

University of Notre Dame

Procedural Appendix

The *Undergraduate Academic Code of Honor* (*Honor Code* hereafter) gives expression to the University's aspirations and general expectations of students, faculty, and staff regarding academic integrity. This *Procedural Appendix* identifies the mechanisms and personnel responsible for implementing, supporting, and ensuring adherence to the *Honor Code*. To that end, it is divided into four sections that describe: stewardship and oversight of the *Honor Code* (Section 1.0); responsibilities and responsible actions for faculty, staff, and students (Section 2.0); college and school Honesty Committees (Section 3.0); and those norms governing the work of Honesty Committees (Section 4.0). The procedures, responsibilities, and responsible actions below provide parameters for the adjudication and resolution of alleged violations in a manner consistent with the values articulated in the *Honor Code* itself. This appendix concludes with templates for the *Honor Code Violation Report* (HCVR) and Educational Outcome (EO).

1.0 Oversight of the *Honor Code*

- 1.1 The University Committee on the Academic Code of Honor (UCHC) has general oversight of the *Honor Code*. Its responsibilities include: assisting in the education of the Notre Dame community about the *Honor Code*; discussing on a periodic basis procedural questions that may have arisen in past cases and how these can best be resolved for future cases; reviewing standard penalties invoked for certain kinds of violations so that consistency and fairness may be maintained; and proposing revisions to the *Honor Code* and generally promoting high standards of moral integrity in academics.
- 1.2 UCHC membership consists of six students, one from each of the undergraduate colleges and schools; six faculty members, one from each of the colleges and schools; and a seventh faculty member from the Provost's Office. The UCHC is co-chaired by a student (who is one of the six student members) and by the faculty member from the Provost's Office.
- 1.3 The Faculty Co-chair of the UCHC is an Associate Provost designated by the Provost. This individual may select another faculty member (as a *designee*) to take his / her place in UCHC meetings, with the work of the UCHC, and/or when assisting college and school Honesty Committees and any Hearing Panels in any matters relating to the implementation or administration of the *Honor Code* or this Procedural Appendix.
- 1.4 The Associate Provost (or designee) retains the sole discretion to address and resolve, in consultation with the UCHC, procedural and / or substantive issues that are not contemplated by the *Honor Code*, including (but not limited to): determining whether an allegation of dishonesty is academic in nature such that it should be investigated by a college or school Honesty Committee or otherwise resolved in accordance with the *Honor Code*; or assigning the investigation to a University-level Honesty Committee.

- 1.5 The Student Co-chair is selected in the spring semester from among the students currently on the committee by an absolute majority of the UCHC to serve a one-year term in this position during the following academic year. The committee should select a student who has shown excellence in moral character and the conscientious exercise of responsibilities and the capacity for leadership. In addition to co-chairing the UCHC, this individual will have a broad range of responsibilities for assisting in the orientation and education of her / his fellow students in the *Honor Code*; and for providing leadership in its implementation.
- 1.6 The deans of the Arts and Letters, Business, Engineering, and Science Colleges, and the deans of the School of Architecture and the Keough School of Global Affairs each designate one faculty representative from their respective colleges and schools. Any faculty member, assistant dean, or associate dean within the college or school may serve in this role. To ensure continuity of membership, the term of the faculty representative should be no less than three years, and their terms will be staggered.
- 1.7 One Student Representative from each of the Colleges of Arts and Letters, Business, Engineering, and Science, and one Student Representative from each of the School of Architecture and the Keough School of Global Affairs will serve on the UCHC. They are appointed by the respective deans of the colleges and schools with appropriate student consultation.
- 1.8 The total number of UCHC members, then, is thirteen, consisting of six students and seven faculty members. This number includes the two co-chairs of the Committee.
- 1.9 The Associate Provost Co-Chair of the UCHC may appoint a faculty member (preferably one of the six Faculty Representatives) to serve as Faculty *Honor Code* Officer, who is to assist the Associate Provost, the college and school Honesty Committees, and any Hearing Panels in all matters related to the *Honor Code*, especially as they relate to the faculty. A Faculty *Honor Code* Officer who is not one of the six Faculty Representatives serves as a non-voting participant in UCHC meetings.
- 1.10 At regular meetings the UCHC will, while protecting the anonymity of students involved in any particular case, review past *Honor Code* hearings. It will discuss any procedural questions or difficulties that may have arisen and examine the penalties invoked for the kinds of violations encountered. The purpose of these meetings will be to attain a clear and common understanding of the *Honor Code* and its application, so that committee members can assist in ensuring consistent, fair, and efficient implementation of the procedures in this appendix.
- 1.11 Periodically, the UCHC will propose revisions of the *Honor Code* to the Academic Council.
- 1.12 Each of the six Faculty Representatives on the UCHC may, if he or she

wishes, sit in on any college or school Honesty Committee hearing. In addition, the chair of an Honesty Committee may request that a Faculty Representative be present at a hearing if the chair believes such presence would be helpful to the committee's work.

- 1.13 Each UCHC member may be approached for consultation or advice about the *Honor Code* by any member of the Notre Dame community. The UCHC may undertake any other initiatives it deems useful to promote knowledge of and adherence to the *Honor Code* on campus.
- 1.14 The Office of the Provost maintains the current membership roster of the UCHC.

2.0 Responsibilities and Responsible Actions of Students, Faculty, and Staff Under the *Honor Code*

2.1 Students' Responsibilities

- 2.1.1 Students are responsible for reading and becoming familiar with the *Honor Code*.
- 2.1.2 Before matriculation, students must sign a pledge to uphold the *Honor Code* in all academic pursuits.
- 2.1.3 Students must familiarize themselves with the directives given by course instructors concerning what is and is not permitted in student work. This includes, but is not limited to, group projects, lab reports, written papers and the attribution of research to sources including the Internet.
- 2.1.4 A student may not turn in the same work for two or more different courses being taken in the same academic term unless each professor involved has authorized the student to do so in advance.
- 2.1.5 Students may not submit for one course any work that has been used to fulfill the requirements of another course previously taken at this or any other school without obtaining permission of the current professor in advance.
- 2.1.6 Students also participate in investigating and determining responsibility in *Honor Code* cases by serving on college or school Honesty Committees. The dean of the college or school requests these students to serve in these positions.

