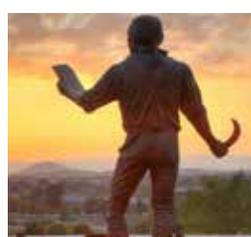


# JAMES MADISON UNIVERSITY

# THE HONOR CODE



LAST REVISED  
JUNE 2015



# James Madison University Honor Code

Last Revised: June 2015

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## I. Introduction

- A. In a university community, there can be no doubt that honor and the pursuit of knowledge are inexorably intertwined. An honor system must be believed in, supported by, and administered by those who belong to it.
- B. Upon enrollment at James Madison University (JMU), each student is automatically subject to the provisions of the Honor System. Each student has a duty to become familiar with the Honor Code and the provisions of the Honor System. Ignorance of what constitutes an Honor Code violation cannot be used as a defense in an honor hearing.
- C. The Honor System at JMU does not discriminate based upon race, color, religion, national origin, political affiliation, gender, sexual orientation, age, or disability.
- D. Each examination, paper, and other written or electronically submitted assignment is submitted pursuant to the Honor Code, and shall contain the following pledge (or similar pledge approved by the faculty or staff member) of the student(s) submitting the work: "This work complies with the JMU Honor Code." The pledge shall be signed by the student(s) unless it is submitted electronically, in which case the faculty or staff member may require a different method of proof of a student's pledge.

## II. The Honor Code

- A. Violations of the Honor Code include, but are not limited to, taking or attempting to take any of the following actions:
  - 1. Using unauthorized materials, in whole or in part, or receiving unauthorized assistance during an examination or in connection with any work done for academic credit. Unauthorized materials (materials used without instructor permission) may include, but are not limited to notes, textbooks, electronic devices, and previous works. Previous works include, but are not limited to examinations, papers, exhibits, experiments, and other supplementary items submitted for academic credit and includes previous works submitted to any institution.
  - 2. Giving false or misleading information regarding an academic matter.
  - 3. Copying information from another student during an examination.
  - 4. Rendering unauthorized assistance to another student by knowingly permitting him or her to see or copy all or a portion of an examination or any work to be submitted for academic credit.
  - 5. Obtaining prior knowledge of examination materials, including using copies of previously given examinations obtained from files maintained by various groups and organizations, in an unauthorized manner.
  - 6. Selling or giving another student unauthorized copies of any portion of an examination.
  - 7. Using a commercially-prepared paper or research project or submitting for academic credit any work completed by someone else.
  - 8. Falsifying or attempting to falsify class attendance records for yourself or for someone else, or having another person falsify attendance records on your behalf.
  - 9. Falsifying material relating to course registration or grades, either for yourself or for someone else.
  - 10. Falsifying reasons why a student did not attend a required class or take a scheduled examination.

11. Taking an examination in the place of another student.
  12. Making unauthorized changes in any reported grade or on an official academic report form.
  13. Falsifying scientific or other data submitted for academic credit.
  14. Collaborating in an unauthorized manner with one or more students on an examination or any work submitted for academic credit.
  15. Committing the act of plagiarism: copying information, ideas, or phrasing of another person without proper acknowledgment of the true source; writing or presenting as if it is your own information, ideas, or phrasing without proper acknowledgment of the true source.
  16. Using computing facilities or library resources in an academically dishonest manner.
  17. Falsifying evidence, or intimidating or influencing someone in connection with an Honor Code violation investigation, hearing, or appeal.
- B. All students are strongly advised to ask their faculty or staff members to clarify what types of conduct are authorized or unauthorized in each course.

### III. Reporting of Possible Violations

- A. For the Honor System to be truly effective, all students and faculty members or staff members are expected to cooperate in its implementation. If students accept dishonesty by their peers, or if faculty/staff members accept dishonesty by their students, the entire Honor System will be destroyed. True honor can be achieved only if all guard it zealously.
- B. Any member of the university community who has reason to believe that an Honor Code violation has taken place should immediately report the circumstances to the faculty or staff member of the course involved; however, if the potential violation does not relate primarily to a specific course, the matter should be immediately reported to the Honor Council coordinator for disposition under **Section V, Investigations and Charges by Honor Council**.

