

Bylaws

November 10, 2003

Amended April 19, 2010

Amended February 15, 2016

Amended July 7, 2020

I. Duties of Members

1. Members are expected to regularly attend scheduled hearings and meetings of the Honor Council. Failure to attend more than half of the hearings over the course of a semester may be considered dereliction of duty.
2. Members will accept a reasonable number of administrative assignments (investigations, letter revisions, outside contacts, etc.) as requested by the Officers.
3. Members will take care to preserve the confidentiality of student witnesses, implicating parties, and implicated parties. Any willful violation of confidentiality will result in removal from the Honor Council.

II. Duties of Officers

1. President
 - a. At the beginning of the fall and spring semesters, the President will organize the Honor Council and provide training to new and continuing members of the Honor Council, as necessary.
 - b. Once each semester, the President will prepare a report of Honor Council activity for presentation to the student body in ways including, but not limited to: publication in the St. Olaf Messenger, presentation to the Student Senate, or public postings. This report may include a tabulation of the number of hearings held, the number of implicated students, the number of students found responsible for Honor Code violations, and a general listing of sanctions imposed since the last report. The report may also include other news of the council. The report will not specifically reveal the outcome of any particular case (e.g., whether a student was or was not responsible in a case), nor will it provide data that would reveal the outcome of any case (e.g. there were no findings of responsibility or every implicated student was found responsible).
 - c. The President will be reasonably available to students, faculty, administrators, and other members of the St. Olaf community to represent the Honor Council in any matter of concern.
 - d. Once each semester, the President will implement education efforts to inform the faculty and the student body about the parameters of the Honor

System, including, but not limited to: common misunderstandings, faculty responsibilities, confidentiality within the Honor System, the Code of Test Etiquette, and the use of aids during exams.

- e. The President will relay all necessary materials to the appellate authority in the event of appeals.
2. Vice President
 - a. The Vice President will make arrangements for all regular and special elections for membership to the Honor Council.
 - b. The Vice President will assist the President in performing administrative and public relations duties.
 - c. The Vice President will, in association with the Faculty Advisor, act as liaison between the Honor Council and the Faculty and Staff.
 - d. The Vice President will identify, organize, train, and coordinate a group of faculty and staff to act as neutral Honor Code Guides.
 3. Secretary
 - a. The Secretary will maintain copies of the Honor Council Constitution and Bylaws, noting any changes to these documents that may occur from time to time.
 - b. The Secretary will maintain all written and audio records of hearings and meetings of the Honor Council. This will include the destruction of records when appropriate.
 - c. The Secretary will be responsible for bringing unsigned examinations to the attention of the Honor Council.
 - d. The Secretary will be responsible for maintaining, updating, and ensuring completion of the Honor Council Case Log each year.
 - e. The Secretary will assign an Investigator for each case.
 - f. The Secretary will maintain a collection of form and letter templates for use by others in Honor Council matters, including, but not limited to: summonses to witnesses, letters to implicated students, letters to faculty regarding hearing results, case reports, etc.

III. Investigation Procedures

1. Each case will be assigned an Investigator by the Honor Council Secretary.
2. The Investigator will immediately contact the professor of the course (to acknowledge receipt of the case), the implicating party (to ascertain the nature of the suspected violation), and any other potential witnesses. The implicated student will not be contacted during the investigation, except to be notified of a hearing, if applicable.
3. The implicating party will be interviewed by the Investigator. Course

professors, implicating students, and/or witnesses will be asked for further information regarding the implicated student, course, and nature of the suspected violation. Students will be questioned in a way that avoids leading questions.

4. The Investigator will recommend to the President whether or not a hearing should be held based on all available evidence. The President will make the final decision as to whether or not a hearing will occur.
5. The faculty member whose exam is involved in the case will be kept fully aware of the status of the case. In particular, the professor will be contacted at the following points:
 - a. Immediately after the initial contact with the implicating student, so the professor knows whether the unsigned pledge was an accident or intentional.
 - b. When the decision to hold/not hold a hearing is made. If no hearing is held, the exam will be returned to the professor. If a hearing is to be held, the professor will be notified when the hearing will take place.
 - c. When the Honor Council has fully adjudicated the case. This contact should include the sanction, if imposed; returning of the exam; and information regarding appeal procedures, in the event that the student were to appeal the decision of the Honor Council.

