

# The State of the Informed Retraction

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# Contents

## Purpose

The purpose of this report is to evaluate the current state of the Informed Retraction, IR, in order to ensure that it is operating in an efficient and fair manner. After reviewing the IR's bylaws and other governing documents, and interviewing administrators, faculty, and students, we compiled our research, findings, and recommendations into this report. This report should be used by the Committee to make necessary changes to the by-laws and procedures of the IR, and to bring issues to light for further investigation and discussion. The recommendations in the report are not absolute, and should be debated, altered, and replaced as the Committee sees fit.

## Findings, Research and Notes

- Notes from 2012-2013 Honor Committee Meeting
- Notes from conversation with Owen Gallogly, 2013 Honor Committee Member
- Notes from meeting with Dean Grove
- Notes from meeting with International Studies Office
- Notes from conversation with Student who took an IR

## Recommendations

- Re-Write the IR Form
- Eliminate the Plea Bargain Nature of the IR
- Remove the "Single Nexus of Events"
- Impose Conditions to the IR Period
- Further Engage with Faculty about the IR

## Appendix

- Existing IR By-Laws
- Existing IR Form
- Proposed IR Form

## Findings, Research and Notes

### Original Intent of the IR

Excerpts from Honor Committee Meeting Minutes April 7<sup>th</sup> 2013  
Informed Retraction By-Laws Discussion

*“The essence of the IR is more of a person coming and saying “yes I made a mistake.” You don’t want someone ‘gambling.’”—Andi*

the information necessary to file an IR must be enough information to *“know what is going on, but don’t want to give so much information that the IR becomes a plea bargain, where the situation is calculated on evidence.”—Connor*

*“The student is trying to decide whether or not he or she is guilty and the jury would be too, so why not give them the same amount of information?”—Patrick*

*“Even in granular cases, the student should know what happened and what they did”—Michael*

#### Takeaways:

- Focus on the IR as the coming forward of an individual to make amends.
- Effort to ensure that the IR is not governed by plea-bargain calculations.
- Concern over level of information that should be available to the student so that he/she can make a decision.

## Original Intent of the IR, and Current Issues

Interview with Owen Gallogly, Honor Committee 2013

- IR was implemented well philosophically – fits well with the Single Sanction philosophy
- Issues in practice: “lack of publication and promotion” – missed opportunity for everyone to know about the IR and be able to use it’s benefits to boost reporting and satisfaction with the fairness of the system.
- this awareness campaign must target faculty as well as students, but primarily faculty – the IR should have increased reporting but it didn’t so why? - the faculty didn’t *understand* it
- Owen recommends that every faculty member must be reached personally.
- Student engagement – we must do more, basically (dorm talks, Honor Awareness Week, Stephen’s weekly engagement events). And more to reach the average student, not the hyper involved ones
- IR as a plea bargain – issues with reviewing the evidence
- NOT supposed to be a calculated decision of whether or not you’ll be found guilty at trial – it’s about admitting wrong and learning from it
- We should not provide the student with the reporter’s entire interview and evidence. They should only get a brief paragraph about the incident and if they’ve actually committed an Honor offence, they’ll know exactly what this is
- Issues with FERPA – we never gave an investigated student the reporter’s interview before the IR – they could have it if they wanted, but none ever asked.
- We’re not hiding it, they’re just not asking for it
- If this is a serious legal concern, then just don’t do the reporter interview until after the IR period.
- Add back the clause to include “or in which the facts are inextricable linked” alongside “single nexus of events”, so basically, broaden the IR to cover multiple acts as long as their connected
- More inline with the philosophical underpinnings of the IR – give the student a chance to do the right thing.
- “The purpose of the IR is simple—for the student to do the right thing. They made a mistake or mistakes, and now they must set them right by coming clean. To set up a situation in which a student (say one who has cheated on two mid-terms in the same class), wants to do the right thing but feels they must lie about at least one offense or be dismissed is exactly what we wanted to avoid. The IR is not to be made “conservative” or “liberal.” It is a philosophical statement about what we believe—that there is a way for you to atone for a mistake.”

### Takeaways

- Engagement with the IR is an issue, every faculty member needs to be very familiar with the new policy.
- The IR should not function as a plea bargain, but there are legal issues surrounding what evidence must be presented to a student before they make their decision.
- Recommends adding back the phrase “or in which the facts are inextricably linked” to the “single nexus of events” condition.
- It is inconsistent with the philosophy of the IR to have a student take an IR for one offense, but essentially have to lie about another related offense at trial.

## Interview with Dean Groves, Dean of Students

10/27/14

### **1. How has your experience been with the IR?**

Positive experience

Most students come to see me. From the very beginning. By the time they come see me, they understand why they're there – only once I had to send them back. The Advisors have done a good job.

Philosophy behind it seems to be working – I have yet to have people say to me “I didn't do it” and take the safer option. I always make sure that is clear. Once, I had a student come and say he/she might win a trial on seriousness, but feels safer taking the IR. It's true – they are weighing options, someone who did it and is saying “c'mon, 5%”

### **2. How satisfied are you with the options available to students, and what options are they exploring?**

This is the reason they see me. There is no need to go into the details of what they did, they're just acknowledging that they did it. I respect that they're taking responsibility.

My view is that they have a clean slate when they come back, paying a price for this, but it's done and it's gone from your transcript.

What will you do? Read books you've always wanted to read, travel, spend time with family, make this productive. Often they're still pretty numb, and this is a little wake-up call.

The first person to take it is back, and I have had good conversations with him, and he reached out to me while he was gone.

### **3. Problems?**

Only thing I'm noticing is with the actual form – the other signatures usually aren't filled out yet, the other stuff hasn't been taken care of. Only once was the form filled out completely. I thought I would be the back end of the process, the last signature. Not necessarily a problem, but I would prefer to be at the tail end of things.

One time I had questions about a case where one student was reported of two things. Couldn't take the IR because of the “single nexus of events” Nick sent me a good explanation of it. It was confusing before, even for a lawyer, but I think it's fair. Can tell you worked hard on setting the parameters to make it as fair as possible. Result was good.

### **4. International students?**

Absolutely a harsher penalty for them. For example, I had a Chinese national come to me and culturally, returning home with shame was something he didn't want to face. American students would be welcomed back home, disappointed parents, but welcome whereas Chinese or Korean students face something different. This student seemed at peace with taking a year off but couldn't face his family, For him it would have been easier to stay here and resume his studies after two semesters rather than returning home. There isn't discrimination in the IR, it just is a cultural issue.