2.2 Students' Responsible Actions

- 2.2.1 Each student, as an integral member of the academic community, must make the ethical and moral commitment not to act dishonestly and not to tolerate academic dishonesty on the part of other students. Students who are aware that a violation of the *Honor Code* is likely to have occurred must take responsible action.

2.2.2 In the case of personal violations of the *Honor Code*, students will self-report the occurrence to the instructor of the course in which the infraction occurred or to a member of the Honesty Committee of the college or school in which the course is taught.

2.2.3 Students witnessing a violation of the *Honor Code* or otherwise having reason to believe that a violation has occurred may use discretion in choosing among several possible courses of action. These include:

2.2.3.1

Talking with anyone suspected of violating the *Honor Code* and urging the person to report himself or herself to the instructor of the course or to submit a written report to a member of the Honesty Committee of the college or school in which the course is taught. If an observed act merits action under the *Honor Code* and the suspected student does not take what is believed to be the appropriate steps, then, as a further obligation, the student suspecting a violation must initiate formal procedures by speaking to the instructor of the course or by submitting a written report of the allegation to a member of the appropriate Honesty Committee.

2.2.3.2

Discussing the observed action(s) with the instructor of the course, not naming those involved, to obtain guidance and determine if, in fact, an observed act merits action under the *Honor Code*.

2.2.3.3

Reporting detection of possible dishonesty directly to the instructor of the course.

2.2.3.4

Submitting a written report regarding possible dishonesty to a member of the Honesty Committee of the college or school that offers the course. If the student reporting a suspected violation of another wishes to remain anonymous to the student under suspicion, the Honesty Committee will honor that request, if at all feasible, during the initial inquiry prior to a hearing. If these procedures result in a hearing, the student reporting the suspected violation necessarily becomes known to the student under suspicion.

2.3 Faculty Responsibilities

2.3.1 Faculty members are responsible for reading and becoming familiar with the *Honor Code*.

- 2.3.2 Faculty representatives to the UCHC from each college and school, working with the dean, are responsible for developing a procedure to introduce new faculty to the *Honor Code*. The orientation procedures should, when possible, be done prior to faculty activities in the classroom. The faculty member in charge of a particular course is responsible for educating and establishing guidelines for teaching assistants (TAs) in the course and familiarizing such TAs with relevant procedures in this appendix.
- 2.3.3 Faculty are expected to clearly state when students are to complete assignments and projects individually and without collaboration or assistance. In addition, faculty should also offer clear guidelines when asking students to work in teams or groups.
- 2.3.4 Faculty are encouraged to distribute a handout with information about what constitutes plagiarism when assigning writing in their courses, keeping in mind that our goal is to teach students how to use and document sources appropriately, and that learning to do so is part of an ongoing process.
- 2.3.5 In the event that students have not learned the conventions of documentation in early drafts of their work, faculty are encouraged to give students the opportunity to revise their work until any plagiarized material is eliminated.
- 2.3.6 Faculty are encouraged to take note of the principles of academic integrity, to reinforce these principles in their discussions of the *Honor Code* with students, and to explain how these principles apply to the work in their class.
- 2.3.7 Each faculty member will strive to establish an environment in order to evaluate students in a fair and reasonable manner. The purpose of the *Honor Code* is not to test the students' ability to perform in a highly competitive and stressful environment, but to help them develop habits of moral character.
- 2.3.8 Both students and faculty share in responsibility for maintaining the above "fair and reasonable" learning environment. Faculty members are strongly encouraged to be present in classrooms during examinations, fostering an environment that does not create opportunities for dishonest action.

2.4 Faculty Responsible Actions

- 2.4.1 Faculty and anyone else responsible for teaching or assisting in a course will not tolerate academic dishonesty.
- 2.4.2 If aware of a situation in which dishonest behavior may have occurred, faculty must take **one** of the following actions:

2.4.2.1

If the instructor observes potential dishonesty in a course in which he or she teaches, the instructor should discuss the situation with the student(s) suspected of violating the *Honor Code* if the instructor believes such a discussion might aid in evaluating the situation.

If this discussion results in the decision that the initial suspicion was unjustified, no additional action need be taken.

If the instructor concludes that the conduct may approach the level of a violation of the Honor Code, one of the following courses of action must be taken.

First, if the instructor concludes that the conduct does not involve any apparent dishonesty and instead reflects a student's misunderstanding of the conventional or appropriate academic standards, the instructor may complete an *Educational Outcome Report* (EOR) that explains the incident giving rise to the concern and includes an educational plan that addresses the misunderstanding in question. The educational plan is intended as an opportunity to educate a student concerning an area of misunderstanding. The issuance of the EOR is independent of any grading procedures an instructor might make for any coursework, and thus may not carry any grade-related consequences for the underlying assignment. However, the Associate Provost may be informed of a student's failure to complete or follow-through with any educational plan. In determining an appropriate educational outcome, the instructor may consult with the Faculty Honor Code Officer or a member of the UCHC.

Second, if the instructor concludes that there is reason to suspect dishonesty, regardless of the severity, and if the student admits to having violated the *Honor Code*, then if the student and instructor can agree on an appropriate penalty, the instructor and student will fill out an *Honor Code Violation Report* (HCVR – for a template, see below), indicating the nature of the violation, the degree of severity of the violation, and the agreed-upon penalty. In determining an appropriate penalty, faculty and students are to be guided by the criteria used by Honesty Committees in assigning penalties (see section 4.4 below); the faculty member may also consult with the Faculty Honor Code Officer or a member of the UCHC.