IV. Hearing Procedures

1. The primary concern when conducting an Honor Council hearing is the preservation of the confidentiality of all students involved in the case: the implicating student(s), any witnesses, and the implicated student(s).
2. Order of Business
 - a. The Investigator will issue summonses announcing the hearing to all parties.
 - b. At the hearing, the Investigator will present a synopsis of the case to the rest of the quorum before any outside parties are brought into the hearing room.
 - c. The implicating student(s) will be heard first, followed by any witnesses. The implicated student(s) will be heard last.
 - i. All students will be heard individually, with no one present other than the quorum and the Faculty Advisor to the Honor Council, unless prior permission of the particular student and the Council have been obtained.
 - ii. All testimony will be recorded in two forms: by an audio recorder and by de-identified notes (such that no names of any student

appear in these notes). All students will be notified of these recording methods prior to being heard.

- d. Any student appearing at a hearing may be recalled to the hearing for additional testimony. These recalls may occur in any order. Students who might be recalled will be placed in a private room after their initial testimony.
 - e. After testimony has been taken, the Council will deliberate whether or not the implicated student should be held responsible for an Honor Code violation. This deliberation will not be recorded. When the Council is ready to vote on this question, the recording will resume and the motion and subsequent vote will be recorded and entered into the written record.
 - f. If the student is found responsible for an Honor Code violation, the Council will immediately deliberate on the matter of a sanction. This deliberation will not be recorded. When the Council is ready to vote on this question, the recording will resume and the motion and subsequent vote will be recorded and entered into the written record.
 - g. Once the matters of responsibility and/or sanction have been decided, the implicated student will rejoin the Council and the Investigator will share the result of the hearing with the implicated student. The implicated student will be given a chance to speak, and if found responsible, will be informed of the procedure for filing an appeal.
3. Summonses
- a. All students summoned to an Honor Council hearing will receive a written notification at least 30 hours before the hearing begins.
 - i. Days in which classes are not held shall not be counted in the 30 hours. Hearings will not be conducted on Mondays.
 - ii. It is the duty of the Investigator to write and deliver summonses.
 - b. All summonses will include a list of Honor Code Guides. Summoned students may discuss any matter of concern with any Honor Code Guide. The summons will clearly state whether the recipient is an implicating student, a witness, or implicated in an Honor Code violation.
 - c. Each summons will include a precise time at which the student should arrive. The student **must** arrive neither early nor late to the hearing. The implicating student(s) will be scheduled first, followed by any witnesses, followed by the implicated student(s). All students appearing before the Honor Council will be heard individually.
 - d. The summons received by an implicated student will identify the class and exam under question.

- e. The summons received should reference the Student Handbook policies about the Honor System and Code of Test Etiquette.
4. Implicating Students
- a. Upon entering the hearing, the implicating student will be introduced to the Honor Council members present.
 - b. It will be explained that the student is not under suspicion of an Honor Code violation, but rather is at the hearing as an implicating student in a possible Honor Code violation.
 - c. The principle of confidentiality and the roles of the audio and written records will be explained. It will be made clear that the implicating student will not be told the outcome of the case and that Honor Council members will not identify the implicating student to the implicated student, or vice versa.
 - d. The Council will begin questioning by asking the implicating student why they feel a violation of the Honor Code may have taken place. Additional questioning by any member of the Honor Council may follow. Students will be questioned in a way that avoids leading questions.
 - e. The implicating student will then be placed in a nearby room, in case additional testimony is required. They will be released at the Council's discretion.
5. Witnesses
- a. Witnesses must be approved by the President and must have information about the incident; they may not be character witnesses.
 - b. Upon entering the hearing, each individual witness will be introduced to the Honor Council members present.
 - c. It will be explained that the student is not under suspicion of an Honor Code violation, but rather is at the hearing as a potential witness to a possible Honor Code violation.
 - d. The principle of confidentiality and the roles of the audio and written records will be explained. It will be made clear that the witness will not be told the outcome of the case and that no one outside the Honor Council will be told the identity of the witness.
 - e. Questioning of the witness will proceed. Witnesses will be questioned in a way that avoids leading questions.
 - f. The witness will then be placed in a nearby room in case additional testimony is required. They will be released at the Council's discretion.
 - g. Members of the faculty may be consulted as witnesses during the investigation at the discretion of the Honor Council President and Investigator.