### **5. Faculty and the IR?**

They don't engage me unless they seek me out.

One instance – a student admitted cheating on one assignment and another was found. The professor asked, would both instances be covered? It motivated her to take care of the incidence herself.

A few people are hung up on spotlighting – but I think the issue has shifted from African American students to international students and student-athletes.

Most of the time, the conversation is initiated by me. I say that Honor doesn't destroy a student's life.

Pre-IR dinner sponsored by Honor with a mix of committee members and faculty with all sorts of different opinions on Honor. Half of the faculty who didn't trust Honor said it was because of a bad experience within the system, the other half says it's unfair (IR fixes this half, and also with the first group).

I think this kind of faculty dinner would be a great thing to bring back.

#### Takeaways

- There is confusion from students as to when Dean Groves should meet with them. Need better guidance or a more clear IR form.
- Faculty aren't as engaged as they could be. Possibility of a dinner with faculty to discuss IR with Honor Committee members.
- The “single nexus of events” is confusing, and although Dean Groves considers it fair, it is concerning that it may be too difficult for students to fully understand.

## International Studies Office

### Interview with Richard Tanson, Senior International Student & Scholar Advisor

- Member of the International Studies Office who meets with an international student involved in Honor proceedings.
- Says the Informed Retraction has the same impact on an international student as any other form of suspension. While domestically there is no persistent negative impact on the student, internationally, the legal status of the student to be in the United States is terminated.
- This results because the student's legal status depends on the enrollment of classes in the following semester. As a consequence, the student has to reapply for a F-1 visa anew.
- According to Mr. Tanson, the process is not necessarily difficult. It involves: first, ISO calls the student about financials about 2-3 months prior to return; ISO then sends on the student's own charge a I-20 visa form for the F-1 visa; the student must fill out the visa application and pay roughly \$260 in fees; finally, the student must make an appointment at the consulate and apply for a F-1 visa stamp. After completing all of these requirements, the student may only then reenter the United States no earlier than thirty days before the start of classes.
- Mr. Tanson says that students are made well aware of the reapplication process when they meet with him and there haven't been any problems with the process yet.
- Where ISO has noticed a divergence in the impact of the IR on international students compared to domestic students is in future plans. Due to the requirement that students must be enrolled in classes for the following semester to remain in the United States, international students who take the IR in the spring semester lose work authorization/internships in the United States in the summer.
- In addition, international fourth year students lose the 12 month period of work opportunity after graduation. According to the F-1 visa, international students are eligible to apply for the work opportunity, contingent on having had the year of legal status prior to applying.
- Although there would be a mark in their immigration record, there is nothing in the law that prohibits students from returning to the United States under a different type of visa.
- Ultimately, when asked whether or not there are viable solutions to the disparate impact of the IR on international solutions, Mr. Tanson did not seem to know of any. The University of Virginia has had suspensions and terminations for years, and the Informed Retraction simply falls in line with the academic policies before it.
- Although the Policies and Procedures Sub-Committee asked if the Honor Committee should set funds aside to help international students pay for the reapplication fees, Mr. Tanson did not support the idea. To him, the burden is not the financial cost. The best the Honor Committee can

do, argues Mr. Tanson, is to continue to work alongside ISO in informing international students about the consequences the Informed Retraction has for the summer.

#### Take-Aways

- The IR does disproportionately affect international students.
- Cultural, not financial burdens are most important to remedy.
- In terms of visas, the IR functions the same way any academic suspension does.



## Interview with Student who Returned from Taking an IR “Student A”

- Immediately knew he wanted to take the IR, making amends and avoiding going to trial was something he was looking for actively.
- Really appreciated the help he got from his advisor.
- Plea Bargain - did research on reports and convictions, looked extensively at whether or not he thought he would be found guilty at trial. Wanted to have these statistics more available to help him make a decision.
- Never told his parents. Highlighted the cultural differences. In China students don't take gap years and stopping enrollment is stigmatized, as is cheating in general.
- Visas - didn't have much trouble with the visa process. In China they are more worried about people leaving and not coming back, so the reason for him coming home wasn't an issue. Also, there was no Honor related notation on his visa which he thought was good.
- Gap year - thought it was good to have time to reflect, said it really came together about halfway through the year. Began thinking about all the decisions he made and how they related to Honor and the IR.
- Was already out of the country during the investigation and the IR process, did most his meetings via email or skype with the advisor, called Dean Groves.
- His professor had no additional things for him to do other than take the IR so he felt like the time he was given (he was given an extension because he was in China) was sufficient, but he thinks that if there are additional criteria then it might take longer to get things finished.
- Need to make more clear the role of all the signatures on the IR form. Thought of Dean Groves as a “final judge” who would decide whether or not his IR would be accepted.

### Takeaways

- The student considers the IR a plea bargain, and used it as such.
- Cultural differences are very important in looking at the impacts the IR has on different students.
- The IR form was confusing, and the role of each person in the process was not clear.

## Recommendations

### A. Re-write the IR Form

#### Purpose:

Our investigation found that the IR Form is often not followed by students. Students either go through the steps in the wrong order, or are confused as to what they need to do to fulfill the requirements. The current form is confusing, overwhelming and overly legalistic, and should be improved.

#### Recommendations:

Split the form into two parts, one which lays out the terms and conditions of the IR, and another that contains, in order, the steps that must be taken to properly submit an IR. A proposed draft of this form, along with the original, is attached to the end of this document. During the IR meeting the Advisor would go over both documents fully with the student and ensure that she understands all aspects before signing both documents.

### B. Eliminate “Plea-Bargain” Nature of IR

#### Purpose:

While in a legalistic sense the IR is essentially a plea bargain, this is not its original intention. Instead of being used as an opportunity to come forward, take responsibility for their actions, and make amends to the Community of Trust, the IR is often thought of as a calculated move based on a student’s perceptions of the strength of the evidence against them. This recommendations seek to take away this sense of the IR as a plea bargain and make it follow more mirror its philosophical underpinnings.

#### Recommendations:

Change how Reports are taken. Replace the current Case Status form with a new version that has space for a paragraph long explanation of the alleged act. This paragraph is to be drafted by whoever takes the report along with the reporter. The description of the act should contain a basic description of the events surrounding the act so that a reasonable student would be able to identify what she is being accused of. Overall this statement should include a similar level of detail to a Prose Narrative Facts section.