## IV. Potential Resolution by Faculty or Staff Member

- A. If a faculty or staff member has reason to believe that an Honor Code violation has occurred—due to either the faculty or staff member’s own observation or a report by a third party—the faculty or staff member should discuss the matter with the student and consider whether the behavior is a violation of the Honor Code. The faculty or staff member shall not communicate the identity of any third party reporter(s) to the student. The faculty or staff member then has the following three options:
1. If the faculty or staff member determines that there has been no Honor Code violation, the matter is outside the scope of the Honor System.
  2. If the faculty or staff member is unsure as to whether an Honor Code violation has occurred, the faculty or staff member will take one of the following actions:
    - a. refer the matter to the Honor Council coordinator for disposition under **Section V, Investigations and Charges by Honor Council**; or
    - b. deal with the matter with the agreement of the student, without determining that a violation has occurred. If there is no agreement, either the faculty or staff member or the student may refer the matter to the Honor Council coordinator for disposition under **Section V**.
  3. If the faculty or staff member determines that an Honor Code violation has occurred, the faculty or staff member will take one of the following actions:
    - a. refer the matter to the Honor Council coordinator for disposition under **Section V**; or
    - b. determine the appropriate penalty from **Section VII, Penalties**, either **VII.A.1** (reduced or failing grade in applicable area) or **VII.A.2**. (reduced or failing grade in the course). If the student agrees a violation has occurred, the faculty or staff member reports the violation and penalty using the “Informal Resolution Agreement Form” to the Honor Council coordinator who will promptly complete all the appropriate documentation. If the student disagrees with the violation determination and/or the penalty, the matter is referred by the faculty or staff member or the student to the Honor Council coordinator for disposition under **Section V**. If the student disagrees only with the penalty, a hearing body will determine the penalty.
- B. At any time prior to reaching an agreement regarding responsibility and the penalty, either the faculty or staff member or the student may refer the matter to the Honor Council coordinator for disposition under **Section V**; however, once a matter is so referred, there is no longer any possibility of informal resolution (per section **IV.A.3.b.**) or resolution by agreement (per section **IV.A.2.b.**) between the faculty or staff member without the permission of the Honor Council coordinator. If a matter is referred for disposition under **Section V**, the hearing body will not be informed of the faculty or staff member’s opinion on the appropriate penalty.
- C. A faculty or staff member has the option of consulting with the Honor Council coordinator to obtain the assistance of the Honor Council investigators, to obtain advice about an appropriate penalty, or to obtain other advice or assistance with respect to the matter in question. Any such consultation will not constitute a referral of the matter to the Honor Council coordinator for disposition under **Section V**.

## V. Investigations and Charges By Honor Council

- A. The Honor Council shall not take action with respect to a violation reported to it more than 90 days after its occurrence. Upon receipt of a written complaint of an alleged Honor Code violation, the coordinator or an investigator will notify the student by letter that he or she is the subject of an Honor Code investigation, and an investigator will be assigned to investigate the alleged violation.
- B. All official correspondence from the Honor Council will take place via the university e-mail system, and will be addressed to current university electronic identification on record. It is the responsibility of the accused student, reporting faculty, and witnesses to read and promptly respond to all electronic communication from the Honor Council.
- C. It will be the responsibility of the assigned investigator to gather the information needed to permit a fair determination of whether there is reason to believe that an Honor Code violation has taken place. The Honor Council coordinator and investigators should complete the initial investigation of the alleged violation and decide whether to charge the student with a violation of the Honor Code or to terminate the matter within 20 class days from the date of the notification letter. The student will be promptly notified of that decision.
- D. A student accused of an Honor Code violation under this Section V, Investigations and Charges by Honor Council, will be promptly notified of the alleged violation and instructed to make an appointment with the investigator. At this meeting, the investigator will explain the basis for the violation and investigation, inform the student of his or her rights, and describe the Honor System procedures. Neither the student's failure to contact the investigator, the student's withdrawal from the course, nor the student's withdrawal from the university while an honor investigation or charge is pending will halt the investigation or any subsequent honor proceeding (including the hearing and, if applicable, the appeal) affecting the student. A student's withdraw from a course during the formal process will result in the minimum penalty of an "F" in the course. Exceptions are possible in cases of separation from the university during the term in which the violation occurred.
- E. A student charged with an Honor Code violation under this Section V may request the assistance of an investigator in gathering relevant evidence. Although the accused is responsible for preparing and presenting his or her own defense, the accused may submit to the investigator a list of questions the accused would like asked of witnesses during the investigation and at the hearing. This procedure will not affect the right of the accused to question any witness at the hearing.
- F. Formal reports received by the Honor Council during the last three weeks of spring semester and during all summer sessions will likely receive no action until the following fall semester. Available council member will make attempts to begin the investigation process, but it is rare that the council will be able to conduct hearings and resolve cases during the late spring and summer sessions.
- G. It should be remembered that Honor Council investigators are students. They are assigned to gather evidence in an impartial manner and to help those involved in Honor Council proceedings understand the operation of the Honor System.

