



## Honor Code

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## **I. THE HONOR COUNCIL**

### **A. DEFINITION AND PURPOSE**

The Honor Council is a student board made up of one chair and up to 7 representatives.

Honor Council positions are peer elected and filled through the Student Government Association elections or through Chair appointments in consultation with the Honor Council Advisor. Members of the Honor Council are held to the same standards as all Mary Baldwin University students. The Honor Council exists to educate students about the Honor Code, fairly and expeditiously investigate alleged violations of the Code, determine student responsibility, and determine appropriate penalties when necessary.

### **B. AUTHORITY, SCOPE, AND INTERPRETATION**

The Honor Code is established under the authority of the Student Government Association at Mary Baldwin University. Generally, the Code governs and regulates Mary Baldwin College for Women and University College student academic conduct that pertains to course work taken through Mary Baldwin University.

The Honor Code regulates off-campus Student conduct to promote and reinforce the following values and University goals:

1. To prevent and reduce behavior that undermines Student academic success and that negatively detracts from the educational mission of the University;
2. To address Student conduct and activities that clearly conflict with the University's interests and mission.

The Honor Council Chair, the Honor Council Advisor, and Honor Council Representatives have the responsibility and authority to interpret the Code.

### C. HONOR COUNCIL CHAIR

The Honor Council Chair will direct and oversee the Honor Council. The Honor Council Chair will meet with the Honor Council Advisor to discuss ongoing Honor Council investigations and projects. The Honor Council Chair will also reside on the Student Government Association's Executive Committee and maintain a GPA of 2.75 as well as uphold and maintain the Honor Code and Code of Conduct. The Honor Council Chair will also sit on all Student Conduct Board Appeals.

When an incident report is filed, the Honor Council Chair will send the initial contact email to the accused student and delegate the case accordingly. The Honor Council Chair will follow procedures according to the Honor Code (see V, "Honor Council Case Procedures"). If needed, the Honor Council Chair may decide that a case be heard by Administrative Review. At the end of an investigation by the Honor Council, the Honor Council Chair will decide if the probable cause exists to take the investigation to a hearing.

In the event of a hearing, the Honor Council Chair will delegate three Honor Council or Student Conduct Board representatives with no previous knowledge of the case to serve on the Hearing Panel. The Honor Council Chair will call all witnesses including those submitted by the Accused Student. The Honor Council Chair will preside over all hearings; if they are not available, they will delegate someone to represent them within the hearing.

### D. HONOR COUNCIL REPRESENTATIVE

Honor Council Representatives' duties will be to uphold all codes set forth by the Honor Code and the Student Code of Conduct. A representative will investigate cases given to them by their Honor Council Chair. In the event of a hearing, the investigation representative will present their investigation findings at the start of the hearing and then remain throughout the whole process to clarify details of the investigation when needed. Honor Council Representatives will also serve on hearing panels for both the Honor Council and the Student Conduct Board. It is

the duty of all Honor Council Representatives to monitor at least one exam period per exam week unless excused by the Honor Council Chair.

## **II. CONFIDENTIALITY**

Confidentiality is an agreement between individuals involved in the proceedings of an Honor Council case and the Honor Council to keep information regarding the case private.

All individuals involved in an Honor Council case, including members of the Honor Council/Student Conduct Board, students reporting violations, members of an investigating committee, witnesses at a hearing and/or investigating committee, advisors and members of the Board of Appeals shall strictly maintain the confidentiality of proceedings. In the event that a witness is uncovered during an investigation, the investigating representative as well as the Honor Council Chair and/or faculty advisor have the right to disclose the accused student's identity.

Failure to maintain confidentiality will result in an action by the Honor Council. Please see IV.F, "Failure to Maintain Confidentiality."

## **III. RIGHTS OF THE ACCUSED STUDENT**

A Mary Baldwin University student accused of an Honor Code violation has the following rights:

1. The right to be notified by the Honor Council Chair that a report of a violation has been made to the Honor Council.
2. The right to know the nature of the accusation against them.
3. The right to have a Student Advocate serve as their advisor as soon as they are notified that they have been accused of a violation.

- The Student Advocate Chair will assign a Student Advocate to each accused student.
  - An Accused Student may request a specific Student Advocate to serve as their advisor. An Accused Student may also request a member of the faculty or administration to be their advisor instead of a Student Advocate. These special requests may be granted *at the discretion of the Student Advocate Chair*.
  - The Student Advocate or Faculty/Staff Advisor may counsel the accused, question witnesses and the case investigator(s), and be present during the presentation of all evidence in the case. The Student Advocate *may not* present argument to the Honor Council.
  - Unavailability of the chosen Student Advocate or Faculty/Staff Advisor may be used as grounds for requesting a reasonable delay of an Honor Council hearing for a few days. However, the Student Advocate Chair will first attempt to provide a substitute Student Advocate.
4. The right to request that the Honor Council Chair and any other relevant Student Standards Board chair(s) grant the use of a student confidant with which to discuss the case.
- The student confidant must be approved by the Student Advocate Chair and, in cases involving a related Student Conduct Board case, the Student Conduct Board chair.
  - The accused student may send a written request to the Honor Council with the proposed confidant's name, student leadership positions (if any), and, if possible, student ID number. The request should explain why the accused requires a confidant and the confidant's relationship to the accused and any other parties involved in the case.
    - Prior to sending the written request, the accused may acknowledge an investigation is ongoing in order to confirm the potential student confidant is willing to serve in that capacity. Sharing unnecessary

detail, including all other names and facts pertaining to the case, prior to the student being appointed as an official confidant is not permitted and will be considered a breach of confidentiality.

