

## The Honor System

The Honor System at the University of Mary Washington is a deeply cherished tradition founded upon the personal integrity of each individual member of the University community. It requires that all members of this community conduct themselves honorably at all times and in all dealings with others. This shared commitment to high ethical standards creates an atmosphere of trust and respect vital to the unique sense of community which characterizes the institution.

Authority for the maintenance and operation of the Honor System is delegated directly by the Board of Visitors to the students. It is the students who are responsible for determining when a breach of honor has been committed, and it is they who are entrusted with enforcing the system. Accordingly, every member of the student body has the responsibility, not only for understanding the provisions of the Honor Code, but also for maintaining at all times the highest possible degree of personal integrity. Moreover, every student must realize that acceptance of admission to Mary Washington includes the explicit agreement to abide by the provisions of the Honor Code as contained in the Honor Constitution and the *Honor System Guidebook*.

An unusual feature of the University of Mary Washington Honor System that sets it apart from similar systems at most other institutions involves the honor hearing procedure. Under the Mary Washington Honor Constitution, whenever a hearing occurs, the question of guilt or innocence is determined not by a standing honor court, but by a jury of peers selected randomly from the student body. Such a procedure increases the level of active involvement since all students are not only required to abide by the Honor Code, but may be called upon to participate in its enforcement.

This *Guidebook* is designed to assist students and faculty in understanding the Honor System at the University of Mary Washington. It contains the Honor Constitution, the Honor Council Mission Statement, and Honor Council Bylaws, including organizational guidelines and hearing procedures. A brief summary of student responsibilities and an explanation of various terms is also included. This material should be read carefully by all members of the University community. Questions regarding any aspect of the *Guidebook* should be directed to the Honor Council president or other Honor Council members, or to any of the faculty advisors.

# THE HONOR CONSTITUTION

## Introduction

The Honor System applies to every student who is enrolled at the University of Mary Washington. Accordingly, every student shall be required to verify acceptance of the Honor System by signing the following Honor Pledge:

*I, as a student at the University of Mary Washington, do hereby accept the Honor System. I have read the Honor Constitution, understand it, and agree to abide by its provisions. Accordingly, I resolve to refrain from giving or receiving academic material in a manner not authorized by the instructor, from illegally appropriating the property of others, and from deliberately falsifying facts. I acknowledge that, in support of the Honor System, it is my responsibility to report any violations of the Honor Code of which I am aware, and that it is my duty to participate as an honor hearing juror if called upon to serve, unless officially excused. I realize that, in the event of a violation of the Honor Code, a plea of ignorance will not be acceptable, and that such a violation could result in my permanent dismissal from the University. I further pledge that I shall endeavor at all times to create a spirit of honor, both by upholding the Honor System myself and helping others to do so.*

Registration as a student at the University of Mary Washington obliges a student to abide by the Honor Constitution. Each student will sign the honor pledge before classes begin. This is a symbol of each student's willingness to accept the Honor System as a way of life at the University of Mary Washington. The ultimate responsibility for signing the honor pledge rests with the student.

## Article I: Scope of the Honor Code

**Section 1.** The violations of the Honor Code are lying, cheating, and stealing in all their various forms. These terms are briefly explained as follows; for detailed descriptions of specific examples, refer to the *Honor System Guidebook*.

- A. Lying: a deliberate misrepresentation of the truth. This violation includes, but is not limited to, forgery and the falsification or misuse of the student identification card by using another's card or by allowing another to use one's own card.
- B. Cheating: an intentional misrepresentation of another's work as one's own, or a misrepresentation of the circumstances under which the work was done. This violation includes, but is not limited to, copying, plagiarism, unauthorized collaboration, and unauthorized divulging of information.
- C. Stealing: the taking of the property of another person, the University, or any other organization or entity without authorization or consent. This violation includes,

but is not limited to, the theft or mutilation of library materials, and the unauthorized duplication of a University key.

**Section 2.** In order to reaffirm commitment to the Honor System, the student shall write out in full and sign the Honor Pledge on all quizzes, examinations, papers, and other assignments, as appropriate. The Pledge verifies that the work submitted is the student's own and has been done in accordance with the requirements set forth by the instructor. The Pledge is: "I hereby declare upon my word of honor that I have neither given nor received unauthorized help on this work."

## **Article II: Organization**

**Section 1.** The Honor Council is a judicial body designed to hear specific cases brought to it regarding possible violations of the Honor Code.

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

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

of removal in order for the motion to be carried. If, upon petition, the Honor Council fails to remove the member in question, such action may be over-ridden upon petition of at least 40 percent of the appropriate constituency followed by a majority of the votes cast by that constituency.