## VI. Rights of Accused Students

- A. Each student charged with an Honor Code violation under **Section V, Investigations and Charges by Honor Council** shall have the right to the following:
1. A fair and impartial hearing before the appropriate hearing body within a reasonable period of time after being charged with an Honor Code violation.
  2. The benefit of a presumption of innocence until proven responsible.
  3. See typewritten copies of statements of the reporter(s) and witness(es), modified to protect the identities of the reporter(s) and witness(es), before submitting his or her statement regarding the incident.
  4. Notification of the nature of the charges as soon as they can be deduced from the statements of the reporter(s). This will usually require receipt of written statements from the reporter(s).
  5. Notification of the specific charges and evidence as well as the time and place of the hearing at least five class days prior to the hearing.
  6. Representation by any willing student member of the university community, excluding Honor Council members.
  7. Have a lawyer attend the hearing. If a student elects to have a lawyer attend the hearing, the student must notify the Honor Council president no later than 24 hours prior to the hearing.
    - a. A lawyer attending a hearing may not actively represent the accused student but may give advice to the student regarding how to present his or her defense.
    - b. The Honor Council president may direct a lawyer to cease all assistance if the president determines that the assistance is unduly disrupting the hearing.
  8. Select up to three non-witnesses to attend a closed hearing by providing the investigator with their names at least 24 hours prior to the hearing. These non-witnesses may not participate in the hearing.
  9. Question all witnesses who testify at the hearing.
  10. Present witnesses to testify for the defense.
  11. Be present during the entire hearing (except closed deliberations) and know all evidence used in the proceeding. The accused may elect not to appear at the hearing; failure to appear will not be construed as an admission of responsible.
  12. Remain silent. Such silence will not be construed as an admission of responsibility.
  13. Be notified in writing of the decision of the hearing body within 10 days of the date of the hearing.
  14. Submit an appeal.
  15. Have access to the official record of the hearing for the purpose of preparing an appeal. This record will consist of a copy of a visual recording made at the hearing, at the discretion of the coordinator.
  16. Have the above rights apply to a hearing conducted by a special panel, as described in that section.

## VII. Penalties

A. One of the following penalties will be assessed for a student's first Honor Code violation:

1. **Reduced or failing grade on the most applicable area** of student evaluation in the course (e.g., an assignment, an examination, class participation, etc.);
2. **Reduced or failing grade in the course;**
  - a. For a first violation, the hearing panel has the option to assign either an "F" or an "F with a transcript notation" as a penalty. If the "F with a transcript notation" option is assigned as a penalty, the registrar will adjust the student's transcript to contain an "F" and a statement that the "F" is due to an Honor Code violation. The transcript notation shall remain on the official university transcript for one year from the date the student graduates or completion of the Site Experience administered by the Office of Student Accountability and Restorative Practices, which ever should occur first in time.
3. **Failing grade with a transcript notation in the course and suspension** for the fall or spring semester including the preceding or following summer term upon conclusion of the final disposition of the matter. A student may not receive credit for work taken at another institution during this period of suspension. A hearing body may impose suspension for a student's first violation if it finds that the student intentionally tried to obtain an academic advantage for him/herself or another student. The transcript notation shall remain on the official university transcript for one year from the date the student graduates or completion of the Site Experience administered by the Office of Student Accountability and Restorative Practices, which ever should occur first in time.
4. **Failing grade with a transcript notation in the course and expulsion** from the university. A hearing body may impose expulsion for a student's first or second violation if it finds (i) the student intentionally tried to obtain an academic advantage for him/herself or another student, and (ii) the violation involved aggravated circumstances (e.g., violation of another university policy in conjunction with the Honor Code violation). The transcript notation shall remain on the official university transcript permanently in the case of expulsion.
  - a. The maximum penalty that may be assessed under **Section IV** (i.e., the penalty designated by the faculty or staff member is agreed to by the student) is "F" in the course.
  - b. If an "F" or "F with a transcript notation" in the course is assessed for an Honor Code violation, the student will not be permitted to retake that course on a "repeat/forgiveness" basis.
  - c. If a student commits more than one Honor Code violation, the informal resolution process is not an option. The following minimum penalties will apply: the minimum penalty for a second violation will be "F with a transcript notation" in the course and suspension for a semester. The minimum penalty for a third violation will be "F with a transcript notation" in the course and expulsion.