- Should the Honor Council Chair and other Student Standards Board chair(s) agree to the request, the accused student and their chosen student confidant must meet with the Honor Council Chair (and Student Advocate Chair, if possible) to discuss responsibilities and recite an oath of confidentiality. The oath of confidentiality for the student confidant is as follows: **I understand my responsibilities as student confidant. I promise to keep my knowledge of this Honor Council case confidential.**
  - The student confidant may discuss the case with the accused on a personal level. The student confidant *may not* counsel the accused, question witnesses and case investigator(s), be present during the interview or hearing, or present arguments to the Honor Council.
  - The student confidant may not otherwise be involved in the case. This includes any involvement in the incident of alleged code violation, any participation in a hearing (e.g. serving as a character witness, providing testimony or any kind) and any other involvement the Honor Council Chair judges inappropriate.
  - The Honor Council Chair may deny or revoke the use of a student confidant if they present the possibility of interfering with the case in any way.
  - Typically, use of a student confidant is reserved for cases that may result in a major penalty, such as suspension or dismissal.
5. The right to request that the Honor Council Chair grant an Administrative Review.
  6. The right to appeal a decision of the Honor Council resulting in *suspension or dismissal* to the Board of Appeals and ultimately to the president of the university.

## A. RIGHTS WITHIN A HEARING

1. The right to request a delay in their hearing for cause. Delays will not be granted in the absence of cause. The presence or absence of cause shall be determined by the Honor Council Chair. Delays may be granted for the following reasons:

- A witness with information relevant to the case cannot attend and their information cannot be adequately conveyed solely through the investigation report.
- The Student Advocate or Faculty/Staff Advisor assigned to the accused cannot attend the hearing and an acceptable substitute advisor is not available (see III.3, “Rights of an Accused Student”).

However, given the difficulty of coordinating schedules of Honor Council members, witnesses, the Student Advocate or Faculty/Staff Advisor and the accused immediately prior to, during, or following final examination periods, delays in hearing dates may not always be possible. In these cases, either the accused or the Honor Council Chair may request that the case be heard through Administrative Review.

2. The right to call any witnesses who are members of the faculty, administration, or student body of Mary Baldwin University who can provide evidence relevant to their case.
3. The right to cross-examine all witnesses who are called to testify at the hearing.
4. The right to be present during the presentation of all evidence on the case.
5. The right to refuse to testify. However, if the accused *does* choose to testify on their own behalf, they are required to answer all questions relevant to the case which are asked.
6. The right to leave the Mary Baldwin University community to avoid a hearing; provided, however, that in the event of such withdrawal the student’s permanent record shall contain a notation that they withdrew without official permission



while facing charges of possible Honor Code violation and that the student shall not be readmitted as a student at Mary Baldwin University without appearing before the Honor Council to face the original charges.

#### B. RIGHTS OF A STUDENT IN AN APPEAL

1. To receive 48 hours' notice of a review, not including Saturdays, Sundays, and days when the University is not in session.
2. To present to the Appeal Board Chair written statement of reasons for objecting to the participation of any member of the Board of Appeals. The student must present their statement at least 24 hours in advance of a hearing (not including Saturdays, Sundays, and days when the University is not in session). The Appeal Board Chair may appoint an alternate to the hearing panel at their own sole discretion. The signed statement becomes a part of the hearing record.
3. To receive a delay for cause, granted at the sole discretion of the Appeal Board Chair.
4. To choose an advisor who is a member of the Mary Baldwin University community, or to choose or to be assigned a Student Advocate, for support and advice during the appeal process (see III.3, "Rights of an Accused Student").
5. To question witnesses who testify in the review.
6. To discuss the case and to receive support from all persons with whom the student is permitted to discuss a pending Honor Council Appeal
7. Students may waive their rights by signing an explicit written statement of the right being waived. The signed statement becomes part of the review record.

#### IV. DEFINITION OF AN HONOR COUNCIL VIOLATION

An Honor Code violation is an infraction of the university's stated rules of honor by a student enrolled in Mary Baldwin University. Honor Code violations include plagiarism,

lying, cheating, failure to report, exam period misconduct, failure to maintain confidentiality, and other academic misconduct.

#### A. PLAGIARISM

The use of someone else's idea or work without acknowledging the source of the idea or work. Sources may include but are not limited to papers, written or spoken statements, and works of art. If a student discovers they have made some mistake in acknowledging sources in a paper already submitted, they must make this fact known to their instructor immediately. The Honor Council will not accept a plea of ignorance. Examples of plagiarism include:

- Failure to use quotation marks when using the exact words of another.
- Changing only a few words of a quotation and representing it as a paraphrase rather than a direct quote (even when the source is cited).
- Failure to provide citation of the source material when paraphrasing ideas.

