

## Honor Code Bylaws

### A. Honor Code Bodies:

#### 1. Campus Ethics Committee:

- a. A formal body composed of students, faculty, staff and the Honor Council.
- b. The Campus Ethics Committee will meet at least once during both the fall and spring Semesters.

#### 2. Honor Council:

- a. **Terms of Office:** for council members the term of office for student Honor Council positions is one year with no term limits; however the Campus Ethics Committee may only reappoint Honor Council members upon review and approval. The Honor Council members shall begin their terms at the end of the academic year, officially taking office on the day of Spring Commencement. The term of office of the Faculty Advisor is two years, and the Honor Council Advisor serves for an indefinite period.
- b. **Honor Council Selection:** Students interested in applying for the Honor Council must turn in an application to the Honor Council Office. The Honor Code Council shall review applications and conduct interviews, if necessary, and recommend candidates to the Campus Ethics Committee. The Campus Ethics Committee will then appoint the new members based on applications and the recommendation of the Honor Code Council. Applicants shall be voted in by majority vote of the Campus Ethics Committee.
- c. Responsibilities of Honor Council
  - i. **Chairperson:** is a student who sits as the primary representative for the Honor Code and is responsible for its maintenance. The Chairperson will serve as the facilitator of the appeals process and cast a tie-breaking vote when necessary.
  - ii. **Adjudication Director:** is a student charged with training the Hearing Panel members and organizing the hearing process. He/she will oversee investigations and hearings, and will coordinate with the Director of Investigations. He/she is responsible for the maintenance of all files regarding Hearing Panels and is responsible for reviewing the Hearing Panel process and recommending changes to the Campus Ethics Committee. He/She is also responsible for composing a report to the Vice-Chancellor for Student Affairs at the end of each academic year detailing the number of alleged offenses, number of violations, type of violations, and sanctions given. He/She shall also be responsible for reporting key information about the hearing process, such as operation and efficiency of hearings and the composition of the hearing pool, to the Campus Ethics Committee and Honor Code Council at least once a semester.
  - iii. **Director of Investigations:** is a student responsible for investigating and/or assigning investigations. He/she is also responsible for training volunteer investigators. After an investigation is complete he/she will provide the information to the Adjudication Director so the case may proceed.
  - iv. **Director of Student Education:** is a student responsible for developing and implementing materials regarding the Honor Code for prospective students, incoming students, and registered students. He/she must organize and formulate information sessions to communicate Honor Code information to the student population. He/she must inform students as to the meaning of Honor Code violations, as well as update students as to developments regarding the Honor Code. The Director of Student Education must ensure that students at University of Colorado at Boulder are well informed as to both the purpose and the process of the Honor Code.
  - v. **Director of Faculty Education:** is a student responsible for distributing materials regarding the Honor Code to faculty, as well as maintaining open lines of communication between the Honor Council and faculty. The Student Liaison to Faculty must ensure that faculty and staff at the University of Colorado at Boulder are well informed as to the purpose, developments, and the processes of the Honor Code.
  - vi. **Honor Council Advisor:** The Honor Council Advisor is the Vice-Chancellor for Student Affairs, or his/her designee. He/she will advise the Honor Council as to general concerns pertaining to the Honor Code and will provide historic memory for the Honor Council.
  - vii. **Faculty Advisor:** The Faculty Advisor is responsible for advising the Honor Council on issues related to faculty concerns. He/she will also be available to faculty regarding any Honor Code concerns they may have regarding the Honor Code.
- d. **Removal of Members:** Members of the Honor Council will be automatically removed: if found in violation of the Honor Code or if found to have breached the confidentiality expectations of the

Honor Code. Members of the Honor Council may be removed if they are placed on academic or disciplinary probation by the University, or if found in violation of the Student Code of Conduct. A unanimous vote of the Campus Ethics Committee, with the recommendation of the Honor Council, is required to remove an Honor Council member based on abuse of office, dereliction of duty, or unsatisfactory performance of duty.

**3. Hearing Panel**

- a. The Hearing Panel consists of volunteer students who are trained and approved by the adjudication director.
- b. The Hearing Panel is the three member panel which during a hearing determines whether a student is in violation of the Honor Code.
- c. The Hearing Panel will consist of at least one member from the accused student's school/college.

**4. Hearing Pool**

- a. The Hearing Pool is the body from which members of the Hearing Panel are selected. Efforts will be taken to ensure diversity of the Hearing Panel Pool: students will be selected from each college/school, as well as from different student organizations.
- b. Students may remain in the Hearing Pool for the duration of their stay as a student at the University of Colorado at Boulder. While a select and diverse group of students will be specifically invited to join the Hearing Panel, all students are encouraged to apply.
- c. Application process: Interested students can obtain an application from the Honor Code website or from the Honor Code Office. Applicants may be interviewed; and will be appointed by the Adjudication Director. All applicants must have a recommendation with their application.
- d. Hearing Pool members may continue their service to the University by notifying the Adjudication Director at the end of the academic year, subject to review by the Adjudication Director.

