



Student Conduct & Conflict Resolution  
UNIVERSITY OF COLORADO **BOULDER**

# STUDENT HONOR CODE & PROCEDURES

2022 – 2023

Effective 8/15/2022



# Contents

A. Why do we have a Student Honor Code?.....	1
B. Key Words and Phrases for Honor Code Processes (Definitions) .....	1
C. Student Rights and Responsibilities in SCCR .....	3
D. When and Where Does the Honor Code Apply? (Jurisdiction) .....	3
E. What is a Violation? (Prohibited Academic Conduct) .....	4
F. What are Resolution Processes and How do They Work? .....	5
G. Who can you Bring With You? (Advisors) .....	9
H. What are Resolution Outcomes? (Sanctions).....	10
I. Can Someone Else Review my Case? (Appeals) .....	11
J. How are Honor Code Records Maintained and Protected? (Records & Refunds) .....	13
K. What Action can SCCR Take in Addition to a Resolution Process? (Interim Measures & Directives).....	15
L. My Concern Is Not Included in the Student Honor Code. What Resolution Resources are Available to Me? .....	16
M. Dismissal or Withdrawal of Honor Code Referrals .....	17





*The information contained within this document is intended to provide general information to members of the CU Boulder community and is not intended to, nor does it, create a contract between Student Conduct & Conflict Resolution (SCCR), or the University of Colorado Boulder, and community members. SCCR reserves the right to change or eliminate any of the language herein at its discretion and without notice.*

## **A. Why do we have a Student Honor Code?**

### **MISSION**

The mission of the Honor Code at the University of Colorado Boulder is to secure an environment where academic integrity can flourish.

### **VALUES**

The Honor Code recognizes the importance of honesty, trust, fairness, respect, and responsibility and aims to instill these principles as essential features of the University of Colorado Boulder campus. The Honor Code allows all students to have responsibility for, and the ability to attain, appropriate recognition for their academic and personal achievements.

## **B. Key Words and Phrases for Honor Code Processes (Definitions)**

Unless the context requires a different meaning, the following definitions apply.

**SCCR** stands for Student Conduct & Conflict Resolution for the purposes of this document.

1. **Academic Sanctions.** The course faculty has exclusive authority to apply the Academic Sanction that the faculty determines to be appropriate. SCCR does not have jurisdiction over academic sanctions. Academic Sanctions may include, but are not limited to: assignment grades, course grades, and/or requiring additional and/or modified assignments.
  - a. Faculty has discretion to administratively re-enroll a student who has withdrawn from their course to ensure the grade sanction stands.

- b. In the event of an academic sanctions appeal process, the reporting party or the responding student may request that the resolution specialist explain the reasoning for the outcome of an Honor Code case. Contact your Program/College Dean or Associate Dean for more information.
  - c. Questions about academic sanctions should be referred to the course faculty, individual departments, and/or colleges.
2. **Aggravating Circumstance.** Circumstance accompanying the commission of prohibited conduct that may increase its severity and that may increase the severity of the resolution outcomes for prohibited conduct.
  3. **Boulder Faculty Assembly.** The Boulder Faculty Assembly (BFA) is a board composed of University of Colorado Faculty. BFA discusses trends and observations of issues of academic misconduct, recruits faculty to serve on the Honor Code Advisory Board and educates other faculty on the Honor Code and Procedures.
    - a. If necessary, BFA reserves the right to work directly with the Director of Student Conduct to review resolutions and/or to submit a report with concerns related to case determinations and improper consideration.
  4. **Complainant.** A person who is subjected to alleged prohibited conduct under these policies.
  5. **Faculty.** For the purposes of this document, all references to faculty include, but are not limited to: Deans, Full Professors, Associate Professors, Assistant Professors, Research Professors, Teaching Professor, Senior Instructors, Instructors, Lecturers, Adjunct Faculty, Graduate Teaching Assistants, Graduate Part time Instructors, Undergraduate Teaching Assistants, and Professional Research Assistants.
    - a. Faculty are encouraged to support and promote academic integrity within their course by referring to the Honor Code on all pertinent materials including syllabi, tests, and other assignments. Faculty are encouraged to discuss the Honor Code periodically in class, as it applies to their courses.
    - b. Faculty are responsible for providing relevant documentation and information of alleged Honor Code violations. The resolution specialist may reach out to the reporting faculty for more information if necessary.
  6. **Honor Code Advisory Board.** The Honor Code Advisory Board (HCAB) is composed of up to four faculty members and at least four students, including at least one graduate student. SCCR strives to have four members of HCAB present at meetings to review open Honor Code referrals. However, minimum quorum is three, with at least one student and one faculty member present.
    - a. If a graduate student allegedly violates policy within a graduate-level class, an HCAB graduate student representative must be present for the HCAB meeting in which that referral is discussed.
    - b. The Boulder Faculty Assembly selects faculty on the HCAB. The Director of SCCR, or their designee, selects students on the HCAB with the support of undergraduate and graduate student government groups.
    - c. The HCAB discusses findings of responsibility for referrals of alleged academic misconduct, provides technical expertise on complex referrals, and advises SCCR on Resolution Outcomes for Honor Code violations.
    - d. If the HCAB determines that the resolution specialist has failed to give the consensus of the HCAB proper consideration, the HCAB may submit a written complaint to the attention of the Boulder Faculty Assembly Chair or the Director of Student Conduct & Conflict Resolution.
  7. **Honor Code Appeal Board.** A board of university community members, students, faculty, and/or staff appointed by the Director of Student Conduct & Conflict Resolution, or their designee, in conjunction with the Chair of the BFA, or their designee, and charged with reviewing resolutions that have been appealed through SCCR. See Section I.
  8. **Mitigating Circumstance.** Circumstance that may reduce the severity of a violation and resolution outcomes for prohibited conduct. These do not change whether someone violated the Honor Code and are not a justification or excuse for prohibited conduct in question.
  9. **Resolution Outcomes.** Resolution Outcomes may be issued by the assigned resolution specialist, in consultation with the Honor Code Advisory Board (HCAB), after a finding of responsibility for an Honor Code violation. Resolution Outcomes for violations of the Honor Code include, but are not limited to, those listed in Section H.
  10. **Resolution Specialist.** Resolution specialists include any CU Boulder staff member designated to investigate and/or make decisions about facts and violations in student honor code referrals. Resolution specialists have the authority to

determine resolution outcomes including, but not limited to: exclusions, no contact directives, administrative moves, residence hall termination, probation, loss of good standing, suspension, expulsion, and educational resolution outcomes.