#### B. LYING

Any misrepresentation of facts as a student knows them, including statements made verbally, statements made in writing or by a non-verbal indicator (such as, but not limited to, a head motion). Any lie that affects the Mary Baldwin University community will be dealt with by the Honor Council, whether or not the misrepresentation is made to a member of the University community, and whether or not the misrepresentation was made on or off campus. Examples of lying include:

- Telling a faculty member that you submitted work that you did not, in fact, submit.
- Telling a faculty member that you missed class or an exam because you were ill when you were not.
- Giving false testimony in a Student Conduct Board or Honor Council investigation or trial.

### C. CHEATING

The unauthorized and / or improper use of assistance in preparing academic work. It includes the following behaviors:

- i. **Dishonesty in examinations.** The work students submit in examinations must be solely their own. To avoid the possible appearance of committing honor violations, students are advised not to possess or take any materials other than writing instruments and blank paper into any room where a closed book test or examination is being given or possess or take any materials not specifically permitted by the instructor into any room where an open book test or examination is being given. Examples of dishonesty in examinations include:
  - The use of notes, books, cheat-sheets, or the Internet in a closed book exam.
  - Pre-writing exam answers or notes in a blue book and bringing this to an exam.
  - Giving exam answers to or receiving exam answers from other students.
  - Discussing the contents of or answers to an exam with a student who has not taken it yet.
  - Discussing the contents of or answers to a take home exam with students who are still taking it.
  - Searching for answers to exam questions using the Internet (unless specifically allowed by an instructor).
  
- ii. **Dishonesty in papers / assignments / reports:** Work submitted for a course must be the student's own. Students may never submit work that was obtained from another person on or off campus or via the Internet (i.e using term paper

sites, downloading a lab report, asking another person to write a paper or assignment, etc.).

- iii. **Inappropriate collaboration:** When an instructor allows class members to work together on an assignment, students must adhere to instructor guidelines on the submission of work. Students may not directly copy the work of other students in the course and then submit the work as their own.
- iv. **Fabrication of data:** For assignments that require the collection of data for lab experiments, surveys, and other analyses, it is not acceptable to submit false data.
- v. **Work done for one course and submitted for another:** Unless the instructors of both courses give permission, students may not submit materials created for one course in fulfillment of assignments in another course.

#### D. FAILURE TO REPORT

The conscious awareness of having witnessed a possible infraction of the Honor Code and then failing to report it. Reporting of Honor Code violations is necessary to maintain the integrity of the academic community.

#### E. EXAM PERIOD MISCONDUCT

Any breaking of the rules of conduct during the Mary Baldwin University fall or spring exam period. Students must follow exam procedures as outlined by faculty, staff and Honor Council Representatives and refrain from bringing prohibited items into the testing area. Examples of exam period misconduct include:

- Leaving the assigned building before turning in one's exam.

- Having an exam in a prohibited location, such as another building, bathroom, elevator, faculty lounge, the ground floor of Carpenter Academic, etc.
- Having an exam in the wrong “type” of room (i.e. no closed book exams in open book exam rooms).
- Having banned items such as (but not limited to) cell phones, computers, bags of any kind (purses, pouches, pencil cases, etc.).
- Refusal to cooperate with policies and procedures as put forth by the faculty, staff and Honor Council Representatives on duty.

#### F. FAILURE TO MAINTAIN CONFIDENTIALITY

All individuals involved in an investigation, including members of the Honor Council, students reporting violations, members of an investigating committee, witnesses at a hearing, advisors and members of the Board of Appeals are bound to maintain the confidence of proceedings.

- Those involved in the case may acknowledge that a case is in progress, but they must keep all names and facts pertaining to the case in complete confidence.
- An accused student may discuss their case while an investigation is proceeding with the following individuals:
  - their parents and/or legal guardians
  - their advisor(s) to the Honor process
  - the Honor Council Chair and/or the Honor Council Advisor
  - faculty, administration, and staff of the University.
- An accused student may not discuss their case with any other individual, especially those involved with an investigation. If an accused student is found responsible and given a penalty, the student may tell others their penalty. They may not discuss any other aspect of the case with anyone except those persons listed above.

- Witnesses must observe complete confidentiality about a case, but if a witness believes they must discuss aspects of the case, they should contact the Honor Council Chair.
- Faculty and staff should maintain professional standards of confidentiality, especially as it pertains to the identity of students, but they may discuss their involvement with any faculty advisor to the Honor Council.
- Failure to maintain confidentiality will result in an action by the Honor Council.
- Members of the Honor Council or Student Advocates who are found in violation of failure to maintain confidentiality shall be dismissed from their respective organizations.

#### G. OTHER ACADEMIC MISCONDUCT

There are other forms of academic misconduct not covered in this list of definitions. Any academic dishonesty is a threat to the integrity of our academic community.

### V. HONOR COUNCIL CASE PROCEDURES

#### A. HOW TO REPORT AN HONOR CODE VIOLATION

##### 1. Self-referral

If a student realizes that they may have committed an Honor Code violation, they must submit an Incident Report (or report herself directly to an Honor Council member or to the Chair who will submit an Incident Report on their behalf).