**B. Forms**

1. Any student, faculty, or staff member may obtain forms pertaining to the Honor Code process from the Honor Code Office, or via the Honor Code website [www.colorado.edu/honorcode/](http://www.colorado.edu/honorcode/).
2. Upon receiving an accusation/violation report, the Honor Council shall notify the accused by an official means of University communication.

**C. Investigations**

1. The Investigator conducts an investigation into each reported accusation. After completion of this investigation, the Director of Investigations will present the investigation to the Adjudication Director.

**D. Acceptance/Denial of Accusation**

1. The accused student accepts or denies responsibility for the alleged Honor Code violation by responding to the Honor Code Office.
  - a. If the student admits to the violation, non-academic sanctions will be assigned. The student may elect to meet with the Adjudication Director to discuss any aspect of the violation, including factors the student may deem mitigating, prior to the assignment of non-academic sanctions. If the student has no previous violation and the offense is not egregious then the Adjudication Director assigns the necessary non-academic sanction(s). If the student has a previous violation or the violation is particularly egregious the Director of Adjudication may convene a Hearing Panel to determine non-academic sanctions.
  - b. If the student denies the violation, an investigation will be conducted. After the investigation is complete a hearing will be scheduled if sufficient evidence to proceed exists.
  - c. The course instructor will determine academic sanctions.
2. If the accused student fails to respond to Honor Code office communications within 30 days, the Honor Code office can decide the outcome of the case in the student's absence. Unless unusual circumstances beyond the control of the student arise, a delay in the process will not be granted.

**E. Hearing Procedure**

1. The hearing will be closed to the public. The accused may cancel the hearing up to 24 hrs prior to the hearing. If cancellation occurs within 24hrs of the hearing by the accused the hearing will be conducted in the student's absence unless extenuating circumstances exist.
2. The accused student may bring an advisor of his/her choosing; however, this advisor will not be allowed to speak to the Hearing Panel during the hearing.
  - a. The Honor Council will provide an advisor to assist the student through the entire process upon the student's request.

- b. The accused will be given an advisor as soon as possible after the request in order to allow the two to consult prior to the hearing.
3. The Adjudication Director or his/her designee will call the hearing to order and note the date and student's name for the audio recording. He/she will then remind all present that the hearing is strictly confidential.
4. The Adjudication Director or his/her designee will provide a brief overview of the charges.
5. The accused student is given the opportunity to make an opening statement in response to the charges.
6. Witness testimony and evidence are presented.
7. The Adjudication Director and the Hearing Panel ask questions of the accused and the accused responds.
8. The Accused student makes a closing statement.
9. The Hearing Panel will retire to deliberate.

#### **F. Determination of Responsibility**

1. A finding that a violation did occur must be based on a preponderance of evidence and must be reached by a majority vote of the Hearing Panel. The preponderance of evidence standard of proof requires evidence sufficient to demonstrate that it is was more likely than not that the conduct occurred. The hearing need not be conducted according to technical rules of evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. No evidence other than that received at the hearing or in conjunction with the conduct process shall be considered.
2. If the student is found in violation, the Hearing Panel will vote on non-academic sanctions. Any such sanction must be approved by a majority vote of the Hearing Panel. When voting on non-academic sanctions, the panel members may take into account previous Honor Code violations as aggravating circumstances.
3. If not found in violation of the Honor Code, the accused student will be released of all charges and all mention of the incident will be expunged from the student's official record in the Honor Code Office.

#### **G. Notification of Responsibility**

1. The Hearing Panel may announce the finding and non-academic sanctions immediately after deliberations, but official notice shall come through an official form of University Communication.
2. Notice of finding/action taken will be given to pertinent parties, and those on a need-to-know basis, including, but not limited to,
  - a. Accused Student;
  - b. Associate/Assistant Dean of the college of the student's primary college/school;
  - c. Faculty member of the class where the violation occurred.
3. Access to records is restricted to the Honor Council and the Honor Council Advisor, to be distributed on a need-to-know basis. Records will be kept indefinitely if a student is suspended or expelled, and will be kept for 5 years for other violations. Records will be destroyed in cases where no violation is found.

#### **H. Multiparty Offenses**

1. In situations where multiple students are accused of the same violation, the Hearing Panel may hear the offenses collectively. Students may submit written testimony to the Hearing Panel if they believe they have a significantly different situation from the collective group, and do not wish a hearing in conjunction with other alleged violators.