11. **Student.** All persons taking courses at CU Boulder, either full time or part time, pursuing undergraduate, graduate, or professional studies, as well as non-degree seeking students. This includes individuals who confirm their intent to enroll in programs, those attending new student welcome or orientation sessions, students between academic terms, and those that were enrolled at the date of an alleged incident. This also includes persons who are eligible to enroll but are not enrolled at CU Boulder, persons who are suspended from CU Boulder, and persons participating in a leave of absence. Persons who withdraw after allegedly violating CU Boulder policies or who are not officially enrolled for a particular term but who have a continuing relationship, as determined by Academic Advising, with CU Boulder are considered students.

## C. Student Rights and Responsibilities in SCCR

### When interacting with SCCR, students have the right to:

- Receive notice of any alleged CU Boulder policy violations and meet with a resolution specialist to discuss the allegations.
- Request and receive reasonable accommodations due to a disability in order to fully participate in any SCCR process.
  - Students who are requesting accommodations due to a disability must contact Disability Services and should do so as soon as possible in order to receive timely assistance. Disability Services will go through the applicable accommodation process and provide the student with an accommodations letter, if appropriate. Disability Services information is available online at: <https://www.colorado.edu/disabilityservices/>
- Request and receive language interpretation in order to fully participate in any SCCR process.
  - Students who are requesting language interpretation must contact SCCR and should do so as soon as possible in order to receive timely assistance.
- Authorize SCCR to communicate about their student conduct information to others.
  - Students seeking to release records or information must complete a release of information form, which is located on the SCCR website. Limits to information release are defined in Section J.6.
- Have an advisor, support person, or other person they identify and trust present during SCCR meetings.
  - Students bringing an advisor, support person, or other person they identify and trust, must complete a release of information form for that person. The form is located on the SCCR website.
- Review their SCCR file upon request. The Request to Review Records form is located on the SCCR website, here: <https://colorado.edu/sccr/honor-code>
  - Students are permitted to review, but not retain, a copy of their SCCR file.

### Students have the responsibility to:

- Educate themselves, seeking clarification when needed, on standards of conduct and other policies they are responsible for upholding as a CU Boulder student.
- Communicate conscientiously and honestly in any SCCR process.
- Adhere to stated deadlines and attend scheduled meetings.
- Cooperate and discuss relevant information with resolution specialists and other SCCR staff.

*Knowingly providing false or misleading information to SCCR is a violation of the Student Code of Conduct.* This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated.

Failure to uphold these responsibilities may result in a resolution being determined without the benefit of the student's participation and may result in an alleged violation of the Student Code of Conduct.

## D. When and Where Does the Honor Code Apply? (Jurisdiction)

Pursuant to the University of Colorado Boulder Academic Integrity Policy, Student Conduct & Conflict Resolution (SCCR) is charged with adopting and publishing an Honor Code and procedures. All students at the University of Colorado Boulder (CU Boulder) enrolled in credit or non-credit classes are subject to the Honor Code for academic matters. The jurisdiction of the Honor Code includes, but is not limited to, the CU Boulder campus, Continuing Education, Education Abroad, Honor Code Seminars and resolution outcomes, and Distance Learning programs and classes.

As part of its role to prepare students for a self-regulating profession, the University of Colorado School of Law will maintain, administer, and implement its long-standing Honor Code, and will submit all records pertaining to violations to Student Conduct & Conflict Resolution. In the event that a student is referred to both the School of Law's Honor Code and SCCR's Honor Code, they will be subject to only one process to be determined after individualized review.

SCCR will work closely with individual schools, colleges, and programs to promote academic integrity campus-wide.

An Honor Code proceeding does not necessarily preclude other campus proceedings, if the responding student's conduct potentially violates other campus policies.

Violations of the Honor Code include any act of Academic Misconduct as defined in Section E.

## E. What is a Violation? (Prohibited Academic Conduct)

**Academic Misconduct** includes any act in which a student gains or provides, or attempts to gain or provide, an unfair academic advantage over other students. These acts include, but are not limited to the following and also include any attempts to engage in the following:

1. **Cheating:**
  - a. Use of prohibited notes, study aids, or other explicitly prohibited course materials;
  - b. Allowing another party to do one's work/exam and turning in that work/exam as one's own;
  - c. Copying coursework from another student or from an unauthorized source (including but not limited to internet sources);
  - d. Collaborating on coursework when prohibited;
  - e. Failing to abide by the specific written course instructions, including, but not limited to, exams, homework assignments, and syllabi;
  - f. Clicker Fraud. Using, or having someone else use, clicker technology improperly in an effort to receive academic credit.
2. **Plagiarism.** This includes, but is not limited to:
  - a. Portrayal of another's work or ideas as one's own;
  - b. Improper citation of another's work;
  - c. Improper citation of one's own previous work;
  - d. Use of paper writing services or technology (such as essay bots) whether paid or unpaid.
3. **Resubmission.** Submitting the same or similar work for credit, including, but not limited to, homework, more than once without permission from all course faculty involved.
4. **Fabrication.** Falsification or creation of data, research, or resources, or altering graded work without the prior consent of the course faculty.
5. **Lying.** Deliberate falsification with the intent to deceive, as it relates to an academic submission.
6. **Bribery.** Providing, offering, or taking rewards in exchange for a grade, an assignment, or in the aiding of Academic Misconduct
  - a. Rewards include, but are not limited to: currency, tangible items, services, or recompense.
7. **Threat.** Acting to intimidate a student, staff, or faculty member for the purpose of affecting a grade or in an effort to prevent the reporting of an Honor Code allegation, or in connection with any other form of Academic Misconduct.
  - a. **Retaliation.** Retaliating against or discouraging, directly or through third parties, an individual from participating in the Honor Code process. To be considered retaliation, there must be a causal connection between a materially adverse action and the act of reporting a violation or participating in an Honor Code process. A materially adverse action is one that would dissuade a reasonable person from reporting a violation, and includes, but is not limited to, intimidation,

threats, or coercion. A determination of whether an action is materially adverse is a fact-dependent inquiry made on a case-by-case basis by SCCR staff.

