



## **Student Honor Code**

## **INTRODUCTION**

The Student Body of EVMS conducts its affairs by means of an Honor Code. Part of the spirit of the human values in medicine philosophy and implicit in such an Honor Code is the fostering of a sense of trust in the EVMS community. The students, faculty, and administration of EVMS join together in support of this Honor Code for the purposes of (a) providing an atmosphere of mutual trust, concern, and respect; (b) fostering honorable and ethical behavior; and (c) upholding and cultivating lifelong professional conduct in the medical and health professions.

Any student who fails to abide by the Honor Code or live up to its principles is subject to disciplinary action under this Honor Code. All students, faculty, and staff are obligated to support the Honor Code and report any violation thereof to the Honor Council.

## **ARTICLE I: HONOR CODE ACKNOWLEDGEMENT AND STUDENT SIGNATURE**

It shall be the duty of the Chairperson of the Honor Council to see that, before or upon matriculation, each student is provided with information about the EVMS Honor Code, including where to access a copy of the Honor Code. In addition, all students, both matriculating and returning, must annually sign the acknowledgement below to indicate that they have read and understand the Honor Code.

“I, the undersigned, have read the Honor Code of the Student Body of EVMS. I understand what is expected of me as a student of that institution and I hereby pledge my word of honor that I will support the Honor Code in all of its details.”

## **ARTICLE II: CONFIDENTIALITY**

The effectiveness of this Honor Code depends on the absolute confidentiality of all aspects of its proceedings when a violation is reported, from the allegation of the violation itself to the information obtained in investigation and the proceedings and results of all hearings. All EVMS students, faculty and staff are required to keep confidential any knowledge, however obtained, about alleged violations or any current or past Honor Council proceeding, unless that knowledge is requested by a member of the Honor Council or to fulfill one of the requirements of this Code.

Any breach of confidentiality may be considered a violation of the Honor Code.

## **ARTICLE III: STRUCTURE OF THE HONOR COUNCIL**

### **Section A: Honor Council Members**

Each class of each degree or certificate program at EVMS shall elect from the membership of that class one honor council representative for every thirty (30) students in that class. Each class shall have a minimum of one (1) Honor Council representative.

Honor Council members shall serve for a term of the duration of his/her degree or

certificate program<sup>1</sup>, with the exception of the Biomedical Sciences Honor Council member. The Biomedical Sciences Honor Council member will be elected to serve a term of one year. The Biomedical Sciences student body will hold an election at the start of each academic year to elect a new Honor Council member or reelect the previous Honor Council member.

### **Section B: Eligibility and Election of Council Members**

Election of Honor Council representatives shall take place separately from the election of other class officers in an election run by senior Honor Council members, preferably of the same program. Election of Honor Council representatives shall be held during the first semester of the first year of the class for which elections are being held, on a date to be determined by the Honor Council members running the election.

In order to maintain the independence of the Honor Council, members of the Honor Council may hold no other elected positions within the Student Government Association (SGA) or individual class councils.

At the discretion of the Chairperson or the Honor Council members running the election, students wishing to run for Honor Council may, as a condition of their candidacy for the position, be required to attend a meeting with current Honor Council members to be informed about the duties and responsibilities of Honor Council members.

### **Section C: Duties and Responsibilities of the Honor Council and its Members**

Honor Council members are elected representatives of their respective classes who shall uphold the Honor Code, act fairly and impartially, and make decisions based only upon evidence formally presented during the course of Honor Council hearings. Such Council members shall act in a manner befitting the trust accorded by their class and in conformity with the provisions and spirit of the Honor Code. Honor Council members shall attend all Honor Council meetings and hearings, and shall fulfill all positions (e.g. investigator, juror, or advisor) or other duties as assigned by the Chairperson of the Honor Council. Failure of an Honor Council member to fulfill duties if requested by the Chairperson will require a resignation from the Honor Council unless extenuating circumstances, as judged by the Chairperson, exist. Honor Council members are also responsible for managing class elections for their class and for the first-year elections in their program, as well as overseeing and ensuring the fairness of any impeachment proceedings undertaken by their class council.

The Honor Council will work to educate the students and faculty of EVMS about the Honor Code and its procedures and shall serve as a resource for all members of the EVMS community about all matters pertaining to the Honor Code. However, ultimate responsibility for knowing the tenets of the Honor Code and acting honorably lies with each student, and ignorance of the Honor Code shall not serve as a valid defense at any Honor Council hearing.

The Honor Council shall consider each case individually based on its own merits.

## **Section D: Honor Council Officers**

The officers of the Honor Council shall consist of a Chairperson, Vice Chairperson, and Secretary. These officers shall be elected at a meeting of the Honor Council. They are responsible for ensuring the smooth operation of the Honor Council and its proceedings. Specific duties, which are not all-inclusive, are listed below.

### **Subsection 1: Chairperson of the Honor Council**

The Chairperson of the Honor Council shall be a member of the Council. He/she shall have held a prior executive, standing or ad hoc leadership position on the Honor Council, or have served as an Advisor, Investigator, Advisory Counsel, or Investigatory Counsel in prior Honor Council proceedings. He/she shall be elected by the Honor Council and shall serve for a term of one year. The Chairperson is responsible for all actions of the EVMS Honor Council and shall coordinate and supervise all aspects of the Honor System. He/she shall be the official spokesperson of the Honor Council, and shall advise members of the Faculty on Honor Council issues

### **Subsection 2: Vice Chairperson of the Honor Council**

The Vice Chairperson of the Honor Council shall be a member of the Council, elected by the Council, and shall serve a term of one year. He/she shall fulfill the role of Chairperson in the Chairperson's absence and shall assist with the duties of the Chairperson or any other duties at the request of the Chairperson of the Honor Council.

