



# UVA WISE

UNIVERSITY *of* VIRGINIA'S COLLEGE *at* WISE

## The University of Virginia's College at Wise Honor System

The University of Virginia's College at Wise adopted an Honor System in 1956 under which all students pledge to cooperate in acting honestly and honorably. The Honor System is administered by the Honor Court composed of two (2) representatives from each class. Upper-class representatives are elected by the student body each spring, and freshman representatives are elected after the start of the fall semester. It is the job of the Honor Court to enforce the Honor System and to adjudicate violations.

### CONSTITUTION<sup>1</sup>

We, the students of The University of Virginia's College at Wise, to ensure trust among ourselves, faculty, staff and community-at-large, do hereby institute this Honor System at The University of Virginia's College at Wise. It is to be understood that this system is student-administered and serves as a vital component of the standards of conduct. The Honor System is designed to address inappropriate behavior arising in the academic realm of student life. The University of Virginia's College at Wise Honor System (hereinafter referred to as the Honor System) is established in accordance with these articles.

### ARTICLE I: PURPOSE

**A.** The Honor System of The University of Virginia's College at Wise requires honorable behavior in the academic realm and expects that a student shall act honorably in all phases and relations of student life. Violations of the Honor System include:

- 1. LYING:** Lying shall include, but is not necessarily limited to, the intentional statement of an untruth made with deliberate intent to mislead another about other than trivial matters. Forgery and willful false testimony shall be considered acts of lying.
- 2. CHEATING:** Cheating shall include, but is not necessarily limited to, giving aid to any student or receiving aid without the consent of the instructor on tests, quizzes, lab exercises, assignments or examinations. Unauthorized possession of academic material, work for hire, and purchased work shall be considered acts of cheating.
- 3. STEALING:** Stealing shall include, but is not necessarily limited to, taking anything of academic value that belongs to another without right or permission. Plagiarism is an act of academic stealing and is considered a violation of the Honor System. Tampering with records and accessing unauthorized academic material shall be deemed acts of stealing.

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<sup>1</sup> Ratified by the UVA Wise student body on **01 May 2023**

**B.** The Honor Pledge shall read: I certify on my honor as a student of The University of Virginia's College at Wise that I have neither received nor given aid on the \_\_\_\_\_.

**C.** Ignorance of the above statements and Honor Pledge shall not constitute a defense for a violation of the Honor System.

## **ARTICLE II: MEMBERSHIP**

### **Section 1**

The authority of the Honor System is vested in The University of Virginia's College at Wise Honor Court (hereinafter referred to as the Court) by the Board of Visitors of the University of Virginia.

### **Section 2**

**A.** The Court shall consist of two (2) members from each of the four (4) academic classes (freshman class, sophomore class, junior class, senior class).

**B.** These members shall be elected in the following manner. By the end of the third week of April, elections for two (2) representatives to the court from each of the sophomore, junior, and senior classes for the following year shall be held. Their terms shall begin on the first day of June. By the end of the third week of September, two (2) representatives from the freshman class shall be elected. Their terms shall begin immediately. Only members of the respective classes shall vote for the representatives from their class.

**C.** The Court will have the right to elect up to two (2) sitting members from the current Court to continue on the Court for the following year. When a person is elected in this manner, the representatives for that academic class elected in the general election shall be reduced by one (1).

### **Section 3**

**A.** Before any student may become a candidate for a position on the Court, the student must sign a declaration of candidacy to be filed with the Provost and Vice Chancellor for Academic Affairs of The University of Virginia's College at Wise no later than five (5) school days prior to the election day.

**B.** In the event that not enough students file declarations of candidacy, two (2) candidates for each vacancy will be designated by the Chairperson of the existing Court with the concurrence of the majority of that Court to be a candidate in the general election.

**C.** All candidates for positions on the Court must be in good standing with the College and have a minimum **GPA of 2.5 at the time of election and throughout their term in office**. Failure to maintain good standing or the minimum GPA will result in immediate removal from the Court. Vacancies on the Court are filled according to Art. II, Sect. 9. Para. A.

**D.** Absences from Court proceedings must be excused in advance by the Chair. Any member's unexcused absence will require that member to immediately resign from the Court.

**E.** For just cause, the Court shall have the power to remove a sitting member by a three-quarters (6 member) vote of the Court.

#### **Section 4**

A plurality of votes is necessary for election of each representative to the Court.

#### **Section 5**

The Chairperson shall be elected by a majority vote of the existing Court members in April. The Chairperson shall be a returning member of the Court. The Chairperson shall serve a twelve (12) month term.