8. **Unauthorized Access.** Gaining access to, giving access to, or use of, protected academic information including, but not limited to: CU-SIS; a faculty, student, or staff member's computer, files, and/or physical space; and/or secure information on an online server.
9. **Aiding Academic Misconduct.** Facilitating any act which may help a student to gain an unfair academic advantage including, but not limited to, any of the aforementioned acts.
  - a. **Sharing course materials**, including but not limited to personal notes, in an unauthorized online bank or forum, whether for profit or for free, is strongly discouraged and may result in a referral to the Honor Code.
  - b. **Sharing personal authentication credentials/login information** to third party sites is strongly discouraged and may result in a referral to the Honor Code process.

## F. What are Resolution Processes and How do They Work?

### 3. Time Period for Referral of Suspected Violation

SCCR shall only accept reports of suspected Honor Code violations made within 40 calendar days from the date of discovery of the suspected violation.

*SCCR may also consider allegations that are suspected to have occurred more than 40 days before referral, where those allegations relate to more recent conduct which occurred within the 40-day time period.*

### 4. Honor Code Forms

All forms are found on the SCCR website at <https://www.colorado.edu/sccr/honor-code>.

Forms may be submitted electronically using the student's CU Boulder email account, via hand-delivery, or via mail. This includes, but is not limited to, Appeal, Release of Information, and Request to Inspect Records.

The Honor Code referral form should be completed when a student is either suspected of, or has admitted to, a violation of the Honor Code. The submission should include all relevant information for the alleged violation. SCCR prefers Honor Code referral forms be submitted electronically via the web form.

### 5. Reporting Honor Code Referrals

- a. Student Procedures
  - i. Students are expected to submit a referral form to SCCR online when they have direct knowledge of an Honor Code violation.
- b. Faculty Procedures
  - i. Faculty members are encouraged to notify students regarding suspected Honor Code violations.
  - ii. Faculty members are expected to submit a referral form to SCCR.

The Honor Code referral form and guidance for talking to students about suspected Honor Code violations is available on the SCCR website.

If the referral moves through a resolution process despite the faculty's request for no action, the reporting faculty will be notified that the process is proceeding and they will be notified of the decision through the typical procedures.

### 6. Commencement of a Resolution Process

Upon receipt of a referral form, SCCR staff will review and determine if the concern(s) fall within its jurisdiction. If the referral is within the jurisdiction, SCCR will determine which alleged violations of academic misconduct are implicated. SCCR reserves the right to allege and investigate more than one violation per referral form.

The resolution specialist may:

- i. initiate a formal resolution process by sending the responding student a Resolution Meeting Notice;
- ii. resolve the situation through an informal resolution process including, but not limited to, a meeting between the responding student and a student resolution specialist or a third party; or

- iii. determine that the facts of the referral, even if true, would not constitute a violation of the Honor Code, and take no further action.

The responding student or the reporting faculty member may, at any time, review the contents of the student's Honor Code referral file.

## 7. Resolution Meeting Notice

As noted in the Student Email Policy (<http://www.colorado.edu/policies/student-e-mail-policy>), email is an official means of communication with CU Boulder. Therefore, CU Boulder has the right to send communications to responding students via email and the right to expect that those communications will be received and read in a timely fashion.

- a. When the resolution specialist initiates a resolution process, a Resolution Meeting Notice will be sent to the responding student who is the subject of the report or complaint via the responding student's official CU Boulder email address. At the resolution specialist's discretion, the notice may also be hand delivered or sent via standard U.S. mail to the mailing or permanent address appearing in CU Boulder's student information system or police report. Notice to the responding student will be considered furnished on the date of hand delivery, on the date emailed, or three business days after the date the notice is placed in the U.S. mail.
- b. The Resolution Meeting Notice shall include:
  - i. a summary of the known factual information supporting the alleged prohibited conduct, including the date and location of any incident, to the extent known and available;
  - ii. alleged violations of the Honor Code; and
  - iii. the requirement that the responding student schedule a resolution meeting with SCCR within the time frame designated in the letter; or
  - iv. at the resolution specialist's discretion, the letter may specify a specific date, time, and location for the resolution meeting and the resolution meeting will be scheduled based on the availability of the resolution specialist and the student's scheduled classes.
- c. If a "no contact" directive is detailed in the Resolution Meeting Notice, it is the responsibility of the responding student not to have any contact with the individual(s) named, directly, through third parties, or via electronic means. If an "exclusion" directive is detailed in the Resolution Meeting Notice, it is the responsibility of the responding student to abide by the directives as outlined in the notice. If an "exclusion" directive is detailed in the Resolution Meeting Notice, it is the responsibility of the responding student to abide by the directives as outlined in this notice.

## 8. Resolution Processes

SCCR resolves alleged prohibited conduct through the informal resolution process or the formal resolution process. Resolution specialists have the authority and sole discretion to determine the type of resolution process without HCAB consultation.

This decision is primarily based on, but not limited to, the following factors:

- if the responding student admits or otherwise takes responsibility for the alleged academic misconduct;
- the responding student's prior Honor Code record;
- the nature and severity of the alleged academic misconduct;
- the alleged impact and/or harm caused to another person, community, or the class;
- whether the alleged conduct would violate the Honor Code; and/or
- any other factors that the resolution specialist finds relevant to the specific allegations.

Referrals involving the following must always be reviewed by the Honor Code Advisory Board:

- the responding student disputes the allegation;
- the resolution specialist is recommending a finding of not responsible;
- the Resolution Outcomes may include probation, loss of good standing, suspension, or expulsion;
- the responding student had a prior violation of the Honor Code;
- the alleged violation occurred in a graduate level class or program; and/or
- the responding student requested that their case be reviewed by HCAB.
  - *Requesting a HCAB review will not be a rationale for more severe resolution outcomes.*

The formal resolution process is an adjudication of the alleged academic misconduct, considered an educational and disciplinary process, and may result in Resolution Outcomes and a formal Honor Code conduct record.

