

ST. OLAF HONOR COUNCIL

Constitution

March 13, 2003

Amended May 13, 2010

Amended September 1, 2016

Amended April ???, 2022

I. Name The student body charged with adjudicating allegations of academic dishonesty on examinations shall be called the ~~Saint~~ St. Olaf College ~~Student~~ Honor Council (“Honor Council”).

II. Definitions

1. *Primary Jurisdiction* refers to having sole authority over the investigation and adjudication processes, including the determination of responsibility and the assessment of sanctions, until the appeals process begins.
2. *Academic Dishonesty* ~~is~~ refers to any behavior at any time that results in, or is expected to result in, any unfair advantage in the taking or evaluation of an examination. Academic dishonesty encompasses but is not limited to: unauthorized use, plagiarism, falsification, fabrication, multiple submission, and complicity.
3. *Test Etiquette* refers to actions taken by the student to ensure an equitable and respectful testing environment, including eliminating all opportunities for distractions and taking care to avoid potential suspicion of academic dishonesty.

III. Jurisdiction

1. The ~~Student~~ Honor Council exists at the pleasure of both the ~~Saint~~ St. Olaf Student Body and the Faculty of the ~~e~~College.
2. The ~~Student~~ Honor Council shall have ~~exclusive initial~~ primary jurisdiction over all allegations of academic dishonesty and test etiquette violations arising from class examinations.
 - ~~a. The Student Honor Council shall also have primary jurisdiction over potential violations of the Saint Olaf Code of Test Etiquette.~~
 - b. Sanctions for academic dishonesty and test etiquette violations ~~of the Code of Test Etiquette~~ may include, but are not limited to, ~~verbal reprimand from the Council;~~ score or grade adjustments ~~in the earned grade for the course in which dishonesty has been found~~ and recommendations for suspension or expulsion from the College.
 - c. The final decision on ~~the~~ all recommendations for suspension or expulsion shall be made by the ~~administration~~ President of the ~~e~~College or the President’s designee.
3. ~~Appeals of~~ Honor Council decisions ~~will~~ shall be ~~considered~~ reviewable through an appeals process determined by the ~~e~~College.

IV. Membership

1. Roster

- a. ~~With the exception of the 2018-2019 school year which will mark a transition from the previous membership structure, t~~The Honor Council shall have thirteen members during the ~~f~~Fall term; Semester: ~~three sophomores, five juniors and five seniors~~ five seniors, five juniors, and three sophomores.
 - b. At the beginning of each January Interim, ~~A~~a first year student shall join the Honor Council ~~in January~~, bringing the January ~~i~~Interim and ~~s~~Spring term Semester membership to fourteen members.
2. **Duties of Membership** Members of the Honor Council shall:
- a. Regularly attend ~~hearings and other~~ meetings of the Honor Council.
 - b. Perform investigatory and administrative duties as directed by ~~the President of the Council~~ Honor Council procedures and the Honor Council officers.
 - c. Act in a manner which reasonably protects the confidentiality of all parties participating in Honor Council matters to the extent such efforts do not interfere with an accused student's right to a fair and impartial process.
 - d. Conduct themselves in an impartial and professional manner whenever transacting Honor Council business.
 - e. Recuse themselves from all Honor Council matters in which a personal or professional conflict of interest may exist or appear to exist.
 - f. ~~Students may also b~~Be required to meet with appropriate members of the ~~e~~College administration to discuss the Honor System and the role and importance of personal integrity.
 - g. Act in a matter which, at all times, upholds the Honor System and demonstrates academic integrity and honesty. Members found responsible for academic dishonesty violations shall be removed from the Honor Council immediately following an adjudication of responsibility and, if applicable, any unsuccessful appeal.
3. **Elections**
- a. All elections, regular or otherwise, ~~are~~ shall be decided by a majority vote. Only students who are members of the same class as a candidate may vote for that candidate.
 - i. ~~Only first year students may vote in this election.~~
 - ii. ~~Only students who are members of the same class as a candidate may vote for that candidate.~~
 - b. Any student found responsible for an academic dishonesty violation shall be ineligible to participate as a candidate in any election for membership on the Honor Council.
 - c. *Regular Elections*
 - i. ~~Regular elections for t~~Two rising sophomores and two rising juniors shall be ~~held during the spring term~~ elected in April each year, ~~with winners~~ taking office and becoming members of the Honor Council at the start of the following ~~f~~Fall term Semester. ~~During the 2018-2019 academic year, a special election may be held to establish the new membership structure described in Article III, Sec I.~~