#### **Section 6**

**A.** An Honor Advocate, hereafter referred to as the Advocate, shall be chosen by the Court from the student body at large. The Advocate shall be elected by a three-quarters (6 members) majority vote of the Court.

**B.** The Advocate's duties will be to act as counsel for the student body in cases involving alleged violations of the Honor System.

**C.** The Advocate shall have the power to select an assistant from The University of Virginia's College at Wise student body with the approval of the Chairperson of the Court to aid in confidential investigations of alleged violations.

**D.** The Advocate shall have the power to subpoena any member of The University of Virginia's College at Wise student body and request the testimony of others. Request for subpoena should be submitted to Dean of Student Success. Failure to comply with a subpoena will be considered a violation of the standards of conduct. The Chairperson may grant exceptions.

**E.** The Advocate shall have the power to examine and/or subpoena any material evidence relating to the alleged violation.

**F.** For just cause, the Court shall have the power to remove the Advocate by a three-quarters (6 member) vote of the Court.

#### **Section 7**

**A.** A Counselor for the student, hereafter referred to as the Counselor, shall be chosen by the Court from the student body at large. The Counselor shall be elected by a three-quarters (6 members) vote of the Court.

**B.** The Counselor's duties shall be to act as counsel for the accused student in all cases involving alleged violation(s) of the Honor System.

**C.** The Counselor shall have all powers that are delegated to the Advocate except for the power to charge granted to the Advocate in Art. III, Sect. 1, Para. C.

**D.** The Counselor shall have the power to select an assistant from The University of Virginia's College at Wise student body with the approval of the Chairperson of the Court.

**E.** For just cause, the Court shall have the power to remove the Counselor by a three-quarters (6 member) vote of the Court.

## **Section 8**

A quorum shall consist of four (4) of the voting members of the Court.

## **Section 9**

**A.** When a vacancy occurs on the Court, the Chairperson shall nominate a qualified student to the vacant seat, subject to a vote by half of the Court membership.

**B.** If a vacancy occurs in the position of Chairperson of the Court, a new Chairperson shall be elected by a majority vote of the members of the Court. If a temporary vacancy arises in the position of Chairperson of the Court, the Court by a majority vote of its members shall appoint a temporary Chairperson.

**C.** If a temporary vacancy occurs in the position of Advocate and/or Counselor, the vacancy shall be filled in accordance with Art. II, Sect. 6 and 7.

## **Section 10**

The Court shall complete an adequate training period before its first hearing. When a temporary Court is empaneled due to an appeal, Art. V Sect. 2, it shall also complete an adequate training period before the hearing.

## **Section 11**

The Honor Court Advisor Committee shall be appointed by the Provost and Vice Chancellor for Academic Affairs. Its role is to work in conjunction with the Court, the Provost, and Vice Chancellor for Academic Affairs insuring proper training of the Court and to advise on questions of procedure.

# **ARTICLE III: PRE-HEARING PROCEDURES**

## **Section 1**

**A.** The Honor System of The University of Virginia's College at Wise requires that students and all other members of The University of Virginia's College at Wise community notify the Advocate of knowledge or reasonable suspicion of any Honor System violation on the part of any member of The University of Virginia's College at Wise student body.

**B.** The alleged violation must be reported in writing to the Advocate within thirty (30) calendar days after the end of the academic session in which the alleged violation occurred.

**C.** If the Advocate finds sufficient evidence of a probable violation and that the accused student should be charged with an Honor System violation, the Advocate will make this finding known in writing to the Chairperson of the Court within fourteen (14) calendar days after the report of the alleged violation. Charging decisions for any violations reported to the Court after the final day of classes must be reported to the Chairperson within fourteen (14) calendar days after the Court is empaneled for the next academic semester, excluding summer sessions.

**D.** Within seven (7) calendar days after receipt of the alleged violation from the Chairperson, the Office of Academic Affairs shall notify the accused student in writing of the charge(s) and inform the student of the right to a hearing.

**E.** At the same time that written notice of the alleged violation(s) charged is provided to the student, the Office of Academic Affairs will also provide the contact information of the Counselor and the hearing procedures.

**F.** Upon being informed of the charges, the accused student shall either voluntarily withdraw from The University of Virginia's College at Wise or request a hearing within fourteen (14) calendar days. If a hearing is requested, the Chairperson of the Court will set a hearing date.

**G.** If the accused student chooses to voluntarily withdraw from the College prior to a hearing, the Chairperson shall notify the Provost of the withdrawal. The Provost shall notify the Admissions Office that the accused student withdrew with charges pending.