The signing of an HCVR is subject to a waiting period. Once the student and instructor have discussed the alleged violation and the penalty and filled out the HCVR, there is a mandatory two-business day waiting period before the student can *sign* the HCVR. That is, the student may not sign the HCVR until the third University business day* after the HCVR was first filled out. At this time, the instructor should make it clear to the student that the purpose of this

mandatory waiting period is to allow the student time to think about the student's options and ask for advice about policies and procedures from the Advisory Resource Person (described in Section 3.1 below) in the appropriate college or school. The student may also seek advice about any aspect of their case from any other trusted source. The deadline to sign the HCVR is the close of business on the fifth University business day after the HCVR was first filled out. If the student does not return to sign the HCVR, then the case must be referred to the College Honesty Committee. In unusual circumstances (e.g., mid-semester break, the end of a semester, winter break, etc.), an extension of time to sign the HCVR can be granted at the discretion of the Associate Provost (or designee). Both the instructor and the student are required to sign the HCVR.

*For purposes of this paragraph, "University business days" are defined as weekdays when the University is open.

Once the EOR or HCVR has been appropriately signed, the instructor must promptly provide copies of the Report to the student, and the Associate Provost. Upon receiving an EOR or HCVR, the Associate Provost (or designee), who may consult with a Faculty Representative on the UCHC from the relevant college or school, will confirm whether the outcome or penalty is reasonable. Upon receiving an EOR, the Associate Provost may ask the instructor if the EOR was issued as a result of a recommendation from an Honesty Committee hearing panel. If the Associate Provost determines that fundamental unfairness would result, or if the outcome or penalty is incompatible with the *Honor Code*, the Associate Provost (or designee) will inform the instructor and invite the instructor to discuss with the student whether they would like to modify the EOR or HCVR. If the instructor and student agree to a change, they should initial and date any amendments to the original EOR or HCVR and send the revised version to the Associate Provost (or designee).

If the Associate Provost ultimately determines that an HCVR is fundamentally unfair or incompatible with the *Honor Code*, then within 7 (seven) calendar days of the date of receipt of the HCVR, the Associate Provost (or designee) must notify the faculty member and the student of the decision to nullify the HCVR. The Associate Provost (or designee) may extend the deadline for nullifying an HCVR by an additional 7 (seven) days by issuing a written notice of the extension to the instructor and student before the initial 7-day deadline expires. The Associate Provost may not nullify an EOR.

In all cases where the Associate Provost (or designee) nullifies an HCVR, the Associate Provost (or designee) shall require the case to be referred to the relevant Honesty Committee. An instructor who has not been informed in writing of such nullification within 7 calendar days (or within 14 calendar days, if the Associate Provost

has extended the deadline) is then to impose the penalty described in the HCVR. After 7 calendar days (or after 14 calendar days, if the Associate Provost has extended the deadline), the agreement becomes irrevocable. No student may drop a course in which he or she has signed an HCVR.

If the HCVR is nullified, the Honesty Committee will not be informed of the agreement, and the admission by the student of the *Honor Code* violation cannot be used as evidence in the hearing of the Honesty Committee. If the relevant Honesty Committee Chair should come to learn of this action, he/she is duty bound not to inform other members of the Committee.

Third, where an instructor believes a student may have committed dishonesty in violation of the Honor Code, then if a student denies having violated the *Honor Code*, or if the instructor and that student cannot agree on an appropriate penalty, or if either the student or the instructor declines to sign an HCVR, the faculty member must report the suspected offense in writing to the Honesty Committee of the college or school offering the course.

2.4.2.2

If a faculty member observes or is made aware of potential dishonesty in a course which he or she does not teach, the faculty member must report detection of the possible violation to the instructor of the course.

2.4.2.3

Teaching assistants who observe potential dishonesty must, in all cases, report the possible dishonesty to the primary instructor of the course.

2.4.2.4

The faculty member may submit, in writing, a formal report describing the suspected offense directly to the Honesty Committee of the college or school offering the course.

2.4.3 Faculty are obliged to follow one of these procedures in all cases where they believe an *Honor Code* violation may have occurred. Students have the right to a fair and complete inquiry into any alleged violation of the *Honor Code*.

2.4.4 No faculty member or teaching assistant may penalize a student for suspected dishonest behavior unless the student either has agreed to that penalty in a signed HCVR or has been assigned such a penalty as a result of an Honesty Committee hearing.

2.5 Staff Responsible Actions

- 2.5.1 Those working directly with students in advising, counseling, tutoring, mentoring, and other capacities in residential and co-curricular settings share in the responsibility for fostering an environment that supports honest action. This includes the Division of Student Affairs, the Division of Athletics, and administrators working in academic units.
- 2.5.2 Staff members will not tolerate academic dishonesty.
- 2.5.3 If aware of a situation in which dishonest behavior may have occurred, staff must submit, in writing, a report describing the suspected offense to the Associate Provost for Undergraduate Affairs, who will assign it to the chair of the appropriate college or school Honesty Committee for investigation or handle it in a manner consistent with the guidelines noted in 1.4 above. The staff member may also choose to report the suspected offense directly to his/her immediate supervisor, who will then contact the Associate Provost.

3.0 Honesty Committees – An Overview

A college or school must set up an Honesty Committee at the college or school level. The dean shall see that appropriate structures are in place by the end of the second week of class in the fall semester. Any exceptions to what is specified in this section must be approved by the Associate Provost.

- 3.1 A single standing Honesty Committee is established for a college or school and is called the College (or School) Honesty Committee. The dean appoints a faculty member from the college as chair of the Honesty Committee, along with five other faculty members from the college to serve on the Committee, and six undergraduate students to serve on the Committee. The charges of this group are: (1) to familiarize themselves with the *Code* and this Procedural Appendix so that they can advise and educate faculty and staff within the College, (2) to encourage discussion on the subject of academic integrity within the College, (3) to make sure that hearings happen in a timely fashion, and (4) to send a brief summary of the year's activities to the UCHC.

