

Proposal 1. Section II.B.4.

Proposal to amend Section II.B.4. to the *Instrument* – II.B.4. – “*Cheating on examinations or other academic assignments, whether graded or otherwise, including but not limited to the following:*

- a. Using unauthorized materials and methods (notes, books, electronic information, telephonic or other forms of electronic communication, or other sources or methods), or*
- b. Representing another’s work as one’s own.”*

Amend Section II.B.4. to the *Instrument* to amend the language of the *Instrument* to reflect current practice and provide a more intuitive understanding of the charge.

Section II.B.4. –

a. Current Wording:

II.B.4. – “*Cheating on examinations or other academic assignments, whether graded or otherwise, including but not limited to the following:*

- a. Using unauthorized materials and methods (notes, books, electronic information, telephonic or other forms of electronic communication, or other sources or methods), or*
- b. Representing another’s work as one’s own.”*

b. Proposed Wording:

II.B.4. – “*Cheating, **in the form of gaining or attempting to gain an undue advantage on examinations or other academic work**, whether graded or otherwise, including but not limited to the following:*

- a. Using unauthorized materials and methods (notes, books, electronic information, telephonic or other forms of electronic communication, or other sources or methods), or*
- b. Representing another’s work as one’s own.”*

Rationale for Proposed Revisions: The original interpretation of the language of II.B.4.a, was that “cheating” was not an element of the charge. Instead, parts “a” and “b” of the charge defined what “cheating” constituted. Therefore, some conduct (e.g., cell phone use during an exam), irrespective of purpose, constituted a violation of II.B.4.a. In current practice, however, “cheating” is considered to be its own element, loosely defined by the Honor System to mean “gaining an undue advantage on the examination.”

The proposed modification will provide clarity to both the accused students and professors. This modification explicitly defines “cheating” using a similar structure as Section II.B.1., and represents the

interpretation the Honor System currently uses. For example, having a cell phone out during an examination is considered a violation of II.B.5.a; if the Honor Court also finds that there is clear and convincing evidence of usage of the cell phone to gain an undue advantage on the exam, the Honor Court may also find the accused student responsible of II.B.4.a.

Proposal 2. Section II.C.1.h.a.

Proposal to amend Section II.C.1.h.a. to the Instrument – *“Illegally possessing, manufacturing, selling, or delivering a controlled substance as defined by state or federal laws or applicable policies of the Board of Trustees or Board of Governors.”*

Amend Section II.C.1.h.a. to the Instrument to broaden the charge to include “use.”

Section II.C.1.h.a. –

a. Current Wording:

“Illegally possessing, manufacturing, selling, or delivering a controlled substance as defined by state or federal laws or applicable policies of the Board of Trustees or Board of Governors.”

b. Proposed Wording:

“Illegally **using**, possessing, manufacturing, selling, or delivering a controlled substance as defined by state or federal laws or applicable policies of the Board of Trustees or Board of Governors.”

Rationale for Proposed Revisions: To address the circumstances and needs of the campus as it relates to violations related to the use of marijuana and other illegal drugs.

Proposal 3. Section II.C.1.g.

Proposal to amend Section II.C.1.g. to the Instrument – *“Engaging in recklessly dangerous, disorderly, or obscene conduct affecting University interests, students or other personnel. “*

Amend Section II.C.1.g. to the Instrument to clarify the current language of the charge, as the current language results in ambiguity that leads to inconsistent analysis by members of the Attorney General’s Staff and the Honor Court.

Section II.C.1.g.–

a. Current Wording:

“Engaging in recklessly dangerous, disorderly, or obscene conduct affecting University interests, students or other personnel.”

b. Proposed Wording:

“Engaging in disorderly, obscene, or recklessly dangerous conduct affecting University interests, students or other personnel.”

Rationale for Proposed Revisions: Currently, there is confusion among members of the Attorney General’s Staff and the Honor Court regarding whether “recklessly” is intended to modify “dangerous,” “disorderly” and “obscene” conduct or not. The proposed amendment provides clarification and identifies the specific offenses of the charge.

Proposal 4. Section III.D.2.d.

Proposal to amend Section III.D.2.d. to the *Instrument*

Amend Section III.D.2.d. to the *Instrument* to remove intent from the sanctioning chart descriptions and focus on impact of the violation on the academic coursework; amend the category headings defining the offense; redefine the “Minimal” category and its definition, as the current definition does not define an Honor Code violation.

a. **Current Wording:**

CATEGORY	DESCRIPTION	USUAL SANCTION
Minimal	The student committed academic dishonesty despite a clear intent and effort to produce honest work.	Instructor’s recommended grade sanction, a written letter of warning, and an educational assignment or written apology.
Reckless AND/OR Minor	<p>The student committed academic dishonesty whereby he or she did not desire to violate standards of academic honesty but foresaw or should have foreseen the risk of doing so and did not take requisite precautions to prevent it.</p> <p style="text-align: center;">AND/OR</p> <p>The student committed academic dishonesty that did not have the potential to (a) give a substantial undue advantage over other students or (b) allow him or her to subvert a substantial amount of academic work.</p>	Instructor’s recommended grade sanction and one semester of disciplinary probation.
Deliberate AND Substantial	<p>The student consciously acted in a way that he or she knew or should have known constituted a violation of the Honor Code.</p> <p style="text-align: center;">AND</p> <p>The student committed academic dishonesty that had the potential to (a) a substantial undue advantage over other students or (b) allow him or her to subvert a substantial amount of academic work.</p>	Instructor’s recommended grade sanction and one semester of disciplinary suspension.

b. Proposed Wording:

Category	Description	Usual Sanction
Minimal	<u>The student committed academic dishonesty that did not have the potential to (a) allow academic work to be subverted and/or (b) give an undue advantage over other students.</u>	Instructor’s recommended grade sanction, a written letter of warning, and an educational assignment or written apology.
Moderate	<u>The student committed academic dishonesty that (a) allowed academic work to be subverted and/or (b) gave or had the potential to give an undue advantage over other students.</u>	Instructor’s recommended grade sanction and at least one semester of disciplinary probation.
Major	<u>The student committed academic dishonesty that (a) allowed a substantial amount of academic work to be subverted and/or (b) gave or had the potential to give a substantial undue advantage over other students.</u>	<u>Instructor’s recommended grade sanction and one semester of disciplinary suspension.</u>

Rationale for Proposed Revisions: The sanctioning chart, which broadly categorizes academic violations into one of three categories, provides a starting point for discussion of the appropriate sanction. It has given the Court flexibility in adjudicating academic violations. However, a few issues have arisen that may make amendments to the chart necessary.

First, the current sanctioning chart includes descriptions of intent (“deliberate” and “reckless”), along with corresponding definitions. In some cases, the Honor Court used these definitions during the fact-finding portions of plagiarism cases (plagiarism is explicitly defined as “deliberate or reckless representation of another’s words, thoughts, or ideas...”), and this was not the original intent of the chart.

Second, the current definition for the “minimal” category describes actions that do not define Honor Code violations.

Third, some Honor System members have articulated that including intent within the sanctioning chart encourages students to deny “deliberately” committing violations to the Honor Court, in an effort to be categorized into a lower category.

Finally, some Honor Court members have stated the current language in the chart is too restrictive, in that the Court feels “forced into a specific category” given the definitions, even though they may intuitively feel another category is more appropriate.

Proposal 5.

***Gender Neutral Language added to the Instrument of Student Judicial
Governance – See attachment***