**H.** If the accused student does not request a hearing before the Court within fourteen (14) calendar days or fails to appear at a scheduled Court hearing, after being notified in writing of the alleged violation(s) of the Honor System, then, in the absence of a continuance by the Chairperson, the Provost may administratively withdraw the accused student from enrollment at The University of Virginia's College at Wise.

## **Section 2**

**A.** Any student who is accused of a violation of the Honor System shall have the right to student counsel by the Honor Court's Counselor or one chosen by the accused student. Counsel chosen by the accused student must be a current member in good standing of the student body of The University of Virginia's College at Wise.

**B.** An accused student shall not be compelled to testify, nor shall the student be tried twice for the same violation, except as stated in Article V.

**C.** All material evidence from the Advocate and Counselor must be turned in to the Chairperson at least five (5) calendar days prior to the scheduled hearing.

**D.** To ensure a just outcome, only those justices who are unbiased shall hear cases. If the accused student, the Advocate or other involved parties reasonably believes a voting member of the Court to be biased, the accused, Advocate, or other involved parties must present a written statement to the Court stating the reasons.

**E.** Allegations of bias against more than one (1) voting Court member shall be considered separately. A voting Court member may be declared biased by a majority vote of the members of the Court (excluding the member of the Court alleged to be biased).

**F.** If a Court member is found to be biased by the Court, the Court shall remove the biased member from the case. If the Chairperson is found to be biased, the Court shall select a present member to preside over the hearing by a majority vote.

**G.** If more than three (3) members of the Court are removed, then the Chairperson shall select qualified students from the student body to fill the vacancies.

**H.** An accused student shall have the right to present not more than two (2) character witnesses in the hearing.

**I.** With the consent of the accused student, spectators may be present at the hearing. Spectators, except witnesses, shall take no part whatsoever in the hearing and may be removed by a majority vote of the Court for good cause.

## **ARTICLE IV: HEARING PROCEDURES**

### **Section 1**

- A.** For the Court to convene and hear an alleged Honor System violation five (5) members must be present at the beginning of the hearing. A minimum of three (3) voting members must hear the case after any removals for bias.
- B.** All testimony in the Court hearing shall be recorded.
- C.** In the event of a finding of an Honor System violation, the record of the hearing shall be kept in the custody of the Office of Academic Affairs.
- D.** The accused student shall be presumed not responsible for a violation unless found responsible.
- E.** During the hearing, the accused student shall have the right to be present. The student or Counselor shall have the privilege of examining the witnesses in the case and shall be at liberty to present relevant evidence and testimony in defense of the alleged violation(s).
- F.** If the accused student chooses not to appear or to remain silent, this absence or silence shall not be deemed as an admission of responsibility.

### **Section 2**

- A.** After the presentation of evidence and summations of the Advocate and Counselor have been heard, the Court shall recess the hearing and deliberate in private; at which time a finding of responsibility of the accused shall be determined. The process of deliberation shall not be recorded.
- B.** A finding of responsibility for a violation can be decided only when all the voting members of the Court present are convinced beyond a reasonable doubt of responsibility for a violation by the accused student and so vote.
- C.** In the event of a finding of responsibility for a violation, the Court may sanction the responsible student in accordance Art. VI.
- D.** A simple majority vote shall be required to determine the sanction(s) to be imposed except for expulsion of the responsible student, in which event a unanimous vote of all present voting members of the Court present shall be necessary.
- E.** In the event of a finding that the accused is not responsible, the Court records of the proceedings shall be kept in the custody of the Office of Academic Affairs.
- F.** Deliberation may be suspended under necessary conditions.

### **Section 3**

- A.** A public announcement of the number of cases and their disposition shall be made by the Chairperson of the Court through electronic communication to the College community at the end of each semester.
- B.** In the event of a finding of responsibility and expulsion from The University of Virginia's College at Wise, the student's transcripts shall note expulsion.
- C.** Failure to comply with sanctions, as determined by the Office of Academic Affairs, may result in suspension for one full semester, excluding summer semesters.

## **ARTICLE V: APPEALS PROCESS**

### **Section 1**

- A.** A hearing resulting in the finding of responsibility may be reopened only upon written request of the accused within fourteen (14) calendar days of the initial hearing. The request must be accompanied by the presentation in writing of new and recently discovered evidence bearing directly upon the question of responsibility.
- B.** Involved parties seeking to reopen a case shall then appear before the Court and state the nature of the recently discovered new evidence.
- C.** The Court shall then determine whether the evidence is sufficiently relevant to warrant a new hearing. If a case is reopened, it shall be retried *de novo*.