One of the six faculty members should be designated as an Advisory Resource Person for the year. The Advisory Resource Person does not sit on any Hearing Panels, but rather would be available to talk to accused students about the process, the consequences of the decisions they make, etc. However, the Advisory Resource Person should not go as far as evaluating the student's arguments or recommending a particular course of action.

As cases arise that require a hearing, Hearing Panels are selected by the Chair of the Honesty Committee from among the standing Honesty Committee. When a suspected violation of the *Code* is reported, a call is sent to the standing Honesty Committee members for a Hearing Panel to

be formed. The Hearing Panel will consist of two faculty members, one of whom will be assigned to chair the Panel, and three students. In all Hearing Panels, students must constitute the majority of members.

The period of service and the training of members of the Honesty Committees should be determined at the college or school level.

- 3.2 To bring greater continuity and consistency to Honesty Committee deliberations and decisions over the years, it is recommended that one or more student members of the Committee each year not be in their final year of studies at Notre Dame. If a graduate student is included, the appointment of an undergraduate senior and an underclassman may be optimal. A dean or department chair may, with the approval of the Associate Provost who co-chairs the UCHC, compose the college or school Committee in a manner other than that described above, provided that the Committee is chaired by a faculty member of the college.
 - 3.3 In order for the *Honor Code* to function, both students and faculty must know the membership of the Honesty Committee to whom they can report instances of alleged academic dishonesty.
 - 3.4 For an Honesty Committee established at the college or school level, the dean bears the responsibility for publicizing the names of Committee members in an appropriate fashion, for example by posting them in the offices of the college or school or on the website of the college or school. The dean also notifies all department chairs and all faculty members in the college of the Committee's membership.
 - 3.5 The role of Faculty Representatives in the colleges and schools is to assist the College and School Honesty Committees in their work and to serve as a liaison between these Committees and the UCHC. Consequently, the Faculty Representative may sit in as a non-voting observer on any Honesty Committee hearings in the college that she or he serves. Moreover, in any case in which the chair of the Honesty Committee deems it helpful, he or she may ask the Faculty Representative to sit in to provide counsel or assistance.
- 4.0 Responding to Alleged Violations of the *Honor Code*
- 4.1 Preliminary Investigations
 - 4.1.1 Upon receiving a written report concerning a possible violation of the *Honor Code*, the chair of the relevant Honesty Committee appoints a faculty member (who may be himself or herself) of the Honesty Committee to make a preliminary inquiry into whether a hearing is needed. A report received by the relevant Honesty Committee after the student suspected of dishonesty has graduated may not be subjected to a preliminary inquiry, except where the student has been presented with an HCVR prior to graduation in connection with the incident being reported, or in other extraordinary circumstances as determined in the sole discretion of the Associate Provost.

- 4.1.2 The first stage in the preliminary inquiry might include, for example, an interview of the person submitting the report and any other identified witnesses and/or a review of any documents submitted in support of the allegation.
- 4.1.3 Before a hearing can be held, the member of the committee assigned to conduct the preliminary inquiry must inform the student that a report of a suspected *Honor Code* violation has been filed. At this point, the student should be provided with sufficient information to understand the nature of the report. This information generally will not include the name of the reporting party if that party is a student. The student will also be asked if he or she has any information that might help the Committee in determining whether or not a hearing is warranted. Sending information to a University provided email address will satisfy the notification requirement.
- 4.1.4 The chair of the Honesty Committee, in consultation with the faculty member assigned to investigate the report (if this person is different from the chair), has the authority to decide based on the findings of the preliminary inquiry whether there is evidence to warrant an Honesty Committee hearing. The responsibility of the chair is not to weigh the evidence, but simply to determine whether any evidence of a violation exists. A hearing is warranted whenever, after a preliminary inquiry, there is any evidence at all that academic dishonesty (whether major or minor) might have occurred. After reviewing the case, the chair of the Honesty Committee has two options:

4.1.4.1

The chair may decide that a hearing would be warranted. If the report of a possible violation was submitted by anyone other than the instructor in the course, the chair informs the instructor both of the report and of the evidence and asks the instructor if he or she wishes to contact the student to see if the case can be settled *via* an Educational Outcome Report or Honor Code Violation Report. If the instructor declines to do so, the chair will then write a letter to the student(s) suspected of the violation. The letter shall describe the possible violation, state the known evidence (including witnesses and documents involved, if any), and state the time and place of the hearing. The letter shall also inform the student(s) under suspicion that he or she can bring to the hearing members of the University community for support and/or to serve as witnesses, as permitted in 4.3.7.

4.1.4.2

The chair may conclude that there is no evidence of major or minor academic dishonesty. If the chair reaches this decision in a case where the instructor reported the possible violation, then the chair

shall discuss the case, and the apparent lack of evidence, with the instructor. If, after speaking with the chair, the instructor who reported the alleged violation agrees to withdraw the report of a violation, then the chair shall so notify the student suspected of a violation that the report has been withdrawn, and shall destroy all records related to the case. If the instructor does not agree to withdraw the charge, then the matter will be scheduled for a hearing, and the chair will write to the student(s) suspected of the violation a letter that contains the information required by 4.1.4.1. If the chair reaches this decision in a case where the report of a possible violation was submitted by anyone other than the instructor in the course, then the chair shall discuss this finding with the instructor. The chair may only decide not to proceed to a hearing with the agreement of the instructor. If, after being informed of the report by the chair, the instructor concludes that dishonesty was likely to have occurred, the case will go to a hearing unless the instructor can be convinced by the chair that there was no dishonesty. If the instructor agrees with the finding of the chair, the chair will so notify the student(s) suspected of a violation, the instructor, and the individual(s) who reported the student(s), and shall destroy all records related to the case.