5. Values in Action Workshop: The option to require the student to attend the Values in Action Workshop facilitated in conjunction with the Office of Student Accountability and Restorative Practices is available for both formal and informal resolutions. This penalty should only be assigned in addition to another appropriate penalty unless the violation occurred outside of an enrolled class or an appropriate penalty is unavailable. This penalty is assigned based on the judgment of the professor if it is an informal violation or the judgment of the hearing board if it is a formal violation that the student will benefit from the class. If the Values in Action Workshop does not seem appropriate for the student then it should not be assigned. This penalty can only be imposed once per student.
  - a. Each student assigned the Values in Action Workshop must contact the Office of Student Accountability and Restorative Practices within three class days of the final disposition of the matter. Failure to contact the Office of Student Accountability and Restorative Practices will be treated as a judicial violation and will be handled as such. The Values in Action Workshop may not be assigned to seniors in their final term of enrollment or in conjunction with the transcript notation sanction.
  - b. Students must be enrolled at JMU to be eligible to participate in the Site Experience. Removal of the transcript notation will occur following the completion of the program and notification of the Honor Council Coordinator by the student. Students in their final term of enrollment or those not currently enrolled due to suspension will have the opportunity to remove the transcript notation upon the completion of 30 hours of community service, certified by the Honor Council Coordinator, if they are not eligible for the Site Experience.
  - c. If these penalties are assigned to a student who has also been assigned the penalty of suspension, he or she will be required to contact the Office of Student Accountability and Restorative Practices upon re-enrollment during the first week of the semester back at JMU. Failure to contact the Office of Student Accountability and Restorative Practices will be treated as a judicial violation and will be handled as such. Any cost associated with the Values in Action Workshop shall be the responsibility of the student.

## VIII. Hearing, Appeal and Review Procedures

### A. The Hearing

1. No hearings or special panels will take place when classes are not in session (i.e., August, spring break, winter break, during final exams).
2. All hearings will be closed unless the accused requests an open hearing at least 48 hours prior to the time of the hearing. If the number of spectators or disorderly behavior disrupts the hearing in any manner, the Honor Council president may order any or all spectators to leave the hearing room. The president may prohibit the use of cameras or unauthorized audio or video recording equipment.
3. The members of the hearing board will be selected by the Honor Council vice president. The hearing board will consist of seven members: three students, three faculty members and the vice president. Members of the hearing board may be selected from the Honor Council.
4. At least three class days prior to the hearing, the accused must inform the Honor Council office of the names of all witnesses to be called at the hearing by the accused and must provide a summary of the points to which each is expected to testify.
5. The accused will be entitled to all rights guaranteed in **Section VI, Rights of Accused Students**.
6. The Honor Council president or the chair of the special panel will preside at the hearing and will rule on the admissibility of all evidence introduced during the hearing and on all other matters raised at the hearing. Formal rules of evidence will not apply.
7. A hearing will generally be held in the following order:
  - a. The president will introduce those present.
  - b. The president will make a statement emphasizing the confidentiality of the proceedings.
  - c. The president will answer any questions concerning hearing procedures.
  - d. The president will read the charges against the accused.
  - e. The accused will enter a plea of “not responsible” or “responsible.”
  - f. The president will direct the investigators to provide all evidence gathered regarding the alleged violation. This may include the impartial questioning of witnesses (including the accused, unless the accused elects not to testify) for clarification and the presentation of evidence requested by the accused. The investigators, the members of the hearing board, the accused and his or her designated representative will have the opportunity to question each witness.
  - g. The accused or his or her designated representative may present concluding remarks.
  - h. All persons will leave the hearing room except the hearing board members, who will select a chair and commence their deliberations.