Incident Reports are submitted online at

[https://cm.maxient.com/reportingform.php?MaryBaldwin&layout\\_id=9](https://cm.maxient.com/reportingform.php?MaryBaldwin&layout_id=9)

Submission of an Incident Report does not constitute an admission of guilt but represents an honest attempt to clarify the matter. The existence of a self-referral will weigh favorably in subsequent considerations of the Chair and the Honor Council.

## 2. Faculty

- a. Faculty may encourage students to self-report violations.
- b. Even when the student files a self-report, the faculty member may submit evidence for the case by filling out an Incident Report at [https://cm.maxient.com/reportingform.php?MaryBaldwin&layout\\_id=9](https://cm.maxient.com/reportingform.php?MaryBaldwin&layout_id=9).
  - A faculty member may not enter a final grade for a student until the case is closed (instead using the “NR” option for course grades).
  - Faculty members should expect to be interviewed by a member of the Honor Council and should be prepared to provide copies of any evidence in the case.
  - A faculty member who submits an Incident Report will be informed by the Honor Council Chair of whether or not the accused is found to be responsible for the violation.
- c. For a minor and presumed unintentional violation (such as a student who omits the citation for a paraphrased paragraph in an otherwise properly cited paper), a faculty member may choose to discuss the violation with the student and offer them an opportunity to correct the problem (by revising the assignment or submitting an alternative assignment). The grade for the assignment will reflect the degree to which the student adhered to other course guidelines. Grade penalties for Honor Code violations may only be

assessed when the student is given rights of due process under the Honor Code

3. A Member of the University Community

Student, faculty, or staff who have witnessed a suspected Honor Code violation should submit an Incident Report at

[https://cm.maxient.com/reportingform.php?MaryBaldwin&layout\\_id=9](https://cm.maxient.com/reportingform.php?MaryBaldwin&layout_id=9)

AND/OR should tell the student to submit a self-referral. Anonymous incident reports are not allowed. An individual who submits an Incident Report will likely be interviewed by a member of the Honor Council but will not be informed of the eventual outcome of the case.

B. ACTIONS TAKEN ON RECEIPT OF AN INCIDENT REPORT

1. Notification of the Accused Student

The Honor Council Chair will notify (via e-mailed letter) the Accused Student of the charge(s) and the options available to the accused (including the support of a Student Advocate or Faculty/Staff Advisor). The Chair must include a copy of the Accused Student's rights (Section III) in the initial email.

- a. When the initial report is a self-referral, the Honor Council Chair will respond with an e-mail that verifies the charge(s) and lists the options available to the Accused Student.

The letter will list a specific member of the Honor Council who will take responsibility for the case and interview the Accused Student. (The Honor Council Chair or the Honor Council Advisor may instead choose to conduct the interview).



2. The Initial Interview

- a. The Accused Student must respond to interviewer's email within 72 hours and provide contact information and available times to enable an interview with the Honor Council representative.
- b. The purpose of the interview is to give the Accused Student an opportunity to understand the charge, present their explanation of the event described in the Incident Report, and to ask questions about the process.
- c. The accused student may choose to submit a written explanation of the events to the Honor Council Chair in addition to their participation in the interview.
- d. The accused student may request that their Student Advocate or Faculty/Staff Advisor be present for the interview. Participation in the interview discussion is limited to the accused, the Honor Council representative, and the Student Advocate or Faculty/Staff Advisor.
- e. If the accusation described in the initial Incident Report is unclear, the Honor Council representative may interview the person who filed the Incident Report prior to the interview with the accused.
- f. During the interview, the Accused Student will respond with a plea of "responsible" or "not responsible."
- g. The Honor Council representative will provide a written summary of the interview to the Honor Council Chair and Honor Council Advisor.
- h. If the Honor Council Chair believes there is no probable cause for the accusation, they may, in consultation with the Honor Council Advisor, dismiss the case.

C. "RESPONSIBLE" PLEA

1. If student pleads "responsible" AND the case is a first violation AND the appropriate penalty is minor, the Chair may issue a penalty (in consultation with the Honor Council Advisor).

2. If the case is not a first violation, if the appropriate penalty is unclear, or if the appropriate penalty may be major, the penalty will be decided by:
  - the Honor Council in consultation with the Honor Council Chair and Honor Council Advisor, or
  - appropriate representatives from administration in consultation with the Honor Council Chair and Honor Council Advisor
3. To determine a proper penalty, the Honor Council Chair or a member of the Honor Council may need to discuss the case with the appropriate faculty member or other witnesses.

#### D. "NOT RESPONSIBLE" PLEA

##### 1. Case Jurisdiction

- a. The student may choose whether the case will be investigated (and, if necessary, tried) by the Honor Council or investigated and decided by Administrative Review.
- b. The Honor Council Chair may also request that a case be investigated and decided by Administrative Review.

