determine whether the case warrants a formal investigation. When the report warrants a formal investigation, the Supervising Co-Chair initiates and oversees the investigation.

Any Co-Chair who has a conflict of interest must recuse herself or himself from the case. If both Co-Chairs have conflicts of interest, the Secretary of the Honor Council appoints a replacement Supervising Co-Chair for the duration of the case. See Article IX, "Definitions," for a definition of "conflict of interest."

If, as a result of the initial interview and any related follow-up, the Supervising Co-Chair determines

that the report suggests the reasonable possibility of an Honor Code violation, then a formal investigation begins.

If the Supervising Co-Chair concludes that no violation occurred, or that a violation may have occurred but there is no likelihood of being able to collect reliable evidence documenting the violation, then a formal investigation is not initiated. The Supervising Co-Chair explains to the person making the report why the investigation has been dropped.

## **Article II: Flagrancy**

Any violation that exhibits contempt for or blatant disregard of the Honor Code leads to an elevated charge of flagrancy. Examples of flagrant violations include but are not limited to:

- Falsifying Information: Students pledge never to falsify their work or to deceive instructors or peers about their work. Examples of violations include, but are not limited to:
  - Fabricating or altering data, or making up sources
  - Lying in order to gain extensions or inappropriately favorable work circumstances
  - Lying to Honor Council investigators or hearing panels, throughout the duration of the investigation
  - Plagiarism of more than 50% of the words in the assignment
- Conspiracies to give or receive aid
- Lying in the course of an Honor Council investigation or hearing, or otherwise impeding or obstructing an investigation or hearing.
- The exchange of money or the offer to exchange money for acts that violate the Honor Code;
- The payment for services or the offer to pay for services that violate the Honor Code;
- Theft of property (for example, tests or answer sheets; notes, tests, or papers of other students; or the answer keys of an instructor);
- Downloading or copying materials from essay mills, distributors, or student collections of past exams or paper;

When the investigators believe that the violation or violations charged are flagrant, they confer with the Supervising Co-Chair. If all three agree that the violations appear flagrant, the Supervising Co-Chair convenes an executive committee to determine flagrancy.

The Supervising Co-Chair convenes the committee to consider whether a flagrancy charge is appropriate. The committee is composed of four members of the Executive Committee, the Supervising Co-Chair, and at least one faculty advisor. If conflicts of interest or scheduling problems emerge, the Supervising Co-Chair appoints alternates. The investigators present the evidence, but do not vote. The committee's decision is determined by a unanimous vote on the basis that it is *more likely than not* that the violation in question is flagrant. The committee's decision is final and cannot be reversed by a later panel.

## **Article II: Formal Investigations**

Formal investigations have four stages: appointing investigators; explaining the investigative process and related rights and obligations; gathering evidence; and determining charges.

### **Section 1: Appointing Investigators**

When opening a formal investigation, the Supervising Co-Chair appoints at least two Honor Council investigators that minimize conflicts of interest. The Supervising Co-Chair remains involved in the investigation, overseeing the work of the investigators.

### **Section 2: Support for Students during Investigations and Hearings**

The Supervising Co-Chair and the investigators offer support for students in the following four ways:

- 1) Explaining the Honor Code and the investigation process to suspected students;
- 2) Directing students to appropriate resources, such as to the Faculty Advisor or Advisors or to the Associate Dean of the College for academic advice; to professionals at Boettcher Health Center for medical or emotional assistance; or to the Chaplain's Office for other forms of confidential support.
- 3) Offering faculty members a recommendation at the conclusion of the proceedings about the events in question, as they appear from a student perspective.
- 4) Keeping confidential all information about cases they investigate and treating all suspects and witnesses in fair, unbiased manners.

### **Section 3: Explaining the Process**

At the beginning of the initial interview of a student suspected of violating the Honor Code, the investigators explain the investigation and hearing processes to the student, directing the student to copies of the Honor Code and this Investigation Handbook. When multiple students are suspected of violating the Honor Code, the investigators meet individually with each student to explain the process.