4.1.5 Honesty Committees ordinarily do not convene Hearing Panels during the final examination period. However, if the student suspected of a violation is a graduating student during his or her final semester, the Honesty Committee must make every reasonable effort to convene a Hearing Panel prior to graduation. Students cannot avoid the process by delaying a hearing until after graduation. Grades can be changed and other consequences can be implemented even after a student graduates from the University.

4.1.6 Cases should be resolved as quickly as possible. The goal for the entire process is 60 days, with the possibility of extension upon written notification to the student by the Chair or the Chair's designee, for good cause shown.

4.2 Recusal of an Honesty Committee Member

4.2.1 If a suspected *Honor Code* violation is brought to a hearing before a Hearing Panel, and a member of the Panel is involved as one bringing the suspicion forward, or as one suspected of a violation, or as a witness, that person must recuse him or herself from that Hearing Panel. If a Panel member has direct knowledge that the student suspected of a violation has been previously accused or found responsible for a separate *Honor Code* violation, that person must recuse him- or herself from the Panel for the current case. On the other hand, if the suspected student chooses to reveal a prior violation to the Committee (or a Panel), then the Committee (or Panel) members need not recuse themselves. If any member of the Hearing Panel has a relationship with someone involved in the case

that may compromise his or her objectivity, he or she may recuse himself or herself.

- 4.2.2 In the event of a recusal, it is the responsibility of the chair of the Honesty Committee to ensure that the Hearing Panel is appropriately constituted to give a fair hearing, and that it meets the conditions that the Panel is chaired by a faculty member and the majority of its members are students. The chair of the Committee may appoint new members to the Panel to consider the case in question.
- 4.2.3 If it is the chair of the Honesty Committee who recuses himself or herself, a second faculty member on the Committee has the responsibility both of ensuring that the Hearing Panel is appropriately constituted and, if necessary, of appointing new members. If there is more than one faculty member in addition to the chair on the Committee, the dean of the college or school determines which faculty member will assume this responsibility. This faculty member will then also determine which faculty member on the Hearing Panel will chair the proceedings concerning the case in question.
- 4.2.4 If both the chair and all other faculty members on an Honesty Committee recuse themselves, the Associate Provost has the responsibility of appointing new faculty members to the Hearing Panel (one as chair of the Panel) to consider the case in question. These faculty members may be selected from the college or school in question, or from among the members of the UCHC.

4.3 Honesty Committee Hearing Procedures

- 4.3.1 A hearing regarding a violation of the *Honor Code* is intended to give the student(s) suspected of a violation an opportunity to be heard.
- 4.3.2 Except for the required notifications, as set forth throughout this Procedural Appendix, all Honesty Committee Hearing proceedings are to be strictly confidential and information regarding such proceedings is to be disclosed only as set forth in this Appendix on a legitimate need-to-know basis, as permitted by University policy and applicable law. If a parent or guardian of the student under suspicion inquires about the suspected violation, the chair of the Hearing Panel may describe the general nature of the suspected violation and the procedures defined in this Appendix. However, the chair should not engage in a detailed discussion of the evidence and should never reveal the names of parties who reported the suspected violation or who are possible witnesses.
- 4.3.3 The Honesty Committee will attempt to protect the identity of a student reporting an act of dishonesty, if desired, during the investigation process. However, if a hearing results, the student

reporting a violation of the *Honor Code* must attend and participate in the proceedings.

- 4.3.4 Before the hearing, committee members other than the member assigned to the initial inquiry should not discuss the allegation or the evidence with the student suspected of the violation.
- 4.3.5 If a student has questions about the *Honor Code* and the procedures of the hearing, he or she should contact the Advisory Resource Person in the appropriate college or school or another member of the Honesty Committee. Neither of these individuals will evaluate the evidence in the case nor make any recommendation regarding a particular course of action, but should only discuss the procedures and principles of the *Honor Code* and this Procedural Appendix.
- 4.3.6 Minutes of the hearing are to be kept by one of the Hearing Panel members and approved by each Panel member. Panel members may be emailed the minutes for review, and may provide their approval via email. The hearings are administrative and concern internal University affairs; accordingly, the hearings are informal and are not subject to formal rules of civil procedure or evidence.

The hearings are not open to the public, nor does the student under suspicion (or any other individual involved) have the right to legal counsel at the hearing.

- 4.3.7 The student suspected of violating the *Honor Code* will have the opportunity to invite to the hearing witnesses to the incident and/or a support person.

“Witnesses to the incident” are individuals who witnessed or have personal knowledge of the alleged violation, or who had direct contact with at least one of the individuals involved in the alleged violation before, during or after the alleged violation occurred. Character witnesses are not permitted.

The student may also be accompanied, but not represented, by a support person at the hearing. A support person may be any University of Notre Dame student, faculty or staff member, with the exception of parents and attorneys. The support person may not serve as a witness to the incident, or as a general character reference. The support person may also not ask questions of the Panel, the instructor(s), or any other witnesses. The role of the support person is to provide moral support for the student and to share insight (and, if asked, answer the Panel’s questions) about the student’s learning and growth resulting from the alleged violation.

- 4.3.8 Once the hearing is scheduled, the student suspected of violating the *Honor Code* may request permission from the chair of the Hearing Panel to reschedule the hearing. The chair alone can grant

such a request based on extraordinary circumstances. As explained in section 4.3.7 above, the student may bring to the hearing witnesses and/or a member of the University community as a support person, but the chair will not reschedule the hearing based on the support person's unavailability. If the student suspected of violating the *Honor Code* does not attend his or her hearing, the Panel may either postpone the hearing or hold the hearing without the student and determine the case using the evidence before the Panel. The student's absence and surrounding circumstances may be a relevant factor to the Panel in reaching its decision.