### **Subsection 3: Secretary of the Honor Council**

The Secretary of the Honor Council shall be a member of the Council, elected by the Council, and shall serve a term of one year. The Secretary shall be responsible for ensuring and maintaining all appropriate documentation of Honor Council proceedings, as well as other duties at the request of the Chairperson of the Honor Council.

## **Section E: Other Honor Council Positions**

The Honor Council may have other named positions, both standing and ad hoc, selected from Council members. These positions are not considered to be Honor Council Officers.

### **Subsection 1: Education Coordinator**

The Education Coordinator shall be a Council member, elected by the Council and shall serve a term of one year. The Education Coordinator shall be responsible for working to develop and implement the education mission of the Honor Council. These duties shall include but are not limited to: working with the Chairperson to coordinate an Honor Council presentation at both the August and January orientations for new students, educating prospective Honor Council members about the position, and coordinating continuing education of current Honor Council members.

### **Subsection 2: Ad Hoc positions**

At the discretion of the Chairperson of the Honor Council, ad hoc positions may be created for a defined period of time to fulfill current needs of the Honor Council. These positions must be filled by a current member of the Honor Council and can be elected or appointed by the Chairperson.

#### **Section F: Faculty Advisor to the Honor Council; MD and HP Liaisons to the Advisor**

One (1) member of the EVMS faculty shall be selected to be the Faculty Advisor to the Honor Council. The role of this faculty member is advisory only. He/she shall be available to the Honor Council to advise and offer a faculty perspective on Honor Council issues and proceedings.

The Faculty Advisor will be chosen by a majority vote of the Honor Council. There is no term limit for the Faculty Advisor to the Honor Council, and a new Faculty Advisor may be selected at any time.

In addition to the Faculty Advisor, one (1) faculty member shall be appointed as a liaison to the Faculty Advisor to the Honor Council. If the Advisor is faculty in the MD program, the liaison shall be a Health Professions faculty member. If the Advisor is Health Professions faculty, the liaison shall be MD program faculty. The liaison shall be chosen by a majority vote of the Honor Council, and shall be available to the Faculty Advisor to provide program-specific support, as necessary

#### **Section G: Meetings of the Honor Council**

The Honor Council shall meet regularly and at least once per academic semester (excluding the summer semester), on a date and time to be determined by the Chairperson, to conduct general business and education of members, discuss recent Honor Council hearings or issues, and for any other purpose as deemed necessary by the Chairperson.

All members must attend all meetings of the Honor Council unless excused by the Chairperson. Recognizing the need for confidentiality in Honor Council matters, no record or minutes of meetings of the Honor Council shall be made.

At the discretion of the Chairperson and as approved by the Provost and Dean, a record of the number of violations reported and/or number of hearings per year may be released to the student body at the conclusion of the academic year.

##### **Subsection 1: Review Board**

After each Honor Court hearing, all members of the Honor Council will meet at a time and date determined by the Chairperson. This may occur as part of another Honor Council meeting as described in this section. Only Honor Council members may attend except that the Chairperson may invite the faculty advisor to the Honor Council or others to attend.

The purpose of this Review Board is to review the investigation, the trial, the determination of guilt or innocence, the punishment, and any appeal process that may have taken place. This meeting is for the education of Honor Council members on the execution of this Honor Code, to address any questions or concerns that any member may have, and for the improvement of future Honor Council actions. No changes to the verdict, punishment, or appeal will be made as a result of this Review Board. All discussions will be

confidential and no report or recording shall be made of this proceeding.

## **Section H: Removal from the Honor Council**

Except as otherwise described in this section, no member shall be involuntarily removed from the Honor Council without evidence and proof of improper conduct, failure to fulfill the duties or responsibilities of their position on the Honor Council, or other conduct of a manner not befitting a member of the Honor Council. Any student who believes an Honor Council member may have been involved in improper conduct should bring the matter to the attention of the Chairperson of the Honor Council. If the alleged improper conduct constitutes an Honor Code violation, the Chairperson shall initiate the procedures described in Article V below. If the alleged improper conduct does not constitute an Honor Code violation, the Chairperson shall investigate the complaint and shall present the evidence to the entire Honor Council. The member in question will also be allowed to address the Council. The Honor Council shall then vote on whether to remove the accused Honor Council member. A vote of 75% of the Honor Council shall be required to remove an Honor Council member.

If an Honor Council member is found guilty of an Honor Code offense at an Honor Council hearing, that member shall be immediately removed from their position on the Honor Council, pending any Appeal proceedings. If the conviction is overturned on appeal, the member shall be reinstated. If no appeal is filed or the conviction is upheld on appeal, a new member shall be elected from the class of the removed member in an election overseen by the other Honor Council members of that class or other Council members appointed by the Chairperson. The removed member is not eligible for re-election.

If an Honor Council member withdraws from EVMS, takes an extended leave of absence, or transfers to another graduating class for any reason, that member is no longer eligible to serve on the Honor Council, and a replacement shall be elected in an election run by the other Honor Council members from that class or by Council members appointed by the Chairperson.

## **ARTICLE IV: VIOLATIONS OF THE HONOR CODE**

Any action indicating lack of integrity in any academic matter related to being an EVMS student will be considered a violation of the Honor Code. It is not possible to describe every type of behavior which is dishonorable, thus the following list is not exhaustive but is intended to give examples of behavior that may constitute an honor code violation. Such offenses include, but are not limited to: lying, engaging in or attempting to engage in cheating, plagiarism, sabotage, falsifying or manipulating data, or knowingly passing off work of another as one's own while enrolled as a student at EVMS, regardless of whether the act occurs while the student is on the property of EVMS or elsewhere.