Example: “Nick Hine is reported for cheating on his midterm exam in Professor Lee’s ECON 2020 class on March 28th 2015. Martese Johnson, one of the TA’s for the class, witnessed Mr. Hine using notes he placed on the ground at his feet to help him complete this closed book exam. Mr. Johnson brought the issue to Professor Lee who in turn brought the issue to Honor.”

The way reports are taken would not change other than the addition of the new Case Status form. Whoever is taking the report would spend extra time writing the statement, but this does not replace the reporter interview. Those taking the report would have to make it clear that we are not gathering evidence at this point. Any evidence gathered by Honor can legally be requested a student considering an IR, thus consistency in not gathering evidence until after the IR period would be crucial to ensure all students get to see the same amount of evidence.

After the report the Advisor for the Student would immediately make contact with the student and set up a time to meet, starting the 7 day IR period. They would go through all of the normal procedures

during this meeting, the only change is that the Student only has the new Case Status form instead of a full reporter interview and evidence to consider. If the student decides not to take the IR then the investigation continues with a formal reporter interview.

These changes would effectively remove the possibility of a plea bargain, while avoiding legal concerns associated with not giving a Student all the evidence collected against her. Additionally, in the event that a student does take an IR, these changes would reduce the time commitment necessary of Reporters, removing a barrier to reporting. However there could be pushback from Students who want to know more information before they make their decision. Care must be taken to ensure that the Case Status Form description is full enough to make it clear what the student is reported for.

### **C. Remove the “Single Nexus of Events”**

Purpose:

The “Single Nexus of Events” is the definition used to determine if multiple offenses can be covered by one IR. (See existing By-Laws in the Appendix of this document) This distinction is not very clear, and is difficult for students and faculty to fully understand. Additionally the “Single Nexus” often creates situations where students are only permitted to take an IR for one alleged act, and must go to Trial for any other related alleged acts. The fact that a student took an IR for a related offense is always outside of scope for Trial, and often creates frustrating, and confusing Trials that are procedurally blocked from the fair pursuit of the truth. Reporters are often angry that what they consider an incredibly probative piece of evidence, that the student already admitted to cheating on a similar assignment in a similar manner, cannot be discussed at trial. The IR was envisioned as a way for students to do the right thing and come forward and make amends for their offenses. The severity of the offense, the fact that the student cheated on three tests instead of one, should not change this.

Recommendations:

Remove the “Single Nexus of Events” stipulation, and replace it with the standard of “factually related events”. Any student reported to Honor would be eligible to take an IR that covers offenses that are factually related. Factually related means that the events are similar enough that they would reasonably be tried together in one Trial. For example, cheating on a midterm and a final, or cheating then lying to the Professor about cheating, or working with a partner on two take-home exams, would all be covered. Cheating on a test and stealing another student’s phone would not be covered, even if both incidents were reported concurrently by the same reporter. This enables students to make amends for a behavior instead of just a single manifestation of that behavior.

The Student must admit to all offenses related to the report, even those not expressly mentioned in the Case Status Form in order for the IR to cover those offenses. For example, if Nick Hine is reported by Professor Lee for cheating on the first three homework assignments, Nick Hine must admit to cheating in all three instances. If later Professor Lee finds that Nick cheated on the fourth homework as well, Nick could be reported again unless he preemptively admitted to cheating on the fourth homework of his own accord on the IR Form. Approval for all IRs covering multiple offenses would be up to the discretion of the Vice Chairs.

The new By-Law would read, “Multiple Concurrent Honor Offenses. If a student is concurrently reported for multiple related Honor Offenses, in the sole, reasonable discretion of the Vice Chairs, the student may submit a single IR covering all such alleged Honor Offenses. If a student is concurrently

reported for multiple Honor Offenses that do not result from the same single nexus of events, in the sole, reasonable discretion of the Vice Chairs, the student may not submit a single IR covering all such alleged Honor Offenses. For purposes of this provision, (a) “concurrent reports” shall mean reports received during the same general timeframe, and received before the IR has been accepted, if applicable, and (b) “factually related” shall mean offenses share factual elements, and represent a similar pattern of behavior.

This recommendation is designed to be paired with recommendation B., but has merits on its own. Removing the “Single Nexus of Events” would remove unnecessary, and at time seemingly arbitrary distinctions that make it so some students are able to take one IR for multiple offenses. This recommendation would create a more fair system for all students, while enabling the full pursuit of the truth at Trial. If a student does take an IR for one offense, but is barred from including other offenses that are not factually related, the IR the student does take would not impact the trial, as the events would not be factually related, and thus could be considered individually without mentioning the IR.

#### **D. Add Conditions to the IR Period**

Purpose:

Ensure that during the IR Period students are separating themselves from UVA functions and are truly making amends for their actions.

Recommendations:

Future committees should investigate the practicality and use of imposing conditions on students during the IR period. For example, students who attend their graduation ceremonies if they take an IR during their second semester of 4th year, continue to be involved with UVA related groups, CIOs, and organizations during the IR Period, or demonstrably lie about their being on an IR to employers, could be in violation of the conditions of the IR Period. If there is significant evidence that a student is in violation of these conditions her IR could be extended another semester, or be subject to UJC charges upon her return.

#### **E. Further Engage with Faculty About the IR**

Purpose:

The IR was intended expected to increase reporting rates, as Professors who were uncomfortable with the Single Sanction would recognize that students now had another option. However, faculty have not been engaged effectively, and many do not fully understand the IR.

Recommendations:

The Committee should consider an engagement campaign where every faculty member is part of a discussion about the IR, what it means, how it works, and how to talk to students about it. This discussion could be one-on-one for the smaller schools, and at a departmental level for the College and in cases where one-on-one meetings are not possible. Dean Groves indicated that Honor hosted a dinner with faculty before the IR was passed that purposefully included faculty members with diverse opinions about Honor. This could be an effective way of starting a dialogue about the IR.

# Appendix

## Existing IR By-Laws

dismissed. If the Investigative Panel determines that the CR is *not* valid, an investigation shall be conducted into the alleged Act, pursuant to Section IV.B of these By-laws, and the student shall have the opportunity to file an IR pursuant to the procedures set forth in Section III.B, below. If an Honor trial ensues, (a) the student may present evidence of the attempted CR to the jury in an effort to persuade the jury of its validity, and (b) the Community may offer the CR into evidence to establish the student's admission of the Act in question. Voting procedures for CRs at trial are described in Section IV.H.4, below.