The informal resolution process is intended as a form of alternative dispute resolution, is voluntary, primarily educational in nature, not an adjudication of the allegations, not considered a disciplinary process, and instead will result in a written agreement with the responding student. Because SCCR does not consider the informal resolution process to be a disciplinary process, it will not result in a formal Honor Code record or file. Informal resolutions will never result in resolution outcomes such as suspension or expulsion

## 9. **Informal Resolution**

This process may generally include, but is not limited to, a meeting with a resolution specialist, completion of the assigned resolution outcomes, and/or participation in the restorative justice process.

During the meeting, if the resolution specialist determines that the informal resolution process may be appropriate, the resolution specialist will offer it as an option to the responding student and address any questions the responding student may have about the process. If the responding student accepts responsibility for the alleged academic misconduct, agrees to, and completes the agreement developed during the meeting, then SCCR will consider the matter to be resolved informally. In some cases, the HCAB will also review the referrals before a final determination is made.

The agreement may include, but is not limited to, the following required actions:

- i. educational outcome;
- ii. participation in a circle process;
- iii. participation in conflict coaching and/or a mediation process, and/or a student conduct process;
- iv. meeting with campus resources; and/or
- v. other educational requirements.

To identify appropriate and meaningful requirements in agreements, responding students are encouraged to engage in interactive communications with the resolution specialist.

The resolution specialist and/or HCAB reserves the right to stop the informal resolution process and initiate the formal resolution process at any time prior to the responding student's fulfillment of the agreement requirements for reasons including, but not limited to:

- i. a responding student failing to schedule or attend the meeting with the resolution specialist;
- ii. a responding student's denial of responsibility for the alleged academic misconduct;
- iii. if a responding student does not want to participate in the informal resolution process;
- iv. if a responding student fails to complete assigned educational outcomes;
- v. the resolution specialist determines that the matter is more appropriately resolved under the formal resolution process.

## 10. **Restorative Justice**

The Director of SCCR, or their designee, has discretion to refer a report or complaint for resolution through a restorative justice process. Restorative justice helps to address the relationship between victims, responding students, and the community in a way that repairs the impacts of an incident, holds the responding student accountable for their actions, and builds community. In order to participate in a restorative justice process, the responding student must take responsibility for what occurred and be willing to participate in the restorative justice process. All parties must agree on the resolution and the responding student will be bound by the decision with no review/appeal.

Depending on the violation, what happened, and the needs of those involved, the restorative justice process will involve the responding student(s) and may involve people impacted or affected by the incident, community members, and SCCR staff and/or volunteers. The process overall has three steps in which the student will:

- i. Attend one or more intakes with a staff member who explains the restorative justice process, confirms the student is taking responsibility for what happened, and schedules the responding student into their restorative justice conference.
- ii. Participate in a restorative justice conference where the responding student shares their story, discusses harm and impact, and agrees to a reparative agreement to make things right.
- iii. Complete a reparative agreement that aims to repair harm, provide education, and address underlying needs.

The restorative justice process is complete after the responding student has completed these three steps.

Responding students who do not successfully complete the restorative justice process will be referred to a resolution specialist for resolution through the formal or informal resolution process as determined by the resolution specialist.

## 11. Formal Resolution

This process generally includes:

- i. written notice of the factual allegations and alleged academic misconduct;
- ii. the opportunity to meet with the resolution specialist to address the allegations and provide information to the resolution specialist;
- iii. the resolution specialist reviewing the allegations and making factual and violation determinations based on preponderance of the evidence; and
- iv. written notice to the responding student of the resolution specialist's determinations.

The resolution specialist will consider the following in making this determination:

- i. the allegations in the Resolution Meeting Notice and the student's response to those allegations;
- ii. all documents and/or information that the resolution specialist finds relevant, including, without limitation, relevant documents presented by the responding student, reporting party, or any other interested party;
- iii. the oral or written statements of any witnesses with relevant information, as presented by the responding student, any reporting party, or other interested party, as it appears in a referral, and/or as requested by the resolution specialist; and
- iv. the recommendations of HCAB regarding responsibility and Resolution Outcomes related to the incident or precedent.

The responding student may identify witnesses believed to have relevant information to impart to the resolution specialist. If the resolution specialist determines that a witness may have relevant information, a good faith effort to contact such a witness will be made to obtain a statement from them.

- i. SCCR cannot guarantee the participation of an identified witness.
- ii. The resolution specialist may decline to contact any witnesses they believe do not have information relevant to the facts in dispute.
- iii. The responding student may submit questions to the resolution specialist to be asked of the witnesses but is not entitled to be present during the resolution specialist's interview of witnesses. It is within the discretion of the resolution specialist to decide whether to ask the witnesses any question(s) submitted by the responding student and the resolution specialist may decline to ask a question that is not reasonably calculated to lead to the discovery of probative information or when the probative value of the information is outweighed by the danger of unfair prejudice or confusion of the issues or by considerations of undue delay or needless presentation of cumulative information.
- iv. Students are expected to respond as requested in the process as a responsibility of membership in the CU Boulder community, and failure to do so may result in disciplinary action.
- v. The resolution specialist may choose to meet again with the responding student or any other witnesses, including any reporting party, in order to obtain responses to additional information gathered during the formal resolution process.

Prior to the resolution specialist's decision in a formal resolution process, responding students may request to know the names of any witness or reporting party, if not already provided, and have access to review and respond to the relevant information any such individuals have provided to the resolution specialist.

Technical rules of evidence and procedures applicable to civil and criminal court cases do not apply to the Honor Code process. The resolution specialist is authorized to consider any information relevant to the allegation of academic misconduct.

The resolution specialist may exclude any person, including the responding student and/or the student's advisor, who disrupts a meeting.

## 12. Standards of Proof and Process

In order to find that a student has engaged in a violation of the Honor Code, the standard of proof required is a preponderance of the evidence contained in the record. The information must demonstrate that it is more likely than not that the student violated the Honor Code.