Violation of the policies of individual courses may also be considered an Honor Code violation. Students are responsible for knowing appropriate behavior with respect to test taking, the use of study aids, class attendance and the like, by obtaining such information from the relevant Course Director or Academic Department.

It is essential that the EVMS Honor Code concerns itself solely with what the current student

generation finds to be dishonorable and/or academic dishonesty, as described above, as opposed to undesirable.

Any action which constitutes a violation of the EVMS Code of Student Conduct or of the laws of the United States or of the Commonwealth of Virginia shall fall under the general jurisdiction of the Provost and Dean of EVMS to be handled as disciplinary matters, and/or where indicated, the appropriate prosecutorial bodies and judicial forums. Nothing in this Honor Code is intended to limit the role of the Provost and Dean as the Chief Academic Officer of EVMS.

Acts observed that appear to be in violation of the Honor Code must be reported to the Honor Council. Failure on the part of a student to report such apparent violation will itself be considered a violation of the Honor Code. Lack of knowledge of the aforementioned principles will not be considered as a defense in a hearing. If anyone is unsure whether an act constitutes an Honor Code violation, that person should contact a member of the Honor Council.

## **ARTICLE V: PRE-HEARING PROCEDURES**

### **Section A: Reporting a Breach of Honor**

Any student, faculty or staff member who believes that a violation of the Honor Code has been committed has a duty to report the suspected violation to the Chairperson of the Honor Council or any other Honor Council representative no later than three (3) business days past the date of the accuser's discovery of the alleged incident. Incidents reported beyond this threshold may still be acted upon at the discretion of the Chairperson of the Honor Council. In cases where an Honor Council representative is contacted first, that representative shall report the details of the accusation to the Chairperson as soon as possible, but no later than twenty-four (24) hours of the initial report to the representative. The accuser shall be instructed to not discuss the suspected violation with anyone other than the Chairperson of the Honor Council at this time.

Anonymous reporting of Honor Code violations is not permitted.

### **Section B: Meeting with the Accused Student**

Upon receiving a report of a suspected Honor Code violation, the Chairperson shall then contact and meet with the accused student as soon as possible. At this meeting, the Chairperson will inform the accused student of the accusation and the identity of the accuser, unless the Chairperson believes that extenuating circumstances exist such that the identity of the accuser should remain confidential. The Chairperson shall explain the process that will follow to the accused to ensure his/her understanding and will emphasize the importance of confidentiality of the process. The Chairperson shall inform the accused student of the identity of the Honor Council member assigned to be his/her student advisor. (See Section C below)

### **Section C: Student Advisor**

At the meeting with the accused student, the Chairperson shall assign an Honor Council member, preferably of the same class as the accused, to be the accused student's advisor throughout the Honor System process. Alternatively, the accused student may request a different Honor Council member, with the exception of Honor

Council officers, to be his/her student advisor. The Chairperson may deny this request and have the student make a different selection if the requested Honor Council member is otherwise involved in Honor Council response to the alleged infraction or if other good cause, as judged by the Chairperson, exists. Once assigned, the accused student may not use a different Honor Council member as his/her student advisor without the consent of the Chairperson.

The Honor Council member assigned as student advisor shall contact the accused student within twenty-four (24) hours of being assigned by the Chairperson.

The role of the student advisor is to be a resource for the accused student on all matters relating to the Honor Council action. However, the accused student is solely responsible for his/her plea in response to a formal charge.

In order to maintain the independence of the student advisor, he/she shall not be eligible to serve in any other capacity relating to the investigation, hearing, or appeal of the alleged infraction.

#### **Section D: Investigation**

The Chairperson of the Honor Council shall designate an Honor Council member to act as lead investigator. If the investigator requires assistance with the investigation, the Chairperson may appoint one or more additional Honor Council members to assist in the investigation.

The Chairperson may also, at his/her discretion, assign one or more junior Honor Council members to observe the investigation process in order to gain experience and understanding of Honor Code procedures. Such members shall not necessarily be privy to all aspects of the investigation and will follow the instructions of the lead investigator in all matters relating to the investigation.

The investigator(s) shall interview all parties and investigate the alleged violation quickly, confidentially, and without prejudice. Such investigation shall include, but not be limited to, collection of signed, written statements from all persons interviewed with respect to the alleged Honor Code violation, including the accused student. All persons interviewed should be advised that they are bound by confidentiality and are not to discuss that they were interviewed, that an Honor Code investigation exists, or any details of the investigation with anyone, including the accused or any other members of the Honor Council with the exception of the Chairperson. Investigators should make contacts for interviews in the most discrete manner possible. The Honor Council member(s) investigating the accusation shall not discuss the investigation with anyone except the Chairperson.

#### **Section E: Presentation of Evidence for Charges**

The investigator(s) shall present all evidence from the investigation to a voting panel consisting of the Chairperson, the Vice-Chairperson, the Secretary, and two (2) randomly selected Honor Council members not of the same academic class as the accused. The panel shall determine by majority vote if there is sufficient evidence to bring charges against the accused student. The purpose of this panel is not to determine

guilt or innocence, but merely to determine if there is sufficient evidence to proceed with charging the student.

If the panel determines that there is insufficient evidence of a suspected violation of the Honor Code to go forward, the student accused shall be deemed exonerated and all records of the initial report and subsequent investigation shall be destroyed. The accused student and his/her student advisor will be notified by the Chairperson immediately regarding the decision of this panel.