### **Section 4: Student Rights during Investigations and Hearings**

Students have the right to decline to speak in interviews or testify if they believe their statements may be self-incriminating. Asserting the right to avoid possible self-incrimination cannot be considered as evidence in any Honor Council proceeding and cannot be discussed in any deliberations. It also does not constitute a failure to cooperate with the Honor Council during investigations.

Consequently, investigators highlight three points in their initial contacts with students suspected of violating the Honor Code:

- 1) they are presumed innocent until they are proven guilty or admit guilt;
- 2) they may decline to speak in interviews or to give testimony at hearings if they believe their statements may be self-incriminating; and

3) the fact of declining to speak in interviews or to testify cannot be used as evidence against them in hearings.

### **Section 5: Responsibilities during Investigations and Hearings**

Members of the College community appearing before the Honor Council pledge to keep confidential information about the cases they are involved in – with the exception of students suspected of or charged with violating the Honor Code. Suspected or charged students may choose to disclose information about their own investigations once the investigations are concluded. In addition, supporters of a charged student, as well as witnesses, may reveal information about the case after it is over if and only if the charged student gives them explicit written permission to do so.

Members of the College community also pledge to be truthful when interacting with investigators, Co-Chairs, and hearing panel members.

Spouses or members of the family of a suspected student have the right to decline to give evidence or testimony to investigators or hearing panels, though investigators and hearing panels may request their cooperation. Asserting the right to decline to give evidence or testimony in investigations or hearings cannot be considered as evidence in any Honor Council proceeding and cannot be discussed in any deliberations. Declining to give evidence or testimony in such cases does not constitute a failure to cooperate with the Honor Council during investigations.

Breaking confidentiality without explicit written permission of suspected or charged students, or failing to be truthful in the course of Honor Council investigations, is a violation of the Honor Code that may merit an investigation.

Consequently, before interviewing all witnesses, including suspected students, the investigators inform the witnesses that:

- As members of the College community, they are obligated to cooperate with the Honor Council (with the exception of doing so in a manner that involves possible self-incrimination or that requires participating in the investigation of a spouse or family member).
- They are obligated to be truthful in all investigations and hearings.
- Failing to meet these obligations violates the academic integrity standards outlined in the Honor Code.

If faculty or staff members fail to cooperate with the Honor Council or otherwise obstruct investigations or hearings, the Supervising Co-Chair forwards a complaint to the appropriate administrative unit (in the case of faculty members, the Associate Dean of the Faculty; in the case of staff members, the Director of Human Resources).

### **Section 6: Gathering Evidence**

The two investigators gather evidence relevant to determining whether or not the suspected student or students violated the Honor Code. Together, the investigators conduct interviews with all individuals likely to shed light on the questioned event or events, including suspected students, teaching faculty, and witnesses identified by the suspected student or identified in the course of the investigation. When collecting relevant documents and other evidence, the investigators give receipts

to those from whom that evidence is collected.

### **Section 7: Determination of Charges**

Having made reasonable efforts to collect evidence relevant to the case, the investigators meet to determine whether sufficient evidence exists to charge the suspected student or students with a violation of the Honor Code. The investigators may also involve the Supervising Co-Chair in the discussion.

To file a charge, the investigators and the Supervising Co-Chair determine that the following standard has been met: the evidence indicates that it is more likely than not that the student or students violated the Honor Code. A charge will not be filed if the evidence fails to indicate that it is more likely than not that the student or students violated the Honor Code. Once the investigators come to an agreement, they report their decision to the Supervising Co-Chair. If the investigators cannot agree whether the standard has been met, no charge is filed.

### **Section 8: Dropping Cases**

When the investigators and Supervising Co-Chair decide not to file a charge, the case is dropped. Cases are dropped when the evidence collected does not indicate that a violation has occurred. Copies of evidence collected are filed, with originals returned to those from whom they were collected. Evidence is retained for one full semester and then destroyed, if the case is not reopened.

Students are presumed innocent at all times; however, a dropped case is not a verdict of innocence. If new evidence appears within up to one full semester after the investigation has been closed, a case can be reopened.

### **Section 9: Violation Charge**

When the investigators and Supervising Co-Chair decide to file a charge, they deliver to each suspected student a letter stating the charge or charges. They collect from each charged student a signed statement, acknowledging receipt of the letter.