### **Section 2**

- A.** A hearing may be declared invalid by the Provost of The University of Virginia's College at Wise for procedural error only.
- B.** If a hearing is declared invalid, the Provost shall direct the Registrar of The University of Virginia's College at Wise, who will at random select eight (or more if needed) full-time students from The University of Virginia's College at Wise student body to hear the case *de novo*.
- C.** Any student selected to hear the case may, on motion of the Counselor or Advocate, be disqualified for just cause shown. The finding of just cause to disqualify shall be determined by the Chairperson of the Court. This procedure shall continue until eight students are chosen. These students shall constitute the Court and will conduct a new hearing and make findings and impose sanctions in accordance with the procedure set forward in Article IV. The Chairperson of the Court shall preside over the new hearing.

## **ARTICLE VI: CLASSIFICATION OF OFFENSES AND SANCTIONS**

### **Section 1**

The Honor System classifies offenses into one of three categories (Class I - III) depending upon the severity of the offense and the circumstances of its occurrence:

- A.** Cases involving lying, cheating, and stealing are Class II offenses.
- B.** Offenses may be elevated one class when one or more of the following is present:
  - 1. any prior violation of the Honor System;
  - 2. endangering another student or faculty member;
  - 3. threatening personal harm to another student or a faculty member;
  - 4. recruiting another student to violate the Honor System;
  - 5. premeditation;
  - 6. unauthorized use of sensitive information in the commission of a violation;
  - 7. Aggravating circumstances.
- C.** Offenses may be reduced one class if one or more of the following is present:
  - 1. first-year student;
  - 2. first-semester transfer student;
  - 3. extenuating circumstances.

## **Section 2**

Each classification carries sanctions which may be imposed on individuals found responsible for violating the Honor System. The sanctions associated with each class of offense are as follows:

**Class I:** Honor System probation and 1-10 hours of College service.

**Class II:** Honor System probation and 10-25 hours of College service.

**Class III:** Honor System probation and one semester suspension (excluding summer), two semesters of suspension (excluding summer), or expulsion from the College.

## **ARTICLE VII: AMENDMENTS AND RATIFICATION PROCESS**

### **Section 1**

Amendments to this constitution may be proposed by any student of The University of Virginia's College at Wise. The Court must approve any new amendments by a majority vote. Upon the approval of the Court, the amendments will be linked on the College website homepage for at least ten (10) consecutive school days prior to the scheduled election day. On the scheduled election day, The University of Virginia's College at Wise student body shall vote on the amendment(s) by secret ballot. The amendment(s) shall be adopted if ratified by a simple majority of the voting students of The University of Virginia's College at Wise.

### **Section 2**

The ratification and establishment of this Constitution shall require approval by not less than a simple majority of The University of Virginia's College at Wise student body voting.

### **Section 3**

This Constitution shall succeed the Constitution of the Honor System written in the 1979 and all subsequent versions and shall take effect the day after the end of the semester in which it was ratified by the student body of the University of Virginia's College at Wise.



## **Appendix 1: Definitions**

- 1. Work for hire:** Giving or receiving compensation or any other thing or service of value in exchange for preparation of work submitted.
- 2. Purchased work:** Turning in, as one's own assignments, work which was obtained in return for compensation or any other thing or service of value.
- 3. Tampering with records:** Tampering with records includes, but is not limited to, the fraudulent alteration of such official College records as grade reports, transcripts, and computerized student records, or attempts thereof.
- 4. College service:** This consists of assigned work in service to the College community or outside of the College community, based on location. The Honor Court will assign the student to a College department and supervisor who will in turn monitor the student's performance and verify to the Honor Court that the sanction has been fulfilled. No monetary remuneration will be permitted for the work associated with the sanction. Failure to complete the College service at the time prescribed by the Honor Court will result in administrative withdrawal from the College.
- 5. Endangerment:** The probability that an innocent student is exposed to academic harm or injury as the result of another Honor System violation or the probability that a faculty or staff member's career advancement might be adversely affected by an Honor System violation.
- 6. Premeditation:** Preparation to commit an act before it is carried out.
- 7. Unauthorized entry:** Entering any faculty or staff residence, workplace, office or administrative and academic files and records (whether file cabinets or computers) or any other student's personal property (whether residence, notebooks, or computer files) without permission or authority. It need not be proven that permission or authority was required.
- 8. Probation:** Honor System probation begins immediately after the conclusion of the student's hearing and lasts until completion of the sanction set forth by the Honor Court. While on probation a student may be excluded from optional or extracurricular College activities.
- 9. School day:** A school day is defined as a day in which on campuses classes are held for the general student body of The University of Virginia's College at Wise.
- 10. Empanelment term:** From the date on which all open positions on the Court are filled through the final day of class in the Spring semester.