### **Section F: Notification of Charge**

If the panel determines that the evidence is sufficient to proceed with a charge, the Chairperson shall meet with and advise the student of the charge and inform him/her of the next steps of the process, including the pleas available to him/her under the Honor Code, which are as follows:

1. to plead guilty and accept the punishment determined by the Honor Council;
2. to plead not guilty and elect to go before a full Honor Council hearing; or
3. to withdraw from EVMS.

At this meeting, the Chairperson shall present to the accused a written notice of charge (see Appendix A). A copy of the signed Notice of Charge shall be retained by the Honor Council.

### **Section G: Student Response to Charge**

The student charged must file a written, signed plea in response to the notice of charge. This written plea must be one of the three pleas noted in Section F above and on the notice of charge and must be submitted to the Chairperson of the Honor Council within ten (10) calendar days of the date on the notice of charge. Once submitted, a plea cannot be changed without the prior written consent of the Chairperson of the Honor Council. Once a plea has been received, the Honor Council will proceed to act on the plea as follows:

1. If the student has plead guilty as charged, the Chairperson of the Honor Council shall appoint a panel to determine the punishment (see Article VIII).
2. If the student pleads not guilty, the Chairperson of the Honor Council shall begin preparations for an Honor Court hearing (see Article VI).
3. If the student elects to withdraw from EVMS without a trial, this will be deemed an indication of guilt, and the Provost and Dean will be notified accordingly. The student's transcript will indicate that he/she withdrew following Honor Council action, and the student may not re-enroll at EVMS without accepting the punishment determined by the Honor Council (see Article VIII).

If no plea is received by the Chairperson within ten (10) calendar days, the student charged will be deemed to have elected to plead not guilty and the Chairperson shall begin preparations for an Honor Court hearing.

## **Section H: Progression to Hearing and Student Rights**

If the student charged pleads not guilty, the Chairperson shall inform the student of the following either in person or in writing:

The student may use the previously assigned student advisor (see Section C above) during the hearing process. Alternatively, the student charged may select a different advisor from the EVMS student body or may elect to not have a student advisor. The student must notify the Chairperson of their decision in this matter and the name of their chosen advisor within seven (7) days of the plea. (see Article VI, Section D)

The student may consult with a member of the EVMS faculty or administration or a licensed attorney in an advisory capacity prior to the hearing; however, these advisors may not speak for the student or be present at any Honor Council proceeding.

The student may elect to have a public hearing, which would be announced and open to the entire EVMS community. If the student does not submit a request for an open hearing in writing to the Chairperson at least five (5) days prior to the hearing, a closed hearing will be held.

## **Section I: Witnesses**

In the event of an Honor Court hearing, both the lead investigator and the student charged, or his/her student advisor may call witnesses to testify at the hearing. The Chairperson has the sole discretion and authority to disallow a witness if that witness is deemed by the Chairperson to be not relevant to the hearing. Doubt as to relevancy should be resolved by allowing witness testimony, but such testimony may be rejected at the hearing if the testimony proves irrelevant. The Chairperson may request that the investigator, student or student advisor proffer testimony (summary of the expected testimony) of the potential witness if he/she has questions as to relevancy.

Requests for witnesses shall be made through the Chairperson, who will contact the witness and request his/her presence at the hearing. Requests for witnesses shall be made as soon as possible and no later than ten (10) days prior to a hearing. Requests after this time may be considered at the discretion of the Chairperson.

All EVMS students, faculty, and staff are required to attend an Honor Court hearing as a witness if requested by the Chairperson. Failure to do so may result in disciplinary action.

The student charged has the option of testifying as a witness at the hearing but cannot be compelled to do so.

## **Section J: Discovery Meetings and Rules of Evidence**

Prior to an Honor Court hearing, discovery meetings shall be held to ensure all parties are aware of the information and witnesses to be presented at the hearing. The number and dates of these meetings shall be determined by the Chairperson as deemed necessary to prepare for the hearing. At least one such meeting is required no later than five (5) days prior to the hearing.

The participants in these meetings shall be: the Chairperson, the lead investigator, the student charged, and his/her student advisor. No other person shall be present at discovery meetings without the express permission of the Chairperson. No recording shall be made of these meetings by any party.

Full disclosure of all documentary evidence, information and the identity of all witnesses to be presented at the hearing must be made by the time of the final discovery meeting. No material (including addenda to written statements) shall be entered at a later date except at the discretion of the Chairperson. No changes may be made to any original written statement at any time except as an addendum to the original statement. All addenda must be made in writing prior to the start of the hearing and be made available to both the lead investigator and the student charged or his/her student advisor.

The Chairperson has the sole discretion and authority to disallow evidence if such evidence is deemed by the Chairperson to be not relevant to the hearing.

If any party feels additional time for preparation is needed, a request for an extension may be made at the time of the final discovery meeting or at any time prior to the hearing. The Chairperson has the discretion to grant an extension and determine its length.

## **ARTICLE VI: STRUCTURE OF THE HONOR COURT HEARING**

### **Section A: Chairperson**

The Chairperson of the Honor Council shall preside over the Honor Court. In this capacity, the Honor Council Chairperson will act as a moderator to ensure that all participants have reasonable opportunity to be heard and present relevant oral and written evidence. The Chairperson will ensure that decorum is maintained during the hearing. He or she has the authority and discretion, in accordance with hearing procedures, to make all rulings on questions which pertain to matters of procedure and to the reception and presentation of evidence. The Chairperson may consult the Faculty Advisor or the EVMS Office of the General Counsel at any time.

#### Subsection 1: Eligibility

The Chairperson of the Honor Council shall be disqualified and shall recuse himself/herself from presiding over an Honor Court hearing in which he/she is a witness, or if he/she is connected with the accused student by any ties which might render him/her partial.