5. Procedure Relating to Uncertified CRs. If the Vice-Chairs for Investigations and Trials have not certified that a CR is complete, the student may, if eligible, file a request for IR, pursuant to the procedures set forth in Section III.B, below. If the student is not eligible, does not elect, or otherwise fails to, file an IR, the student proceeds to the Investigative Panel when (and if) a Report is received concerning the Act in question. In such cases, the Investigative Panel will not reach the issue of validity and the uncertified CR will not by itself be an exonerating defense to the Honor Offense alleged in the Report. If the Investigative Panel accuses the student of an Honor Offense, at the ensuing trial (a) the student may present evidence of the uncertified CR to the jury in an effort to persuade the jury of its sincerity, and (b) the Community may offer the uncertified CR into evidence to establish the student's admission of the Act in question and to establish the circumstances surrounding the commission of such Act.

6. Public Summaries of CRs. Upon the certification of completeness by the Vice-Chairs, the Vice Chair for Investigations shall prepare a brief "Official Summary."

- a) The Official Summary shall describe the Act in question in accordance with past procedure, as more fully described in Attachment C. The content and publication of the Official Summary shall be subject to the rules relating to anonymity, review, timing, and other relevant procedures that are set forth in Section IV.H.8 of these By-laws.

### B. Informed Retraction

1. Purpose: Subject to the terms and conditions of these By-laws, the Honor System permits a student to atone for his or her mistakes by submitting an Informed Retraction (an "IR"). In contrast to a Conscientious Retraction, an Informed Retraction may be submitted by a student who is the subject of an Honor Report. The IR is predicated on a student taking responsibility for the commission of an Honor Offense and making amends therefor, both by admitting such Honor Offense to all affected parties and by taking a leave of absence from the University community, all as more specifically set forth below. A student who submits an IR agrees, implicitly, to recommit him- or herself to the Community of Trust and, accordingly, not to commit any further Act of Lying, Cheating or Stealing. The IR must be submitted in the form and within the time periods specified below, in the reasonable

discretion of the Honor Committee, in order to result in the dismissal of Honor proceedings.

2. IR Form; Method and Deadline for Submission; Notice Letter. In order to provide consistency and clarity in the IR process, the Honor Committee requires students wishing to file an IR to complete and submit an Informed Retraction Form (the "IR Form"). A template of the IR Form is included as Attachment B, to these By-laws. The completed IR Form must be submitted to the Vice Chair for Investigations within seven (7) days of receiving the Notice Letter (the "IR Period"). The Notice Letter shall be provided to the student by his or her Advisor at their first meeting. The student shall be deemed to have received the Notice Letter (a) on the date that it is delivered to the student, in person, by an Honor Advisor, or (b) on the date that it is delivered to the student's Primary E-Mail Address (as more particularly described in the preamble to Section IV of these By-laws), whichever shall first occur. For purposes of these By-laws, the "Notice Letter" shall mean the letter, addressed to the student, which letter (a) sets forth a general description of the Act which is the subject of an Honor Report, (b) includes the IR Information (as hereinafter defined), which shall be provided as an attachment to the Notice Letter, (c) describes, in general, the investigation and trial procedures of the Honor Committee, and (d) outlines the opportunity and conditions for submitting an IR. The "IR Information" shall mean, collectively, a copy of the initial interview with the Reporter or other primary witness, together with any other relevant documents in possession of the Honor Committee at the time the Notice Letter is delivered.

3. Sufficiency of the Submitted IR. The decision whether a submitted IR meets all of the criteria of these By-laws, sufficient to result in the dismissal of the Honor Report in question, is within the sole, reasonable discretion of the Vice Chair for Investigations and the Vice Chair for Trials (or, if either of such Vice Chairs is unavailable or unable to participate, by reason of familiarity with the parties in question or for any other reason, the other Honor Committee member or members designated for such purpose by the Honor Chair; such Vice Chairs and/or any such designee(s) are hereinafter referred to, in this Section III.B, as the "Vice Chairs"). The Vice Chairs may accept or reject any IR submission or, in their sole reasonable discretion, return the IR Form to the submitting student for additions, modifications and/or clarifications. The decision of the Vice Chairs is final. A submitted IR that has been accepted as sufficient, pursuant to these procedures, is hereinafter referred to as an "accepted" IR. Before an accepted IR can be finalized, the submitting student must meet with the University Dean of Students (or his or her designee), and must obtain the signature of the Dean of Students (or his or her designee) on the IR Form. Instructions for contacting the Office of the Dean of Students for the purpose of setting up such a meeting are set forth in the IR Form. The submitting student must also meet with his or her Academic Dean (or his or her designee), and must obtain the signature of the Academic Dean (or his or her designee) on the IR Form.

4. The Cornerstones of the IR: Taking Responsibility and Making Amends.  
The cornerstones of the IR are the decisions by the submitting student to take

responsibility for his or her alleged Honor Offense and to make amends therefor, both by admitting such alleged Honor Offense to all affected parties and by taking a leave of absence from the University community.

a) Making Amends to Affected Parties: Admission, Acknowledgment, Corrections.

- i. Admission of the Act. In accordance with the requirements of the IR Form, a student wishing to submit an IR must admit the commission of the underlying Act to all third parties directly affected thereby. Such third parties might include, in particular cases, the applicable course professor(s), teaching assistant(s), other students, merchants and/or landlords.
- ii. Other Amends. In accordance with the requirements of the IR Form, a student wishing to submit an IR also must agree to comply with any corrections or amends imposed by relevant third parties, according to the guidelines set forth in Section III.A.2.C relating to CRs.
- iii. Acknowledgement by Third Parties. Pursuant to the IR Form, the submitting student shall provide the names and titles, if applicable, of third parties directly affected by the alleged Honor Offense and shall obtain the signatures of each of such parties acknowledging the student's admission of the underlying Act. The Vice Chairs may, in their sole, reasonable discretion, require the student to add other directly-affected third parties to this list. In cases where the student fails to obtain such signature(s), the sufficiency of the submitted IR shall be in the sole, reasonable discretion of the Vice Chairs.

b) Making Amends to the Community of Trust: The Honor Leave of Absence.