- 4.3.9 Once the hearing is scheduled, the individual who reported the possible violation may request permission from the chair of the Hearing Panel to reschedule the hearing. The chair alone can grant such a request based on extraordinary circumstances. If the individual who reported the possible violation informs the chair that he or she will be unable to be present at a hearing, the chair of the Panel should inform the student(s) suspected of a violation in advance of the hearing and should endeavor to provide the student(s) and Panel members an opportunity, should either desire it, to question the reporting party prior to or during the hearing. At least two Panel members should be present during any prior questioning of the reporting party, and the conversation should be recorded and played in its entirety at the hearing. If the individual who reported the possible *Honor Code* violation does not attend the hearing and has not informed the chair that he or she will not be present, the Panel may, at its discretion, either postpone the hearing or hold the hearing and determine the case using the evidence before the Panel. The Committee may also decide to dismiss the case because of the absence of the reporting party.
- 4.3.10 The aspiration is that every person be physically present in the room at the time of the hearing. In unusual circumstances, it is possible for any person, including the student accused of a violation, to participate remotely. Ideally, remote participation should be through a video call and not simply audio. The student accused of a violation can, upon request, receive an excused absence from University obligations (including class and extra-curricular activities) in order to attend the hearing. The chair of the Honesty Committee will also provide an excused absence from University obligations (including class and extra-curricular activities) in order for student members of the Honesty Committee, as well as witnesses and/or support persons, to attend the hearing.
- 4.3.11 The chair of the Hearing Panel should open the hearing by briefly presenting the allegations. Next, the instructor of the course and/or any other individual(s) reporting the allegations are to present their evidence of the alleged violation. The student suspected of a violation may question the instructor or other witnesses concerning the evidence, as may the Panel members. The student may then present his or her own witnesses, including his or her own

testimony, and any other evidence. The Panel members may then question the student under suspicion and any of the other witnesses who are present.

- 4.3.12 At the end of this process, the instructor and all other witnesses are excused. At this point the student has the opportunity to respond further to the charges if he or she desires by making a statement to the Panel members. The support person will also be invited to briefly share personal insights about the student's learning and growth resulting from the alleged violation. The student is then asked to leave, and the Panel members deliberate.
- 4.3.13 After deliberation, the Hearing Panel decides whether the evidence supports a finding that the student under suspicion violated the *Honor Code* or whether the evidence does not support such finding, in which case the charges are dismissed. The standard for finding a student responsible is that the evidence is clear and convincing, meaning that it is far more reasonable to conclude that the violation did occur than it did not. A student will be found responsible where a majority of the Hearing Panel members present find that there is clear and convincing evidence that a violation of the Honor Code has occurred.
- 4.3.14 If clear and convincing evidence does not support a finding that a violation has occurred, the chair of the Hearing Panel notifies the student and the instructor in writing of this decision. This notification should, if possible, be sent within one week of the hearing. Sending information to a University provided email address will satisfy the notification requirement.
- 4.3.15 In a case where there is not clear and convincing evidence to support a finding either that a violation has occurred or that an educational outcome is warranted, the chair of the Hearing Panel sends all records of the case to the Faculty Representative of the UCHC for that college or school. In addition, the chair comments to the Faculty Representative to the UCHC, either orally or in writing, on any problematic feature of the case, or any feature which merits the attention of the UCHC. Upon receiving these records and the chair's comments, the Faculty Representative writes a brief case report which excludes the names of any students suspected of a violation or involved in any way as a witness in the case and conceals their identity as far as possible. The purpose of this case report is to assist the UCHC in its efforts to improve the *Honor Code* and its implementation, and it should include information such as the general nature of the suspected offense, the vote of the Panel, the reasons for the Panel's finding that evidence does not support the conclusion that a violation has occurred, and any features which merit the attention of the UCHC. The Faculty Representative sends this report to the relevant Associate Provost, and destroys all other records related to the case.

4.4 Assignment of Outcomes or Penalties

4.4.1 If an action has occurred that an instructor or the college or school Hearing Panel believes merits additional education on the part of a student, an Educational Outcome may be assigned. If a student is found to have violated the *Honor Code*, the instructor or Hearing Panel must decide on the penalty. These judgments are left to the discretion of faculty issuing an Educational Outcome Report or an Honor Code Violation Report, and Hearing Panels following a hearing, and this Appendix does not attempt to offer an algorithm for deciding these questions. However, the instructor, and the Panel following a hearing, should be guided by the following broad distinctions between offenses and penalties on the one hand, and misunderstandings and educational outcomes on the other.

4.4.1.1

An educational outcome may be used for cases that may approach the level of a violation of the *Honor Code*, but that do not involve any apparent dishonesty and instead reflect a student's misunderstanding of the conventional or appropriate academic standards. An educational outcome is not a penalty, and the conduct underlying it is not formally found to violate the *Honor Code*. But educational outcomes still involve an act on the part of the student that merits immediate attention and, in these instances, there must be additional instruction from a faculty member, or from a Hearing Panel following a hearing, to the student.

4.4.1.2

A minor offense is a less serious violation which normally carries the penalty of zero credit for the work with respect to which the violation occurred. Such an offense has some of the following characteristics: the dishonesty involved a more limited portion of the work submitted; it would not have considerably increased the student's grade in the course; and the student did not engage in extensive premeditation and planning prior to the act.

4.4.1.3

A major offense is a more serious violation which normally carries the penalty of an 'F' in the course. Such an offense is one which has some of the following characteristics: the dishonesty involved a substantial portion of the work submitted; it would have considerably increased the student's grade in the course; and there is evidence of extensive premeditation and planning prior to the act.

4.4.1.4

A flagrant offense is a violation of an unusually grave nature, and

may warrant the penalty of permanent dismissal of the student or dismissal with the option for the student to apply for readmission to the University after one or more semesters. A flagrant offense would be one which has all the characteristics of a major violation listed above, plus further features which make the offense more grave. For example, the student may have convinced a substantial number of classmates to participate in serious acts of dishonesty and led them in this endeavor; or the Hearing Panel may discover that the student engaged in several serious acts of dishonesty in the case in question.