If the Chairperson is disqualified from presiding over an Honor Court hearing or is unavailable for any other reason, the Vice Chairperson of the Honor Council will assume the role of the Chairperson for the hearing. If the Vice Chairperson is also ineligible to serve as Chairperson or is unavailable for any other reason, the Chairperson of the Honor Council shall appoint a temporary Chairperson from among the remaining eligible Honor Council members.

## **Section B: Clerk of the Court**

The Secretary of the Honor Council shall serve as Clerk of the Court at all Honor Court hearings. He/she shall be responsible for keeping accurate records of all proceedings, including a recording of the hearing. The Secretary shall also maintain a copy of all written evidence presented at the hearing.

## **Section C: Investigatory Counsel**

The Honor Council member who served as lead investigator for the alleged violation must serve as investigatory counsel for the student body at the Honor Court hearing. The role of this position is to present all evidence and information related to alleged infraction(s).

## **Section D: Advisory Counsel**

The student charged may have a student advisor during all Honor Court hearings. The student may choose to utilize the previously assigned Honor Council member (Article V, Section C), or may choose any other currently enrolled EVMS student to serve in this role. The student charged may not choose a different Honor Council member without the express permission of the Chairperson.

The student charged may also elect not to have a student advisor.

The student charged must notify the Chairperson in writing of his/her decision regarding a student advisor. If the student cannot or does not make a decision regarding a student advisor within seven (7) days of the plea, the Chairperson shall appoint a member to serve as advisor to the student charged.

## **Section E: Jury**

A seven (7) member jury, which shall be the body responsible for determining the accused student's guilt or innocence, shall consist of Honor Council members appointed by the Chairperson of the Honor Council.

At least one juror shall be from the same program as the accused student. If an Honor Council member from the same program as the accused student is not available to serve, the Chairperson shall choose a randomly selected student from the same program as the accused student. In this case, at the discretion of the Chairperson, such juror may be required to attend a meeting or meetings with the Chairperson or his/her designee to ensure their understanding of this Honor Code and juror responsibilities. Under no circumstances shall details of the matter under consideration be discussed at any such meeting(s).

Should a juror be unable to serve for a good cause as determined by the Chairperson, the Chairperson shall select a replacement juror in the same manner as such juror was selected.

## **Section F: Other Participants**

All Honor Council members shall be present for the duration of all Honor Court

hearings. The Chairperson of the Honor Council, at his/her discretion, may excuse members from this requirement for good cause.

Unless otherwise requested by the Chairperson, the role of Honor Council members present during hearings will be observational only. The Chairperson may select one or more Honor Council members present at a hearing to act as pages to usher witnesses to and from the hearing proceeding, or for other duties.

The faculty advisor to the Honor Council shall be informed of and invited to attend all Honor Court hearings; however, the faculty advisor is not required to be present.

Unless the accused student has exercised the right to demand a public hearing, no person other than those specified in this Article shall be allowed in the room during a hearing without the permission of the Chairperson.

### **Section G: Dress Code**

All individuals present at Honor Court hearings shall wear professional or business attire as defined by the EVMS Student Handbook.

## **ARTICLE VII: HEARING PROCEDURES**

### **Section A: Time and Place**

Hearings will be held on the time, date, and place determined by the Chairperson. Unless extenuating circumstances exist as determined by the Chairperson, hearings should take place within thirty (30) days of the student's plea.

The student charged shall be given written notice of the date, time, and place of the hearing no later than ten (10) days before the hearing.

### **Section B: Confidentiality**

All members of the Honor Council, the Honor Court, and all persons involved in investigating, advising, serving as a witness, juror, page, or participating in any other capacity in connection with any charge, investigation, hearing or punishment provided under this Honor Code shall hold in the strictest confidence and not discuss information learned during such service or participation. They shall not discuss or disclose any information concerning the merits of the charge either with faculty, members of the student body, officials of EVMS, or any person not associated with EVMS, or among themselves, before or after a trial, except as otherwise provided in this Code, as necessary to complete the provisions of this Code, or as requested by the Provost and Dean or General Counsel.

Notwithstanding anything in this section or the Honor Code, members of the Honor Court may request procedural guidance from the Chairperson, the Advisor to the Honor Council or the EVMS General Counsel at any time.

All members and observers of the Honor Court, with the exception of witnesses as specified below, must be present for the entirety of the hearing proceedings, until excused by the Chairperson.

### **Section C: Record of Hearing Proceedings**

The Clerk of the Honor Court shall record the entire hearing. Such recordings shall be kept in a secure place by the Clerk. Unless otherwise specified in this code, access to such recordings is limited to the Chairperson and Secretary of the Honor Council.

### **Section D: Instruction to the Honor Court**

The Chairperson shall read the following statement at the beginning of each trial:

“The Court is instructed that the Honor Code presumes every person charged with a violation to be innocent until his/her guilt is established beyond a reasonable doubt that an Honor Code violation was committed. The presumption of innocence applies to the student charged at every stage of and throughout this entire proceeding, in reference to the entire case or to any fact essential to proving the charge made against him/her in the written notice. Unless the evidence presented against the student charged establishes beyond a reasonable doubt that an Honor Code violation was committed, it is the duty of this Honor Court to give the student charged the benefit of that doubt and find the student charged not guilty.”

### **Section E: Witness Testimony**

All witnesses shall be sworn in by the Chairperson before giving testimony, using the following statement, with an acceptable response from the witness being “I do”:

“Do you swear on your Honor to answer all questions completely and truthfully?”

During the course of the hearing, the Chairperson will protect all witnesses from improper questions, harsh or insulting treatment, and unnecessary inquiry into private affairs.

### **Section F: Presentation of Evidence**

Opening statements may be given, first by the Investigator and then by the student charged or his/her student advisor.