- i. Honor Leave of Absence. In order to make amends to the Community of Trust, a student wishing to file an IR must agree to leave the University for two full academic semesters, commencing at the beginning of the fall or spring semester immediately following the date of acceptance of the IR (the "Honor Leave of Absence"). Summer sessions and January terms are not considered full academic semesters for the purposes of the Honor Leave of Absence. The Honor Leave of Absence must be completed over two, sequential academic semesters; i.e., the Honor Leave of Absence may not be interrupted by any period of re-enrollment. As detailed in Part iv, below, a student who has submitted an accepted IR will be unable to enroll in additional University courses from the time of the acceptance of the IR until the completion of the Honor Leave of Absence. Any existing future enrollments shall be cancelled. The Honor Leave of Absence shall commence in the same manner and at the same time for students at any stage of their



academic careers, graduate or undergraduate, first-year or fourth-year, regardless of the amount of coursework or number of credits still required for graduation.

- ii. **Course Requirements and Grades.** Upon the submission of an IR, the Vice Chairs will inform the Reporter that an IR has been submitted. All questions of grading, course requirements and course credit shall remain in the exclusive discretion of the applicable professor, school and/or department. In other words, notwithstanding the submission and acceptance of an IR, the Honor Committee has no authority or jurisdiction of any kind with respect to decisions about grades, coursework or course credit.
- iii. **Leave of Absence Procedures; Re-enrollment.** Upon Completion of Leave of Absence. The administration of the Honor Leave of Absence, including all financial matters and all questions of visa status, registration status, scholarship status, and status within the school or department in question, shall be in accordance with the guidelines of the applicable school or department with respect to a regular academic suspension. Once the Honor Leave of Absence has been completed, all matters relating to re-enrollment and academic status shall reside exclusively with University and the school or department in question.
- iv. **Transcript Notations; Registration Block.** Upon the acceptance of a submitted IR, the Honor Chair will immediately notify the University Registrar to (A) place a notation on the student's transcript reading "Honor Probation," which shall remain, assuming that the submitted IR is accepted, until the commencement of the Honor Leave of Absence, and (B) place a Registration Block on the student's record, cancelling any existing future enrollments, and preventing the student from enrolling in additional university courses, which shall remain until the completion of the Honor Leave of Absence. Upon the commencement of the Honor Leave of Absence, the student's transcript will bear a separate notation indicating the Leave of Absence. Such notation will be removed at the completion of such Honor Leave of Absence.

5. **Multiple Concurrent Honor Offenses.** If a student is concurrently reported for multiple Honor Offenses that result from *the same single nexus of events*, in the sole, reasonable discretion of the Vice Chairs, the student may submit a single IR covering all such alleged Honor Offenses. If a student is concurrently reported for multiple Honor Offenses that do not result from the same single nexus of events, in the sole, reasonable discretion of the Vice Chairs, the student may not submit a single IR covering all such alleged Honor Offenses. For purposes of this provision, (a) "concurrent reports" shall mean reports received during the same general timeframe, and received before the IR has been accepted, if applicable, and (b) "the same single nexus

of events” is described in further detail, with supporting examples, in Attachment A to these By-laws.

6. Limitation on Number of Informed Retractions. Because a student who submits an IR agrees, implicitly, to recommit him- or herself to the Community of Trust and, accordingly, not commit another Act of Lying, Cheating or Stealing following submission of the IR, each student shall have the opportunity to have a single IR accepted during the entirety of his or her time at the University. Accordingly, if a student successfully submits an IR (i.e., if such submission is accepted), any attempt by such student to submit a subsequent IR shall be rejected.
7. Submission of IR by Degree Candidates; Submission of IR by University Graduates. If a student wishes to submit an IR in the year in which the student would otherwise graduate, he or she must submit a signed and completed IR Form to the Vice Chair for Investigations not later than the Wednesday before Final Exercises (or four (4) days before the applicable degree-conferral date in any semester other than the spring), or within the IR Period, whichever is sooner. Upon such submission, and the acceptance of such IR by the Vice Chairs, the student's degree shall be immediately held, and such hold shall remain until two full academic semesters have elapsed. If the student does not have the necessary credit to graduate, the student may submit an IR and take an Honor Leave of Absence, as described above. A student who has graduated from the University may, subject to the provisions of these By-laws, submit an IR which, as a condition of acceptance, shall require such graduate to surrender his or her degree immediately, and for the degree to remain surrendered until two full academic semesters have elapsed. The date of degree-conferral shall reflect such surrender on the student's transcript, in accordance with the procedures of the University.
8. Students Ineligible to Submit an IR. The following students are not eligible to submit an IR:
  - a) Students subject to an Honor Report relating to an Act or Acts committed while participating in the Semester at Sea program (which Report shall be governed exclusively by the procedures set forth in the Semester at Sea Voyager's Handbook);
  - b) Students who have previously submitted an IR that was accepted.
9. Interaction with Request for Hearing on CMD. If a reported student elects to request a Hearing on CMD prior to the expiration of the IR Period, and if such Hearing on CMD is denied or such Hearing on CMD is granted but there is no finding of CMD, then such student may request an extension of the IR Period in which to subsequently submit an IR, such extended period to commence on the date such student receives notice of the outcome of the CMD process and continuing for seven (7) days thereafter. Following the expiration of such seven- (7-) day extension, the IR Period shall expire.
10. Honor Committee Records of IRs. The Honor Committee shall retain a confidential record of each accepted IR.

11. Honor Chair as Tie-Breaker. If the Vice Chairs are unable to agree on any decision relating to an IR, the decision of the Honor Chair shall prevail.
12. Public Summaries of IRs. Upon the acceptance of an IR by the Vice-Chairs, the Vice Chair for Investigations shall prepare a brief "Official Summary."
  - a) The Official Summary shall describe the Act in question in accordance with past procedure, as more fully described in Attachment C. The content and publication of the Official Summary shall be subject to the rules relating to anonymity, review, timing, and other relevant procedures that are set forth in Section IV.H.8 of these By-laws.

#### IV. PROCEDURES: HOW THE SYSTEM WORKS

**Purpose:** When processing Honor cases, the Honor Committee and its support officers act on behalf of the Community of Trust to protect its interest in maintaining the ideal of honorable behavior. The Committee must balance its commitment to the Community with its responsibility to provide a fair process for investigation and adjudication of Alleged Honor Offenses. The Honor Committee's procedures, as set forth in these by-laws, help the Committee achieve this important balance.