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

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

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

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

- A. The Student Advisor Coordinator, chosen by the Honor Council president from among student applicants, will appoint two Student Honor Advisors to each hearing.
- B. At each hearing, one Student Honor Advisor will serve as advisor for the accuser and one will serve as advisor for the accused.

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

- A. Faculty advisors shall be appointed for staggered three-year terms by the president of the University in consultation with the president of the Honor Council.

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

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

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

Section 9. Procedural Advisor. There shall be one nonvoting Procedural Advisor to the Honor Council, who shall be appointed by the president of the University in consultation with the president of the Honor Council. It shall be the role of the Procedural Advisor to aid the Honor Council president in providing clarification concerning Honor System procedures. The Procedural Advisor shall be present at each hearing, and be present for jury and Honor Council deliberations during said hearings.

### **Article III: Procedure**

#### **Section 1. Investigation**

- A. The Honor Council operates on the premise that every person is deemed innocent until proven guilty.
- B. All members of the College community should feel obligated to investigate as quickly and discreetly as possible any suspected violation of the Honor Code. If it is apparent that no honor violation has in fact occurred, there shall be no further proceedings. If, however, it is believed that a violation has occurred, the person suspected of the violation should be approached with a request for an explanation of the suspected violation. If the

explanation is deemed satisfactory, there shall be no further proceedings. If the explanation is not satisfactory, an accusation should be made, and the accuser must notify the president of the Honor Council in writing within five academic days.

All accusations must be made within 45 days from the date of discovery of the alleged violation. The accused must be a member of the University community.

- C. The Honor Council president shall meet with the accuser to provide procedural information and shall appoint an Honor Investigator to gather information from both the accuser and the accused.
- D. Within 14 calendar days, the Honor Investigator shall report to the Honor Advisory Board, unless granted an extension by the Honor Council president. The Honor Investigator shall prepare an information packet consisting of relevant testimony and information collected during the investigation. Based on the Honor Investigator's report, the Honor Advisory Board shall make one of the following determinations:
  - 1. If there is no evidence that a violation has occurred, the process shall end.
  - 2. If the evidence presented is insufficient, or the grounds inappropriate, to warrant further adjudication, there shall be no further proceedings although, at the discretion of the Board, a letter of reprimand may be issued to the investigated student. Such reprimand, if issued, shall not be entered on the student's official academic record.
  - 3. If there is evidence of a violation, but not one which involves an infraction of the Honor Code per se, the matter shall be referred to the appropriate body for adjudication (e.g., Judicial Review Board).
  - 4. If there is evidence of an Honor Code violation, the accused student shall be given the option of withdrawing from the University or being heard by the Honor Council.

If either determination 1 or 2 is made by the Honor Advisory Board, then the information packet that was prepared by the Honor Investigator is destroyed. If either determination 3 or 4 is made, then the packet shall be given to the accuser and the accused persons.

E. Voluntary Withdrawal

- 1. An accuser cannot withdraw a charge of an honor violation upon the agreement of the accused to withdraw from the University.

2. If the accused elects to discontinue enrollment:

- a. the Honor Council shall take appropriate action to record the facts as they were presented;
- b. the Honor Council president shall notify the president of the University and other appropriate administrative officers of such action; and
- c. the following entry shall be made on the student's official academic record: "Discontinued enrollment from the University on (date) under accusation of an Honor Code violation of (name of violation) and is therefore permanently dismissed."

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

G. Admission of Guilt

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

H. Evidence and Witnesses. The accuser and accused may use anything

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

## **Section 2. Hearing**

### **A. Composition**

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

### **B. Format**

1. Attendance at the hearing shall normally be restricted to those persons described above (Article III, Section 2, A). However, the accused may request an open hearing, in which case additional members of the University community or other persons designated by the accused may also attend.

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

### C. Penalties

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

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

### **Section 3. Appeal**

#### **A. Appeal of Verdict**

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

B. Appeal of Sanction

1. A student convicted of an honor offense has the right to appeal the sanction on the grounds that the penalty is too harsh for the violation committed. Such appeal must be made in writing, and may, in addition, be presented orally to the president of the Honor Council within five calendar days after the initial verdict is rendered.
  2. The president of the Honor Council shall appoint an Honor Appellate Panel to consider such appeal. The Panel shall consist of five unbiased Honor Council members who did not participate in the initial hearing.
  3. The Honor Appellate Panel shall review transcripts and/or tapes of the initial hearing and, on that basis, determine whether to sustain, decrease, or increase the penalty imposed at the initial hearing.
  4. The decision of the Honor Appellate Panel shall be final, and the convicted student shall have no further right of appeal.
- C. In the event that an insufficient number of current Honor Council members is available to consider an appeal, the Honor Council president shall have the right to authorize previous Honor Council members to serve at an appeal hearing.

