

## **Bylaws**

November 10, 2003

Amended April 19, 2010

Amended February 15, 2016

Amended July 7, 2020

Amended February 13, 2021

### **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 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 returning 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 (or their designee) 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 (or their designee) will relay all necessary materials to the appellate authority in the event of appeals.

- f. The President will be responsible for authorizing all hearings in consideration of the evidence collected during Honor Council investigations.
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 and other exam concerns reported by the Faculty 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.
3. The implicating party will be interviewed by the Investigator. Course professors, implicating parties, and/or witnesses will be asked for further information regarding the implicated student, course, and nature of the suspected violation. Parties 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 party, 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 implicated 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 acquisition of accurate results through a fair and impartial environment, while taking all measures possible to ensure the preservation of confidentiality for all parties involved.
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 parties will be heard first, followed by any witnesses. The implicated parties will be heard last.
    - i. All parties 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 party 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 party appear in these notes). All parties will be notified of these recording methods prior to being heard.
  - d. Any party appearing at a hearing may be recalled to the hearing for additional testimony. These recalls may occur in any order. Parties 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 party should be held responsible for an Honor Code violation. This deliberation will not be recorded. When the Council is ready to vote on this matter, the recording will resume and the motion and subsequent vote will be recorded and entered into the written record.
  - f. If the party 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 matter, 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 party will rejoin the Council and the Investigator will share the result of the hearing with the implicated party. The implicated party will be

given an opportunity to speak, and if found responsible, will be informed of the procedure for filing an appeal.

### 3. Summonses

- a. All parties summoned to an Honor Council hearing will receive a written notification at least 48 hours before the hearing begins.
  - i. It is the duty of the Investigator to write and deliver summonses.
- b. All summonses will include a list of Honor Code Guides. Summoned parties may discuss any matter of concern with any Honor Code Guide. The summons will clearly state whether the recipient is an implicating party, a witness, or implicated in an Honor Code violation.
- c. Each summons will include a precise time at which the party should arrive. The party **must** arrive neither early nor late to the hearing. The implicating parties will be scheduled first, followed by any witnesses, followed by the implicated parties. All students appearing before the Honor Council will be heard individually.
- d. The summons received by an implicated party will identify the class and initial exam of implication pertaining to the potential Honor Code violation, while not violating the confidentiality of any other party involved.

### 4. Implicating Parties

- a. Upon entering the hearing, the implicating party will be introduced to the Honor Council members present.
- b. It will be explained that the party is not under suspicion of an Honor Code violation, but rather is at the hearing as an implicating party 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 party will not be told the outcome of the case and that Honor Council members will not identify the implicating party to the implicated party, or vice versa.
- d. The Council will begin questioning by asking the implicating party why they feel a violation of the Honor Code may have taken place. Additional questioning by any member of the Honor Council may follow. Parties will be questioned in a way that avoids leading questions.
- e. The implicating party 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, the witness will be introduced to the Honor Council members present.
- c. It will be explained that the witness 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 Parties

- a. Upon entering the hearing, the implicated party will be introduced to the Honor Council members present.
- b. It will be reiterated that the party 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 party will not be told the identity of any implicating parties or other witnesses by Honor Council members.
- d. The implicated party will be given a chance to make a voluntary opening statement responding to this information before questioning begins. If the party does not wish to give an opening statement, this preference will not play a negative role in determining the outcome of the case.
- e. If necessary, a more detailed description of the possible Honor Code violation will be given to the implicated party by the Investigator. All evidence that can be shared without directly identifying other involved parties will be shared with the implicated party upon request.
- f. Questioning of the implicated party will begin.
  - i. Parties will be questioned in a way that avoids leading questions.
  - ii. Parties 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.
- g. When questioning is concluded, the implicated party will be moved to a room to await the deliberation of the Honor Council.

#### 7. Failure to Attend

- a. If any implicated party, witness, or implicating party 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 confidentiality 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.