6. Implicated Student

- a. Upon entering the hearing, the implicated student will be introduced to the Honor Council members present.
- b. It will be reiterated that the student has been implicated in a possible Honor Code violation and that the hearing has been called to adjudicate the matter.
- c. The principle of confidentiality and the roles of the audio and written records will be explained. It will be made clear that the implicated student will not be told the identity of any implicating students or other witnesses by Honor Council members.
- d. The case information appearing on the implicated student's summons will be repeated.
- e. The implicated student will be given a chance to make a voluntary opening statement responding to this information before questioning begins. If the student does not wish to give an opening statement, this preference will not play a negative role in determining the outcome of the case.
- f. If necessary, a more detailed description of the possible Honor Code violation will be given to the implicated student by the Investigator. All evidence that can be shared without directly identifying other involved students will be shared with the implicated student.
- g. Questioning of the implicated student will begin.
 - i. Refusal to answer questions, or the dishonest answering of any question, may be referred to the Dean of Students as a possible violation of the Student Code of Conduct.
 - ii. Students will be questioned in a way that avoids leading questions.
 - iii. Students are encouraged to be truthful during hearings. This will likely provide a better context to the potential violation and allow the members of the Honor Council to more fully understand the situation, while simultaneously upholding integrity.
- h. When questioning is concluded, the implicated student will be moved to a room to await the deliberation of the Honor Council.

7. Failure to Attend

- a. If any implicated student, witness, or implicating student fails to attend the hearing, the Council may decide to either continue the hearing and act on the available evidence or postpone some or all of the hearing to a later date, at the discretion of the Case Investigator.

8. Online Hearings

- a. In the event that members of the St. Olaf College community are unable to

gather in person, the President of the Honor Council is authorized to direct members of the Honor Council to conduct hearings virtually.

- b. All Council members will be required to submit a FERPA form to the Office of the Dean of Students in the event that hearings and investigations are moved online.
- c. All procedures of confidentiality will be maintained in this virtual space. Separate video calls will be utilized to replace the normal system.
- d. Recordings of virtual hearings (both audio recordings and de-identified notes) will be kept only by the Investigator of the case. These recordings must be destroyed five (5) business days following the conclusion of the hearing.
- e. Following the destruction of electronic hearing materials, the Investigator must notify the Secretary of the Honor Council that these records have been destroyed.
- f. The Secretary is charged with the coordination and documentation of destroying electronic hearing records in accordance with direction by the President of the Honor Council and FERPA guidelines.

V. Honor Code Guides

1. Honor Code Guides are trusted members of the college staff, administration, and faculty who are trained to offer students and members of the faculty impartial information on the procedures and activities of the Honor Council and its hearings. Honor Code Guides will not render opinions on the merits of any particular case.
2. The Vice President shall maintain a list of Honor Code Guides and arrange for the recruiting and training of additional Honor Code Guides as desired. The Vice President shall work to ensure that the list of Honor Code Guides arises from the following constituencies of the College:
 - a. Fine Arts
 - b. Humanities
 - c. Interdisciplinary and General Studies (IGS)
 - d. Natural Sciences and Mathematics (NSM)
 - e. Social Sciences
 - f. General Faculty
 - g. General Faculty
 - h. General Faculty
 - i. Staff Member
 - j. Staff Member

3. Any student appearing before the Honor Council in any role will be given a copy of the current list of Honor Code Guides. Any member of the faculty who is involved in a case will be given a copy of the current list of Honor Code Guides.
4. Any student is free to confidentially discuss Honor Council procedures with any Honor Code Guide. Any member of the faculty or staff is free to confidentially discuss Honor Council procedures with any Honor Code Guide or the Faculty Advisor to the Honor Council.
5. Conversations between any party and Honor Code Guides will be treated as strictly confidential. No party will be asked to reveal the existence of a conversation with an Honor Code Guide.
6. Honor Code Guides are not permitted to attend hearings.
7. Honor Code Guides may be called upon by the Vice President of the Honor Council and the Faculty Advisor to the Honor Council in order to provide information regarding faculty opinions on the running of the Honor Council and on methods to improve its functioning.