**Overview of the Honor Process:** The Honor System process is divided into four stages: reporting, investigation, trial, and post-trial. Every reasonable effort is made to conduct the entire process in a timely manner. For that reason, certain timelines have been built into the System. In general, however, the Honor Committee suspends all proceedings during non-school days. School days are days when the College of Arts & Sciences is officially in session during the fall and spring semesters, but not during summer session. School days include weekends between class days but do not include any registration or examination periods, breaks or holidays. Notwithstanding the general suspension of Honor Committee proceedings during non-school days, when a case is reported during a semester and case investigators have not had an opportunity to interview the investigated student prior to the end of such semester, the investigated student's Advisor will attempt to notify such student of the nature of the investigation as soon as reasonably possible following the end of such semester. This attempt at early notification will occur only for investigations that span recesses in order to allow for the opportunity to preserve pertinent evidence, whenever reasonably possible. Except as otherwise noted, the entire process will be conducted in accordance with the most recent by-laws as of the date a case Report is received.

**Notices:** For purposes of these By-laws, notices and other significant correspondence shall be delivered to students at their respective "Primary E-mail Addresses," as outlined in the University Undergraduate Record (the "Record"). Pursuant to the Record, the "Primary E-Mail Address" is the address to which the University sends official e-mail notifications. The Record can be viewed here: <http://records.ureg.virginia.edu/> An Investigated and/or Accused Student may request, by completing and submitting a Notice Affidavit, that the Honor Committee also send notices and other significant correspondence to the additional electronic or other addresses set forth in such Notice Affidavit. A form of Notice Affidavit may be obtained from any Honor Advisor and can be downloaded here: <http://www.virginia.edu/honor/wp-content/uploads/2013/04/Notice-Affidavit-for-cases-reported-after-4-21-2013.doc>. Unless otherwise specifically defined (e.g., the "IR Notice," the "Notice Letter"), the Primary E-Mail Address, together with any additional electronic or other addresses set forth in the Notice Affidavit, are referred to in these By-laws as the "notice," and shall be deemed to be effective notice when sent, whether or not the recipient actually receives and/or reads the notice.

# Existing "Single Nexus of Events" By-Laws

## Attachment A

### Guidelines for Evaluating Multiple Concurrent Honor Offenses

*Note: The following examples are provided as tools that may be helpful in evaluating whether two or more reported Acts resulted from the same "single nexus of events," such that they may be covered by one Informed Retraction. These examples are not exhaustive, and do not address every possible scenario in which multiple Honor Offenses may be reported. In any case, the Vice Chairs retain the discretion to determine when multiple concurrent Honor Offenses may be covered by one IR.*

Logical Necessity. Whenever one or more alleged Honor Offenses is the logically necessary result of another alleged Honor Offense, these shall be deemed to have stemmed from the same "single nexus of events." If, for example (in the most obvious case), a student pledges an exam on which he or she is later reported for alleged Cheating, the pledge (in essence, a statement that the student has *not* Cheated) itself could be construed as Lying. These two alleged Honor Offenses – Cheating on the exam and the related pledge – would be covered by a single IR. If, for instance (in a slightly less obvious case), a student exceeds the time limit during an electronic exam – constituting an alleged Act of Cheating – and subsequently indicates in the manner required by such exam (or by the instructor teaching assistant who administers such exam) that he or she did *not* exceed the time limit – constituting an alleged Act of Lying – such student may submit a single IR to cover both such alleged Acts. In these examples, the alleged Acts of Lying are logically connected to the alleged Acts of Cheating, and vice versa; the student could not have committed one such Act without committing the other such Act.

Dependence. Whenever one or more alleged Honor Offenses could not have been committed in the absence of some other alleged Honor Offense *by the same student*, these shall be deemed to have stemmed from the same "single nexus of events." If, for instance, a student commits an alleged Act of Stealing and subsequently denies this Act – constituting an alleged Act of Lying – such a student may submit one IR to cover both of such alleged Acts. In this example, while the student *could* have committed the alleged Act of Stealing without committing the alleged Act of Lying, he or she could *not* have committed the alleged Act of Lying without having already committed the alleged Act of Stealing, as the latter was the subject of the former.

Connected but not Dependent. If two or more alleged Honor Offenses are connected without any of the alleged Offenses being dependent upon any other alleged Offense, then these shall *not* be deemed to have stemmed from the same "single nexus of events." If, for instance, a student allegedly plagiarizes on two assignments by inappropriately copying text from the same source, such a student may not submit one IR to cover both of such alleged Acts. While the alleged Acts are connected-- in that both alleged Acts were committed by the same student plagiarizing from the same source – neither is dependent upon the other; the student could have plagiarized on the first assignment without doing so on the second, and vice versa.

Connected by Facts Unrelated to the Commission of the Act. If two or more alleged Honor Offenses are connected by circumstances unrelated to the commission of the underlying Acts, then these shall *not* be deemed to have stemmed from the same "single nexus of events". If, for instance, a student's alleged Act of Cheating causes a reporter to look for and subsequently discover a second alleged Act of Cheating, such student may not submit one IR to cover both of such alleged Acts. While the two alleged Acts are connected on the level of discovery – in that both were discovered by the same reporter and occurred in the same course – they are unconnected and independent on the level of commission.

**Honor Informed Retraction Form**

Student's Name: \_\_\_\_\_ Honor File #: \_\_\_\_\_

School: \_\_\_\_\_ Year: \_\_\_\_\_

I understand that I am the subject of an Honor Report, filed by \_\_\_\_\_ (the "Reporter"), alleging that I committed the following Honor Offense (the "Honor Offense"):

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Subject to the terms and conditions of the By-laws of the Honor Committee, the Honor System permits a student to atone for his or her mistakes by submitting an Informed Retraction (an "IR"). I understand that an IR must be submitted on this Informed Retraction Form (this "IR Form"), and must be submitted to the Vice Chair for Investigations within seven (7) days from the day I received the Notice Letter (as hereinafter defined), either by hand-delivery from my Honor Advisor, or by email to my "Primary Email Address," as defined in the Honor Committee By-laws, whichever first occurred.

I understand that my IR is predicated on my taking responsibility for committing the Honor Offense and on my agreement to make amends therefor, both by admitting such Honor Offense to all affected parties and by taking a leave of absence from the University community, all as more specifically set forth below.