- ii. ~~A regular election for a single~~ One first year student shall be ~~held~~ elected in November of each year, ~~with the winner~~ taking office and becoming a member of the Honor Council at the beginning of the January ~~i~~Interim ~~term~~.
- d. **General Elections**
- i. In the event that the number of candidates (x) exceeds the number of available positions (n) by two or more ($x \geq n+2$) in any election, the appropriate officer shall organize a primary election. Candidates receiving the largest plurality vote in this primary election, up to one more than the number of positions (n+1), shall participate in a general election to determine the winning candidates.
 - 1. ~~Should three or more candidates run for the same position in the same race, the President or the appropriate officer will organize a primary election. The two candidates receiving the largest plurality vote in the primary election will compete in a subsequent general election.~~
- e. **Special Elections**
- i. If any vacancies exist or presidential appointments are in effect at the time of a regular election, a special election shall be held, coincident with the regular election, to fill the aforementioned ~~vacancies or~~ positions ~~held by presidential appointment~~.
 - ii. Candidates in special elections must be from the class represented by the vacancy or temporary appointment.
4. **Term of Office** Each member of the Honor Council shall serve until the commencement ~~ceremonies~~ ceremony of the class represented by the member.
 5. **Leaves of Absence** Honor Council members who are temporarily unable to perform their duties may request a leave of absence, not to exceed one academic term plus an ~~i~~Interim. The granting of such a leave shall be at the sole discretion of the Honor Council President. If ~~such a leave is~~ granted, the President ~~will~~ shall appoint a student from the same class as the person on leave to serve for the period of the leave, at their discretion.
 6. **Resignation** In the event a member resigns from the Honor Council, the President of the Honor Council ~~will~~ shall appoint a replacement from the same class as the resigned. The appointment shall remain in effect until the next scheduled regular election.
 7. **Removal** ~~A m~~Members of the Honor Council may be removed ~~only~~ for failure to fulfill the duties of office or upon a finding that the member is found responsible for an academic dishonesty violation. Upon the filing of a petition signed by three members of the Honor Council including a detailed description of the ~~alleged failings~~ grounds for removal, a meeting of the Honor Council shall be called for the ~~sole~~ purpose of acting upon the petition. With a two-thirds vote of the Honor Council members present, the subject of the petition shall be ~~considered to have resigned~~ removed from the Honor Council and will be ineligible to run again.

V. **Officers** Leadership

1. The officers of the Honor Council shall be:

- a. **The President** shall be the chief operating officer of the Honor Council whose primary responsibilities are to assure the smooth operation of the Honor Council and to represent the Honor Council to the wider campus community.
 - b. **The Vice President** shall serve as acting President in the absence of the President and shall also be responsible for managing elections of Honor Council members.
 - c. **The Secretary** shall maintain all records of Honor Council proceedings.
2. Officers ~~will~~ shall be elected in ~~the spring~~ April ~~proceeding~~ preceding the academic year in which they are to serve;
 - a. ~~a~~All members of the Honor Council serving ~~in the year~~ at the time of the election may vote, including graduating seniors.
 - b. All offices ~~will~~ shall be filled by majority vote of the entire Honor Council.
 - c. The ~~outgoing President~~ Honor Council Faculty Advisor ~~will~~ shall facilitate officer elections.
 3. Officers ~~will~~ shall serve a term of one year, beginning with the commencement ~~ceremonies~~ ceremony immediately following their election and ending with the next year's commencement ~~ceremonies~~ ceremony.
 4. An officer may be removed from office by a majority vote of the entire Honor Council.