The letter itself specifies which section or sections of the Honor Code the charged student is alleged to have violated, quoting the relevant passages. The letter lists the range of possible relevant sanctions.

### **Section 10: Student's Plea**

Upon acknowledging receipt of a letter charging an Honor Code violation, a charged student has 48 hours to respond with a plea. If a block break begins within the 48-hour period, the deadline to respond is extended by four days (96 hours). Failure to respond within the allotted time leads to an automatic not-guilty plea being entered on the student's behalf. Extensions are granted in the case of extraordinary circumstances, with approval of the Supervising Co-Chair or the Faculty Advisor(s).

Within 48 hours after submission of a guilty plea, the investigators and Supervising Co-Chair send a letter to the course instructor recommending the appropriate sanction, as outlined in Article V, In addition, the investigators and Supervising Co-Chair consider whether to forward an additional sanction recommendation to the President. In doing so, they follow the procedures outlined below in Article V, "Sanctions." Any additional recommendations they make must be by unanimous vote.

If a not-guilty plea is entered, a hearing is scheduled, as explained in the “Hearings” article, following. Before any hearing begins, the investigators offer to meet with the student to explain the hearing process and to offer assistance in gaining access to any appropriate resources the student may need, as outlined in Section 2 of this Article, “Support for Students during Investigations and Hearings,” above.

### **Article III: Hearings**

When a charged student enters a not-guilty plea, a hearing is scheduled as soon as possible after the charge is made. The Supervising Co-Chair arranges the exact date and time, negotiating with the relevant parties: the charged student or students, the professor or professors, any witnesses, and the participating members of the Honor Council. If the charged student does not cooperate in making the arrangements, the hearing will proceed without the student’s participation.

#### **Section 1: Hearing Panels**

Hearing panels typically consist of seven Honor Council members: six members with no conflicts of interest who have not been involved in the investigation and the Supervising Co-Chair, who acts as panel chair. However, at the discretion of the Co-Chairs and Faculty Advisor(s), hearing panels may proceed with fewer than seven Honor Council members.

If conflicts of interest emerge at any point in the hearing process, the members with conflicts of interest recuse themselves. No more than two members can be recused from a panel. If conflicts of interest emerge with a third panel member, the hearing is halted, the Supervising Co-Chair constitutes another panel as soon as possible, and the hearing process begins again.

#### **Section 2: Panel Scheduling**

The investigators and the Supervising Co-Chair together arrange the schedule of witnesses, taking care that no two witnesses encounter each other entering or leaving the hearing.

Panels convene one-half hour before the first witness is scheduled to testify.

#### **Section 3: Responsibilities of the Supervising Co-Chair**

The Supervising Co-Chair records all testimony and deliberations, using an appropriate recording device. That Co-Chair begins recordings by stating the date of the hearing, the case file identifier, the name of the charged student or students, the names of all members of the panel, the names of the investigators and Supervising Co-Chair, and the names of all witnesses in the order of their scheduled appearances. This initial recording is played back before calling the first witness to assure that the recording is understandable. Supervising Co-Chair then begins the recording again after the point at which the date and names were stated and introduces each witness in sequence, pausing the recording between witnesses. When the recording is paused, panel members refrain from conversation about the case.

In addition to managing the recording of the panel, the Supervising Co-Chair assures that the hearing follows the procedures outlined in this Handbook.

#### **Section 4: Responsibilities of the Investigators**

The investigators prepare packets for each panel member containing one copy of all relevant evidence collected.

The investigators are the first to testify, explaining to the panel their understanding of the case and the reasons they believed formal charges were appropriate.

After completing their presentation of the investigation, the investigators greet the witnesses outside of the hearing room and escort them into the hearing. They remain outside of the hearing room, available to be called upon by the panel to manage the hearing schedule or to clarify their presentation of the investigation.

#### **Section 5: Support for Charged Students**

Because hearings are often stressful for students charged with honor violations, those students are allowed to bring one member of the College community to attend the student's testimony for the purpose of offering the student support. These supporters can neither speak on the record nor to the panel. However, they may be available to give the charged student support and advice. The charged student may, at any time in his or her testimony, ask the panel to allow a short break to confer with his or her supporter.