The resolution specialist and/or HCAB will make determinations about the facts, the credibility, and the reliability of the information provided and determine whether the responding student has violated the Honor Code based on a preponderance of the evidence. If the evidence weighs so evenly that the resolution specialist is unable to determine that there is a preponderance on either side, the resolution specialist must determine that there is insufficient evidence to conclude there has been a violation. In applying the preponderance of the evidence standard, the resolution specialist may consider both direct and circumstantial information.

The resolution specialist may determine the credibility of witnesses, and the weight to be given their statements, taking into consideration their means of knowledge, strength of memory, and opportunities for observation, the reasonableness or unreasonableness of their statements, the consistency or lack of consistency of their statements, their motives, whether their statements are contradicted or supported by other information, any evidence of bias, prejudice or interest, and their manner and demeanor when providing statements.

In cases where the student accepts responsibility, the resolution specialist will determine if HCAB must be consulted for resolution outcomes, unless the student has requested their case to be reviewed by HCAB.

In cases where the student denies responsibility, the resolution specialist will consult HCAB, who serve as experts to issues related to academic misconduct, to determine if the student is responsible for the alleged academic misconduct.

If the student is found responsible for violating the Honor Code, the resolution specialist, will identify any aggravating or mitigating circumstances and assign resolution outcomes. The resolution specialist will notify the responding student and appropriate university officials, including reporting faculty, of the resolution via written notice to the student's CU Boulder email. The appeal process, if applicable, is outlined in Section I.

If a student is found responsible for academic misconduct in a course, that course is not eligible for the student to invoke a grade replacement for the semester in which the violation occurred. The student may repeat the course in a future semester and be eligible accordingly for grade replacement, under the grade replacement policy available here: <https://www.colorado.edu/registrar/students/degree-planning/grade-replacement/policy>.

SCCR maintains a record of the information obtained pursuant to the formal resolution process. The record includes copies of correspondence between the responding student and SCCR, copies of any audio records, all documents, and the resolution.

If the responding student does not schedule or attend a scheduled meeting with the resolution specialist or attends a meeting but does not participate by the date specified in the notice, the resolution specialist may decide the outcome in the responding student's absence or without the responding student's participation based on the information available to the resolution specialist.

Responding students are required to comply with any deadlines and dates of the formal resolution process. Requests for any delay in the process or rescheduling of any meeting are discouraged, will be considered on a case-by-case basis, and granted only if the resolution specialist determines that the circumstances are appropriate.

### **13. Notice of Resolution**

Upon the conclusion of an Honor Code process, SCCR shall send written notice of the decision to the responding student that shall detail the findings and any Resolution Outcomes assigned, if applicable.

Notice of the resolution, and of any Resolution Outcomes assigned, shall be distributed by the resolution specialist to parties with a legitimate educational interest including, but not limited to, the faculty member(s) for any course implicated in the outcome.

## **G. Who can you Bring With You? (Advisors)**

Responding students may bring a support person/advisor of their choice, including but not limited to, an advocate, attorney, or other person who is not a potential witness or could otherwise compromise the process, to any resolution process meeting, including, but not limited to, meetings in the formal resolution process. Support persons/advisors are not permitted to speak for, or on behalf of, the responding student during any phase of a resolution process, including meetings in the formal resolution process. However, with permission from the resolution specialist, advisors may make a statement and/or ask questions of the responding student to present relevant information after the resolution specialist has completed discussions with the responding student. If a responding student chooses to bring an advisor to the meeting, it is the responding student's

obligation to select an advisor whose schedule allows attendance within the time frame designated in the Resolution Meeting Notice.

SCCR, or the designated resolution specialist, is not obligated to reschedule the meeting to accommodate an advisor's schedule.

## H. What are Resolution Outcomes? (Sanctions)

### Overview of Resolution Outcomes

- **The course faculty has exclusive authority to apply Academic Sanctions that the faculty determines to be appropriate.**
- SCCR staff, in consideration with HCAB, shall assign proportional Resolution Outcomes based on the nature, severity, and frequency of violation if the responding student is found responsible for violating the Honor Code.
- Mitigating and aggravating circumstances will be considered including past academic and non-academic misconduct as determined by the Director of SCCR or their designee.
- Repeated violations, including of differing academic misconduct, may result in progressively severe resolution outcomes.
- One or more resolution outcomes may be imposed.
- In all cases, the resolution specialist, HCAB, or the Appeal Board (to the extent applicable), has the right to use their discretion in determining the proportional resolution outcome(s) for a referral.
- An ethics hold may be placed if a responding student fails to complete assigned resolution outcomes. The ethics hold will not be removed until all resolution outcomes are completed. The ethics hold is honored by CU Boulder, including Continuing Education, and prohibits the responding student from registering for classes until the resolution process has been completed.

### Example Resolution Outcomes

The following is a non-exhaustive list of the possible Resolution Outcomes that a resolution specialist may assign based upon a violation of the Honor Code

- **Educational Resolution Outcomes**  
The responding student may be required to attend a class, program, lecture, or be involved with the community to invoke a new understanding about how their academic misconduct impacted the CU Boulder community. This is not an exhaustive list but should serve as examples of the types of educational resolution outcomes that may be imposed.
- **Notification to Academic School, College, Program, or Advisor**  
Notification to academic partners is a written statement from SCCR, on behalf of the Honor Code Advisory Board, informing the college, department, academic advisor, and/or other academic partners of a student's Honor Code record. This may include all of the student's Honor Code findings for their duration as a student, to the extent that such administrators have a need to know the information to do their job duties for the university. Administrators receiving this information are expected to maintain the privacy of this information and restrict access as defined in Section J.6.
- **Written Warning**  
A warning/written reprimand from the resolution specialist that there was a violation of a specific Honor Code policy and that more serious status resolution outcomes will likely be assigned should subsequent violations occur.
- **Probation**  
A responding student is placed on probation, which lasts for a period of time, as specified in writing in the outcome letter. Further prohibited conduct, including, but not limited to, violations of the Honor Code or the conditions of probation

committed during the probationary period will likely result in outcomes which impact the student's status with CU Boulder.

