

**FINAL REPORT**

Sanction Evaluation Task Force  
University of Virginia Honor Committee  
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## THE SANCTION EVALUATION TASK FORCE

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## SUMMARY

Many students assert that there are problems with the Honor System in its current form. Their assertions reflect a general uneasiness with the condition of Honor at U.Va. These students perceive a lack of student participation in the Honor System, racial disparities in the initiation of cases and dismissal of students, faculty cynicism about the Honor System, and anecdotal evidence of inconsistent adjudications.

The concerns voiced by these students are not entirely without foundation. But to the extent that the above problems exist, the sanction imposed on dismissed students plays but a minimal role in the creation of these problems. As an easily identifiable attribute of the current Honor System, the single sanction in fact offers an easy target for those who perceive problems in the Honor System.

It is the wrong target. When compared with an array of alternative sanctions, the single sanction best fulfills the purposes that a sanction ought to fulfill in our system: maintenance of the community of trust, deterrence, and the continuing development of a sense of honor in the individual student. Moreover, the single sanction is most consistent with the traditional philosophy of a community of trust, where students are endowed with the absolute responsibility to uphold that trust. If there are fundamental problems with the Honor System, they have arisen from far larger forces in the community than the single sanction:

If there is a lack of student participation in the system, it is likely to have arisen from a lack of knowledge about the system or an unwillingness to accept the responsibilities of honor -- not from the single sanction.

If there are racial disparities in the adjudication of cases, they come from the forces of racism and prejudice that pervade our entire society -- not from the single sanction.

If there is faculty cynicism about the Honor System, it comes from far more fundamental concerns about the system, such as lack of student commitment -- not from the single sanction.

Finally, if there is inconsistency in the adjudication of cases, it can best be solved by a renewed commitment from the Honor Committee, its support officers and the student body to even-handed adjudications -- not by changing the single sanction.

The challenge faced by U.Va. students is not how to remold a viable and philosophically sound sanction to accommodate a perceived decline in the system. The challenge is to reverse the decline, if it exists, and create a renewed commitment to Honor at the University. This commitment cannot be imposed by the Honor Committee. It must come through education, and the strengthening of community in a growing University. Ultimately, it must come from the students.

## **History of the Sanction Evaluation Task Force**

In September 1991, the Honor Committee received an Honor System Study prepared by James W. Lyons of Stanford University. The study's 12th recommendation called for the modification of the Honor System's single sanction of permanent dismissal from the University. Responding to this recommendation, the Honor Committee created the Sanction Evaluation Task Force on September 29, 1991. The Committee directed the Task Force "to examine the range of sanction options and supporting philosophical considerations, select one option as best for the system, and present all of their findings to the Committee."

The Task Force was comprised of Honor Committee representatives, Honor Advisors, Honor Counsel, and Honor Educators. Members of the Task Force initially agreed on a broad strategy for devising sanction options, developing evaluation criteria, and evaluating sanction options. Using a random list of U.Va. students compiled by the Registrar's office, and with the help of Honor Liaisons, it conducted a telephone survey to assess the influence of sanction options on student participation in the Honor System. Task Force members also met individually with faculty selected from a random list provided by the Office of Institutional Planning, and obtained the faculty members' input on the sanction's role in the Honor System.

Upon receiving the student and faculty survey results, the Task Force developed criteria for judging sanction options and evaluated four potential sanctions. After evaluating all the sanction options, the Task Force recommends that the single sanction of permanent dismissal be kept.

## The Student Survey

In an effort to assess the effect of sanction options on student participation in the system, we conducted a telephone survey of U.Va. students drawn from a randomly generated list of 1000 students. 406 students were successfully contacted over a 4-day period. The students were asked the following questions:

### STUDENT SURVEY QUESTIONS

#### Demographics:

Sex    M        F

Age    \_\_\_\_\_

Race    \_\_\_\_\_    Caucasian                      Black    Asian                      Hispanic                      Other

School \_\_\_\_\_

Year    \_\_\_\_\_

1.    If you witnessed a possible honor offense, would you be likely to initiate an honor case, under the current honor system single sanction of permanent expulsion?

Yes

No

2.    If you witnessed a possible honor offense, would you be likely to initiate an honor case, if there were a multiple sanction, consisting of permanent expulsion, and suspension of 1 to 2 years?

Yes

No

3.    If you were a juror in an honor trial, and you felt that a breach of the honor system had occurred, would you be able to vote guilty if there were a multiple sanction, consisting of permanent expulsion?