Any student, faculty member, or staff member, with the exception of faculty or staff family members, serve as a supporter for a charged student at a hearing.

No one outside of the College community, including legal counsel and family members, is allowed to attend Honor Council hearings.

The charged student may reveal details about the case to the supporter, but the supporter must maintain confidentiality about the charged student and the hearing during the investigation and hearing process. After the completion of the process, the supporter may reveal details about the case if and only if the charged student grants explicit written permission.

#### **Section 6: Rights and Obligations and Supporters**

If the suspected student is accompanied by a supporter, the Supervising Co-Chair explains to the supporter her or his rights and obligations by reading to the supporter the following statement:

*It is the practice of the Honor Council to allow students charged with an Honor Code violation to bring to the hearing one member of the College community to attend their testimony for the purpose of offering them support. Supporters cannot speak on the record or to the panel. However, supporters may be available to give the charged student support and advice. The charged student may, at any time in his or her testimony, ask the panel to allow a short break to confer with his or her supporter. Supporters agree to keep confidential their knowledge about the case, except in situations in which a charged student has given explicit written permission to discuss his or her case after its completion.*

The Supervising Co-Chair then gives a written version of the above statement to the supporter to sign, acknowledging its receipt.

## **Section 7: Witnesses**

All relevant witnesses, beginning with the course instructor, are called to provide testimony. In general, witnesses include charged students, course instructors, and other relevant witnesses, including any witnesses that the charged student believes may be able to offer pertinent evidence.

If the student charged fails to appear, after making reasonable efforts to contact the student for an explanation, the hearing proceeds without the student's participation.

## **Section 8: Rights and Obligations of Witnesses**

The Supervising Co-Chair explains to witnesses their rights and obligations by reading to each witness the following statement:

*It is the practice of the Honor Council to consider any student charged with an Honor Code violation innocent until proven guilty by clear and convincing evidence. When appearing before this panel, all witnesses, including any students charged with violations, agree to sign an oath confirming that their testimony is the whole truth to the best of their knowledge and recognizing that perjury constitutes a violation of the Honor Code. Both witnesses and the charged may decline to answer specific questions on the grounds of self-incrimination. Such refusals are neither grounds for a guilty verdict in this case nor the basis for a new Honor Council investigation. In addition, witnesses agree to keep confidential their knowledge about the case, except in situations in which a charged student has given explicit written permission to discuss his or her case after its completion.*

The Supervising Co-Chair then gives a written version of the above statement to each witness to sign, acknowledging its receipt and further pledging specifically that his or her testimony is the whole truth to the best of his or her knowledge.

## **Section 9: Charges**

The charges brought must be explained to each charged student, including the evidence justifying the charge(s).

## **Section 10: Testimony**

Whenever possible, testimony is taken in person. When testimony in person is not possible, it may be taken by other appropriate means.

Each witness is allotted ample time to give full testimony. Before each witness gives testimony, each panel member introduces himself or herself, and the witness introduces himself or herself. The witness is reminded that false testimony constitutes a violation of the Honor Code's academic integrity standards. The witness is then invited to give her or his understanding of the events under investigation.

## **Section 11: Questioning**

Panel members ask any questions they believe pertinent to the case, in an effort to reconstruct and understand the facts. Panel members should always respect witnesses and always remember that charged students are presumed innocent until proven guilty.



## **Section 12: Call-Backs**

Witnesses may be called back to the hearing in order to cross-check or corroborate testimony, particularly in cases in which new evidence emerges in the course of testimony. After their initial testimony, witnesses are made aware of this possibility and are asked to provide a phone number at which they can be reached. When necessary, the investigators make arrangements for witnesses to return.

## **Section 13: Collaboration Hearings**

When two or more students are charged with collaborating in a violation, typically a single hearing is held. Each witness gives testimony about each charged student in sequence (e.g., “Explain what charged student 1 did. Explain what charged student 2 did.” And so on.). Deliberation for each charged student is then similarly held in sequence, with verdicts not dependent on one another.