The Investigator shall then present evidence and call witnesses in whatever order he/she deems necessary to provide the best and most complete picture of the event(s) in question. After examination of a witness by the Investigator, the student charged, or his/her student advisor has the privilege to question the witness. As long as relevant evidence is elicited, the Chairperson will allow questioning by both parties to continue.

Once the Investigator has finished presenting evidence and witnesses, the student charged, or his/her student advisor may present evidence and/or call witnesses. After examination of a witness by the student charged or his/her student advisor, the Investigator has the privilege of to question the witness. As long as relevant information is elicited, the Chairperson will allow questioning by both parties to

continue.

After completion of testimony from witnesses and at the discretion of the Chairperson, the Investigator or the student charged or his/her student advisor may ask to recall any witness for questioning to clarify any statement which they consider unclear in the light of testimony presented by another witness.

During the course of the hearing, any juror may ask the Chairperson of the Honor Court to have any witness clarify or enlarge upon his/her testimony. At the discretion of the Chairperson, jurors may be allowed to pose questions directly to the witness.

All witnesses must remain available to the hearing until they are excused by the Chairperson.

After all evidence has been presented and all witnesses called, closing statements may be made, first by the Investigator and then by the student charged or his/her student advisor. The Investigator will be permitted to make the final closing response; in such response, the Investigator may only comment on matters which were raised or argued in the response or closing argument of the student charged or his/her student advisor that pertain to the facts of the case. The Investigator may only make such final clarification if at any point during the accused's closing, he/she feels the facts of the case may have been muddled or taken out of context by the accused's closing remarks.

### **Section G:Jury Deliberations**

Following the closing arguments, the jury shall be sequestered for private deliberations to determine the verdict, at which time the Chairperson of the Honor Court shall again read to the jurors the instruction set forth in Article VII, Section D above. During these deliberations, the jury shall have access to the recording of the hearing, as well as all written statements and other materials presented as evidence.

Only the jury, the Chairperson and the Clerk of the Court shall be allowed in the room where jury deliberations are being held. The role of the Chairperson and Clerk of the Court in these deliberations shall be to answer any procedural questions brought up by the jury, to facilitate requests for things such as copies of evidence presented at the hearing or the recording of the hearing, and to facilitate the vote of the jury, ensuring compliance with Honor Code rules. No recording shall be made of jury deliberations.

### **Section H:Rendering a Verdict**

The jurors shall vote by secret or closed ballot. Voting by "open" ballot (e.g., raising hands) is not permitted under any circumstances. To return a guilty verdict, a total of five (5) of the seven (7) members of the jury must vote "guilty as charged." Votes shall be counted by the Chairperson and verified by the Clerk of the Court.

All members of the jury must submit a vote – abstention from the vote is not permitted.

When the jury has reached its decision, the Chairperson will recall the Court back into session and report the decision of the jury to the Court. The numerical results of the vote shall not be made available to the Honor Court.

## **ARTICLE VIII: PUNISHMENT**

### **Section A: Determination of Sanctions**

If the jury renders a verdict of guilty or the student charged pleads guilty during a hearing, the punishment for the violation of the Honor Code shall be determined by a panel consisting of the seven (7) Honor Council members serving on the jury. If the student charged pleads guilty prior to a hearing, the Chairperson of the Honor Council shall appoint a panel of seven (7) Honor Council members to determine the punishment. A majority vote of the panel members is required to determine sanctions.

The student shall be given the option to address the Honor Council members prior to the determination of punishment.

The Honor Council members shall be sequestered for private deliberations. Only the panel members, the Chairperson, and the Clerk of the Court shall be present for deliberations on punishment. No recording shall be made of this proceeding.

Prior to establishing the punishment, the panel members may review all evidence and, in cases where there has been a hearing, the recording of the hearing.

No specific guidelines exist for the implementation of sanctions, except that the degree of the sanction should be appropriate to the seriousness of the offense and, in all but the most extreme cases, any recommendations will attempt to reintegrate the student back into the academic system. Sanctions may include one or more of, and are not limited to, the following: A written reprimand, university service hours, equitable restitution to the injured party or parties (if present), zero (0) on any affected assignment(s) or examination(s), failure of affected course or rotation, remediation of clinical rotation, failure of year, probation, and/or suspension or expulsion. Affected assignments and/or courses are those on/in which the Honor Code violation occurred.

When determining whether the degree of the sanction is appropriate to the seriousness of the offence, consideration should be given to the specific effects of a sanction based on the policies of degree or certificate program of the accused student. Panel members deciding punishment may request such information from a member of the panel or another Honor Council member who is of the same program, the Faculty Advisor, or a Faculty liaison. If the individual consulted is not a member of the panel, such person shall only be permitted to answer the questions posed by the panel and shall not be present for any deliberations.

### **Section B: Time Frame**

In the event that the jury returns a verdict of “guilty” or the student charged pleads guilty during his/her hearing, a punishment shall be established immediately following the hearing and the student shall be notified by the Honor Council Chairperson of the punishment imposed within forty-eight (48) hours of the guilty plea or verdict.

In the event that the student pleads guilty prior to a hearing, the Chairperson shall convene a panel of Honor Council members and shall notify the student of the punishment imposed within one (1) week of the guilty plea. If extenuating circumstances, as judged by the Chairperson, exist that necessitate additional time to

determine the punishment, the Chairperson shall notify the student in writing of the delay.

### **Section C: Enforcement of Sanctions**

The decision of panel regarding punishment shall be forwarded by the Chairperson to the Provost and Dean of EVMS as well as to the Assistant Dean for Student Affairs for final enforcement. The Chairperson and faculty advisor to the Honor Council shall see that all sanctions are carried out appropriately.