V. Sanctions

1. Sanctions will reflect the number and severity of the violation(s), the effect of the violation on the St. Olaf community, any prior Honor Code violations or other findings of academic dishonesty committed by the student, and the extent to which the implicated student is truthful during the hearing. The recommendations below are guidelines and are not hard and fast rules; they are meant to help guide the judgment of the Council, not substitute for it.
 - a. The usual sanction for a first offense in a case with little or no direct impact on other students will be an F on the exam, specifically, either one percent lower than the lowest failing grade on the exam or the lowest failing grade per the grading system on the exam, whichever is lower.
 - b. The usual sanction for a first offense in which the work of other students is stolen or plagiarized shall be a zero (0) on the exam, which is meant to be interpreted as a more severe sanction than an F.
 - c. The usual sanction for an offense which adversely affects a significant number of other students shall be an F in the course (e.g. deliberate attempts to mislead or undermine the work of a faculty member).
 - d. The usual sanction for an offense which seriously and adversely affects the bulk of the students in a class shall be a recommendation of suspension or expulsion, in addition to an F in the course.
 - e. Deliberate attempts to mislead the Honor Council will result in harsher sanctions.

- f. Repeated violations of the Honor Code will result in much harsher sanctions.
2. The following is a list of sanctions that have been imposed in the past. This list should not be considered exhaustive, and creative sanctioning, consistent with the Constitution, is certainly encouraged.
 - a. Write an anonymous letter to the St. Olaf Messenger describing the importance of the Honor System.
 - b. Receive a reduction of a specified number of grade levels for the exam under consideration.
 - c. Receive the lowest passing grade (D-) for the exam under consideration, unless a failing grade is earned.
 - d. Receive an F for the exam under consideration.
 - e. Receive a zero (0) for the exam under consideration.
 - f. Receive a reduction of a specified number of grade levels for the course in which the violation occurred.
 - g. Receive the lowest passing grade (D-) for the course in which the violation occurred, unless a failing grade is earned.
 - h. Receive an F for the course in which the violation occurred.
 - i. Recommend to the Dean of Students that the responsible party be temporarily suspended from the course in which the violation occurred.
 - j. Recommend to the Dean of Students that the responsible party be temporarily suspended from campus.
 - k. Recommend to the Dean of Students that the responsible party be expelled from the college for a full academic year.

VI. Records

1. The Honor Council Constitution states that records of Honor Council violations will include “the student’s name, the date and class of each implication, and the penalty assessed.”
2. Upon the conclusion of a hearing and the resolution of responsibility and sanction, if the implicated student is found responsible for an Honor Code violation, the Investigator will draft a formal report to the Dean of Students Office that will serve as the official record of the Honor Code violation.
 - a. This report must include the following information:
 - i. The name of the student and their graduation year, including the particular term in which the Honor Code violation occurred.
 - ii. The course and section of the student’s Honor Code violation, including the specific time block that the course met.
 - iii. The investigation’s start date, the date of the hearing, and the

- iv. The particular exam involved in the case, including the original date, original grade, and general topic of the exam.
 - v. The outcome and resulting sanction of the hearing.
 - vi. A statement as to whether or not any Council members dissented from the majority opinion.
 - vii. The signature of the Investigator of the case, class year, and date.
 - viii. The names of all Council members that attended the hearing, including class years.
 - ix. The names of the President, Vice President, and Secretary of the Honor Council and their class years.
- b. The Investigator has a time period of one (1) week to draft this report.
 - c. After the report is drafted, the Investigator must hand-deliver the report to a non-student member of the Dean of Students Office and send an email to the designated administrator to the Honor Council of the Dean of Students Office to confirm receipt.
3. In the event that a student is found ***responsible*** for an Honor Code violation, members of the Honor Council have the option to write a dissenting opinion that speaks to the character or extenuating circumstances of the student involved. This opinion should be delivered to the Dean of Students Office in addition to the formal report outlined above no more than one (1) week after the hearing.