

INTERNALLY GENERATED CASES TASK FORCE

FINAL REPORT

Be Happy -

We love ya!

RWB

The problem of internally generated cases has been discussed among members of the Advisor pool since the Spring semester of 1994. In order to study the issue in depth, we formed a task force at the beginning of this semester. The task force met approximately five times to discuss members' opinions and to formulate possible solutions. What follows are two proposed ideas to deal with the issue of internally generated cases.

During the course of our discussions, the group basically became polarized. The split mainly stemmed from fundamental differences in opinion about the philosophy of the Honor System. These differences were so basic, that unfortunately, we were unable to reach a consensus. We thus prepared the two plans in an effort to stimulate discussion among Committee members.

With any complex issue, there is never an easy solution. Hopefully, however, we will be able to find some sort of resolution that both maintains the community of trust and protects the rights of both the initiator and the investigated student. The task force would love to hear from anyone with comments or concerns. Just stick them in my box - they would be greatly appreciated.

In conclusion, I would like to thank the members of the task force for their hard work and dedication. Everyone did a fantastic job.

Martha

INTERNALLY GENERATED CASES

Investigator

1. Add to Sec. 3 Part A of the Committee Code of Ethics...
"Advisers may not initiate any case on the basis of information received during the course of an investigation."

~~Advisers~~
except cases involving direct initiator
cases of self-contradictory student
by witnesses of the investigator or the initiator

RATIONALE:

- 1. Trusts that students will initiate a case when they deem it necessary.
- 2. Underscores that the community of trust should be one of trust and not of fear.
- 3. Insures impartiality at all times during an investigation and allows witnesses to feel more at ease when speaking with the investigator.

2. We are surprised that no Code of Ethics exists for Committee members. We urge the Committee to codify the ethical standards by which Committee members are bound. Assuming this will be done as soon as possible, we suggest that Sec. 6 should include the following... "Investigative Panel members may not initiate any case based on information presented during the Investigative Panel. In addition, they shall not broaden the scope of any investigation beyond the intent of the initiator."

RATIONAL:

- 1. Insures objectivity and allows the Panel to focus on the case at hand.
- 2. Since the Honor System is owned by all students, the duty with initiating cases rests with these students. Honor Committee members acting in the capacity of Investigative Panelists receive privileged information as administrators of the system and not in their individual capacities as students.
- 3. The investigated student should have the right to know the full nature of the alleged offense under investigation.
- 4. The community of trust is best maintained by relying on the initiative of students. Allowing the Committee to initiate a case oversteps their boundaries as administrators of the system and infringes on the rights of each student to determine what constitutes an honor offense.

3. In order for these ideas to be feasible, it is necessary to implement a policy change for the recording of initiations. We suggest that the status sheet be changed to allow for the addition of a line which would have to be initialled by whomever took the initiation. This would signify that the initiator had been told what was recorded on the status form and had agreed that this was what they wanted investigated. Every initiator would be instructed that the investigator would only investigate the offenses listed on the status sheet.

RATIONALE:

1. Protects the right of the investigated student to know the nature of the offenses for which they are being investigated.
2. Insures that the initiators' wishes are carried out.
3. Clarifies the offense for the investigator, who will no longer be in doubt as to what they should investigate.

No Honor Advisor, in any capacity, should be able to initiate an honor offense against a student if the information leading to such a potential initiation has come from specific knowledge obtained through their role as an Honor Advisor PROVIDING:

* understood that it is difficult.

1. That Investigative Panels are charged with the responsibility of looking for evidence of further honor offenses when deciding whether or not to accuse. Should the panel find such evidence, they should discuss it with the following in mind:

- A. The Investigative Panel should be able to accuse on offenses not indicated on the status form if the offense is so intertwined with that on the status form that the investigator, in the course of his or her investigation, has investigated it fully.
- B. If the newly discovered potential offense is not so intertwined but is directly related to the initiated offense, the Investigative Panel shall send the investigator back for further investigation of this offense.
- C. If the newly discovered potential offense is only indirectly related or not related to the initiated offense, the Investigative Panel shall discuss initiating a new case for that offense.

* special experience => initiator didn't want initiated student felt violate.

* seriousness is judged by student body or what is that student that restrict lawsuit of truth.

2. (Optional point for discussion) Investigators are charged with indicating any evidence of other potential honor offenses when they provide the information gained from their investigation to the Investigative Panel.

The overriding premise behind this proposal is that the Honor Committee is elected to maintain the community of trust at the University and to preserve the Honor System. Allowing offenses which come up during the course of an investigation to fall by the wayside because there were no non-Committee members or support officers there to hear them would be destructive to the community of trust and to the system itself. The Committee would be betraying the very reason for its existence by indirectly tolerating those who have proven themselves unworthy of the trust of the community.

At the same time, it is necessary that investigators remain impartial throughout an investigation. This is necessary for perception within the community, for thoroughness of an investigation and for the rights of the investigated student. The investigator can remain impartial and still ensure that Honor Offenses are not permitted to go unquestioned once brought to light, if the Investigative Panel is charged with this responsibility.

One of the main concerns registered against this proposal is that the Honor Committee is elected to administer the Honor System and bears no responsibility except to deal with what is brought to it by students outside the system. I believe that this is an incorrect view of the Committee. Committee is responsible, by the Constitution for much more than simply

* broadening the scope. * right to know the nature of charges against him.

* problem will bias CRT decision. * I want I-panel to be able to focus on one particular issue. * don't want to give blame cheer responsibility must be with init.

bring to I-panel unfair to student

> consistency
> too complicated
> initiator should have the burden => doesn't have to be perfect.
Dno technicalities => initiator can start a new investigation

* must be with init. not the of. not the of.

administering the system; it must maintain the community of trust. Allowing honor offenses to go unquestioned and "honor offenders" to remain in our community is completely antithetical to the purpose of the system and the community.

In an ideal system, all offenses would be brought to the system by initiators and all initiators would have full knowledge of the initiated-against offense and would attend the I-Panel. In this system, initiators are often hesitant to initiate, they have less than full and often less than accurate knowledge of the circumstances surrounding the offense and often do not come to I-Panel to hear the full story and be able to initiate against other offenses which come up. We must work on changing this but, in the meantime, we need to make sure that the community of trust is protected, as is the committee's charged responsibility.

It is also necessary to mention that this does not make the Committee into "honor-nazis." There is some perception that investigated students will see this proposal as a way of making their lives hell. I have more faith in the Committee than that. This is not a means for Committee members to irresponsibly initiate cases on insufficient evidence. Committee members understand their role better than that and will only add charges which have been thoroughly investigated and only initiate charges which have substantial merit. If this makes the life of an investigated student harder, that is regrettable but necessary to ensure that the community of trust is upheld.

Additionally, I believe that it may not be a violation of the impartiality of the investigator to point out instances of potential honor offenses to Investigative Panels. Investigators must make inherent judgements about what may or may not be evidence of an honor offense in order to know what to investigate, who to speak with, what evidence to examine and what to present to the Investigative Panel. An impartial statement of contradictions may not be out of order. This is much less certain than everything else in this proposal and can be severed without affecting the validity of what remains.

INTERNALLY GENERATED CASES

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PROS:

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