VI. The Honor Council Faculty Advisor

1. The ~~College Faculty~~ Faculty of the College shall elect a Faculty Advisor to the Honor Council to serve for a three-year term of office.
2. The Faculty Advisor ~~is~~ shall be a full member of the Honor Council ~~except the Faculty Advisor will not have a~~ without the ability to vote in any matter coming before the Honor Council.
 - a. ~~A Faculty Advisor, selected by the College Faculty, shall be a full member of the Honor Council except the Faculty Advisor will have no voting rights.~~
3. The Faculty Advisor shall receive notices of all meetings and hearings and may fully participate in all aspects ~~besides voting. of hearings, including questioning witnesses and deliberating on findings and sanctions.~~
4. The Faculty Advisor shall act as a liaison between the Honor Council and the College Faculty.

VII. The Pledge

1. Every examination given at ~~Saint~~ St. Olaf shall ~~include~~ be completed under the purview of the Honor Council as indicated by the following pledge:
 - a. ***"I pledge my honor that on this examination I have neither given nor received assistance not explicitly approved by the professor and that I have seen no dishonest work."***
2. All examinations shall be required to include the aforementioned pledge. Following this pledge, students shall be provided the option to either sign the pledge or check: ~~a space for the student's signature will be provided. Nearby will appear a small box labeled with the words:~~
 - a. ***"I have intentionally not signed the pledge."***

VIII. Honor Council Process Hearings The Honor Council shall detail a process to be used in investigating and adjudicating allegations of Honor System violations. **Hearings** Proceedings of the Honor Council ~~will~~ shall be closed to the general community. ~~Witnesses and the implicated student will be heard. If the implicated student is found to be responsible for an Honor System violation, the sanction will also be determined at this hearing.~~

1. **Objective** While investigating and adjudicating alleged Honor System violations, the primary objectives of the Honor Council shall be: (1) to conduct a fair, impartial, and thorough review of the relevant facts; (2) to provide accused students a full and fair opportunity to respond to the allegations made against them; and (3) to preserve the confidentiality of all parties involved in such matters to the extent possible.
2. **Initiation Authorization** ~~An~~ The Honor Council ~~hearing~~ adjudication process ~~will~~ shall be authorized by the Honor Council President whenever the Honor Council President determines that credible evidence exists that an Honor System violation may have occurred.
3. **Quorum** While a lesser number of members may conduct investigative meetings and other preliminary measures on behalf of the Honor Council, ~~A~~ a quorum consisting of five student members will be required at ~~all hearings~~ any meeting at which the Honor Council deliberates and votes to make a final determination on responsibility and sanctions for an Honor System violation. ~~A quorum will consist of five student members.~~
4. **Findings** A majority vote of those present and voting ~~at a hearing~~ is necessary to find responsibility for an Honor System violation. A ~~second~~ majority vote is ~~also~~ required to impose a sanction.
5. **Level of Proof** In determining responsibility for an Honor System violation, a preponderance of the evidence shall be required.

IX. Guaranteed Rights

1. Rights of All Parties

- a. All reasonable steps, ~~as codified in the Honor Council bylaws,~~ will be taken to maintain the confidentiality of ~~the implicating student~~ all parties throughout the investigation and adjudication processes ~~and hearing.~~
 - i. With the exception of those ~~college officials directly involved in hearing procedures, including in-house counsel~~ authorized under the Family Educational Rights and Privacy Act (FERPA), the identity of any ~~implicating student~~ parties will not be shared with ~~anyone~~ others outside the Honor Council without the permission of the ~~implicating student~~ party or witness, a lawfully issued subpoena, court order, or administrative order.
 - ii. ~~However, the Honor Council has a dual duty to serve both the implicated and implicating parties. While the Honor Council fully commits to protecting the confidentiality of the implicating party, it is also responsible for providing implicated students sufficient information to present a defense, which, depending on the circumstances of the potential violation, may provide the implicated student with adequate information to infer the identity of the implicating party. One example would be if the implicating and implicated students are the only people present in the testing environment at the time~~