- i. The hearing board will first consider whether the accused is responsible or not responsible. The hearing board may recall any witness who testified during the hearing. The accused shall have the right to be present during any additional testimony and, with the permission of the president, may question these witnesses.
- j. The hearing board will reach one of the following decisions as to whether the accused is responsible:
  - 1. If at least five of the seven hearing board members determine that it has been established by “clear and convincing evidence” that the accused student committed an alleged Honor Code violation, the student shall be found “responsible” on that charge.
  - 2. If no more than four of the seven hearing board members make that determination, the student shall be found “not responsible.”
  - 3. Additionally, if, after a reasonable period of deliberation (as determined by the president of the Honor Council), a finding of responsibility has not been reached, the hearing board shall be deemed to have found the student “not responsible.”
- k. If the hearing board finds a violation, it should then reach a determination to assess any of the penalties enumerated in **Section VII, Penalties**, by a vote of four of the seven hearing board members. Notwithstanding the foregoing, if the student has previously committed an Honor Code violation, the minimum penalties set forth in **Section VII.A.5.c.** will apply.
- l. The decision will be announced in the presence of the accused or his or her designated representative if either is then present.
- m. The president will inform a convicted student of the appeal procedure and will answer any questions.
- n. If an accused refuses to appear or fails to appear at a hearing after being properly notified, the hearing will proceed without him or her.
- o. The accused may request one postponement of the hearing by contacting the Honor Council president at least 24 hours prior to the scheduled hearing. Adequate cause for postponement must be demonstrated.
- p. If the accused wants to have his or her case heard when witnesses are not available, the right to question witnesses may be waived in writing and the written statements of all witnesses will then be accepted as evidence and testimony by the hearing board or special panel. The accused student may, however, challenge the testimony given in these statements by presenting witnesses (including the accused) who will testify on behalf of the accused.
- q. The accused or the reporter may request by letter to the Honor Council coordinator that the hearing of a case arising during one of the summer sessions be postponed until the fall semester. Adequate cause must be demonstrated for the postponement to be approved.

## B. Special Panel Provisions

1. The hearing body will be a special panel consisting of one faculty member and two students appointed by the Honor Council coordinator or Honor Council vice president for any student charged with an Honor Code violation
  - a. during the last two weeks of fall or spring semester classes, or
  - b. between the end of spring semester classes and the first day of classes of the next fall semester
2. The special panel will select a chair from among its members. The chair will have full voting rights and will, in addition, have the same powers and responsibilities at a special panel hearing as the Honor Council president has at a hearing board hearing.
3. Each special panel hearing shall be held as soon as reasonably possible after the investigation is completed. The coordinator may grant a request for a postponement of the hearing only if the coordinator finds that special circumstances exist that would make it inequitable to proceed with an immediate hearing.
4. The special panel will reach one of the following decisions as to whether the accused is responsible:
  - a. “responsible,” based upon the standard of proof of “clear and convincing evidence,” which requires the concurrence of at least two of the three members of the special panel; or
  - b. “not responsible,” based upon the standard of “clear and convincing evidence,” which requires the concurrence of at least two of the three members of the special panel.
5. If there is a decision of “responsible,” any of the penalties enumerated in **Section VII, Penalties** may be assessed, although the penalty of suspension or expulsion requires the concurrence of all three members of the special panel, whereas assessment of the other penalties requires the concurrence of at least two of the three members of the special panel.
  - a. If the student has previously committed an Honor Code violation, the minimum penalties set forth in **Section VII.A.5.c.** will apply.

## C. Appeals

1. Any student found responsible by a hearing board or special panel will have the right to appeal within five class days of receiving written notice of the decision by providing a written statement to the Honor Council coordinator describing the basis of the appeal. An appeal may be based upon the availability of new evidence, the violation of due process rights of the convicted student, or the unreasonableness of the hearing body’s decision.
2. If a student does not appeal the decision within five class days of receiving written notice of the decision, the decision will be deemed to be final (unless the penalty includes suspension or expulsion, in which cases final review occurs under **Section VIII**).
3. The Provost will designate an academic dean, associate dean, or assistant dean to chair the appeals committee, which will be the appeal body except in the circumstances described below. The committee will consist of three members: the committee chair, and a student and faculty member appointed by the Honor Council vice president or the coordinator.