- **Loss of Good Standing**

A responding student has a loss of good standing with CU Boulder, which lasts for a period of time as specified in writing in the outcome letter. Any violation of the Honor Code or the conditions of Loss of Good Standing committed during this period will likely result in further status resolution outcomes, including suspension. The responding student is not in good standing with the university, which may prohibit or impact a responding student from:

- representing the University through official events;
- participating in Education Abroad; and/or
- serving in a leadership position or on a university committee.

- **Suspension**

The responding student is not eligible to take any courses or otherwise participate as a student in any university programs, services, benefits, or activities for a specific period of time. A suspension notation appears on the responding student's transcript. After the period of suspension has expired, the transcript notation will be removed.

A suspension outcome results in the responding student being suspended from all campuses of the University of Colorado system. This includes CU Continuing Education courses. Upon completion of the suspension, if the responding student wishes to return to CU Boulder, they are eligible to reapply. Undergraduate students must complete the readmission process through the Office of Admissions. Graduate and professional students must complete the readmission process as defined by their school or college.

- **Expulsion**

The responding student permanently ineligible to take any courses or otherwise participate as a student in any University of Colorado programs, services, benefits, or activities at any campus. A notation of expulsion remains permanently on the responding student's transcript. In the event of an expulsion, SCCR will keep the incident file indefinitely.

An expulsion outcome results in the responding student being expelled from all campuses of the University of Colorado system. This includes CU Continuing Education courses and distance learning programs.

- **Exclusion**

The responding student is denied access to all or a portion of CU Boulder property. When a responding student is excluded from CU Boulder property, that responding student may be permitted on to CU Boulder property for limited periods and specific purposes with the written permission of the Director of SCCR or their designee. Should the responding student access CU Boulder property without permission, the responding student may be subject to law enforcement action and/or an alleged violation of the Student Code of Conduct.

## I. Can Someone Else Review my Case? (Appeals)

### 1. Introduction

A responding student may appeal the resolution specialist's decision for a violation based on the criteria listed in I.2. of this document. All appeals must be made in accordance with procedures outlined in this section. The Honor Code Appeal Board will review the case file, the written appeal, and supporting documentation received by the deadline set in the student outcome letter. The appeal is the final step in the resolution process.

An appeal does not provide a second or new ("de novo") review of the resolution. The review on appeal will be based on the existing record, or new information provided per I.2.a.ii, below. The information provided to the Honor Code Appeal Board in the responding student's request for appeal and information the resolution specialist may present regarding the rationale for the decision will be used to render an appeal decision. Deviation from any of the process or procedures in this document will not invalidate a proceeding or decision or be a basis for appeal except where such deviation has clearly resulted in significant prejudice to a responding student or complainant.

A responding student may file an appeal by electronically submitting a request for appeal form, available on the Honor Code website. **Appeal request forms must be written and submitted by the responding student.** Appeal request forms submitted by another on behalf of the responding student will not be considered.

## 2. Appeal Criteria

- a. A responding student may appeal based on one or more of the following grounds:
  - i. The established procedures were not followed in a significant way, and, as a result, the factual findings, the resolution outcome, or both were not correct.
  - ii. There is new information that would have been material to the resolution, had the information been presented at the resolution meeting.  
*The new information must be included with the responding student's request for appeal. In addition, the responding student must show that the new information was not known or otherwise available to the responding student at the time of the original resolution meeting.*
  - iii. The resolution outcome imposed was not proportional based on the nature of the violation or the circumstances.  
*Students may only appeal based on this criterion when assigned suspension or expulsion.*

### **Disagreement with the resolution is not grounds for appeal.**

Appeal forms may be completed online here: <https://www.colorado.edu/sccr/sanctions-and-appeals>.

- b. Unless the welfare of an individual, group, or the community is threatened, the resolution outcomes imposed will not go into effect until either the deadline for filing an appeal passes and no appeal is filed, or if a timely appeal is filed, and the appeal is decided, whichever comes first.
- c. An appeal must be filed by the date specified in the original resolution letter from SCCR. If a responding student files an appeal, they will be informed of the outcome when the appeal process has been completed. An appeal will only be considered if it includes the request to appeal form, the responding student's criteria for appeal, and rationale for appeal. It is the responding student's obligation to provide all materials they wish to have considered at the time of appeal submission. Subsequent information and/or revisions to the appeal will not be accepted.
  - i. The Director of SCCR, or their designee, will make the decision as to whether these conditions have been met. If these conditions are met, the Appeal Board will review the case.
  - ii. The Appeal Board shall not obtain new information from the responding student, the reporting party, or any witnesses.  
*Responding students must provide the new information at the time of appeal submission.*
  - iii. Review of the outcome shall be on the record of the contents of the responding student's file alone unless the basis of the appeal is new information not available at the time of the hearing.  
*All new information to be considered must be submitted with the appeal form.*

## 3. Honor Code Appeal Board

- a. The Director of SCCR, or their designee, in consultation with the Chair of the Boulder Faculty Assembly, or designee, shall appoint the Honor Code Appeal Board members. Board members shall have no prior involvement with the resolution through SCCR. The Board shall only consider information contained in the file that is transmitted to the appeal officer; however, the board may request clarification of the decision rendered by the resolution specialist. Any board member who believes they are unable to be an objective participant for a given appeal is expected to remove themselves from the board for the particular appeal.
- b. The board shall consist of three members, at least one member must be a CU Boulder faculty member. When feasible, a student will serve as one of the three voting members. One member of the board will serve as the Lead Appeal Reader (LAR). The LAR must be a staff or faculty member and is responsible for management of the board.
- c. The board will review the responding student's appeal and decide on an action, as outlined in I.3.d, by a majority vote. The LAR will compose and submit an Appeal Decision Letter to the responding student.
- d. **Actions Available to the Appeal Board:**  
The board shall have the authority to:
  - i. Affirm the initial resolution and outcomes.

- ii. Find that improper procedures were used to the significant prejudice of the responding student. In this case, the board can refer the case back to the resolution specialist with a recommendation on how to correct the procedures. The resolution specialist may, but is not required to, make a new decision. The responding student may then submit another request for appeal if the responding student again has grounds to appeal after the new resolution.
- iii. Reduce or increase the resolution outcomes, if the board determines that the resolution outcomes imposed were too severe or too lenient, given the nature of the violation and/or the circumstances. A resolution outcome should not be increased or decreased unless there is compelling justification to do so. Merely disagreeing with the decision of the resolution specialist is not a compelling justification.
- iv. Find that (a) the responding student has presented information that would have been material to the outcome of the case, had the information been presented at the responding resolution meeting, and (b) the information was not known to the person appealing at the time of the original resolution meeting. In this event, the board will refer the responding student back to the resolution specialist for reconsideration in light of the new information.