Students charged with collaborative violations may request separate hearing panels if it appears that a joint hearing may compromise their rights. Requests for separate hearing panels are granted at the discretion of the Supervising Co-Chair, with the concurrence of the Faculty Advisor(s).

# **Article IV: Panel Deliberations**

After the conclusion of testimony, the members of the hearing panel begin deliberation in private.

## **Section 1: Supervising Co-Chair**

The Supervising Co-Chair structures the deliberations, guiding the panel’s systematic discussion of the case by asking the panel to explain the facts in the case and to offer their individual opinions as outlined below. When offering opinions, the Supervising Co-Chairs goes last.

## **Section 2: Reviewing the Evidence and Testimony**

Deliberation begins with a systematic review of facts in the case:

- The charges and the investigators’ perspectives;
- The physical evidence (including course syllabi, assignment instructions, the work of the charged student or students, and any other written, digital, or physical evidence);
- The testimony of instructors and other witnesses; and
- The testimony of the charged student or students.

Upon completing the review, the panel identifies the facts that are not in dispute and those that are in dispute.

## **Section 3: New Evidence Discovered in the Course of Testimony or Deliberation**

If substantive new evidence, including evidence of flagrancy, is discovered in the course of testimony or deliberation, it may be considered. If such substantive evidence is discovered, however, the charged student must be notified and given the opportunity to respond. Other witness may also be recalled.

#### **Section 4: Initial Opinions**

Each member of the panel then offers comments on the facts in the case, being sure to give some sense of her or his view of any facts that appear in dispute.

#### **Section 5: Open Discussion**

Once each panel member has both reviewed the facts and offered an initial opinion about the facts, the Supervising Co-Chair invites open discussion, which continues until all panel members declare themselves ready for a vote.

#### **Section 6: Criteria for Judgment**

Regardless of any member's opinion about the charged student, all students are considered formally to be innocent until proven guilty by a vote of the panel or until they admit guilt. The panel considers only evidence given in the hearing. Conviction requires a majority vote of the panel.

The standard to prove guilt is by clear and convincing evidence. "Clear and convincing evidence" means that the charges are substantially more likely true than not.

#### **Section 7: Emergent Conflict of Interest**

If a conflict of interest affecting any panel member emerges in the course of the hearing or the deliberations, the panel member recuses herself or himself before the balloting begins.

#### **Section 8: Voting**

Voting is by anonymous ballot, with all members of the panel voting. Abstentions are not allowed: members vote guilty or not guilty. Any member who thinks guilt has been proven by clear and convincing evidence votes guilty. All other members vote not guilty, remembering that "not guilty" does not mean "innocent" – it is shorthand for "guilt not proven by clear and convincing evidence."

#### **Section 9: Not-Guilty Verdicts**

When the panel vote is not guilty, the case is closed. Evidence collected from individuals is returned to those individuals (if they want it). All remaining evidence is destroyed. After a not-guilty verdict, a student can neither be investigated nor charged again with the same violation.

### **Article V: Sanctions**

The Faculty Handbook empowers the Honor Council to recommend sanctions for students who have been convicted of violating the Honor Code. Two types of recommendations may be made: 1) to the course instructor; and 2) to the President of the College.

Course instructors retain final authority over grades. Only the President has the right to suspend or dismiss students for a violation of the Honor Code.

## Section 1: Recommendations to Course Instructors

Conviction of any violation of the Honor Code leads to a formal notification to the course instructor that the student has been convicted of a specified violation of the Honor Code. The faculty member is notified that he or she has discretion to apply a range of sanctions up to and including no credit in the course.

## Section 2: Recommendations to the President of the College - Second Violations

Conviction of a second violation of the Honor Code leads to an automatic recommendation to the President that the student be dismissed from the College without the right to reapply, though the President may choose to impose a lesser penalty, if appropriate.

## Section 3: Recommendations to the President - Flagrant Violations

Any violation that exhibits contempt for or blatant disregard of the Honor Code also leads to a standard recommendation that the President impose a sanction ranging from suspension to dismissal from the College without the right to reapply. The President may apply this recommendation or choose to impose a lesser penalty, if appropriate.