4. Appeals presented during the last two weeks of spring semester classes or during the period between the end of spring semester classes and the first day of classes of the next fall semester will be heard by a person designated by the vice president for academic affairs, who in those circumstances will be the appeal body in lieu of the appeals committee.
5. The appeal body or an investigator will notify the student in writing of the date, time, and place of the appeal hearing.
6. At the appeal hearing, the appeal body will review the record of the original hearing and may recall witnesses for clarification purposes or receive additional evidence or testimony in order to determine whether the decision of the hearing body should be changed.
7. The appeal body will then take one of the following actions:
  - a. Affirm the "responsible" finding and penalty imposed by the hearing body.
  - b. Affirm the "responsible" finding but reduce the penalty (but not below the applicable minimum penalty).
  - c. Find the student "not responsible" and dismiss the charges.
  - d. Order a new hearing.
8. If the appeal body is the appeals committee, two votes will be necessary to take any action other than to affirm the responsible finding and penalty imposed by the hearing body. A student may not be given a more severe penalty as the result of an appeal.
9. The appeal body will notify the Honor Council coordinator of its decision, and the coordinator will promptly notify the student of the decision. If the decision of the appeal body does not include a penalty of suspension or expulsion, there shall be no further appeal or review.

#### **D. Final Review**

1. In all cases in which the penalty includes suspension or expulsion, there shall be a final review by the Provost (if the penalty is suspension) or by the University President in consultation with the Provost (if the penalty is expulsion). The Honor Council coordinator shall provide the reviewer with the relevant documentation and information. The reviewer need not review the entire record of the hearing or the deliberations of the appeal body before making a decision.
2. The reviewer will take one of the following actions:
  - a. Affirm the "responsible" finding and penalty.
  - b. Affirm the "responsible" finding and reduce the penalty (but not below the applicable minimum penalty).
  - c. Find the student "not responsible" and dismiss the charges.
  - d. Order a new hearing.
3. The reviewer will notify the coordinator of the final decision, and the coordinator will promptly notify the student.
4. If the final decision includes suspension or expulsion the Provost or University President will notify the Honor Council coordinator, the vice president for student affairs, the assistant vice president for finance, the director of residence life, the university registrar and the Honor Council president. This notification will include only the final decision and will not be a report of the proceeding itself.

## **IX. Miscellaneous Provisions**

### **A. Restrictions on Graduation**

1. A student who is the subject of an honor investigation or who has been charged with an Honor Code violation may not graduate from the university until the case has been resolved, (i.e., the case has been dismissed or dropped, a hearing has occurred, all appeals have occurred, etc.). a student who is found responsible of (or admits to) an Honor Code violation may not graduate from the university until the student completes any additional course work resulting from the penalty and any suspension period has expired. A student who has been expelled from the university due to an Honor Code violation may neither graduate from nor re-enroll in the university at any time.

### **B. Effects on Official Records**

1. If a student is expelled from the university because of an Honor Code violation, the student's official university records will so indicate. If a student is suspended from the university because of an Honor Code violation:
  - a. any copy of the student's transcript which is prepared or sent out between the final review and the end of the suspension period will bear the notation "Not in Good Standing," and
  - b. after the end of the suspension period, the grade of "F" in the course in which the violation occurred will remain, but there will be no reference to the Honor Code violation in the student's official transcript, excluding the sanction of transcript notation.
2. If neither suspension nor expulsion is assessed due to an Honor Code violation, any grade change in the course in which the violation will remain, but there will be no reference to the Honor Code violation in the student's official transcript, excluding the sanction of transcript notation.

### **C. Records and Reports**

1. The Honor Council coordinator will keep records of violators (to identify repeat offenders and assess applicable minimum penalties) and of the numbers and types of alleged and actual violations; such records are not considered to be part of a student's "official university records." The coordinator will prepare a report each semester presenting summary data on offenses, results and trends. The coordinator will cause the report to be disseminated to the JMU community; publication in the campus newspaper would be one preferred means of dissemination. The reports will not contain any information that would permit identification of any accused student or of any student who was found responsible of an Honor Code violation.

### **D. Nature of Proceedings**

1. In adopting the Honor System, the university recognized that errors in procedures and processes may sometimes occur. Thus, a violation of a procedure by a member of the Honor Council or faculty member that would not be expected to result in a different outcome in a particular case, and does not impair the overall fairness of the system should not be considered a violation of the student's due process rights. Similarly, a student should not be unduly penalized for an inadvertent failure to comply with a specific procedure relating to honor cases. The Honor System is designed to be fair while protecting students' rights, and each provision of this Code should be read in that light.