**Honor Code Process Appeals may not affect Academic Sanctions.** Students may request a review of their Academic Sanctions by contacting the department/college Chair or Dean.

## J. How are Honor Code Records Maintained and Protected? (Records & Refunds)

### 1. Record Retention

SCCR maintains Honor Code records in with federal and state law and CU Boulder policy. Records are retained for five years after the date on the resolution letter, unless otherwise stated within the Honor Code. In cases that involve serious threats of violence, suspension, or expulsion, records are kept indefinitely. For incidents involving sexual misconduct, protected class discrimination or harassment, or related retaliation, records are retained by the Office of Institutional Equity and Compliance. See <https://www.colorado.edu/oiec/policies> for additional information.

#### a. Sealing of Honor Code Record

SCCR typically expunges formal student honor code records 5 years after a final resolution letter is provided to a responding student, except as outlined above. Requests to have records sealed earlier by SCCR through written petition from the responding student by completing and submitting the “Request to Seal Honor Code Record” form found here: <https://www.colorado.edu/sccr/honor-code>.

For the purposes of this document, “sealed” means that files will be labeled as “sealed” and the record and underlying information in the record shall not be disclosed to external third parties by SCCR, except as required by law such as a subpoena or court order. However, these records will be maintained internally and may be utilized for university academic integrity purposes until expunged, if applicable.

Factors to be considered in review of the request include:

- i. The eligibility of individual Honor Code records to be sealed. Honor Code records are subject to the Honor Code in place at the time of the violation.
- ii. The responding student’s Honor Code record as a whole.
- iii. The responding student’s conduct after the violation.
- iv. The nature of the violation(s) including, but not limited to, the severity of the violation, harm, or other impact resulting from the violation(s).
- v. Whether all resolution outcomes have been completed as directed or not, including probation or suspension.
- vi. The person’s responses to the requested questions and other provided information.

The Director of SCCR, or their designee, will make the final determination if a sealing request is approved. The decision is final and is not appealable.

Honor Code records created less than one year from the date of the final resolution letter shall not be sealed without compelling justification. The decision is final and is not appealable.

Further violations of the Honor Code may result in an approved, sealed record being reversed.

## 2. Request to Inspect Records

Responding students have the right to inspect and review education records to the extent that it includes information directly related to them. To do so, responding students must submit a request to inspect records form, available on the SCCR website. SCCR will comply with a request for access within a reasonable time, not to exceed 45 days. Arrangement shall be made for the responding student to review their records in the presence of a staff member in SCCR.

Please be advised that SCCR does not permit the copying of these records through any medium including, but not limited to screenshots, videos, or photos, does not allow the education records to be removed from our offices, does not allow unauthorized individuals to inspect education records, and the records may have certain information redacted pursuant to law.

Notwithstanding the above, pursuant to Section F.11., prior to the resolution specialist's decision in a formal resolution process, and if not already provided, responding students may request to know the names of any witness or reporting party, and have access to review and respond to the relevant information any such individuals have provided to resolution specialists.

## 3. Process Recordings

CU Boulder may audio record and/or video record any SCCR processes. The responding student must obtain permission from the resolution specialist to audio record and/or video record any resolution processes. Any audio or video record that is made by CU Boulder may be listened to by the responding student, but not copied, and will be kept for as long as described in Section J.1.

## 4. Disciplinary Holds

While a resolution process is pending, CU Boulder may place an ethics hold on the responding student's records. The ethics hold is honored by CU Boulder, including Continuing Education, and prohibits the responding student from registering for classes until a resolution process, including the review procedure if requested, has been completed.

### a. Ethics Hold

An ethics hold may also be placed if a responding student fails to complete assigned resolution outcomes, which has the same impact on a responding student's records and registration as described above. **The ethics hold will not be removed until all resolution outcomes are completed.**

### b. Suspension Hold

If a resolution process results in suspension, a suspension hold will be placed on a responding student's record. A suspension hold is honored by all University of Colorado campuses, including Continuing Education programs, and prohibits a responding student from being admitted to any of the campuses until the suspension period is over and the responding student has reapplied and has been readmitted.

### c. Expulsion Hold

If a resolution process results in expulsion, an expulsion hold will be placed on a responding student's record. An expulsion hold is honored by all University of Colorado campuses, including Continuing Education programs, prohibits a responding student from being admitted to any of the campuses, and from registering for classes. ***This hold is permanent and will not be removed from a student's record.***

## 5. Refund Policy After Disciplinary Action

If a responding student is suspended or expelled from CU Boulder, assessment or refund of tuition and fees are made in the same way as when a responding student voluntarily withdraws.

See the Office of the Registrar (<http://www.colorado.edu/registrar/>, 303-492-6970, or Regent Administrative Center room 101, 20 UCB).

The date used for determining the amount due will be the effective date of the suspension or expulsion, as determined by the resolution specialist.

#### 6. **Access and Disclosure of Conduct Information**

Provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) govern access to a responding student's educational records, including those related to honor code maintained by SCCR, and information from within those records. Under FERPA, SCCR student information and records are available to CU Boulder officials or offices with a "legitimate educational interest" meaning they have a need to know to do their work for CU Boulder.

Notations of disciplinary action on the responding student's transcript will be made only by SCCR. Expulsion will be permanently noted on the academic transcript. Suspension is noted on the transcript during the period of suspension and/or until the conditions for readmission have been met.

Under FERPA, SCCR has discretion regarding whether to allow parent(s) who provide proof that a student is a dependent, as defined in Section 152 of the Internal Revenue Code of 1954, to have access to their child's student information. A copy of the last federal income tax return listing the student as a dependent may serve as proof of dependency and may allow the parent(s) access to the student's educational record without written consent of the responding student. In this case, parents may also have access to the student's SCCR file. Regardless, nothing here or under FERPA, requires SCCR to inform parents and SCCR reserves the ability to use its discretion to determine whether it is appropriate under the circumstances to inform parents.