##### 2. Honor Council Investigation

- a. If the Honor Council Chair believes there is probable cause, they will request that the Honor Council representative assigned to the case conduct a full investigation. (For cases involving more than one accused student or a large degree of complexity, the Honor Council Chair may appoint an additional investigator. The second investigator may be a member of the Student Conduct Board or the Honor Council).
- b. The investigator(s) will interview the appropriate witnesses (including faculty) and provide a written report of the investigation results to the Honor Council Chair. The report will include

- i. The accusation(s)
  - ii. A list of witnesses interviewed
  - iii. A summary of statements made by witnesses
  - iv. Copies of relevant evidence.
- c. Upon receiving the investigation report, the Honor Council Chair will determine whether probable cause exists that a violation has been committed. If they determine that probable cause does not exist, the charge will be dismissed without a hearing.
- d. If the Honor Council Chair determines that probable cause does exist, they will schedule a hearing.

#### E. NOTIFICATION

If the outcome of a case has a bearing on a course, the faculty member in charge of the course will be informed of the case findings. The Honor Council may at its discretion notify other members of the University community that it has disposed of a matter brought to its attention. The notification will not include information as to the disposition of the case nor the verdict nor penalties imposed, unless council determines that it requires the assistance of a member of the University community in carrying out the penalty or penalties.

All penalties of dismissal or suspension will be noted on the student's transcript. When the Registrar receives notice that a student has been suspended or dismissed and this outcome needs to be noted on the student's transcript, they will note:  
"Disciplinary [Suspension/Dismissal] Imposed by Honor Council on [date] for violation of [lying, cheating, stealing] [for a period of ... ]."

## F. HONOR COUNCIL PROCEDURES DURING FINAL EXAM WEEK/MAY TERM

When potential violations arise during the final exam period, it may be difficult to schedule interviews before students leave campus for break. However, it is important to gather as much information as possible before key witnesses forget important facts. Therefore, when a potential violation is reported during final exam week:

1. The Honor Council Chair will notify the Accused Student that an Incident Report has been filed (see V.B.1, “Notification of an Accused Student”).
2. The accused student will be asked to either schedule an interview or provide a written explanation of the event and submit a plea of “responsible” or “not responsible.”
3. An in-person interview or the investigation process may be postponed to January (following Fall semester exams) or May term (following Spring semester exams, provided the accused student is on campus during May term).
4. If the Incident Report is filed at the end of May term (or if the Incident Report is filed at the end of the Spring semester and the accused is off campus during May term):
  - a. When the accused pleads “responsible,” the case can be handled through submission of written explanations.
  - b. When the accused pleads “not responsible” or the Honor Council is not able to schedule with the accused student, the case will be handled through the Administrative Review process.

## G. RELATIONSHIP BETWEEN THE HONOR COUNCIL, STUDENT CONDUCT BOARD, CADET CONDUCT COUNCIL (CCC), AND PROGRAM FOR THE EXCEPTIONALLY GIFTED (PEG)

The Student Conduct Board, the Honor Council, the Cadet Conduct Council, and PEG are separate bodies with jurisdiction, generally, over different Student

misconduct or violations. As a general proposition, Student misconduct involving lying, cheating, and confidentiality directly related to academic activities or pursuits shall be treated as Honor Code violations and shall be adjudicated by the Honor Council and its processes. Additionally, Student misconduct directly related to a Student's involvement in or requirements imposed on them by their connection to VWIL or PEG shall be adjudicated by the Cadet Conduct Council or the PEG Administration and its processes respectively. In some instances, however, the Student Conduct Board, the Honor Council, the Cadet Conduct Council, and/or the PEG jurisdictions overlap, including but not limited to the following:

1. Lying during a Student Conduct, Cadet Conduct Council, or PEG Proceeding: All Students participating in a Student Conduct, Cadet Conduct Council, or PEG Proceeding are subject to the Honor Code. If a Student is suspected of lying during a Student Conduct, Cadet Conduct Council, or PEG Proceeding, adjudication of the underlying charge shall continue and a separate charge relating to the suspected violation of lying shall be referred to the Honor Council.
2. Concurrent Honor Code, Student Conduct Code, Cadet Conduct, and/or PEG violations: If a Student is accused of an act that violates a combination of the Honor Code, the Student Conduct Code, the Cadet Conduct Code, and/or PEG, the Honor Code violation will be considered a primary violation and charges shall proceed under the processes of the Honor Code. However, a Student Conduct, Cadet Conduct Council, or PEG Proceeding may also begin. The Student Conduct Board, Honor Council, Cadet Conduct Council, and PEG reserve the right to conduct a joint interview and/or joint investigation, if deemed necessary. In the event of conduct that violates a combination of the Honor Code, the Student Conduct Code, the Cadet Conduct Code, and/or PEG, the Honor Council, Student Conduct Board, Cadet Conduct Council, and/or

PEG may consider the penalty imposed by the other boards in imposing its penalties. The VWIL Commandant and the CCC Chair will be copied on the Notification Email and Outcome Letter of all students in VWIL.

3. There are a number of special circumstances that apply with regards to cases involving a Student who is a member of PEG as a result of the age of these students. PEG includes any student who entered Mary Baldwin University through the program, both those students living in the PEG building and those who have moved out onto the main campus.