### **E. Application of Honor System in Courses**

1. Faculty members are strongly encouraged to make reference to the Honor Code in their syllabi and to discuss in class its application to their specific courses and assignments (e.g., clarifying the scope of permissible collaboration, if any, among students). Nevertheless, the student is responsible for being familiar with the Honor System and for complying with the Honor Code.

### **F. Confidentiality**

1. All information relating to any honor case should be considered confidential. All who are involved in any honor case must protect that confidentiality.

## **G. Impartiality**

1. If any member of the Honor Council, a hearing board, a special panel or an appeal body believes that there are circumstances (for example, prior acquaintance with the accused student or the reporter) that may impair his or her ability to render a fair judgment or to fulfill his or her responsibility with respect to an honor case in an unbiased manner, that member should request to be excused from his or her responsibilities with respect to the applicable case. If an accused challenges the impartiality of any such member and the Honor Council president or coordinator determines that there is reasonable justification for such challenge (which must be presented as soon as possible after the accused becomes aware of the relevant circumstances), such member will be excused from his or her responsibilities with respect to the applicable case. In any such event, a substitute for the excused member will be appointed by an Honor Council officer or the coordinator.

## **X. Honor System Organization**

### **A. Academic Affairs Division**

1. The JMU Honor System and its component bodies are organizationally under the Academic Affairs Division.

### **B. Honor Council Coordinator**

1. The Provost will recommend and the Honor Advisory Board will approve the selection of the Honor Council coordinator, who will report to the Provost or the designated Associate Vice Provost. The coordinator will have the following duties:
  - a. To handle all major correspondence and administrative matters related to the Honor System except matters assigned to the Honor Council officers and investigators.
  - b. To coordinate and supervise the selection and training of all Honor Council members including, but not limited to, the executive board and investigators.
  - c. To provide assistance to, and supervision of, investigators in the gathering and presenting of evidence related to an alleged Honor Code violation in a professional and impartial manner.
  - d. To approve the appointment of additional volunteer investigators to assist in the gathering and presenting of evidence related to an alleged Honor Code violation.
  - e. Along with the investigators, to decide whether there is sufficient evidence to charge a student with an Honor Code violation.
  - f. To gather and present evidence at hearings during the summer break or other times when investigators are unavailable.
  - g. To serve in the role and capacity of adviser to the Honor Council.
  - h. To maintain the Honor System records and prepare reports for the JMU community.
  - i. To determine the proper application of provisions of the Honor System in a manner that upholds the spirit and intent of the Honor System.
  - j. To take such other actions as may be authorized from time to time by the Honor Advisory Board or the Provost in order to fulfill the spirit and intent of the Honor System.
  - k. The Provost may appoint an acting Honor Council coordinator when the Honor Council coordinator is temporarily absent from the university.

## C. Honor Council

1. The Honor Council will have approximately 106 members as follows:
  - a. The president and vice president, who will be selected by the Honor Advisory Board and approved by a Student Government Association-designated committee, which will include representation from the Honor Council. Eligibility for both positions includes being a currently enrolled student in good standing and having served as an Honor Council student representative at JMU for one semester.
  - b. Approximately four student investigators to be selected by the Honor Advisory Board.
  - c. Approximately 50 faculty members to be nominated from each academic department/school and approved by the Honor Advisory Board, none of whom will hold an administrative position higher than department head or school director.
  - d. Approximately 40 undergraduate student representatives to be selected by the Honor Council officers from applications submitted to the Honor Council.
  - e. Approximately 10 graduate student representatives to be selected by the Honor Council officers from applications submitted to the Honor Council.
2. The terms of the members of the Honor Council will be as follows:
  - a. The president, the vice president and the investigators will take office on the date of the May graduation following their election and will serve until the next May graduation date.
  - b. The faculty members and student representatives will serve for the full academic year following their election, beginning with the start of the fall semester.
3. The duties of the Honor Council members will be as follows:
  - a. **President** – The president will serve as the chief executive officer for the James Madison University Honor System and will have the following specific duties:
    1. The president will chair all hearing board hearings with no vote. He or she will control the general order of the hearing, ensure that information on both sides is adequately presented and rule on any questions of evidence, procedure or due process. The president may consult with the Honor Council coordinator before making rulings.
    2. The president will not participate in closed deliberations of the hearing board.
    3. The president will be responsible for maintaining adequate communication on Honor System matters with the SGA administrative vice president, the Vice President for Academic Affairs, college deans, departmental liaisons, and the President of the University.