~~of a possible Honor Code violation. In any event, the Honor Council will never explicitly reveal or confirm the identity of the implicating party.~~

~~iii. The implicated student's identity will not be revealed to anyone outside the Honor Council except for those directly involved in implementing sanctions or handling appeals.~~

~~iv. All reasonable steps will be taken to maintain the confidentiality of the witness throughout the investigation process and hearing, should one be held. With the exception of those college officials directly involved in hearing procedures, including in-house counsel, the identity of any witness will not be shared with anyone outside the Honor Council without the permission of the witness.~~

b. ~~The implicated student~~ All parties will shall have access to an impartial Ombudsperson Honor Code Guide before the hearing to help in preparation for the hearing before a meeting with the Honor Council.

~~i. The implicated student will have access to an impartial Ombudsperson before the hearing to help in preparation for the hearing.~~

~~ii. All witnesses will have access to an impartial Ombudsperson before the hearing to help in preparation for the hearing.~~

2. Rights of Implicated Students

a. Implicated students shall be presumed not responsible for any Honor System violation absent a preponderance of evidence demonstrating, in the view of the majority of members of the Honor Council present and voting, that it is more likely than not that the student is responsible for violating the Honor System.

b. Implicated students will shall receive a notification of a hearing the allegations against them sufficiently before the hearing in advance of any investigation to allow time for the preparation of a defense to prepare a response to the allegations. If the implicated student does not attend the hearing fails to participate in an investigation, the Honor Council may proceed with its consideration of the matter.

i. The notification of an implication hearing will shall contain sufficient information for the implicated student to have a general understanding of the nature of the possible Honor System violation in advance of any investigation or adjudication.

c. ~~The i~~ Implicated students may suggest witnesses to be heard at the hearing interviewed. The President, or a designee, will determine which, if any, of these witnesses will be heard.

d. The implicated student may invite one person to attend those portions of the hearing any meeting with the Honor Council at which the implicated student is present to provide support. This advocate supporting individual may not address the Honor Council or interfere with the hearing in any way.

X. Responsibility Responsibility determinations in all Honor Council matters shall be determined on the basis of the following tiered model:

1. *Not Responsible*

- a. This outcome shall be adjudicated in the event that the simple majority of the Honor Council present at adjudication votes to find the student not responsible for any form of academic dishonesty or violation of test etiquette as defined by the Constitution.
- b. Students are found not responsible when the Honor Council determines that there is insufficient evidence that a violation occurred.

2. *Test Etiquette Violations*

- a. This outcome shall be adjudicated in the event that the simple majority of the Honor Council present at adjudication votes to find the student responsible for a Test Etiquette Violation.
- b. Test Etiquette Violations occur when a student does not abide by the test etiquette guidelines outlined in Honor Council policy with regard to establishing a respectful and equitable testing environment for all students during examinations or other assessments.

3. *Honor Code Infractions*

- a. This outcome shall be adjudicated in the event that the simple majority of the Honor Council present at adjudication votes to find the student responsible for an Honor Code Infraction.
- b. Honor Code Infractions occur when the simple majority of the Council present at adjudication determines that the evidence and testimony presented indicates that the student more likely than not violated the Honor Code but deems that mitigating circumstances negate the efficacy of the addition of this violation to the student's disciplinary record.

4. *Honor Code Violations*

- a. This outcome shall be adjudicated in the event that the simple majority of the Honor Council present at adjudication votes to find the student responsible for an Honor Code Violation.
- b. Honor Code Violations occur when the simple majority of the Council present at adjudication determines that the evidence and testimony considered indicates that the student is definitively responsible for an Honor Code Violation, supported by a clear preponderance of evidence.
- c. The Council will be required to establish an indication of the investigation and adjudication process in the student's disciplinary record for Honor Code Violations.