- a. **Notification process**

The PEG Director or their designee will be copied on the Notification Email of all students in PEG. It will be the responsibility of the PEG Director or their designee to communicate the information to the parents and/or legal guardian of the accused student.

- b. **Initial Meeting, Resolution, and/or Hearing**

The PEG Director or their designee will participate in all proceedings that involve a PEG student. This includes, but is not limited to, any discussion about the pursuit of a case, any meetings that occur as part of the case, and the decisions made about a case.

- i. The parents and/or legal guardians of the PEG student will have three options for participation in the process. They can choose:
  - to attend the proceedings in person
  - listen in on the proceedings via phone
  - they can defer to the PEG Director or their designee to sit in on their behalf.

Their choice needs to be communicated to the PEG Director or their designee within 72 hours of the student's receipt of the Notification Email and the PEG Director or their designee will communicate that decision to the Honor Council Chair, Honor

Council Advisor, and/or Administration, depending on who is adjudicating the case.

- ii. Parents and/or legal guardians will be held to the same standards as a Student Advocate or Faculty/ Staff Advisor in a case. They may counsel the charged Student and ask questions of the Honor Council Chair, Honor Council Advisor, Honor Council Representative, Administration, or designee during the Initial Meeting and the Resolution Meeting if that option is selected.
- iii. They may counsel the Student, but not speak on their behalf during a Hearing if that option is selected.

**c. Outcome**

The PEG Director or their designee will be copied on the Outcome Letter of all students in the PEG Program. It will be the responsibility of the PEG Director or their designee to communicate the information to the parents and/or legal guardian of the charged student.

Once a PEG student reaches the age of 18 the special circumstances outlined above will no longer apply.

## **VI. HEARING PROCEDURES**

Please refer to III.A., “Rights Within a Hearing,” for an Accused Student’s rights during a hearing.

1. A panel of at least three student members of the Honor Council or Student Conduct Board who were not involved in the investigation of the case will hear evidence, determine whether the Accused is “responsible” or “not responsible” and decide the penalty(s) if the student is found to be “responsible.”
  - At least one panel member must be a member of the Honor Council.
  - The Honor Council member who investigated the case is present for clarification of information but does not vote at a hearing.

2. If the Accused plans to call witnesses or present three character letters on their own behalf, they should submit their names to the Honor Council Chair before the start of the hearing. Only the Honor Council Chair will contact witnesses and individuals writing character letters. Evidence witnesses called into the hearing must have direct knowledge of the evidence in the case; character letters will only be read during a penalty deliberation.
3. The Honor Council Chair (or their designee) will maintain a recording and, if necessary, type a summary of the procedures (except the deliberations of the council). These materials will be used in the event of appeal.
4. The Chair will ask the members of the Hearing Panel if there are members who have knowledge of the violation charged which will prohibit them from deliberating in an unbiased manner. Any members who have such knowledge are disqualified.
5. The Accused may submit written questions to the Chair bearing on ability of any member of the council to participate in the case. In the event upon disagreement, decisions on whether a member of the hearing panel can participate shall be made by the Chair
6. If the Accused Student fails to attend the hearing, the Honor Council may conduct the hearing in their absence

#### A. HEARING PROCESS

1. On determining that the Hearing Panel, all requested witnesses, the Accused, and the Accused's Student Advocate or Faculty/Staff Advisor are present, the Honor Council



Chair will remind the Accused and the witnesses that statements given in their testimony are subject to the provisions of the Honor Code.

2. Before providing testimony, the accused and each witness will be asked to state their names and repeat the following oath:

***I promise that I will tell the truth in this hearing. I promise to treat everyone in this hearing with respect. I promise to keep the content of this hearing confidential.***

3. The Honor Council Chair will read to the Accused the charge or charges against the Accused and determine that the Accused:
  - Understands the charges
  - Has had an opportunity to prepare for the hearing
  - And has received a statement of their rights.
4. The student investigator(s) will present the written report. Members of the Hearing Panel may ask questions of the investigator(s). At the conclusions of such questions, the Honor Council Advisor, the Accused, and the Accused's Student Advocate or Faculty/Staff Advisor may ask questions. The Chair determines whether the questions are appropriate.
5. Witnesses requested by the student investigator(s) will then be called to testify. They are questioned in the same manner as the student investigator.
6. Witnesses are allowed to testify to any matter considered by the Chair to be relevant to the issue of the guilt or innocence of the accused. Questions of relevance shall be within the discretion of the Chair. No questions shall be allowed concerning previous misconduct, or honor or judicial violations.

7. After the investigation report and all witnesses requested by it have presented their evidence, the accused and/or witnesses for the accused may testify in an order to be determined by the Accused and the Accused's Student Advocate or Faculty/Staff Advisor. The testimony is conducted in the manner set forth for previous witnesses.
8. At any time during the hearing, the Chair may direct that the Honor Council withdraw for deliberation and/or discussion, out of the presence of the Accused and the Accused's Student Advocate or Faculty/Staff Advisor. The Accused and the Accused's Student Advocate or Faculty/Staff Advisor may request of the Chair a brief recess for deliberation and/or discussion.