Yes

No

4.    If you were a juror in an honor trial, and you felt that a breach of the honor system had occurred, would you be able to vote guilty if there were a multiple sanction, consisting of permanent expulsion, and suspension of 1 to 2 years?

Yes

No



5. If there were a multiple sanction, consisting of permanent expulsion and suspension of 1 to 2 years, do you feel that the number of honor offenses committed would:

- A Increase significantly
- B Increase slightly
- C Stay about the same
- D Decrease slightly
- E Decrease substantially

59 percent of the surveyed students answered "yes" to Question 1 and indicated that they would be likely to initiate an honor offense under the current single sanction.

Moreover, 79 percent of the students answered "yes" to Question 3, stating that they would be able to vote guilty as a trial panelist under the current single sanction.

In contrast, 74 percent of the students answered "yes" to Question 2 and indicated that they would be likely to initiate a case under a multiple sanction. 93 percent of the students answered "yes" to Question 4 and said that they could vote guilty as a trial panelist under a multiple sanction.

In response to Question 5, 31 percent of the students surveyed felt that the number of honor offenses committed would increase either slightly or significantly under a multiple sanction. Nine percent felt that the number of offenses would decrease, and 60 percent said that the number of offenses would stay about the same.

The survey had a margin of error of plus or minus seven percent. The demographic profile of the surveyed students closely paralleled the demographic profile of the student body as a whole, specifically with respect to sex, race and school.

While the survey is a good, basic reflection of student attitudes, some caveats should be offered about the survey's specific results. For example, some of the students who responded "yes" to the questions would not actually initiate a case or vote guilty on a trial panel in a real-life situation. Moreover, while the survey results suggest that a sanction

change would produce limited increases in the number of honor initiations, the responses to Question 5 indicate a multiple sanction may adversely affect the level of honorable behavior.

In the end, the survey results offered an informative and useful snapshot of student attitudes. However, the survey was only one of many factors guiding us in making our ultimate recommendation.

## The Faculty Survey

We also conducted confidential interviews with approximately 30 faculty members selected from a randomly generated list. Interviewed faculty members were asked the following questions:

### FACULTY SURVEY QUESTIONS

#### Demographics

Sex            M            F  
Number of years teaching at U.Va.            \_\_\_\_\_  
Department            \_\_\_\_\_  
Race            Caucasian            Black    Asian    other  
Honor system at undergraduate school            Y        N

1        Have you ever handled a possible honor violation personally, without contacting the Honor Committee?

Y        N

2        Have you ever had personal knowledge of an act you considered to be an honor offense?

Y        N

If yes, was a case initiated?            Y        N

Were you satisfied with the outcome?            Y        N

3        Do you feel that the single sanction inhibits students from initiating cases against one another?

Y        N

4        If you witnessed a possible honor offense, would you be likely to initiate an honor case, under the current honor system single sanction of permanent expulsion?

Y        N

5 If you witnessed a possible honor offense, would you be likely to initiate an honor case, if there were a multiple sanction, consisting of permanent expulsion, and suspension of 1 to 2 years?

Y N

6 If there were a multiple sanction like the one mentioned above, do you feel that the number of honor offenses committed would:

- A Increase significantly
- B Increase slightly
- C Stay about the same
- D Decrease slightly
- E Decrease substantially

7 On a scale of 1 to 5, with 5 being the highest, how would you rate your confidence in the current honor system?

1 2 3 4 5

8 How would you rate your confidence in the honor system if there were a multiple sanction?

1 2 3 4 5

Any additional comments?

The results of the faculty interviews were not quantifiable, nor did we intend them to be.

A direct link between faculty discontent with the Honor System and the single sanction could not be discerned from our interviews. While the responses of the faculty members ran the gamut from extreme dissatisfaction to complete support of the current Honor System, the single sanction was rarely cited as a specific problem with the system. In fact, the faculty members interviewed generally found the single sanction problematic only to the extent that it discourages students from initiating cases against one another.

The faculty interviews suggested that more can be done with regard to honor

education, particularly in the graduate schools. Discussions with Medical School faculty, for example, revealed a lack of honor education activity within the Medical School.