By submitting this IR Form, I represent, on my Honor, that I am hereby recommitting myself to the Community of Trust, and that all of the information contained herein is true and complete to the best of my knowledge.

I further acknowledge, on my Honor, the following:

- I received a letter (the "Notice Letter") from the Honor Committee on \_\_\_\_\_, setting forth a general description of the Honor Offense; enclosing the IR Information (as hereinafter defined); describing, in general, the investigation and trial procedures of the Honor Committee; and outlining the opportunity and conditions for submitting an IR. The "IR Information" means, collectively, a copy of the initial interview with the Reporter or other primary witness, together with any other relevant documents in the possession of the Honor Committee at the time the Notice Letter was delivered.
- I hereby admit that I believe that I committed the Honor Offense, and I acknowledge that I intend to make amends to the Third Parties (as hereinafter defined) by communicating such admission to each of them.
- I have listed below the name(s) and title(s), if applicable, of each of the third parties (including, without limitation, course professor(s), teaching assistant(s), other students, merchants and/or landlords) who is or was directly affected by my commission of the Honor Offense (each, a "Third Party" and, collectively, the "Third Parties"). I agree to make amends to the Community of Trust by leaving the University for two full academic semesters (fall and spring), commencing at the beginning of the fall or spring semester immediately following the date of acceptance of my IR (the "Honor Leave of Absence"). I understand that summer sessions and January terms are not considered full academic semesters for the purposes of

the Honor Leave of Absence, and that the Honor Leave of Absence must be completed over two, sequential academic semesters; i.e., the Honor Leave of Absence may not be interrupted by any period of re-enrollment.

- I understand that, if my IR is accepted, I may choose to complete the courses in which I am currently enrolled, but that all questions of grading, course requirements and course credit shall remain in the exclusive discretion of the applicable professor, school and/or department.
- I understand that the administration of the Honor Leave of Absence, and all matters relating to re-enrollment following the Honor Leave of Absence, if applicable, including all financial matters and all questions of registration status, eligibility to compete in varsity athletics, scholarship status, visa status, and status within the school or department in question, shall reside with, and be in accordance with the guidelines of, the applicable school or department (or other administrative or governing body) with respect to a regular academic suspension.
- I understand that, upon the submission of an IR, the Honor Chair will immediately notify the University Registrar to (A) place a notation on my transcript reading "Honor Probation," which shall remain, assuming that the submitted IR is ultimately accepted, until the commencement of the Honor Leave of Absence, and (B) place a Registration Block on my record, cancelling any existing future enrollments, and preventing me from enrolling in additional University courses, which Registration Block shall remain in effect until the completion of the Honor Leave of Absence. Upon the commencement of the Honor Leave of Absence, I understand that my transcript will bear a separate notation indicating that I am subject to an Honor Leave of Absence. Such notation will be removed at the completion of my Honor Leave of Absence.
- I understand that the decision whether this IR meets all of the criteria of the By-laws of the Honor Committee, sufficient to result in the dismissal of the Report, is within the sole, reasonable discretion of the Vice Chairs (as more particularly defined in the By-laws).
- I understand that before my IR can be officially accepted, I must meet with the University Dean of Students or his or her designee (the Dean of Students and any such designee is hereinafter referred to as the "Dean of Students"), and I must meet with my Academic Dean, and that I must obtain the signatures of both of these parties on this IR Form, in the space provided below. The Office of the Dean of Students is located on the second floor of Peabody Hall, and such a meeting can be arranged by visiting the Office of the Dean of Students or by calling the office at 434-924-7133.
- I understand that if I file an IR after graduating from the University, I must surrender my degree immediately, and that I will not receive my degree back until two full academic semesters have elapsed, in the manner described for calculating the period of the Honor Leave of Absence, above. I also understand that the date of degree-conferral shall reflect such surrender on my transcript, and that, during this period, my transcript will bear the notation "Honor Leave of Absence."
- I understand that if I file an IR in the year in which I would otherwise graduate, I must submit this IR Form to the Vice Chair for Investigations not later than the Wednesday before Final Exercises (or four (4) days before the applicable degree conferral date in any semester other than the spring) or within the IR Period, whichever is sooner. I also understand that upon submission and acceptance, my degree shall be held, and such hold shall remain until two full academic semesters have elapsed, in the manner described for calculating the period of the Honor Leave of Absence, above. I also understand that my transcript will bear the corresponding notations for the Honor Probation and Honor Leave of Absence in the same manner and sequence as described above.

### **Acknowledgment by Third Parties**

The following are the only Third Parties, to the best of my knowledge, who were or are directly affected by my commission of the Honor Offense which is the subject of this IR Form. I have agreed to correct and/or make amends for such Honor Offense (i.e., in the case of Cheating, I have admitted the Cheating to the relevant instructor and agreed to comply with any conditions imposed by such instructor for academic re-



Proposed IR Form

**Honor Informed Retraction Form**

Student's Name: \_\_\_\_\_ Honor File #: \_\_\_\_\_

School: \_\_\_\_\_ Year: \_\_\_\_\_

**1. Admittance of Commission of Honor Offense**

I understand that I am the subject of an Honor Report, filed by \_\_\_\_\_ (the "Reporter"), alleging that I committed the following Honor Offense (the "Honor Offense"):

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**2. Acceptance of Terms of Informed Retraction by Student**

I understand and agree to the terms and conditions of the Informed Retraction, as set forth herein, in the Honor Informed Retraction Terms and Conditions and in the By-laws of the Honor Committee.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**3. Acknowledgment by Third Parties**

The following are the only Third Parties, to the best of my knowledge, who were or are directly affected by my commission of the Honor Offense which is the subject of this IR Form. I have agreed to correct and/or make amends for such Honor Offense (i.e., in the case of Cheating, I have admitted the Cheating to the relevant instructor and agreed to comply with any conditions imposed by such instructor for academic re-evaluation; in the case of Lying, I have admitted the lie to everyone to whom the lie was communicated; and in the case of Stealing, I have admitted the theft and returned or agreed to return all property (in its original condition, if applicable) to the rightful owner(s) or provided monetary compensation, if applicable). I have asked each of them to acknowledge my IR, and my making of the foregoing amends, by making a statement (see formatting guidelines below) which I attached to this document.