## B. DETERMINATION OF RESPONSIBILITY

1. At the conclusion of the evidence the Hearing Panel along with the Honor Council Chair and Honor Council Advisor will retire to deliberate. **A student shall be found in violation of the codes only if the committee finds that the violation has been proven by clear and convincing evidence.** This standard requires that the evidence presented in the hearing is highly more probable to be true than not true.
2. If more than one member of the Honor Council present casts a vote of "not in violation" at the conclusion of the deliberations, the charges are dismissed and the Accused is notified.
3. If a student is found in violation of the codes, the Honor Council recalls the Accused and the Accused's Student Advocate or Faculty/Staff Advisor to inform them.

### C. PENALTY DELIBERATION

1. When a student is found responsible for a violation, the Hearing Panel begins consideration of an appropriate penalty.
2. During this portion of the hearing, the Accused may testify on their own behalf concerning the penalty and may present three character letters on their behalf. They may not present evidence weighing on their responsibility.
3. The Honor Council may consider past Honor Council investigations which resulted in a “responsible” finding and penalties but may not consider any past Honor Code accusations.
4. After hearing the evidence concerning the penalty, the Honor Council returns to its deliberations and determines the penalty by a majority vote.
5. The Honor Council notifies the accused of the penalty imposed. This is done in person (at the conclusion of the hearing) and in writing (from the Honor Council Chair). The Honor Council will then notify any necessary parties (see V.E, “Notification”).

### VII. ADMINISTRATIVE REVIEW

1. The Administrative Review Process may be requested by either the Accused Student or by the Honor Council Chair.
2. When this process is selected, the Honor Council Chair will submit the names of the accused, witnesses, and any evidence gathered in the case to the appropriate academic dean, who can investigate the case or designate another administrator or faculty member to investigate the case.
3. The investigator will determine whether probable cause exists for the case by reviewing submitted evidence and talking to witnesses and the accused.

4. If the investigation does not establish probable cause, the administrator may find the student “not responsible” and close the case.
5. If the investigation provides clear and convincing evidence that a violation did occur AND the likely penalty is minor, the investigator may issue a finding of “responsible” and recommend a penalty to the Honor Council Chair.
6. If the investigation provides evidence that a violation did occur and either
  - The likely penalty is major
  - The case requires further investigation and discussion, then the administrative investigator will convene a hearing panel.
7. The Administrative Hearing panel will consist of two administrative representatives (selected from the administration or the faculty, but not the Provost or President).
8. Hearings follow the same structure as those for the Honor Council.
9. If the student is found to be “responsible,” the administrative hearing panel will determine the penalty(s) for the student.
10. The Administrative Hearing Panel will report its finding of “responsible” or “not responsible” and any penalty to the Honor Council Chair and Honor Council Advisor.

## VIII. PENALTIES

### A. MINOR

Minor penalties do not appear on a student’s Mary Baldwin University transcript.

However, penalties are logged on the university’s system for managing Honor and Student Conduct offences. Minor penalties are most likely to be assigned for first violation cases. Students found “responsible” of an Honor Code violation may be assigned multiple penalties.

- i. **Grade penalties:** If the violation stems from work within an academic course, the Honor Council may recommend penalties ranging from failure of the

problematic assignment to failure of the entire course. Faculty receive these recommendations but are not required to abide by them.

- ii. **Written Warning:** A notice to the Accused Student that the Student has violated the Code. The Warning notice will state that future incidents of a similar nature will result in a more severe penalty.
- iii. **Probation:** Probation is a testing period and acts as a warning that further violations will warrant severe action. The Honor Council also may assign alternative penalties and/or place conditions on the probation as it deems appropriate. If a student is found in violation of their probation a major penalty will then follow.
- iv. **Alternative penalties:** Council may require such penalties as it deems advisable. These may include, but are not limited to, community service, letters of apology and/or educational tasks (such as papers or tutoring by the writing center).

## B. MAJOR

Major penalties do appear on a student's transcript. They are most likely to be assigned for second (or later) violations, violations committed while on probation, or when the student's action is considered particularly egregious.

### i. **Suspension:**

The immediate temporary termination for a stated period of the student's enrollment in the University. Suspension always includes the remainder of the term in which the student was enrolled at the time they were suspended. Suspension usually is for a period of no less than two terms. The student who is suspended must leave the University within 48 hours unless the Honor Council deems otherwise. No credit is given for courses in which the student was enrolled at the time they were suspended. The Honor Council also may place the

suspended student on probation after their return to the University and may place other conditions on the suspension, as it deems appropriate.

ii. **Dismissal:**

The immediate termination of the student's admission and enrollment in the University. Dismissal means that Mary Baldwin University will not consider the student for readmission.

C. UNCOMPLETED PENALTIES

If a student found in violation does not complete the penalty, it is then at the discretion of the Honor Council Chair to look at the nature of the original violation and the student's efforts towards completing the penalty. It will then be up to the Honor Council to impose additional penalties, and conditions, as it deems appropriate.

**IX. PROCEDURES FOR AN APPEAL**

An appeal is not a new Hearing. An appeal is a review of a decision made in an Honor Council hearing, Administrative Review, or resolution meeting to determine whether sufficient cause exists to invalidate the decision and/or penalty.

