By-Law Changes

March 27, 2016
Term Change: Advocate to Counsel

“Hearing Advocate” or “Advocate” shall mean the role of the support officer(s) whose primary responsibility on a given case is to assist in the presentation of Honor cases during hearings, as more particularly described in Section II.H. of these By-laws. The term “Advocate” shall be read to include advocates selected from the general student body, when the context so requires.

“Counsel” shall mean the role of the support officer(s) whose primary responsibility on a given case is to assist in the presentation of Honor cases during hearings, as more particularly described in Section II.H. of these By-laws. The term “Counsel” shall be read to include advocates selected from the general student body, when the context so requires.
Alternative Terms Research (Landon)

Case Administrator--William & Mary

Student Academic Integrity Fellow (SAIF)--Harvard

Case Coordinator or Case Coordinating Team--Wellesley College

Associate Justice--Virginia Tech
Support Officer Feedback (more on sheet)

49 responses, 40 supported change back to counsel, 9 wanted to keep it advocate

“Basically, it boils down to role differentiation. For those unfamiliar with the Honor system (especially international students), Advocate and Advisor could be confusing. Additionally, counsel is generally a more widely recognized term for fulfilling the role of Counsel/Advocate. The risk of making Honor sound too much like a court room is, in this case, exceeded by the possible confusion and semantics of the current advocate terminology.”

“Advocate seems to be a more clear term, while counsel may be a bit more blurry to the average UVA student, I think. "Advocates advocates FOR me, what does counsel do?" is the thought process I'd imagine many would have.”

“The term advocate, in essence, serves the opposite purpose of what the committee intended when they changed it from counsel. Advocate makes the job of the counsel appear more adversarial than it is and the word counsel portrays the job accurately since the support officer is counseling or offering advice to the student on how their case should be presented in a hearing.”

“I think Advocate captures the deeper meaning of what the role of counsel is: to advocate on behalf of the community/accused student at the hearing”

SEE EXCEL OUTPUT FOR MORE FEEDBACK.
PROPOSAL 1: Honor Leave of Absence Timeline for Degree Recipients

Current By-Law:

II. B. 7. Submission of IR by Degree Candidates; Submission of IR by University Graduates. If a student wishes to submit an IR in the year in which the student would otherwise graduate, he or she must submit a signed and completed IR Form to the Vice Chair for Investigations not later than the Wednesday before Final Exercises (or four (4) days before the applicable degree-conferral date in any semester other than the spring), or within the IR Period, whichever is sooner. Upon such submission, and the acceptance of such IR by the Vice Chairs, the student's degree shall be immediately held, and such hold shall remain until two full academic semesters have elapsed. Upon completion of the Honor Leave of Absence, the general faculty will confer such degree, subject to the satisfaction of any other applicable academic and/or University requirements. The student’s University record will reflect that the student graduated at the end of the term in which the degree was actually conferred (i.e., following completion of the Honor Leave of Absence). If the student does not have the necessary credit to graduate, the student may submit an IR and take an Honor Leave of Absence, as described above. A student who has graduated from the University may, subject to the provisions of these By-laws, submit an IR which, as a condition of acceptance, shall require such graduate to surrender his or her degree immediately, and for the degree to remain surrendered until two full academic semesters have elapsed. The date of degree-conferral shall reflect such surrender on the student’s transcript, in accordance with the procedures of the University.
PROPOSAL 1: Honor Leave of Absence Timeline for Degree Recipients

Proposed Amendment:

II. B. 7. Submission of IR by Degree Candidates; Submission of IR by University Graduates. If a student wishes to submit an IR in the year in which the student would otherwise graduate, he or she must submit a signed and completed IR Form to the Vice Chair for Investigations not later than the Wednesday before Final Exercises (or four (4) days before the applicable degree-conferral date in any semester other than the spring), or within the IR Period, whichever is sooner. Upon such submission, and the acceptance of such IR by the Vice Chairs, the student's degree shall be immediately held, and such hold shall remain until two full academic semesters have elapsed. Upon completion of the Honor Leave of Absence, the general faculty will confer such degree, subject to the satisfaction of any other applicable academic and/or University requirements. The student’s University record will reflect that the student graduated at the end of the term in which the degree was actually conferred (i.e., following completion of the Honor Leave of Absence). If the student does not have the necessary credit to graduate, the student may submit an IR and take an Honor Leave of Absence, as described above. A student who has graduated from the University may, subject to the provisions of these By-laws, submit an IR which, as a condition of acceptance, shall require such graduate to surrender his or her degree immediately, and for the degree to remain surrendered until one full calendar year has elapsed. The date of degree-conferral shall reflect such surrender on the student’s transcript, in accordance with the procedures of the University.
PROPOSAL 1: Honor Leave of Absence Timeline for Degree Recipients

Additional Relevant By-Laws/Procedures:

Section II. B. 4. b. Making Amends to the Community of Trust: The Honor Leave of Absence. The general description of the processes relating to the Honor Leave of Absence outline procedures relating to the timing of the IR. These descriptions precede the By-Law above, and may need to be amended to note that these procedures apply, except in circumstances outlined section II. B. 7.