- 4.4.2 The Hearing Panel, when it assigns a penalty, may also consider as a mitigating factor the degree to which the student was honest and forthcoming regarding the violation, or any other evidence of sincere contrition. The Hearing Panel should take into account penalties invoked in previous cases of a similar nature, and may find it helpful to consult the Faculty Representative of the UCHC for this information. If the *Honor Code* violation took place outside of the context of a graded course, alternative sanctions may be applicable.
- 4.4.3 When the Hearing Panel determines that the conduct involved a misunderstanding that warrants the issuance of an educational outcome, the Hearing Panel shall send a letter to the instructor and student recommending that the instructor consider issuing an educational outcome in accordance with the procedure set forth in Section 2.4.2.1. A Hearing Panel's recommendation that an instructor issue an educational outcome is not appealable, nor is an instructor's subsequent issuance of an educational outcome.

4.5 Decision Notification and the Appeal Process for Major or Minor Offenses

- 4.5.1 If the Hearing Panel decides a student is responsible for a major or minor offense and assigns a penalty, the chair of the Hearing Panel notifies the student in writing of the Committee's decision and of the penalty. Sending information to a University provided email address will satisfy the notification requirement. The letter will explain the appeal process and make clear that a second violation of the *Honor Code* will normally result in a further penalty, up to and including dismissal.
- 4.5.2 The student has the right to appeal the decision and/or the penalty to the dean of the college or school in which the offense occurred. The chair of the Hearing Panel should be copied on the appeal to the dean so that the penalty decided upon at the hearing is not implemented before the appeal is resolved. The dean may designate responsibility for hearing the appeal to an associate who is empowered to act on behalf of the dean in this capacity. Grounds for appeal are limited to: evidence discovered after the hearing which is relevant to the judgment that a violation has occurred or to the evaluation of its gravity; the presence of a procedural defect in the preliminary investigation or hearing that would have been

substantial enough to have affected the outcome; or substantive evidence of personal bias on the part of members of the Hearing Panel that likely influenced the Panel's decision that a violation occurred or its assignment of a penalty.

- 4.5.3 A student wishing to appeal must do so no later than seven (7) calendar days from the date notification of the decision and penalty was sent by the Hearing Panel. This deadline may be extended only by the dean of the college or school in which the offense occurred, at his or her sole discretion.
- 4.5.4 If the student does not appeal within the time specified by the Panel, and has not been granted an extension by the dean, the Panel's chair then notifies the instructor of the course of the decision and the penalty. The instructor of the course will execute the penalty that the Hearing Panel has determined to be appropriate. The chair then sends to the relevant Associate Provost's office all documents relevant to the case.
- 4.5.5 To initiate an appeal, the student must provide a detailed written statement of the reasons for the appeal both to the dean of the college or school in which the offense occurred and to the chair of the Hearing Panel. While a student may consult members of the University community or other trusted persons in regard to the appeal of a Hearing Panel decision, a third party may not author the appeal or present it on a student's behalf. Upon receipt of such notice, the chair sends all documents concerning the case to the appropriate dean.
- 4.5.6 The student has the right to appear before the dean of the college or school where the offense occurred to discuss his or her appeal.
- 4.5.7 It is up to the dean's discretion alone whether to allow witnesses or other parties to attend this appeal meeting, and whether to undertake any further inquiries to decide the appeal. The dean should not conduct a new hearing on the original allegation, but should undertake only those inquiries he or she deems necessary to decide among the options below. However, before taking any of the first four options below, the dean is required to speak with the chair of the Hearing Panel to understand fully the Panel's reasons for its original decision and to discuss the dean's reasons for considering a change in that decision.
- 4.5.8 The dean deciding the appeal has five options:
 - 4.5.8.1 The dean may overrule the finding of the Hearing Panel that a violation occurred and may dismiss the charge against the student in its entirety. In this case, the charges are dismissed and the dean shall notify the student, the instructor, and the chairs of the Honesty Committee and Hearing Panel of his or her decision and rationale.

The dean then sends all records of the case to the Faculty Representative of the UCHC in the college, and comments upon any features of the case that may merit the attention of the UCHC. The Faculty Representative then writes a report as described above in 4.3.15, sends the report to the Associate Provost's Office, and destroys all other records related to the case.

4.5.8.2

The dean, either because of new evidence or procedural defect, may remand the case to the original Hearing Panel for a new hearing or other follow-up. In such case, the dean shall notify the student of this decision and inform the student of the next step to be taken by the Hearing Panel on remand.

4.5.8.3

If the dean decides that there is evidence that personal bias may have affected the original Panel's decision, he or she may constitute a new Hearing Panel to consider the alleged violation. In this case, the dean notifies the student and the chair of the original Hearing Panel. The dean may constitute the new Hearing Panel in any way which she or he deems appropriate, provided that it includes both faculty and student representation. The hearing before the new Hearing Panel proceeds as described above in 4.3, except that the preliminary investigation may be dispensed with.

4.5.8.4

The dean may agree with the decision but not with the penalty imposed by the Hearing Panel, and may decrease the severity of the penalty. In this case, the dean shall notify the instructor of the course of the decision and the penalty, and the instructor shall execute the penalty if applicable. The dean shall then forward all records to the Associate Provost who co-chairs the UCHC.

4.5.8.5

The dean may agree with the decision and the penalty, and affirm the decision in all respects. In such case, the dean shall notify the instructor of the course of the decision and the penalty, and the instructor shall execute the penalty. The dean shall then forward all records to the Associate Provost who co-chairs the UCHC.

4.5.9 If the semester's grade will be submitted before the necessary hearing procedures and appeals are completed, the instructor must request that the dean of the college in which the course is taught issue the student an 'X' grade for the course.

4.5.10 A finding of an *Honor Code* violation with regard to a particular course will void any earlier withdrawal from this course.