The student may remain on campus until the appeal process is complete, unless subject to a summary suspension. The student may attend class during the Appeal process. The student will receive credit for work submitted prior to the effective date of a suspension or dismissal. Class attendance policies are the course instructor's prerogative.

The effective date of a suspension or dismissal is the date on which the Honor Council decision is handed down, or the date stated in that decision. Work submitted after the effective date is automatically invalid, although it may have been submitted during an Appeal process.

#### A. MEMBERSHIP

The Board of Appeals for Honor Council cases consists of the Provost or designee (referred to as Appeal Board Chair); Student Conduct Board Chair; the Student Advocate Chair; one full-time member of the faculty; one member of the staff.

#### B. CONDITIONS FOR AN APPEAL

A student who is found in violation by the Honor Council and who is assigned a penalty of suspension or dismissal may appeal the decision on any of the following grounds:

- i. the Honor Council failed to follow stated procedures AND the failure affected the penalty given
- ii. a penalty is not supported by evidence heard by the Honor Council
- iii. the penalty is disproportionately severe or inappropriate for the Code violation.

**Note:** Penalties imposed by the University's disciplinary Boards are individual to the student found in violation and to the specific circumstances of the offense committed. Penalties may not appropriately be compared, and such a comparison may not form the basis of an Appeal of a penalty.

#### C. ACTIONS TAKEN BEFORE APPEAL REVIEW

1. To appeal a decision of the Honor Council the student must *hand deliver* a written appeal directly into the hands of a staff member in the office of the Provost or his/her administrative assistant (not a student assistant), within 48 hours of the close of the hearing or receipt of the Resolution letter (for cases without a hearing), not including Saturday, Sunday, and official University holidays. The schedule of official University holidays is posted on the University's website.
  - The office of the Provost shares a copy of the appeal letter with the Honor Council Chair and Honor Council Advisor.
2. The student's written appeal of a procedural violation that affected the sanction must address one or more of the conditions of appeal stated above:
  - that failure to follow official procedures affected the sanction
  - that the sanction is not supported by evidence
  - that the penalty is disproportionately severe or inappropriate for the Code violation.

The letter should also include any information that was not considered by the Honor Council (if any).

#### D. APPEAL REVIEW PROCESS

1. Prior to an Appeal Review, the Honor Council Chair will forward to the Appeal Board Chair a written summary of the case, signed by the Appellant to indicate that they also have received it. The written summary includes:
  - items of evidence and/or questions excluded from the case
  - the summons, the signed statement of rights, and a written statement of offense, verdict, and penalty.
  - In a case with a hearing, the Appeal Board Chair may request the tape recording of the hearing at their discretion.
2. The Appeal Board Chair sets a time for the Review and notifies the Appellant of the time, place, and composition of the Board (see III.B, “Rights of a Student in an Appeal”).
3. The Board of Appeals may meet in advance of the review to go over procedures and the written materials, including the student’s statement of appeal.
4. During the review, the Board of Appeals will question the appellant and the Honor Council Chair and Honor Council Advisor whose decision is in question. The Appeal Board will not call other witnesses. However, the Appeal Board Chair may seek information from any source in their discretion.
5. The following also may ask questions in an order determined by the Appeal Board Chair:
  - the Appeal Board Chair
  - the members of the Board of Appeals
  - the Appellant and their Student Advocate or Faculty/Staff Advisor
  - the Honor Council Chair and Honor Council Advisor whose decision is under appeal.

The Appeal Board may recess at the discretion of the Appeal Board Chair.

6. Following questioning, the Board of Appeals will retire to deliberate. The Appeal Board will determine whether the penalty imposed was affected by a failure of the Honor Council to follow stated procedures, and/or whether the penalty imposed is supported by evidence heard by the Board, and/or whether the penalties are disproportionately severe or inappropriate for the Honor Code violation.
7. The Board of Appeals may affirm the penalty or remand the case to the Honor Council for a new hearing or resolution meeting. The Appeal Board will state briefly the reasons for its finding.
8. At the conclusion of the Appeal Review the Appeal Board Chair will state its determination orally to the Appellant and may include a statement of the reasons for the finding.
9. On the next day the University is open, the Appeal Board Chair will make available to the student a written statement of the Board of Appeals’ determination, including a



- written statement of the reasons for the finding, with a copy to the president of the University, the associate vice president for student affairs, the appropriate academic dean, and the Honor Council Chair.
10. If the Board of Appeals affirms the penalty, the student may within 48 hours appeal to the president of the University, by giving a written statement directly into the hands of a member of the president's staff (not a student assistant).
    - The president or a staff member will notify the Appeal Board Chair, who will forward to the president the materials the student presented to the Appeal Board, a summary of the student's involvement in the case, a copy of the student's letter of appeal, the case summary, and a copy of the Appeal Board Chair's letter to the student, including the statement of the reasons for the Board of Appeals' finding.
  11. The President shall make a final decision and notify the student in writing.
  12. The President may affirm the penalty assigned by the Honor Council or return the case for a re-hearing. The president will communicate their decision to the student in writing, with a copy to the Provost, the appropriate academic dean, the associate vice president for student affairs, and the Honor Council Chair.