Third Party Acknowledgements are to be submitted in a separate document, and must include the following.



- Student's Name
- Date
- Conditions (as agreed upon by student and third party)
- Signature of Third Party

**4. Meeting with Association Dean**

**Purpose:** Discuss academic options.

\_\_\_\_\_ met with me in connection with the filing of this IR Form on the date noted below.

\_\_\_\_\_  
Association Dean

\_\_\_\_\_  
Date

**5. Meeting with the Dean of Students**

**Purpose:** Discuss options for the IR period.

\_\_\_\_\_ met with me in connection with the filing of this IR Form on the date noted below.

\_\_\_\_\_  
Dean of Students

\_\_\_\_\_  
Date

**6. International Studies Office (INTERNATIONAL STUDENTS ONLY)**

**Purpose:** Discuss visa requirements and re-entry plans.

\_\_\_\_\_ met with me in connection with the filing of this IR Form on the date noted below.

\_\_\_\_\_  
International Studies Office

\_\_\_\_\_  
Date

**7. Submission**

**Purpose:** To be completed by Honor Committee Members to indicate date of submission.

Form submitted to \_\_\_\_\_ on (date) \_\_\_\_\_

## **Honor Informed Retraction Terms and Conditions**

Through the terms and conditions of the By-laws of the Honor Committee, students have the opportunity to make amends to the community of trust by submitting an Informed Retraction (an "IR").

I understand that an IR must be submitted on the Informed Retraction Form (the "IR Form"), and must be submitted to the Vice Chair for Investigations within seven (7) days from the day I received the Notice Letter (as hereinafter defined), either by hand-delivery from my Honor Advisor, or by email to my "Primary Email Address," as defined in the Honor Committee By-laws, whichever first occurred.

I understand that my IR is predicated on my taking responsibility for committing the Honor Offense and on my agreement to make amends therefor, both by admitting such Honor Offense to all affected parties and by taking a leave of absence from the University community, all as more specifically set forth below.

By submitting the IR Form, I represent, on my Honor, that I am hereby recommitting myself to the Community of Trust, and that all of the information contained herein is true and complete to the best of my knowledge.

I further acknowledge, on my Honor, the following:

- I received a letter (the "Notice Letter") from the Honor Committee on \_\_\_\_\_, setting forth a general description of the Honor Offense; enclosing the IR Information (as hereinafter defined); describing, in general, the investigation and trial procedures of the Honor Committee; and outlining the opportunity and conditions for submitting an IR. The "IR Information" means, collectively, a copy of the initial interview with the Reporter or other primary witness, together with any other relevant documents in the possession of the Honor Committee at the time the Notice Letter was delivered.

- I hereby admit that I believe that I committed the Honor Offense, and I acknowledge that I intend to make amends to the Third Parties (as hereinafter defined) by communicating such admission to each of them.

- I have listed below the name(s) and title(s), if applicable, of each of the third parties (including, without limitation, course professor(s), teaching assistant(s), other students, merchants and/or landlords) who is or was directly affected by my commission of the Honor Offense (each, a "Third Party" and, collectively, the "Third Parties"). I agree to make amends to the Community of Trust by leaving the University for two full academic semesters (fall and spring), commencing at the beginning of the fall or spring semester immediately following the date of acceptance of my IR (the "Honor Leave of Absence"). I understand that summer sessions and January terms are not considered full academic semesters for the purposes of the Honor Leave of Absence, and that the Honor Leave of Absence must be completed over two, sequential academic semesters; i.e., the Honor Leave of Absence may not be interrupted by any period of re-enrollment.

· I understand that, if my IR is accepted, I may choose to complete the courses in which I am currently enrolled, but that all questions of grading, course requirements and course credit shall remain in the exclusive discretion of the applicable professor, school and/or department.

· I understand that the administration of the Honor Leave of Absence, and all matters relating to re-enrollment following the Honor Leave of Absence, if applicable, including all financial matters and all questions of registration status, eligibility to compete in varsity athletics, scholarship status, visa status, and status within the school or department in question, shall reside with, and be in accordance with the guidelines of, the applicable school or department (or other administrative or governing body) with respect to a regular academic suspension.

· I understand that, upon the submission of an IR, the Honor Chair will immediately notify the University Registrar to (A) place a notation on my transcript reading "Honor Probation," which shall remain, assuming that the submitted IR is ultimately accepted, until the commencement of the Honor Leave of Absence, and (B) place a Registration Block on my record, cancelling any existing future enrollments, and preventing me from enrolling in additional University courses, which Registration Block shall remain in effect until the completion of the Honor Leave of Absence. Upon the commencement of the Honor Leave of Absence, I understand that my transcript will bear a separate notation indicating that I am subject to an Honor Leave of Absence. Such notation will be removed at the completion of my Honor Leave of Absence.

· I understand that the decision whether this IR meets all of the criteria of the By-laws of the Honor Committee, sufficient to result in the dismissal of the Report, is within the sole, reasonable discretion of the Vice Chairs (as more particularly defined in the By-laws).

· I understand that before my IR can be officially accepted, I must meet with the University Dean of Students or his or her designee (the Dean of Students and any such designee is hereinafter referred to as the "Dean of Students"), and that I must obtain the signature of the Dean of Students on this IR Form, in the space provided below. The Office of the Dean of Students is located on the second floor of Peabody Hall, and such a meeting can be arranged by visiting the Office of the Dean of Students or by calling the office at 434-924-7133.

· I understand that if I file an IR after graduating from the University, I must surrender my degree immediately, and that I will not receive my degree back until two full academic semesters have elapsed, in the manner described for calculating the period of the Honor Leave of Absence, above. I also understand that the date of degree-conferral shall reflect such surrender on my transcript, and that, during this period, my transcript will bear the notation "Honor Leave of Absence."

· I understand that if I file an IR in the year in which I would otherwise graduate, I must submit this IR Form to the Vice Chair for Investigations not later than the Wednesday before Final Exercises (or four (4) days before the applicable degree conferral date in any semester other than the spring) or within the IR Period, whichever is sooner. I also understand that upon submission and acceptance, my degree shall be held, and such hold shall remain until two full academic semesters have elapsed, in the manner described for calculating the period of the Honor Leave of Absence, above. I also understand that my transcript will bear the corresponding notations for the Honor Probation and Honor Leave of Absence in the same manner and sequence as described above. (ask nick hine about degree conferral date)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_