II. B. 4. b. i. Honor Leave of Absence. In order to make amends to the Community of Trust, a student wishing to file an IR must agree to leave the University for two full academic semesters, commencing at the beginning of the fall or spring semester immediately following the date of acceptance of the IR (the “Honor Leave of Absence”). Summer sessions and January terms are not considered full academic semesters for the purposes of the Honor Leave of Absence. The Honor Leave of Absence must be completed over two, sequential academic semesters; i.e., the Honor Leave of Absence may not be interrupted by any period of re-enrollment. As detailed in Part iv, below, a student who has submitted an accepted IR will be unable to enroll in additional University courses from the time of the acceptance of the IR until the completion of the Honor Leave of Absence. Any existing future enrollments shall be cancelled. The Honor Leave of Absence shall commence in the same manner and at the same time for students at any stage of their academic careers, graduate or undergraduate, first-year or fourth-year, regardless of the amount of coursework or number of credits still required for graduation.

II. B. 4. b. iv. Transcript Notations; Registration Block. Upon the acceptance of a submitted IR, the Honor Chair will immediately notify the University Registrar to (A) place a notation on the student’s transcript reading “Honor Probation,” which shall remain, assuming that the submitted IR is accepted, until the commencement of the Honor Leave of Absence, and (B) place a Registration Block on the student’s record, cancelling any existing future enrollments, and preventing the student from enrolling in additional university courses, which shall remain until the completion of the Honor Leave of Absence. Upon the commencement of the Honor Leave of Absence, the student’s transcript will bear a separate notation indicating the Leave of Absence. Such notation will be removed at the completion of such Honor Leave of Absence.
Proposal 1: Reasoning

The Informed Retraction timeline was originally established and developed with currently enrolled students in mind. At the time that an enrolled student formally files an Informed Retraction, his/her transcript is immediately amended with the notation “Honor Probation” while the student is allowed to complete the remainder of the semester in which he/she is currently enrolled; this probation period is intended to prevent unfair or inequitable IR implications based on the timing of the IR (that is, so that students who are reported in the middle of the semester versus the end of the semester will not have unequal amounts of time that they must immediately dis-enroll in that semester). The Honor Leave of Absence is then set to begin on the first day of the following “full” semester and last for two sequential “full” semesters, ensuring that all students’ Honor Leave of Absence lasts for the same total amount of time for all students, regardless of the time at which they file an IR.

However, when a degree-candidate submits an IR, he/she does not need the intermediary period wherein he/she may complete courses. As such, “Honor Probation” for the remainder of the current semester is not necessary to assist a student in completing current coursework. As such, it is most logical that a degree candidate should begin his/her Leave of Absence immediately. In order to ensure that degree candidates complete a Leave of Absence that lasts for approximately the same amount of time as other enrolled students, it is most logical to require a degree recipient to complete the Leave of Absence for one calendar year.
Proposal 2: Reference to Attachment B

Current By-Laws Addressing Notice of Investigation: Section II. B. 2. IR Form; Method and Deadline for Submission; Notice Letter. In order to provide consistency and clarity in the IR process, the Honor Committee requires students wishing to file an IR to complete and submit an Informed Retraction Form (the “IR Form”). A template of the IR Form is included as Attachment B, to these By-laws. The completed IR Form must be submitted to the Vice Chair for Investigations within seven (7) days of receiving the Notice Letter (the “IR Period”). The Notice Letter shall be provided to the student by his or her Advisor at their first meeting. The student shall be deemed to have received the Notice Letter (a) on the date that it is delivered to the student, in person, by an Honor Advisor, or (b) on the date that it is delivered to the student’s Primary E-Mail Address (as more particularly described in the preamble to Section IV of these By-laws), whichever shall first occur. For purposes of these By-laws, the “Notice Letter” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of the Act which is the subject of an Honor Report, (b) includes the IR Information (as hereinafter defined), which shall be provided as an attachment to the Notice Letter, (c) describes, in general, the investigation and hearing procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR. The “IR Information” shall mean, collectively, a copy of the initial interview with the Reporter or other primary witness, together with any other relevant documents in possession of the Honor Committee at the time the Notice Letter is delivered.
Proposal 2: Reference to Attachment B

Proposed Change:

Remove sentence highlighted in red: A template of the IR Form is included as Attachment B, to these By-laws.