#### **I. Appeals**

1. *Initiation*  
An appeal initiated by a student or faculty member will be submitted to the Honor Code Office. The Appeals Board has the authority to let the decision of the Hearing Panel stand, remand the case to the Hearing Panel, reverse the Hearing Panel's verdict, or modify the sanction.
2. *Grounds for appeal*  
An appeal may be based on inconsistencies with the established hearing process, or the emergence of substantive new information, which was not available at the time of the hearing. The time limit for an appeal based on inconsistencies with the hearing process must be received by the Honor Council within 10 class days of the hearing panel decision. Appeals based on emergence of new evidence must be received within 10 class days of the hearing panel decision.
3. *Forms for appeal*  
Appeal forms may be obtained on the Honor Code website or in the Honor Code Office, and should be submitted to the Honor Code office or through the Honor Code website.

4. An appeal will not be an opportunity for a second hearing of the case, but rather will be done on the record of the case alone.
5. Modification of the Hearing Panel's decisions must be reached by a majority decision of the Appeals Board.

#### **J. Recusal of Members**

1. Any member of the Hearing Panel or Appeals Board that has a professional or social relationship with the accused or accuser should remove himself/herself from the Hearing Panel/Appeals Board when necessary to avoid any possibility of impropriety or bias.
2. The accused student may challenge the presence of any member of the Hearing Panel based on a pre-existing relationship that he/she believes may interfere with the impartiality of the process. Challenges will be submitted to the Honor Council, who will take the appropriate action. The Honor Council will notify the accused student of the names of the Hearing Panel members at least 48 hrs prior to the hearing, and the student must notify the Honor Council of any challenges within 24 hrs of the hearing.
3. Upon the recusal of a member, the Honor Council will appoint an appropriate substitute from the Hearing Panel pool.

#### **K. Recording / Record Keeping**

1. Hearings will be audio recorded.
2. At the completion of each hearing the Adjudication Director, or his/her designee, will compose a decision letter.
3. Access to records is restricted to school officials with a legitimate educational interest as defined by FERPA. Records will be kept indefinitely if a student is suspended or expelled, and will be kept for 5 years for other violations. Records will be destroyed in cases where no violation is found.

#### **L. Revisions of the Honor Code By-Laws**

1. All students and faculty may propose changes for the Bylaws to be voted on by the Campus Ethics Committee. Bylaws to the Honor Code must be reviewed every two years and may be revised at any time by a two-thirds vote of the Campus Ethics Committee.

#### **M. Mental Health**

1. **Lack of Requisite Mental health when committing violation:** A student must indicate to the Honor Code Office that he/she lacked the mental health capacity, to commit the violation and to proceed with the adjudication of the case.
  - a. The student, by asserting lack of capacity to commit the violation, is accepting responsibility for the violation pending an affirmative outcome to a mental health inquiry.
  - b. The student must provide the mental health panel with documentation detailing a lack of mental health capacity.
  - c. Documentation will be reviewed by the mental health panel.
  - d. If a student is deemed to not have shown sufficient documentation of a requisite mental health issue then the student will proceed through the Honor Code adjudication process.
  - e. If the student is deemed to have the proper documentation, then a mental health hearing will be scheduled. The mental health panel will convene to decide whether the student lacked the mental health necessary to make a proper ethical decision.
    1. If the panel decides the student did lack the mental health, the panel will give the student the appropriate sanction from the provisions of the Honor Code. The student will also be required to be monitored for mental health until deemed able to properly participate in the University community. If suspension is deemed necessary it will be done as a medical withdrawal, not a non-academic suspension.
    2. If the panel decides the student did not exhibit a lack of requisite mental health, the student will return to the normal Honor Code hearing process. Student's prior admission of guilt will not be held against the student in returning to the normal hearing process.
2. **Lack of Capacity for a hearing:** arises when an Honor Code representative or other university personnel identify a student as unable to proceed with the Honor Code adjudication process.
  - a. Wardenburg and CUPD may be immediately contacted if the circumstances are deemed to be a eminent threat to the health and well being of the student.
  - b. Wardenburg's psychiatric clinic personnel will evaluate the student.
  - c. If deemed to be a serious risk to the University and/or himself/herself, the student will not be required to complete the Honor Code process at this time. A pending ethics hold will be placed on the student to ensure his/her completion the Honor Code process.

d. If deemed not to be a serious risk to the University and/or himself/herself, the student will proceed with the Honor Code adjudication process.

3. **Mental Health Panel:** consists of a representative from Wardenburg, the Associate Dean of the accused student's school or college (or his/her appointee), and the Dean of Students.

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\* Last Updated: April 6, 2007.