



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 an Honor Court composed of two representatives from each class. Upperclass 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. The Honor Court office and conference room are located in the Student Leadership Center on the third floor of the C. Bascom Slemp Student Center.

CONSTITUTION

WE, the students of The University of Virginia's College at Wise, in order to insure a position of 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 completely student-administered and serves as a vital component of the comprehensive 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) will be established in accordance with these articles.

ARTICLE I: PURPOSE

A. The Honor System of The University of Virginia's College at Wise expects that a student shall act honorably in all phases and relations of student life. It requires honorable behavior in the academic realm. Violations of the Honor System shall 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.¹
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

¹ Revised May 2, 2019

exercises,² assignments or examinations. Unauthorized possession of academic material, work for hire, and purchased work shall be considered acts of cheating.³

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.⁴

4. COLLUSION: Any student who knowingly or intentionally helps another student perform any, but not limited to, of the following acts of cheating, lying, or stealing is subject to discipline for academic dishonesty.⁵ Work for hire shall be considered acts of collusion.⁶

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 judicial power 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 members from each of the four academic classes (freshman class, sophomore class, junior class, senior class).

B. These members shall be elected in the following manner. By the third week of April, elections for two 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 third week of September, two 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 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.

² Revised April 15, 2016

³ Revised April 15, 2016

⁴ Revised April 15, 2016

⁵ Revised March 9, 2015

⁶ Revised May 2, 2019

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 Affairs⁷ of The University of Virginia's College at Wise no later than five school days prior to the election day.

B. In the event that not enough students file declarations of candidacy, two 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 terms in office.**

D. No member of the Court shall be granted any unexcused absences. Should a member's absence be deemed unexcused, he or she shall resign their membership on the Honor Court.⁸

Section 4

A plurality of the vote 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 have the same voting privileges as the other members of the Court. The Chairperson shall be a returning member of the Court. The Chairperson shall serve a twelve (12) month term.⁹

Section 6

A. A prosecutor shall be chosen by the Court from the student body at large. The prosecutor shall be elected by a two-thirds majority vote of the Court.

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

C. The prosecutor 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 prosecutor 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 the Academic Affairs Associate in the Office of Academic Affairs.¹⁰ Failure to

⁷ Title corrected Oct. 26, 2012

⁸ Revised May 2, 2019

⁹ Revised May 2, 2019

¹⁰ Correction made Oct. 25, 2012 (formerly Office of Student Affairs)

comply with a subpoena will be considered a violation of the standards of conduct. The Chairperson may grant exceptions.

E. The prosecutor 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 prosecutor by a two-thirds vote of the Court.

Section 7

A. A defender shall be chosen by the Court from the student body at large. The defender shall be elected by a two-thirds majority vote of the court.

B. The defender's duties shall be to act as counsel for the accused students in all cases involving alleged violation of the Honor System.

C. The defender shall have all powers that are delegated to the prosecutor except for the investigative powers granted to the prosecutor in Art. III, Sect. I, Para. C and D.

D. For just cause, the Court shall have the power to remove the defender by a two-thirds vote of the Court.

E. The Counsel for the Defense 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 defense counsel for the accused student.¹¹

Section 8

A quorum shall consist of five of the existing 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 two-thirds vote of the Court.

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. Any vacancies that occur during the summer sessions shall be temporarily filled in accordance with Sect.9, Para. A.

D. If a temporary vacancy occurs in the position of prosecutor and/or defender, the vacancy shall be filled in accordance with Art.II, Sect. 6 and 7.

¹¹ Revised May 2, 2019

Section 10

The Court shall complete an adequate training period before its first hearing. Mistrial Courts shall also complete an adequate training period before the hearing.

Section 11

The role of the Honor Court Faculty Advisor shall be to work in conjunction with the Court and the Provost and Vice Chancellor for Academic Affairs insuring proper training of the Court and to act as an advisor on questions of procedure. The Court shall annually recommend to the Provost and Vice Chancellor for Academic Affairs a faculty member to serve as Honor Court Advisor.