The Chairperson shall also notify the course director of any affected course of any sanction that affects that director's course.

In the case of university service, the Assistant Dean for Student Affairs and Chairperson shall determine the nature of the activities to be performed and the time frame they will be completed. All university service hours shall be documented by the guilty student and signed by a supervisor at the activity. This documentation shall be turned in promptly through the Office of Student Affairs. Any false documentation by the guilty student or supervisors shall be considered an Honor Code violation and will result in charges being filed under the Honor Code.

## **ARTICLE IX: APPEAL**

### **Section A: Request for Appeal**

The student charged may request an appeal of any guilty verdict and/or any punishment imposed either as a result of a jury hearing or a plea of guilty.

### **Section B: Written Request for Appeal and Timeframe**

The student must file a written request for appeal to the Chairperson of the Honor Council within seven (7) calendar days of receiving the official notification of the jury's verdict and/or of the punishment imposed.

### **Section C: Appeal Board**

The Appeal Board will consist of three (3) members of the Honor Council appointed by the Chairperson of the Honor Council excluding the following participants in the original trial: the Chairperson, student advisor, lead investigator, or any member of the jury and two (2) faculty members of the Student Progress Committee appointed by the Chair of the Student Progress Committee.

The Chairperson of the Honor Council shall be present at all meetings of the Appeal Board and shall have the same duties and responsibilities as at Honor Court hearings and deliberations as described in this Code. The Chairperson of the Honor Council shall not be a voting member of the Appeal Board.

The Appeal Board is charged with determining whether an appeal should be granted, and, if so, reviewing the merits of the appeal.

## **Section D: Scope of Appeal**

The Appeal Board shall only grant an appeal if at least one of the following conditions is established:

1. There is previously unavailable evidence which, if proven accurate, would substantially alter the finding of violation or the appropriateness of the penalty. The new evidence must not have been able to be obtained in the exercise of due diligence prior to trial.
2. There was substantial lack of due process or departure from the required procedures which materially affected the fairness or reliability of the decision-making process.
3. The sanction imposed is excessive and disproportionate to the gravity of the conduct.

The Appeal Board shall review the full record made before the Honor Court and shall determine by majority vote whether an appeal should be granted.

## **Section E: Intervention of the Dean**

In any case that the Provost and Dean feels that substantial justice has not been achieved by a decision of the jury, he may intervene and request that the Appeal Board consider the matter or matters that he may specify. In such cases, the Appeal Board shall follow the procedures set forth below.

## **Section F: Appeal Hearing**

The Appeal Board may meet to make the determination of whether an appeal shall be granted and, if granted, to consider the merits of the appeal in separate meetings or at one meeting.

If an appeal is granted or if the Provost and Dean has requested a reconsideration of certain matters, the student charged or his/her student advisor shall be given thirty (30) minutes to comment on the trial proceedings, the evidence in the record, and what final disposition the Appeal Board should make of the case. Following the comments by the student charged or his/her student advisor, the investigator shall have an equal opportunity to comment in the same manner but is not required to do so.

In addition, if the appeal was granted based on Section D.1 above, previously unavailable evidence, the student charged or his/her student advisor may present any new evidence that has been discovered and may call witnesses, as appropriate, but solely as to the newly discovered evidence.

The Appeal Board may question the student charged and any new witnesses, if applicable. The Appeal Board may review any evidence presented and recordings of the trial and/or request additional information, explanation or clarification from any source as they feel necessary to decide on the appeal.

## **Section G: Appeal Board Recommendation/Final Determination by Dean**

The Appeal Board will deliberate on the merits of the appeal presented with consideration of the grounds on which the appeal was granted or the reconsideration

was requested by the Provost and Dean. The Appeal Board will have the option to recommend upholding the verdict, reversing the verdict, or modifying the punishment. If the appeal was granted based on Section D.2 above, a substantial lack of due process or departure from the required procedures which materially affected the fairness or reliability of the decision-making process, the Appeal Board will also have the option to recommend a new trial.

The Appeal Board will vote by closed ballot and shall determine its recommendation by majority vote. The recommendation of the Appeal Board will then be forwarded to the Provost and Dean of EVMS.

The Provost and Dean shall review the appeal and any other records as he/she deems necessary and has the option to accept or modify the recommendation of the Appeal Board.

The Provost and Dean shall notify the student charged and the Chairperson of the Honor Council of his/her decision within seven (7) days unless extenuating circumstances, as determined by the Provost and Dean, exist.

No further appeal shall be considered.

#### **Section H: Other Participants**

The student advisor and investigator shall retain his/her role for the appeal hearing. If either is not available, the Chairperson shall appoint another Honor Council member to fill the role. The student may also elect to choose a different student advisor from the EVMS student body or may elect to not have a student advisor.

The student charged may seek outside counsel from EVMS faculty, EVMS administration, and/or any outside source, including licensed attorneys. However, no such advisor may be present at the appeal hearing.

The Appeal Board may seek assistance from the Chairperson, Faculty Advisor, or Office of the General Counsel at any time.

#### **Section I: Time and Place**

The appeal hearing will be held on a date, time, and place determined by the Chairperson but not later than thirty (30) calendar days past the initial granting of the appeal unless extenuating circumstances, as determined by the Chairperson, exist. The student charged shall be given written notice of the date, time, and place of such hearing at least seven (7) days in advance of the hearing.

#### **Section J: Recording**

The Secretary of the Honor Council shall record the entire appeal hearing.