In addition to the recommendation to the president, a recommendation to the course instructor is also issued, if applicable.

When guilt has been established on the basis of one or more of the following types of actions, the violation is **AUTOMATICALLY** considered flagrant:

- Falsifying Information: Students pledge never to falsify their work or to deceive instructors or peers about their work. Examples of violations include, but are not limited to:
  - Fabricating or altering data, or making up sources
  - Lying in order to gain extensions or inappropriately favorable work circumstances
  - Lying to Honor Council investigators or hearing panels, throughout the duration of the investigation
  - Plagiarism of more than 50% of the words in the assignment
- Conspiracies to give or receive aid
- Lying in the course of an Honor Council investigation or hearing, or otherwise impeding or obstructing an investigation or hearing.
- The exchange of money or the offer to exchange money for acts that violate the Honor Code;
- The payment for services or the offer to pay for services that violate the Honor Code;
- Theft of property (for example, tests or answer sheets; notes, tests, or papers of other students; or the answer keys of an instructor);
- Downloading or copying materials from essay mills, distributors, or student collections of past exams or paper;

The following examples of flagrancy receive a minimum sanction of suspension for a block to a maximum sanction of expulsion with the option to reapply to the College:

- Plagiarism of more than 50% of the words in the assignment; or
- Conspiracies to give or receive aid; or
- Lying in the course of an Honor Council investigation or hearing, or otherwise impeding or obstructing an investigation or hearing.

The following examples of flagrancy receive a sanction ranging from expulsion with the option to reapply to expulsion without the option to reapply:

- The exchange of money or the offer to exchange money for acts that violate the Honor Code;
- The payment for services or the offer to pay for services that violate the Honor Code;
- Theft of property (for example, tests or answer sheets; notes, tests, or papers of other students; or the answer keys of an instructor);
- Downloading or copying materials from essay mills, distributors, or student collections of past exams or paper;

## **Article VI: Notifications**

### **Section 1: Dropped Charges or Not Guilty**

When cases are dropped, the students and any instructors are notified immediately by email.

### **Section 2: Guilty Pleas**

When a student pleads guilty, relevant instructors are notified by email and are given the Honor Council's sanction recommendation within 48 hours.

### **Section 3: Guilty Verdicts - Not Flagrant**

When a hearing panel returns a guilty verdict for a non-flagrant violation, students are notified by mail and email from the Faculty Advisor or Advisors as soon as possible.

Notification to instructors is delayed by 48 to allow for an appeal. If no appeal is filed, instructors are notified by email as soon as possible.

### **Section 4: Guilty Verdicts - Flagrant**

When a hearing panel returns a guilty verdict for a flagrant violation, students are notified by a telephone call from one of the Faculty Advisors, followed up by mail and email as soon as possible.

Notification to the President is delayed by 48 to allow for an appeal; however, the Faculty Advisor notifies the President immediately that a guilty verdict in a flagrant violation case may be forthcoming. If no appeal is filed, the Faculty Advisor notifies the President by email immediately. A complete case file, including letters from the Supervising Co-Chair, on behalf of the hearing panel, and from the Faculty Advisor(s), is then forwarded to the President as soon as possible. The letter from the Supervising Co-Chair may be also be signed by hearing panel members, the investigators, or both.

## **Article VII: Appeals**

### **Section 1: Grounds for Appeal**

Convicted students may appeal their convictions on one or both of the following grounds:

- If the Honor Council investigators, Supervising Co-Chair, or hearing panel members violated the procedures outlined here and those errors might reasonably be thought to have altered the

outcome of the investigation and hearing.

- If relevant evidence that might reasonably be thought to alter the verdict was not considered, including evidence that emerged after the investigation and hearing.

## **Section 2: Appeals Process**

To initiate an appeal, the convicted student informs the Supervising Co-Chair of his or her intention to file an appeal within 48 hours of being notified about the judgment. Once that intention is made clear, any recommendations to the instructor or administrators are withheld, pending the filing of a formal appeal letter and any possible re-hearing of the case.