## The Sanction Evaluation Process

After reviewing the student and faculty survey responses, we decided to evaluate the following sanction options. We considered a number of potential sanctions but decided to evaluate the following four, feeling that they offered the most viable alternatives for the Honor System:

- the current single sanction of permanent dismissal from the University.
- a sanction permitting a student, upon formal accusation, either to admit guilt and accept a one-year suspension from the University, or to go to trial and, if found guilty, be permanently removed from the University.
- a sanction paralleling the consultants' recommendation under which the trial panel, after determining guilt, may impose a sanction ranging from a one year suspension to permanent dismissal from the University.
- a sanction providing for a one-year suspension when a student is first found guilty of an honor offense, and a permanent dismissal of the student upon being found guilty of their second offense.

We presumed that each of the sanction options involving suspension would be accompanied by re-admission and honor education programs for returning students.

We evaluated the sanction options on 14 criteria. The first three coincide with concerns raised in the consultants' report. Each member weighted the criteria according to his or her own judgment.

1. Deterrence of Honor violations: How well does the sanction deter students from committing Honor offenses?

The single sanction offers the best deterrent against the commission of honor offenses, primarily because of its severity. We reached this conclusion even while acknowledging that the deterrent effect of all of the sanction options is directly linked to the willingness of students to initiate cases against one another.

2. Rehabilitation for guilty students: How well does the sanction foster a better understanding of honor in the students that are found guilty?

After much debate, a majority of us determined that rehabilitation was not a viable criterion for evaluating the sanction. These members questioned the practical ability of the system to rehabilitate people who commit honor offenses.

In contrast, there was strong feeling among the rest of us that rehabilitation should be a goal of the Honor System to the extent that the system seeks to promote a personal sense of integrity in each individual student.

3. Preservation of the "community of trust": How well does the sanction allow students to maintain the unique environment that the Honor System has created?

The existence of a community of trust depends largely on the ability of the community to adjudicate accurately cases of dishonorable behavior, and deal fairly with those students who have committed honor offenses. In addition, grave concerns arise from the possibility of allowing students who have committed honor offenses to return to the community, concerns outweighing the possibility of unprosecuted honor offenses within the community. With these concepts in mind, the single sanction, when applied, best preserves the community of trust.

4. Impact on initiators: Will students be likely to initiate cases with this sanction?

The results of the student survey suggest that students would be somewhat more apt to initiate cases under sanctions not necessarily requiring permanent dismissal. Students would be most likely to initiate cases under a sanction giving the trial panel the discretion either to suspend students or to dismiss them permanently from the University. However, although the survey did reflect some difference in students' willingness to initiate under various sanction options, the difference was not wide enough to conclude that there is a severe disparity between the sanction options.

5. Impact on the investigated and accused: Will this sanction protect the rights of students during investigations and trials?

A number of different factors should be weighed in determining how fair a sanction is to the accused student. One factor is the simplicity of the system, and students' ability to understand the procedures involved in their adjudication. The single sanction best serves this factor in the fairness equation. Another factor to be considered in assessing a sanction's fairness is the consistency of its application. The sanction should not promote the different treatment of similarly situated accused students. The single sanction or a sanction permitting suspension upon an accused student's admission of guilt at accusation would better promote consistency. It was felt that permitting the trial panel to select from among multiple sanctions or providing an automatic, first-offense suspension would promote disparate treatment of similarly situated students.



6. Impact on trial panelists: Will panelists be willing to vote guilty with this sanction?

The results of the student survey indicated that the average student would be more likely to vote guilty under a multiple sanction. (Some of us expressed concern that this question was not posed to students who had actually served on trial panels, and wondered if a survey of such students would have yielded different results. The Honor Committee did not grant us access to former trial panelists.)

Based on the survey data, we conclude that potential trial panelists would be most able to vote guilty when given the option either to suspend or permanently dismiss the accused student. We note again, however, that the data reflects only a limited difference between the effects of the various sanction options.

7. Impact on faculty: Will professors have confidence in the system with this sanction?

The faculty interviews revealed a wide range of sentiment on the Honor System. In our judgment, however, the sanction is not a primary determinant of faculty confidence in the system. More relevant to the issue of faculty confidence is the willingness of students to initiate cases. In our judgment, each of the sanction options would have the same effect on faculty confidence in the system.

We stress the importance of taking measures to promote faculty understanding of the Honor System.

8. Impact on alumni: What will be the response of alumni to this sanction?

Though it should not be dispositive, the opinion of University graduates is relevant to some degree in the selection of a sanction. Participation in the University community does not necessarily end with graduation, and the continued welfare of the University is extremely important to alumni who rely in many ways on the good reputation of their alma mater. Our individual experiences with alumni suggest that there would be serious alumni resistance to a departure from the single sanction.