Reasoning:

The IR Form Template is no longer an Attachment to the By-Laws (removed in a vote on DATE)
Proposal 3: Notice

Current By-Laws Addressing Notice of Investigation:

Section II. B. 2. IR Form; Method and Deadline for Submission; Notice Letter. In order to provide consistency and clarity in the IR process, the Honor Committee requires students wishing to file an IR to complete and submit an Informed Retraction Form (the "IR Form"). A template of the IR Form is included as Attachment B, to these By-laws. The completed IR Form must be submitted to the Vice Chair for Investigations within seven (7) days of receiving the Notice Letter (the “IR Period”). The Notice Letter shall be provided to the student by his or her Advisor at their first meeting. The student shall be deemed to have received the Notice Letter (a) on the date that it is delivered to the student, in person, by an Honor Advisor, or (b) on the date that it is delivered to the student’s Primary E-Mail Address (as more particularly described in the preamble to Section IV of these By-laws), whichever shall first occur. For purposes of these By-laws, the “Notice Letter” shall mean the letter, addressed to the student, which letter (a) sets forth a general description of the Act which is the subject of an Honor Report, (b) includes the IR Information (as hereinafter defined), which shall be provided as an attachment to the Notice Letter, (c) describes, in general, the investigation and hearing procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR. The “IR Information” shall mean, collectively, a copy of the initial interview with the Reporter or other primary witness, together with any other relevant documents in possession of the Honor Committee at the time the Notice Letter is delivered.
Proposal 3: Notice

Current By-Laws Addressing Notice of Investigation:

Section IV. PROCEDURES: HOW THE SYSTEM WORKS. Overview of the Honor Process: The Honor System process is divided into four stages: reporting, investigation, hearing, and post-hearing. Every reasonable effort is made to conduct the entire process in a timely manner. For that reason, certain timelines have been built into the System. In general, however, the Honor Committee suspends all proceedings during non-school days. School days are days when the College of Arts & Sciences is officially in session during the fall and spring semesters, but not during summer session. School days include weekends between class days but do not include any registration or examination periods, breaks or holidays. Notwithstanding the general suspension of Honor Committee proceedings during non-school days, when a case is reported during a semester and case investigators have not had an opportunity to interview the investigated student prior to the end of such semester, the investigated student’s Advisor will attempt to notify such student of the nature of the investigation as soon as reasonably possible following the end of such semester. This attempt at early notification will occur only for investigations that span recesses in order to allow for the opportunity to preserve pertinent evidence, whenever reasonably possible. Except as otherwise noted, the entire process will be conducted in accordance with the most recent by-laws as of the date a case Report is received.

Notices: For purposes of these By-laws, notices and other significant correspondence shall be delivered to students at their respective “Primary E-mail Addresses,” as outlined in the University Undergraduate Record (the “Record”). Pursuant to the Record, the “Primary E-Mail Address” is the address to which the University sends official e-mail notifications. The Record can be viewed here: http://records.ureg.virginia.edu/. An Investigated and/or Accused Student may request, by completing and submitting a Notice Affidavit, that the Honor Committee also send notices and other significant correspondence to the additional electronic or other addresses set forth in such Notice Affidavit. A form of Notice Affidavit may be obtained from any Honor Advisor and can be downloaded here: http://www.virginia.edu/honor/wp-content/uploads/2013/04/Notice-Affidavit-for-cases-reported-after-4-21-2013.doc. Unless otherwise specifically defined (e.g., the “IR Notice,” the “Notice Letter”), the Primary E-Mail Address, together with any additional electronic or other addresses set forth in the Notice Affidavit, are referred to in these By-laws as the “notice,” and shall be deemed to be effective notice when sent, whether or not the recipient actually receives and/or reads the notice.
Proposal Amendment: Creation of NEW Section IV. B Notice of Investigation

Section IV. B. Notice of Investigation.

Purpose: The purpose of Notice of Investigation is to ensure that the reported student is notified of the report made against him in a timely manner.

1. Notice of investigation by Informed Retraction Notice Letter. Whenever possible, the Advisor for the Reported Student will provide notice of investigation in person in the form of the Informed Retraction Notice Letter (“Notice Letter”), as defined in Section II. B. 2. of these By-Laws. The Notice Letter shall be provided to the student by his or her Advisor at their first meeting. The student shall be deemed to have received the Notice Letter (a) on the date that it is delivered to the student, in person, by an Honor Advisor, or (b) on the date that it is delivered to the student’s Primary E-Mail Address (as more particularly described in the preamble to Section IV of these By-laws), whichever shall first occur.

2. Notice of investigation where the Informed Retraction Notice Letter is unavailable. Notwithstanding the general suspension of Honor Committee proceedings during non-school days, when a case is reported during a semester and case investigators have not had an opportunity to interview the reporter prior to the end of such semester, the investigated student’s Advisor will attempt to notify such student of the nature of the investigation as soon as reasonably possible. This attempt at early notification will occur only for investigations that span recesses or other significant delays in order to allow for the opportunity to preserve pertinent evidence, whenever reasonably possible.

Section IV. A. 7. Report.

7. Following the receipt of a report and assignment of an Honor Advisor, the Honor Committee shall provide written notice to the reported student as soon as reasonably possible.
Version #2

Relevant amendments necessitated by the above:

- Edit IR Notice Section, as applicable
- Remove section from Overview of the Honor Process
- Create Notice of Report Form

Reasoning:

The current procedures outlined in the by-laws and in the training that Honor Support Officers receive does not provide timely notice in a standardized manner across reports, and also can result in significant delays, which may prevent reported students from effectively retaining relevant evidence.

In addition to the procedural inequities presented by current practice and regulation, timely notice of the receipt of a report, which is independent of IR Notice, may allow for a more supportive and informational interaction when advisors provide notice to students.