#### **Section K: Status of Student During Appeal**

While any appeal is pending, a student charged who has been found guilty and sanctioned with suspension or expulsion shall nevertheless be allowed to attend classes and shall remain a student in good standing at EVMS with all rights, privileges, and

duties attendant thereto, unless, in the judgment of the Dean and Provost, the retention of these rights is not in the best interest of the institution.

## **ARTICLE X: RECORDS RETENTION AND DISPOSITION**

At the conclusion of any hearing, the Secretary of the Honor Council shall collect any personal notes of any person present at the hearing and all ballots and shall immediately destroy them.

If the student is found guilty or pleads guilty before or during a hearing, the Secretary shall retain all information and records of the charge and hearing until after any appeal proceeding or until the deadline for filing an appeal has passed.

At that point, the Secretary shall deliver a copy of all official records of the charge and hearing, and any subsequent appeal, including the recording, to the Assistant Dean for Student Affairs, who shall store them in a secure location for a period of at least five (5) years.

If the student charged is found not guilty of the violation(s) charged, the Secretary shall destroy all records relating to the case, except for one (1) copy of all information and recordings, which shall be kept in a secure location by the Assistant Dean for Student Affairs for a period of at least five (5) years.

All records of Honor Court or Appeal Board proceedings shall only be made accessible to the Chairperson or Secretary of the Honor Council, the Provost and Dean, and the General Counsel.

## **ARTICLE XI: REPORTS TO MEMBERS OF THE EVMS COMMUNITY**

### **Section A: Affected Persons**

If a reported violation of the Honor Code is related to any academic or clinical course at EVMS, the Chairperson of the Honor Council shall inform the faculty member(s) responsible for that course (i.e. Course Director or Clerkship Director) of the progress of the Honor Court proceeding in general terms, such as the dates of any hearings or appeal boards. The Chairperson shall also inform such faculty member(s) of the verdict of any hearing or appeal, as well as any punishment imposed that would affect that faculty member's course. However, the faculty member should be instructed not to act on such punishments until contacted by the Dean and Provost or Assistant Dean for Student Affairs of EVMS.

### **Section B: Guilty Verdict**

In the event the student charged is found guilty, the Honor Council Chairperson shall report the name of the convicted student as well as the offense of which he/she was found guilty and any sanctions to the Dean and Provost of EVMS and the Assistant Dean for Student Affairs. If the trial was public, written notice of the verdict and punishment shall be posted on a public bulletin board in the student lounge for a period of seven (7) days once any appeal proceedings or the possibility of an appeal has passed. If the trial was not public, the offense and punishment imposed may nevertheless be made public if deemed advisable by the Chairperson, as approved by

the Provost and Dean; however, in such a case, the convicted student's name should be withheld.

### **Section C: Verdict of Not Guilty**

If the student charged is exonerated of the violation(s) charged, the Chairperson shall notify both the Dean and Provost and any affected faculty members of this verdict. If the verdict of not guilty was rendered in a public trial, written notice of such verdict shall be posted on a public bulletin board in the student lounge for a period of seven (7) days after the hearing.

## **ARTICLE XI: AMENDMENTS**

### **Section A: Amendment Proposals**

An amendment to this Honor Code may be proposed by:

1. Any Honor Council member may submit a proposed amendment to the Honor Council Chairperson
2. A petition signed by twenty-five (25) members of the student body setting forth the proposed amendment(s), which shall be presented to the Honor Council Chairperson.
3. The Provost and Dean may submit a proposed amendment to the Honor Council Chairperson.

### **Section B: Vote Procedures**

Once an amendment has been submitted to the Chairperson of the Honor Council, that amendment shall be discussed and voted upon at the next meeting of the Honor Council. A quorum of at least 85% of Honor Council members must be present, and the amendment must pass with at least two-thirds (2/3) of the vote.

Once passed by the Honor Council, the proposed amendment shall be forwarded to the Chairperson Student Government Association (SGA) to be made public to the student body. The SGA shall vote on the amendment at its next scheduled meeting. A two-thirds (2/3) affirmative vote of the SGA is required to pass the proposed amendment.

Once passed by both the Honor Council and SGA, the amendment shall be submitted to the EVMS Board of Visitors for final approval and inclusion in this Code.

Notice of Charge

To: (Name of Student Charged)

Date: (Month, Day, Year)

This is your official notification that you are being charged with committing a violation of the EVMS Honor Code.

You are charged by (Name of Accuser)

That on (Date), you did the following acts, in violation of the EVMS Honor Code:

\_\_\_\_\_  
\_\_\_\_\_

You have three (3) alternative pleas to the charge(s), which are:

- 1) To plead not guilty to the charge and to elect to go before an Honor Court hearing; or
- 2) To plead guilty to the charge and accept the consequences of such guilty plea as outlined in Section VIII of the Honor Code; or
- 3) To withdraw from EVMS without a trial. Should you elect to withdraw, you will be deemed to have elected a plea of guilty to the charge and accept the consequences outlined in Section VIII, of the Honor code.

You have ten (10) calendar days to file a written, signed plea electing one of the above alternatives directly with the Chairperson of the Honor Council or to the Office of Student Affairs to the attention of the Chairperson of the Honor Council. Once filed, your plea is irrevocable unless the Honor Council Chairperson grants you permission to change it. Your plea may be filed with the Chairperson through the Office of the Associate Dean for Student Affairs.

Signed: \_\_\_\_\_

\_\_\_\_\_(Printed)

Chairperson of the Honor Council  
Eastern Virginia Medical School

I, the undersigned student, acknowledge receipt of this Notice of Charge. I understand that my signature below is not an admission of guilt nor a plea or any other response to this notice.

Signature of Student Charged: \_\_\_\_\_

Printed Name of Student Charged: \_\_\_\_\_

Date/Time: \_\_\_\_\_