9. Impact on non-University community: How will this sanction effect relations with the local merchants and citizens of Charlottesville and Albemarle County?

A sanction option's effect on University/community relations will depend largely on the deterrent effect of the sanction. Local businesses in particular have a right to expect continued honorable behavior from U.Va. students. Their participation in the Honor System is necessary if students are to reap the full benefits of the system.

Assuming that the stricter sanctions better promote deterrence, the single sanction would best maintain confidence among the citizens of Charlottesville and Albemarle County in the Honor System. We are concerned that a marked departure from the current sanction would prompt doubts within the merchant community about their ability to trust U.Va. students.

10. Practicality: Can this sanction be successfully implemented?

11. Procedures: What types of changes will need to be made to incorporate this sanction and how long will those changes take?

Upon evaluating the sanction options, we determined that these criteria were essentially synonymous. While the practical inconveniences accompanying change are not necessarily a compelling argument against change, it is nevertheless relevant to ask which sanction option would require the greatest administrative overhaul within the Honor Committee.

Retention of the single sanction would require no restructuring by the Honor Committee. In contrast, the implementation of a sanction permitting trial panels to choose between dismissal or suspension would require much work from the Honor Committee in developing procedures to implement the new sanction. Sanction options providing for an automatic firstoffense suspension or allowing suspension upon an admission of guilt at accusation would create fewer such problems.

12. Consistency: Will this sanction be applied equally to students of all races, backgrounds and years in school, and what needs to be done to ensure equal application?

This criterion addresses a single, specific right of both the accused student and the University community: the right to equal treatment under the Honor System. A sanction giving the trial panel discretion either to permanently dismiss or to suspend distinguishes itself from among the other sanction options by heightening the risk of disparate treatment. When combined with the Honor System's current disdain for the use of precedent in adjudicating cases, a multiple sanction levied by the trial panel makes this risk especially acute.

13. Confidentiality: How secret can the proceedings under this sanction be kept? Does confidentiality need to be maintained?

Presently, the confidentiality of accused and removed students is protected. The Honor Committee has in place a number of procedural and practical devices to protect confidentiality. We find no reason why these devices cannot be adapted to any one of the four sanction options. However, it should be acknowledged that under any of the three sanctions permitting a student found guilty of an honor offense to return to the University, there is a risk that the student's peers will become suspicious upon the absence and subsequent return. While it is likely that a guilty student will be altogether willing to risk a breach of confidentiality in order to return to school, the complications of dealing with returning students should be considered in weighing a sanction involving suspension.

14. What type of philosophical orientation underscores this sanction?

This final criterion served not as a litmus test on which to judge sanction options, but rather as an open-ended question to provoke us into considering the various philosophies the Honor System can represent and determining which sanctions are consistent with those philosophies.

We found two divergent views of the Honor System underlying the sanction debate. The first view parallels the presently held view that a single act of dishonorable behavior represents an absolute incompatibility with the ideal of honor. The single sanction reflects this belief, precluding any possibility of a guilty student's return to the University.

The second and competing view accepts the idea that students found guilty of an honor offense are capable of growth and change, and may again participate in a community of trust. Each of the other three sanction alternatives represents this view to some extent.

As much as the debate about the honor sanction is a pragmatic debate focusing on issues such as deterrence and the initiation of cases, it is an ideological debate as well, revolving around different conceptions of human nature and the community of trust. We cannot offer a "right" answer to this ideological debate: this role properly resides with the students of the University and their legitimate representatives. We can only assert that such an ideological debate exists, and encourage students to acknowledge this debate openly as they weigh the sanction issue.

## Conclusion

In the end, our endorsement of the single sanction resulted from careful *délibération*, with each of us weighing the four sanction options against the evaluation criteria. The empirical data we collected guided our decision, but it did not dictate the final result.

We are convinced that the single sanction of permanent dismissal can attain the results we seek from a sanction in our Honor System. We understand the concerns that some in the community offer about the Honor System as a whole. Those concerns, however, arise from far larger forces than a sanction.

The Honor Committee and the students of this University should dedicate themselves to identifying and addressing the underlying problems our Honor System may face. We should not seek the easy answer of changing sanctions, but accept the heavy burdens that come with solving systemic problems.