ARTICLE III: PRE-HEARING PROCEDURES

Section 1

- A. To insure the rights of all involved parties, the basic tenets of due process shall be observed.
- B. 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 cooperate by notifying the prosecutor of the Court of knowledge or suspicion of any Honor System violation on the part of any member of The University of Virginia's College at Wise student body.
- C. The alleged violation must be reported to the prosecutor within 30 business days upon the end of the academic session in which the alleged violation occurred.¹²
- D. If the Counsel for the Prosecution finds sufficient evidence of a probable violation and that the accused student should be charged with an Honor System violation, the prosecutor will make this finding known in writing to the Chairperson of the Court within five (5) business days of the reported violation.¹³
- E. Upon receipt of the alleged violation and evidence from the Chair, the Office of Academic Affairs shall then inform the accused student by notifying the student in writing of the charge(s) filed against the student; inform the student of the right to a hearing and the hearing date. The Chair of the Court will set a hearing date.¹⁴
- F. Upon receipt of the statement of the alleged violation(s) charged, the student will be given the contact information of the counsel for the defense. Hearing procedures shall be provided by the prosecutor to the accused student and the defender. The accused student shall then have the right to refuse counsel from the defender and may select another student as counsel. If the accused student requests a hearing, the student shall be given at least 15 business days to prepare his/her

¹² Revised March 9, 2015

¹³ Revised March 9, 2015

¹⁴ Revised May 2, 2019

case. All material evidence must be turned in to the Chairperson of the Court 5 days prior to the scheduled hearing.¹⁵

G. 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 five business days.¹⁶

H. 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 give notification to the Admissions Office that the accused student withdrew with charges pending.

I. If the accused student does not request a hearing before the Court within five business days or fails to appear at a scheduled Court hearing, after being notified in writing of the alleged violation(s) of the Honor System, and the date of the Court hearing, and has not been granted a continuance by the Court Chairperson, then the Chancellor or Provost of The University of Virginia's College at Wise shall administratively withdraw the accused student from enrollment at The University of Virginia's College at Wise.¹⁷

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 defender or one chosen by the accused student. Counsel chosen by the accused student, however, shall be a student chosen only from 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. To insure that a just outcome is reached, only those justices who are unbiased shall sit at the hearing. If the accused student, the prosecutor or other involved parties believes a member of the Court to be biased the accused, prosecutor, or other involved parties must present a written statement to the Court giving the reasons why they believe a member of the Court to be biased.

D. Allegations of bias against more than one (1) Court member shall be considered separately. A 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).

E. If a Court member is found to be biased by the Court, the Chairperson of the Court shall remove the biased member from the case.

F. If the Chairperson is found to be biased, then he/she shall be banned from voting on the guilt or innocence of the accused student, or on any sanctions imposed. The Chairperson shall remain on the Court to preside over the hearing.

¹⁵ Revised May 2, 2019

¹⁶ Revised March 9, 2015

¹⁷ Revised March 9, 2015

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

H. In the instance that members are removed, and the Chairperson should also be deemed biased, the student's defense counsel and the counsel for the prosecution shall go to the Registrar of the University of Virginia's College at Wise, who will at random select students to serve as replacements.¹⁸

I. An accused student shall have the right to present not more than two (2) character witnesses in the hearing. With the consent of the accused student, spectators may be present at the hearing.

J. 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 seven (7) members must be present at the beginning of the hearing. A minimum of five (5) members must hear the case after any removals for bias.

B. The testimony of a 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 Chairperson of the Court and it shall be the Chairperson's responsibility to see that it is properly stored for three (3) years after the end of the academic year.

D. The accused student shall be presumed innocent unless proven guilty.

E. During the hearing, the accused student shall be present, unless the student is voluntarily absent from the hearing, 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 to remain silent, this silence shall not be deemed as an admission of guilt.

Section 2

A. After the presentation of evidence and summations of the prosecution and defense have been heard, the Court shall recess the hearing and deliberate in private; at which time the guilt or innocence of the accused shall be determined. The process of deliberation shall not be recorded.¹⁹

B. A finding of guilt can be decided only when all the members of the Court present are convinced beyond a reasonable doubt of the guilt of the accused student and so vote.

¹⁸ Revised May 2, 2019

¹⁹ Revised March 9, 2015

C. In the event of a finding of guilt, the Court may suspend the accused student temporarily or permanently expel the accused student or pronounce any other reasonable and lawful sanction the Court may deem proper. Sanctions begin immediately at the trial's conclusion.