## **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 will maintain a list of Honor Code Guides and arrange for the recruiting and training of additional Honor Code Guides as desired. The Vice President will 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 party 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 party 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.

## **VI. Responsibility**

1. The Honor Council Constitution states that the Honor Council has “exclusive initial jurisdiction over all allegations of academic dishonesty arising from class examinations” and “primary jurisdiction over potential violations of the Saint Olaf Code of Test Etiquette.”
2. The Honor Council has adopted the following tiered model in determining responsibility in Honor Council Cases:
  - a. Not Responsible**
    - i. This outcome is adjudicated in the event that the majority of the Honor Council present at the Hearing votes to find the student not responsible for any form of academic dishonesty as defined by the Council.
    - ii. A student is found not responsible when the Council determines that there is insufficient evidence that a violation has occurred.
    - iii. No indication of the investigation, hearing, or outcome will appear in the student’s permanent disciplinary record or in confidential Honor Council records, except for de-identified case notes and pertinent Case Log information.
    - iv. No sanctions will be assessed for this outcome.
  - b. Code of Test Etiquette Violation**
    - i. This outcome is adjudicated in the event that the majority of the Honor Council present at the Hearing votes to find the student responsible for a Code of Test Etiquette Violation.
    - ii. A Code of Test Etiquette Violation occurs when a student does not abide by the steps outlined in the Code of Test Etiquette with regard to establishing a distraction-free and fair testing environment for all students during an examination.
    - iii. The Council is invited not to establish any indication of the investigation, hearing, or outcome in the student’s permanent disciplinary record, yet record of this outcome will be kept in confidential Honor Council records in the event of repeated violations, in addition to de-identified case notes and pertinent Case Log information.
    - iv. The Council is invited not to assess any sanctions for first violations of the Code of Test Etiquette, though the Council is permitted to assess sanctions in the event of repeated violations.
  - c. Honor Code Infraction**

- i. This outcome is adjudicated in the event that the majority of the Honor Council present at the Hearing votes to find the student responsible for an Honor Code Infraction.
- ii. An Honor Code Infraction occurs when the majority of the Council present at the Hearing determines that the evidence and testimony presented indicates that the student more likely than not violated the Honor Code but deems that circumstances negate the efficacy of the addition of this violation to the student's permanent disciplinary record.
- iii. The Council is invited not to establish any indication of the investigation, hearing, or outcome in the student's permanent disciplinary record, yet record of this outcome will be kept in confidential Honor Council records in the event of repeated violations, in addition to de-identified case notes and pertinent Case Log information.

**d. Honor Code Violation**

- i. This outcome is adjudicated in the event that the majority of the Honor Council present at the Hearing votes to find the student responsible for an Honor Code Violation.
- ii. An Honor Code Violation occurs when the aforementioned majority of the Honor Council present at the Hearing determines that the evidence and testimony considered indicates that the student is definitively responsible for an Honor Code Violation, a decision supported by a clear preponderance of evidence.
- iii. This outcome will appear in the student's permanent disciplinary record in accordance with the Honor Council Constitution and Bylaws and in confidential Honor Council records in the event of repeated violations, in addition to de-identified case notes and pertinent Case Log information.

**VII. Sanction Guidelines**

1. Sanctions will reflect the number and severity of the violation(s), the effect of the violation(s) 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 highest 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 will 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 will be an F in the course.

- d. The usual sanction for an offense which seriously and adversely affects the bulk of the students in a class will be a recommendation of suspension or expulsion, in addition to an F in the course.
  - e. Deliberate attempts to mislead the Honor Council or faculty members 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.

### **VIII. 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 party 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 party and their graduation year, including the particular term in which the Honor Code violation occurred.
    - ii. The course and section of the party'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 nature of

- the Honor Code violation.
- 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 name 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 deliver the report to the Dean of Students Office AA and confirm receipt.
3. In the event that a party 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 party involved. This opinion should be delivered to the Dean of Students Office AA in addition to the formal report outlined above no more than one (1) week after the hearing.