XI. Records

1. All evidence, testimony, and other documentation collected throughout the course of the investigation and adjudication processes shall be retained internally in accordance with the College's document retention policies. Information in these records will be confidential and used only for the purposes of the Honor Council and the Dean of Students Office.
 - a. ~~Records of students found responsible of an Honor Code violation will be kept for use by the Honor Council and the Dean of Students.~~
 - b. ~~For each student, the records will include the student's name, the date and class of each implication, and the penalty assessed.~~
2. All students found responsible for Honor Code Violations, in addition to any students found responsible for record-bearing variations of Test Etiquette Violations and Honor Code Infractions, will additionally incur a formal disciplinary record including, but not limited to, the student's name, class of implication, penalty assessed, the cumulative investigative report associated with their case, and any accompanying documentation for a period of seven years after their graduation.
 - a. ~~The information in these records will be confidential and used only for the purposes of the Honor Council and the Dean of Students Office. These records will be kept for five years after the student's graduation date as a part of the student's file.~~
3. The College releases information in student files to outside sources only with the prior written permission of the ~~that~~ student or in response to a lawfully issues subpoena, court order, or administrative order.

XII. Faculty Responsibilities: All members of the faculty have the following responsibilities with respect to the St. Olaf Honor System. Failure to follow these responsibilities will not necessarily exempt a student in violation of the Honor ~~code~~ System from penalties assessed by the Honor Council or other designated College officials.

1. Include the pledge as ~~described in Article VI of this Constitution~~ ~~exams, quizzes, and lab tests,~~ aforementioned on all relevant academic work, regardless of length or means of administration.
2. Remind students of the pledge ~~at the beginning of the examination period or when distributing exams~~ when distributing relevant academic work.
- ~~3. Clarify that aids not expressly approved by the professor are prohibited.~~
4. Take measures to ensure that the Honor System is followed. ~~The Honor Council suggests steps including, but not limited to, issuing multiple versions of the same exam, developing a seating chart system easily understood by students, requesting backpacks and other materials are put out of reach, and looking for possible signs of collaboration while grading exams.~~
5. ~~To c~~Check for and report potential violations, whether student or professor implicated, to the ~~Dean of Students Office~~ Honor Council.
6. Handle all information confidentially.

7. Grade all examinations as if no violation has occurred.
 - a. If the implication necessitates retaining original copies of student work, such is the case when eraser marks or other physical modifications are relevant, professors must provide photocopies of student work to students, retaining the original work for the duration of the investigation and adjudication processes.
 - b. If the implication does not necessitate retaining the original copies of the work as aforementioned, the faculty member may return all original work to students, ensuring to retain photocopies of the work of the students involved for use by the Honor Council.
 - ~~c. During an investigation, tests are to be graded and students may be informed of their scores. Copies of the exams may be handed back for educational purposes; original exams are not to be returned until the investigation has concluded.~~
 - ~~d. Do not assess penalties while a case is pending; exams should be graded normally.~~
8. Do not confront implicated students prior to the **hearing** conclusion of the adjudication process. If approached, direct all questions towards the Honor Council or ~~Ombudspersons~~ Honor Code Guides until after the case is resolved.
9. Make yourself available in a timely manner to the **appropriate** Honor Council **members** when a case is **pending** in progress.
10. Assess penalties as directed by the **appropriate** Honor Council **member**.

XIII. By-laws The Honor Council may establish and amend, by simple majority vote at any meeting, by-laws to govern Honor Council procedures and all matters not specifically addressed by this constitution. These by-laws must be consistent with this constitution in all respects.

XIV. Amendments Proposed **A** amendments to this constitution, indicating ~~must arise from the student body. The student senate must pass, by a two-thirds vote of all senators, a resolution approving~~ the exact wording of the proposed change(s), will be reviewed by a committee chaired by the Honor Council President and including representation from the Honor Council, Student Senate, and Faculty of the College. ~~The same resolution must then be presented to the student body for its approval within three months excluding the summer of the senate action. Approval by the student body will be by a majority of those voting. Once approved by the student body, the resolution must be passed by the Faculty at one of its regular meetings within six months excluding the summer by simple majority of those voting.~~ Final proposals must be approved by a simple majority of those voting in each of three constituencies: the Honor Council, the Student Body, and the Faculty of the College.