D. A simple majority vote shall be required to determine the sanction(s) to be imposed except for expulsion of the accused student, in which event a vote of all the members of the Court present shall be necessary.

E. All votes to determine a finding of guilt or innocence and the sanction(s) imposed shall be taken by secret ballot.

F. In the event of a finding of not guilty, the Court records of the proceedings against the accused student shall be destroyed and the case shall be considered closed.

G. Deliberation may be suspended under necessary conditions.²⁰

Section 3

A. A public announcement of the decision(s) of the court may be made by the Chairperson of the Court through the College Newspaper at the end of each semester.²¹

B. In the event of a finding of guilt and expulsion from The University of Virginia's College at Wise, the student's record shall show 'enrollment discontinued.'

C. Failure to comply with sanctions will result in expulsion.

ARTICLE V: APPEALS PROCESS

Section 1

A. A hearing resulting in the finding of guilt may be reopened only upon written request of the defense within fifteen (15) business days of the initial trial. The request must be accompanied by the presentation in writing of new and recently discovered evidence bearing directly upon the question of guilt.²²

B. Involved parties seeking to reopen a case shall then appear before the Court and state the nature of the recently discovered new evidence.²³

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 entirely retried.

Section 2

A. A mistrial may be declared by the Chancellor of The University of Virginia's College at Wise for procedural error only.

²⁰ Revised May 2, 2019

²¹ Revised May 2, 2019

²² Revised May 2, 2019

²³ Revised May 2, 2019

B. If a mistrial is declared, the student's defense counsel and the prosecutor shall go to 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.

C. Any student selected to hear the case may, on motion of counsel for the defense or prosecutor, 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 SANCTIONS²⁴

Section 1. The Honor System classifies offenses into one of six categories (Class I - VI) depending upon the severity of the offense and the circumstances of its occurrence:

A. Cases involving lying, cheating, stealing, and collusion are Class II offenses.

B. Offenses may be elevated one class for each of the following:

1. any subsequent violation of the honor code,²⁵
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 Code,
5. premeditation,
6. unauthorized use of sensitive information in the commission of a violation, and/or
7. Aggravating circumstances.²⁶

C. Offenses may be reduced one class for each of the following:

1. first-year student, or
2. first-semester transfer student,
3. extenuating circumstances

Section 2. Each classification carries several sanctions, one or more of which may be imposed on individuals convicted of violating the Honor Code. The sanctions associated with each class of offense are as follows:

A. Class I

Honor System probation and 1-25 hours of College service.

B. Class II

Honor System probation and 26-50 hours of College service.

²⁴ Approved April 15, 2016

²⁵ Revised May 2, 2019

²⁶ Revised May 2, 2019

C. Class III

Honor System probation and 51-75 hours of College service.

D. Class IV

Honor System probation and one semester suspension (excluding summer).

E. Class V

Honor System probation and two semesters of suspension (excluding summer).

F. Class VI

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 posted in the College newspaper for two (2) consecutive weeks or posted prominently, in writing, in not fewer than three (3) public places for not fewer than ten (10) business days.²⁷ 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.²⁸

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.²⁹

Section 3

This Constitution shall succeed the Constitution of the Honor System written in the 1979 academic year and shall take effect August 14, 1995.

²⁷ Revised March 9, 2015

²⁸ Revised March 9, 2015

²⁹ Revised March 9, 2015

Appendix 1: Definitions³⁰

1. Business day: Any day in which the College is operating, excluding weekends.
2. Work for hire: Giving or receiving compensation in exchange for preparation of work submitted.
3. Purchased work: Turning in, as one's own assignments, work which was obtained in return for monetary or other compensation.
4. 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.
5. 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.
6. Endangerment: The probability that an innocent student is exposed to academic harm or injury as the result of another Honor Code violation or the probability that a faculty or staff member's career advancement might be adversely affected by an Honor Code violation.
7. Premeditation: Preparation to commit an act before it is carried out.
8. Unauthorized entry: Entering any faculty or staff residence, work place, 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.
9. 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 is considered not to be in good standing and may be excluded from privileged or extracurricular College activities.

³⁰ Approved April 15, 2016