**Section 4.** Record of Honor Hearing

- A. In the case of acquittal, all records of the hearing shall be destroyed expeditiously.
- B. In the case of conviction, one of the following entries shall be made on the student's official academic record, as appropriate:
  1. "Sanctioned by the Honor Council on (date) to perform (number) of hours of community service for the Honor Code offense of (name of violation)."
  2. "Placed on probation for (period of time) by the Honor Council on (date) for the Honor Code offense of (name of violation). Probation involves (specific sanction imposed)."
  3. "Suspended for (period of time) by the Honor Council on (date) for the Honor Code offense of (name of violation). Entitled to enroll no earlier than (date)."
  4. "Permanently dismissed from the University by the Honor Council on (date) for the Honor Code offense of (name of violation)."

## **Section 5. Violations of Conditions of Previously Imposed Sanctions**

- A. The Honor Council may resanction a student who has violated the conditions of a previously imposed sanction even if the violation itself does not constitute an honor offense.
- B. Hearing
  - 1. The president of the Honor Council shall arrange for a hearing to consider whether the conditions of a previously imposed sanction have been violated. At this hearing, the Honor Council shall be composed of six of its members: the Honor Council president, who is the presiding officer for the hearing, plus five unbiased Honor Council representatives. The accused shall be entitled to have present at the hearing a Student Honor Advisor, appointed by the Student Advisor Coordinator, and a faculty advisor. The Honor Council will bring a charge of violation of the conditions of a previously imposed sanction. The accused shall be entitled to present any evidence at the hearing that is relevant to the charge that the previously imposed sanction has been violated. No evidence may be presented at the hearing which is otherwise excluded by the procedures of the Honor Council or the Honor Constitution.
  - 2. Upon conclusion of all testimony, the five Honor Council representatives who are present shall determine what sanction, if any, will be imposed.
- C. The sanction imposed pursuant to this procedure may supersede, or be in addition to, the sanction previously imposed for honor offense.
- D. In the event that an insufficient number of current Honor Council members is available to attend this type of hearing, the Honor Council president shall have the right to authorize previous Honor Council members to participate.

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

## **Article IV: Ratification**

This Constitution shall become effective when approved by at least three-fourths of the Honor Council, by a majority of votes cast by the currently enrolled student body, and by the Board of Visitors of the University.

## **Article V: Amendments**

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

- A. The Honor Council may initiate an amendment by an affirmative vote of at least three-fourths of its members. For approval, the amendment must then receive an affirmative vote of a majority of the votes cast by the currently enrolled student body in a referendum.
- B. The student body may initiate an amendment by presenting to the Honor Council a petition signed by at least 10 percent of the currently enrolled student body. For approval, the amendment must then receive an affirmative vote of at least three-fourths of the Honor Council members. It must then receive an affirmative vote of a majority of the votes cast by the currently enrolled student body in a referendum.
- C. In the event that the Honor Council does not approve an amendment initiated by the student body, such action can be overridden if a petition, signed by at least 25 percent of the currently enrolled student body, is presented to the Honor Council requesting a referendum on the amendment. For approval, the amendment must then receive an affirmative vote of a majority of the votes cast by the currently enrolled student body in a referendum.

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

*Approved by student body, March, 1990*  
*Approved by Board of Visitors, April 7, 1990*

*Amended by student body referendum, March 28, 1991*  
*Amendment approved by Board of Visitors, April 19, 1991*

*Amended by student body referendum, March 22, 1994*  
*Amendment approved by Board of Visitors, April 16, 1994*

*Amendments approved by Board of Visitors November 11, 1995*  
*Amended by student body referendum December 4, 1995*

*Amendments approved by the Board of Visitors February 10, 1996*  
*Amended by student body referendum February 28, 1996*

*Amended by student body referendum April 12, 2001*  
*Amendments approved by the Board of Visitors April 21, 2001*

*Amended by student body referendum April 2, 2002*  
*Amendments approved by the Board of Visitors April 20, 2002*

*Amended by student body referendum April 2, 2003*  
*Amendments approved by the Board of Visitors April 11, 2003*

*Amended by student body referendum March 10, 2005*  
*Amendments approved by the Board of Visitors April 16, 2005*