

I. POLICY

Student Honor Code

II. PURPOSE

This policy outlines the expectations of an honor system for Eastern Virginia Medical School (EVMS) students. It specifies the rights of and responsibilities of students accused of Honor Code violations; types of honor violations; the structure, roles, and procedures of Honor Council Hearings; types of sanctions; appeal procedures; records retention; and notification of Honor Council Hearing outcomes.

III. RESPONSIBLE PARTY AND REVIEW CYCLE

On a triennial basis, the Honor Council Executive Board, in conjunction with the Assistant Dean for Student Affairs, will review the Student Honor Code and assess the effectiveness of the process and related policies. If necessary, the Assistant Dean will recommend changes in policy, procedure, or the Code.

IV. ACCREDITATION REFERENCES

LCME 3.5 Learning Environment/Professionalism
SACSCOC 12.3 Student Rights
SACSCOC 12.4 Student Complaints

V. DESCRIPTION

Introduction

Eastern Virginia Medical School's honor system is a reflection of the community's expectation of personal integrity. The community of trust is implicitly part of the spirit of the human values in medical philosophy. The students, faculty, and administration of EVMS join together in support of this Student Honor Code to provide an atmosphere of mutual trust, responsibility, and respect; foster honorable and ethical behavior; and upholding and cultivating lifelong professional conduct in medical and health professions.

Any student who fails to abide by these principles of honor is subject to disciplinary action as outlined in this Code. All students, faculty, and staff are obligated to support the Honor Code and report any violation thereof to Student Affairs.

Honor Code Acknowledgement and Student Signature

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

"I, the undersigned, have read the Student Honor Code of the Student Body of Eastern Virginia Medical School. I pledge not to lie, cheat, or steal and to commit to living a life of honor. I understand what is expected of me as a student, and I hereby pledge my word that I will support the Student Honor Code in all of its details."

Authority and Membership

Jurisdiction of the Honor Code

The Honor Code applies to alleged acts of lying, cheating, and stealing that adversely affect the EVMS community when committed by a student either on or off campus. For reported behavior that alleges possible violations of both the Honor Code and the Code of Student Conduct, the Assistant Dean for Student Affairs will determine which process, Honor or Student Conduct, is appropriate to resolve the matter.

Authority to Resolve the Case

The Honor Council plays a critical role in the upholding the standards of this Code. The President and Board of Visitors of EVMS have entrusted these students with the administration of the most serious situations involving alleged violations of community standards. The Honor Council will work in conjunction with the Assistant Dean for Student Affairs or designee to investigate and administer the Honor Code Procedures.

Members in the Honor Council

The Honor Council will have a membership representative of all degrees and certificate programs at EVMS, both students and faculty. Each class shall elect one honor council representative for every 30 students in that class. Each class is required to have a minimum of one Honor Council representative. Each elected Honor Council member will serve a term of the duration of his or her degree or certificate program. Further details outlining Honor Council elections can be found in the Honor Council constitution. Each degree or certificate program will appoint a faculty representative who will serve every year.

Rights and Responsibilities of Accused Students

Respondent Rights

1. The right to an objective and impartial evaluation of the complaint.
2. The right to receive written notification of any alleged violation.
3. The right to be present during the meeting with a conduct administrator or during a conduct hearing.
4. The right to reasonable access to all information gathered throughout the investigation of the alleged violation.
5. The right to present information relevant to the alleged violation, including inviting witnesses.
6. The right to respond to information presented against him/her.

7. The right to a separate meeting with a conduct administrator or conduct hearing in cases involving multiple respondents.
8. The right not to provide information with the understanding that the Honor Council will determine without the respondent's information.
9. The right, after receiving written notice of the outcome, to review the decision, including an appeal.
10. The right to challenge a member of the student progress committee if he or she believes that individual has a conflict with, bias about, or an interest in a case that may unduly influence the decision making either positively or negatively.
11. The right to be informed of pertinent EVMS-based support services.

Respondent Responsibilities

1. The responsibility to be honest and direct in communication with individuals involved in the conduct process.
2. The responsibility to review pertinent conduct process policies and procedures and to seek clarification if necessary.
3. The responsibility to respond promptly to the Honor Council's requests for information, to promptly schedule meetings when requested, and to arrive on time for scheduled meetings.
4. The responsibility to provide the decision-maker with pertinent information that the Respondent would like considered in the review of the alleged violation.
5. The responsibility to participate in the conduct process in a manner that is civil and respectful.
6. The responsibility to update personal contact information with the Registrar's Office as soon as it changes and to consistently monitor their EVMS email account and telephone voicemail, as EVMS frequently communicates through these modes. U.S. Post letters will be sent to the local address provided by the student in the online student system or to the permanent address if attempted contact with the student through other means is unsuccessful.

Violations of the Honor Code

A student will be considered in violation of the Honor Code if they engage in dishonorable conduct as defined below. Lack of knowledge of the principles above will not be considered as an excuse for violating the Code. If anyone is unsure whether an act constitutes a violation of the Honor Code, that person should contact a member of the Honor Council.