- b. **Vice President** – The vice president (or, if the vice president is unable to perform the applicable duty, another student to be designated by the Honor Council coordinator) will assume all presidential duties in the absence of the president and will have the following additional duties:
  - 1. The vice president will serve as a regular voting member of hearing boards.
  - 2. The vice president will be responsible for organizing all hearing board hearings (including the taping of all hearings and the securing of all tapes).
  - 3. The vice president will provide assistance to the chairs of special panels and appeal bodies in connection with the organization of those hearings.
  
- c. **Investigators** – The investigators are assisted and supervised by the Honor Council coordinator. They are neither prosecutors nor representatives of accused students. They are to act impartially, in a manner that upholds the spirit and intent of the Honor System. Investigators will have the following duties:
  - 1. The investigators will investigate and gather evidence related to alleged Honor Code violations.
  - 2. The investigators will decide with the Honor Council coordinator whether there is sufficient evidence to charge a student with an Honor Code violation.
  - 3. The investigators will provide all relevant evidence at hearings.
  - 4. The investigators will assume such other duties as may be assigned by the Honor Council president or the coordinator.
  
- d. **Representatives** – Student representatives will have those duties assigned from time to time by the officers, including the following:
  - 1. Representatives will serve on hearing boards and committees when selected to do so and will be responsible for attending all hearings and meetings to which they are assigned.
  - 2. Representatives will be responsible for communicating with students and faculty members on matters concerning the Honor System.
  - 3. Representatives will be responsible for actively participating in the development and implementation of special projects, communication methods, and student and faculty orientation to increase both awareness of and support for the Honor System.

#### 4. **Training and Orientation**

- a. The Honor Council president, vice president and coordinator will be responsible for the preparation of Honor Council members to fulfill their duties and responsibilities, through one or more training and orientation meetings or other methods.

## 5. Removal from the Honor Council

- a. Honor Council officers and investigators may be removed from membership on the Honor Council for violations of the Honor Code, major violations under the University Judicial System, violation of the Honor System confidentiality requirement, academic suspension, or failure to fulfill any of their assigned duties related to the Honor System. A written statement fully describing the reasons for removal and the procedures to be followed must be given to the person being considered for removal at least one week prior to the final vote of the Honor Advisory Board.
- b. An officer or investigator may be removed by the Honor Advisory Board. The person being considered for removal may not vote or be present at the deliberations of the board (which will be closed) but will have the opportunity to address the board before deliberations begin.
- c. Representatives may be removed by the Honor Council officers and coordinator for any of the causes for removal of an officer or investigator, or for failure to fulfill the duties of a representative.
- d. If the president resigns or is removed from office, the vice president will become the new president. A new vice president will then be elected by the Honor Council from the current members of the council, and a new representative will be appointed by the Honor Advisory Board. This procedure will also be followed if the vice president resigns or is removed from office.
- e. If an investigator resigns or is removed from office, the Honor Advisory Board will select a person to complete his or her term.

## D. Honor Advisory Board

1. There will be an Honor Advisory Board that will be comprised of the following members: the Honor Council coordinator, president, vice president and investigators; the SGA vice president; the Provost (or his or her designee); and one faculty member from each college appointed by the dean of each college. An additional faculty member appointed by the vice president for academic affairs will act as the nonvoting chair of the board. A representative from the Office of Student Affairs, appointed by the vice president for student affairs, will serve as nonvoting secretary. The duties of the Honor Advisory Board will be as follows:
  - a. To approve nominations for membership on the Honor Council.
  - b. To appoint replacements to the Honor Council in case of vacancies.
  - c. To appoint the Honor Council investigators.
  - d. To remove Honor Council officers and investigators from the Honor Council.
  - e. To act individually and collectively in an advisory capacity to the Honor Council.
  - f. To make changes in the procedures, definitions and powers relating to the James Madison University Honor System. Any changes will not reduce the rights of an accused student to receive a fair hearing with full protection of due process.
2. A quorum at a meeting of the Honor Advisory Board will consist of a majority of its voting members. The board may take action either (i) at a meeting at which a quorum is present—upon the vote of a majority of its voting members who are present at the meeting, or (ii) without a meeting—by the written consent of a majority of its voting members.