The appeal begins formally when the convicted student submits a letter to the Faculty Advisor or Advisors appealing the conviction and detailing the grounds for the appeal. Formal letters of appeal are due no later than one week after the initial judgment.

Appeals are granted at the discretion of the Faculty Advisor or Advisors, in consultation with the Honor Council as needed.

## **Section 3: New Hearing Panel**

If an appeal is granted, a new hearing is scheduled with a new panel of seven members of the Honor Council without conflicts of interest.

The panel elects one of its members to act as the Supervising Co-Chair for the duration of the hearing.

New hearings are conducted in the same manner as outlined above for the original hearing. Records from the original hearing are not available to members of the new panel.

## **Section 4: Withdrawal and Termination**

The convicted student may withdraw the appeal and terminate the hearing at any time.

## **Section 5: Administrative Judgment**

If the Council is unable to stage a new hearing for any reason, with the concurrence of the Faculty Advisor or Advisors, the case will be turned over to the Dean's Office for administrative adjudication.

# **Article VIII: Recordkeeping**

## **Section 1: Case Logs**

The Co-Chairs maintain permanently logs of all cases, including cases that do not lead to formal investigations. With the exception of dismissal cases, the names of students guilty of Honor Code violations are expunged from case logs upon their graduation from the College.

## **Section 2: Dropped Cases**

Full records of dropped cases are filed and maintained for one full semester, after which they are

destroyed if the case is not reopened, as noted above in Section 8 of Article II, “Dropping Cases”. At that time, the students’ names are also expunged from the case logs.

### **Section 3: Not-Guilty Cases**

Full records of not-guilty cases are destroyed when a not-guilty verdict is reached. While logs of not-guilty cases are maintained permanently, the names of students judged not guilty are expunged from case logs.

### **Section 4: Guilty Cases**

Full records of guilty cases are filed and maintained for up to four years, after which they are destroyed, if there is no second violation. In the case of a second violation, records are retained for up to four years after the second violation and then destroyed, with the exception of cases leading to dismissal. In all types of cases, records are destroyed upon a student’s graduation from the College.

### **Section 5: Dismissal Records**

In the case of dismissals, the student’s record in the Registrar’s Office has the notation “Academic Dismissal – Honor Violation” added, with either the additional notation “No Right to Reapply” or “Right to Reapply after [Date].” In the case of readmitted students, all notations concerning the dismissal and honor violation are expunged from the Registrar’s Records upon graduation from the College. In addition, upon graduation, the name of any student dismissed from and then readmitted to the College is expunged from the case logs. However, the names of students permanently dismissed from the College are maintained in the Honor Council’s case logs.

## **Article IX: Definitions**

### **Section 1: Conflict of Interest**

Co-Chairs, investigators, and panel members must recuse themselves from investigations and hearings in cases of conflicts of interest. Conflicts of interest arise in any of the following circumstances:

- Close personal relationships with a suspected student or with the person reporting the suspected violation;
- Enrollment in the class in which the violation is said to have taken place; or
- Any other reason the Honor Council member believes he or she would not be able to act impartially.

### **Section 2: Supervising Co-Chair**

The Supervising Co-Chair is the one of the two co-chairs who oversees the investigation of a suspected honor violation, including conducting the preliminary investigation, appointing investigators and supervising their work, organizing and chairing hearings, and maintaining case records.

### **Section 3: Evidentiary Standards**

Charging Violations: When charging a student with an Honor Code violation, the evidentiary is

standard the “preponderance of evidence” – that is, the evidence indicates that it is more likely than not that a violation occurred.

Conviction: When judging a student to be guilty of an Honor Code violation, a higher evidentiary standard is required, “clear and convincing evidence” – that is, the evidence indicates that it is substantially more likely than not that a violation occurred.

Reasonable Doubt: The highest evidentiary standard, that of “guilt beyond a reasonable doubt,” does not apply in Honor Code cases.

### **Article X: Checklists**

The procedures above are all transcribed into easy-to-follow checklists for each Honor Council role: investigators, Co-Chairs, and panel members.

If discrepancies arise between the checklists and these procedures, these procedures are followed.

***Approved by a vote of the Honor Council, 29 April 2015.***