4.6 Decision Notification and Appeal Process for Flagrant Offenses

- 4.6.1 If the Hearing Panel decides the offense is a flagrant one which merits dismissal, it proceeds automatically on appeal to the dean. The chair informs the dean of the Panel's decision, and sends all records of the case to the dean.
- 4.6.2 The chair of the Hearing Panel notifies the student in writing of the Panel's decision and of the recommended penalty. The letter should state that the case has been sent to the dean on appeal and it should explain the appeal procedure.
- 4.6.3 The student has the right to appear before the dean to discuss the appeal, and the case proceeds as described in 4.5 above. The dean has all the options present in any appeal, as set forth in 4.5.8 above.
- 4.6.4 If the dean agrees with the Panel's decision and penalty, all records of the case are sent with the dean's recommendation to the Associate Provost, and the case proceeds as described in 4.7.3 – 4.7.7 below.

4.7 Records of Outcomes, Violations, and Repeated Violations

4.7.1 Record Keeping

All documents related to an outcome or violation are kept in the Office of the Associate Provost who co-chairs the UCHC.

Records of Educational Outcomes are not retained after a student graduates or transfers to another university.

As a general rule, the Associate Provost's office will retain records of Honor Code violations for seven years after the student's graduation. However, in Honor Code cases resulting in a student's dismissal from the University (i.e., Dismissal with the Opportunity to Apply for Readmission or Permanent Dismissal), the records are kept indefinitely and a notation will appear on the student's transcript, as explained in 4.7.7 below. The University may also keep records of potential Honor Code violations that remain unresolved and pending at the time a student left or withdrew from the University. In cases where a Hearing Panel does not find that a student is responsible for violating the Honor Code, the resulting case report (see 4.3.15 above), void of any mention of the student's identity, may be kept for as long as the UCHC deems it useful.

4.7.2 Reporting Records of Outcomes or Violations

4.7.2.1 Internal Reporting

The Associate Provost will notify the student's college dean, appropriate academic advisor, and rector of a violation without revealing any details of the case. The Associate Provost may notify other University officials of the violation as appropriate. These University officials typically will not be informed of a student's Educational Outcome unless the Associate Provost believes such notification to be necessary.

4.7.2.2 External Reporting

When a student requests and provides written consent for the University to disclose records of his or her Honor Code violations to a person or entity outside the University, such as in connection with an application for employment, graduate school, or professional licensure, the University will disclose information relating to cases that resulted in one of the following outcomes: Major Violation or Flagrant Violation. The University may also report accusations that remain unresolved and pending at the time a student left or withdrew from the University, as required or permitted by law and University policy. Unless the student otherwise directs the University in writing, or unless another exception recognized under FERPA applies, the University will not disclose to a person or entity outside the University any Honor Code matters that do not result in a Major or Flagrant Violation.

Although Honor Code cases resulting in educational outcomes are not considered violations of the Honor Code and, along with minor violations, are not ordinarily relevant or appropriate for distribution beyond the University community, students are encouraged to be forthright when a prospective employer, educational institution, or licensing authority asks questions relative to the student's academic record while enrolled at the University.

When the University responds to a request from a person or entity outside the University for any records of a student's Honor Code violations, the response will include a statement explaining this policy concerning the retention and reporting of Honor Code records.

- 4.7.3 When the Associate Provost's office receives a report that an Educational Outcome or *Honor Code* violation has been established, that office checks *Honor Code* files to determine if the student has a previous outcome or violation. If the student has received a previous educational outcome or a comparable incident, the Associate Provost may choose to initiate further action as appropriate. If the student has a prior violation, the Associate Provost assigns a further penalty for the repeated offense, up to and including dismissal.

4.7.3.1

Dismissal is separation from the University for at least one semester. Unless otherwise specified, the student is eligible to apply for readmission to Notre Dame, but readmission is not guaranteed.

4.7.3.2

Permanent dismissal is separation from the University with no opportunity to apply for readmission.

- 4.7.4 It is the responsibility of the Associate Provost to notify the student, the dean of the college or school in which the violation occurred, the dean of the college or school in which the student is enrolled (if this differs from the former), and the Registrar, of the dismissal of a student.
- 4.7.5 In order to be readmitted to the University, a dismissed student must submit an application for readmission. Readmission must be approved per the procedures established in the Undergraduate Academic Code, and must also receive approval from the Associate Provost who chairs the UCHC and the dean of the college or school to which the student wishes to be admitted.
- 4.7.6 In any case involving permanent dismissal from the University, including cases in which the Associate Provost issues permanent dismissal as the “additional” penalty for a repeated violation, the student has the right to a review of the case by the Office of the President of the University. A student may request a review of any aspect of the case for any reason. A written request for a review, identifying all issues to be reviewed by the Office of the President and giving the reasons for requesting a review, must be submitted to the Associate Provost’s Office within three (3) University business days of being notified of the decision. Decisions of the Office of the President will be based on a review of the written file and are final.
- 4.7.7 In the case of dismissal for an *Honor Code* violation, a student’s transcript will read “Honor Code Dismissal”; in the case of permanent dismissal, it will read “Honor Code – Permanent Dismissal.”

4.8 Required Recusals

- 4.8.1 If a dean has been involved as an instructor or as a witness in a student’s hearing, any appeal of the Hearing Panel’s decision is to be handled by the Provost of the University. In such an appeal, the Provost has all the responsibilities and options usually assigned to deans as outlined above in 4.5.7 and 4.5.8.

- 4.8.2 If anyone in the Office of the President has been involved as an instructor or as a witness in a hearing in which a student received the penalty of permanent dismissal from the university, that student has the right to a review of the case by the Provost of the University. In such a review, the Provost has all the responsibilities and options usually assigned to the Office of the President as outlined above in 4.7.6.

The *Undergraduate Student Academic Code of Honor Handbook* was approved by Academic Council on April 20, 2005, and revised on May 17, 2011; May 5, 2014; May 11, 2016; and January 21, 2020. It evolved from the *Academic Code of Honor Handbook*, first published in 1989 and revised in 1991, 1993, 1997 and 2002. Sections of the 1991 version were adapted from the *Academic Honor Code Manual* published in 1966.