The Director of SCCR, or designee, may determine that a report to the police may be warranted based if there is an emergency or safety issue. Staff will consider this on a case-by-case basis, taking into account the totality of the circumstances pertaining to a threat to the health or safety of the student or others when making this determination.

In absence of health or safety emergency, disclosure of student information to third parties outside CU Boulder, other than parents, including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies, except CU Boulder contractors with legitimate educational interest, generally requires appropriate written permission from the student. A student can grant permission to any third party by completing the Authorization for Release of Information form, available on the SCCR website.

An exception to the foregoing is information that must be released pursuant to a lawfully issued subpoena or court order, and as otherwise required by law.

#### 7. **Redisclosure of Information**

Individuals who are authorized to receive student information are prohibited from further disclosing/releasing such information, unless expressly permitted by law. Violation of this prohibition could result in alleged policy violations under this document or other appropriate action.

## **K. What Action can SCCR Take in Addition to a Resolution Process?**

### **(Interim Measures & Directives)**

The Vice Chancellor for Student Affairs, the Dean of Students, the Director of SCCR, or any of their designee(s), have the authority to assign directives and interim measures to a responding student when, in the sole discretion of such official, the responding student's alleged prohibited conduct imposes the potential for continuing threat to persons or property or ongoing threat of disrupting academic progress.

#### 1. **No Contact Directive**

The Director of Student Conduct & Conflict Resolution, or their designee, has discretion at any point during an Honor Code resolution process, formal or informal, to assign a no contact directive, including after a decision has been made, regardless of finding. When a responding student is issued a no contact directive, the responding student may request to meet with a resolution specialist to discuss the factors of the no contact directive or to request that SCCR lift the no contact directive. These directives will remain in effect for the duration of a resolution process and until otherwise notified by the Director of SCCR or their designee.

If a responding student is assigned a no contact directive, they are prohibited from having any contact with the person(s) as described in the notice. Contact includes, but is not limited to, direct contact, and all forms of communication, extending to email, social media sites, phone, texting, or any contact initiated through a third party.

Failure to abide by the no contact directive may result in the resolution specialist issuing a Resolution Meeting Notice for an alleged violation of the Student Code of Conduct and subject the responding student to resolution outcomes. Any retaliatory contact directed toward any person connected to a resolution process is prohibited as described in the Student Code of Conduct, may result in the resolution specialist issuing a Resolution Meeting Notice, and subject the responding student to resolution outcomes.

### 3. **Class Exclusion**

Exclusion from entering any CU Boulder class, either virtual or in-person, in absence of prior written permission of the Director of SCCR or their designee.

When a responding student is excluded from a CU Boulder class, that responding student may only enter the CU Boulder class for limited periods and specific purposes with the written permission of the Director of SCCR or their designee. Should the responding student access the CU Boulder class without permission, the responding student may be subject to law enforcement action and/or an alleged violation of the Student Code of Conduct.

### 4. **Additional Interim Measures** include:

- a. Interim Exclusion
- b. Interim Transcript Notation
- c. Interim Registration Hold
- d. Interim Degree Hold

## **L. My Concern Is Not Included in the Student Honor Code. What Resolution Resources are Available to Me? (Sexual Misconduct, Protected Class Discrimination and Harassment, Student Conduct, Classroom Behavior)**

### 1. **Student Conduct**

Referrals involving student conduct – *not* including academic misconduct, sexual misconduct, protected class discrimination and harassment, and any related retaliation – are heard under the Student Code of Conduct Policies and Procedures. For more information, contact Student Conduct & Conflict Resolution at [studentconduct@colorado.edu](mailto:studentconduct@colorado.edu) or visit the following website: <https://www.colorado.edu/sccr/student-conduct>.

SCCR staff may defer consideration of a pending Student Conduct referral if another campus disciplinary or investigative process is more appropriately suited to the alleged policy violations. At the conclusion of such other processes, the resolution specialist shall determine whether to re-open its investigation or close the Student Conduct referral.

### 2. **Office of Institutional Equity & Compliance (OIEC)**

Referrals involving sexual misconduct (including sex assault, sexual harassment, sexual exploitation, intimate partner violence, and gender/sex-based stalking), protected class discrimination and harassment, and any related retaliation are subject to the OIEC Process and Procedures: <https://www.colorado.edu/oiec/policies>.

For more information about these policies and procedures, contact the OIEC at (303) 492- 2127 or <https://www.colorado.edu/oiec>.

In the event that there are potential, multiple alleged policy violations involving OIEC Processes and Procedures and the Student Honor Code, the OIEC, and SCCR shall have the discretion to determine the most appropriate way to proceed.

Options include:

- a. concurrent investigations;
- b. joint investigations;
- c. deferring to the findings of one office; or
- d. using the investigation and findings of one office as the basis of further investigation by the other.

### 3. **Classroom Behavior**

For information about classroom behavior, see the following website: <http://www.colorado.edu/policies/student-classroom-and-course-related-behavior>.

## **M. Dismissal or Withdrawal of Honor Code Referrals**

A pending Honor Code referral may be dismissed if the Office of Institutional Equity and Compliance (OIEC) finds discrimination or harassment was a motivating factor for the referral if the resolution specialist determines that no violation occurred. SCCR and OIEC will work in coordination on an individualized review basis to determine the best course of action when an Honor Code referral is connected to an OIEC referral.

A reporting party may request to withdraw a pending Honor Code referral up until a resolution is issued. The final decision to dismiss the referral is the sole discretion of SCCR staff.

SCCR staff may defer consideration of a pending Honor Code referral if another campus disciplinary or investigative process is more appropriately suited to the charges. At the conclusion of such other process, the resolution specialist shall determine whether to re-open its investigation or close the Honor Code referral.

© 2022 The Regents of the University of Colorado

The University of Colorado Boulder does not discriminate on the basis of race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities.

In accordance with CU Boulder's commitment to sustainability, this booklet's paper stock and ink selections were made in support of renewable energy and environmental stewardship.