Lying

The deliberate misrepresentation of the truth made with the intent to mislead another or an untruth made with reckless disregard for the truth of the matter asserted. Lying includes, but is

not limited to, forgery, using false identification or misuse of an identification card/allowing others to misuse your identification card and the omission of truthful statements.

Cheating

The intentional misrepresentation of another's work as one's own, or a misrepresentation of the circumstances under which the work was done to gain an unfair advantage. This violation includes, but is not limited to, copying, plagiarism*, unauthorized aid/collaboration, unauthorized divulging of information, using unauthorized equipment or devices on graded activity, intentionally commencing work or failing to terminate work on any graded activity in violation of time constraints imposed.

*Plagiarism occurs when a student, with intent to deceive or with reckless disregard for proper scholarly procedures, presents any information, ideas or phrasing of another as if they were his or her own and did not give appropriate credit to the source

Stealing

The intentional taking or appropriating of the property of another without consent or permission or the use of the property without the owner's or the rightful possessor's authorization. This definition covers the theft of academic work or intellectual property.

Reporting Violations of the Honor Code

Acts observed that appear to violate the Honor Code must be reported to the Honor Council. Any student, faculty or staff member who believes that a violation of the Honor Code has been committed must report the suspected violation to the no later than five (5) 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 Honor Council. Reports should be made through the Honor Code Reporting Form. Although anonymous reporting of Honor Code violations limits the ability of the Honor Council to respond fully and is discouraged, anonymous reports are accepted. Faculty and staff who witness or discover possible violations of the Honor Code are not able to report anonymously.

Pre-Hearing Procedures

Notification of Report and Introductory Meeting

Upon receiving a report of an alleged Honor Code violation, the student will be contacted in writing including, the date, time, and location of the alleged violation based on the information found in the report. The student will have three (3) business days to schedule an introductory meeting with the Assistant Dean for Student Affairs or designee. If the student fails to schedule an introductory meeting, they forfeit the right to share his or her perspective of the incident.

The introductory meeting will be a one on one meeting between the student and the Assistant Dean for Student Affairs. During the meeting, the Assistant Dean will inform the student of a detailed account of the accusation. The Assistant Dean will also review the Honor Code process, provide the student with resources, and take an initial statement from the student.

Initial Statement

During the introductory meeting, the student will complete a written statement summarizing the incident from his or her perspective. The student will have the opportunity to amend the summary to ensure it accurately reflects his or her perspective. Once the student approves the content of the summary, he or she will sign it.

Investigation and Determination of Charges

The Assistant Dean for Student Affairs or designee will be responsible for gathering all of the relevant information about the alleged incident. The Assistant Dean will interview all parties, gathering signed, written statements from all interviewed persons concerning the allegations.

Once the investigation is complete, the Assistant Dean will present the evidence gathered during the initial investigation to a committee made from three members of the executive board. This committee will have two permanent members, the chairperson and the Vice-Chair of the Honor Council, and one rotating executive board member from the student's academic school. The committee will review the evidence and determine if there is sufficient evidence to proceed with charging the student. The student will be notified of the outcome of the investigation in writing. If the decision is made not to charge the student, the case will be considered closed.

Notification of Charges and Honor Council Hearing

If the committee determines that charges are warranted an Honor Council Hearing will be scheduled. This hearing should take place within thirty (30) day of the student's introductory meeting. The student will be contacted in writing, including the date, time, and location of the alleged incident in addition to the charges, based on the information found during the investigation. This notification will also include the date, time, and location of the Honor Council hearing, as well as the name and contact information for their Student Advisor (for more information on the role of the Student Advisor, please see below) and, will be sent no later than ten (10) business days before the date of the hearing.

The student will be instructed to schedule a meeting with the Assistant Dean within three (3) business days to review the evidence, charges, and the pleas available to the student.

Notification of Honor Council Hearing – Witnesses

When a hearing is scheduled, both the student and the Honor Council, on behalf of EVMS, can call witnesses who have relevant information to the issued charges. All witnesses are to be identified no later than forty-eight (48) business hours from the date and time of the hearing. Witnesses will provide a written statement to the Assistant Dean for Student Affairs. All witness statements will be included in the informational panel packets provided to the student, panel member, and case presenter.

Student Advisor

The role of the Student Advisor is to be a resource for the student on all matters relating to the Honor Council hearing. The Student Advisor's role is to advise; the student is solely responsible for his/her plea in response to a formal charge.

At the Introductory Meeting, the Chairperson shall assign an Honor Council member who will act as a Student Advisor through the process. Alternatively, the student may request a different Honor Council member to be his or her student advisor. Honor Council members who are eligible to serve as a Student Advisor will have previously served as a panel member and will have completed the Student Advisor training, which is separate from the annual training that all Honor Council members will complete.

It is the responsibility of the student to contact the Student Advisor to meet and discuss the case. The student does not have to utilize the assigned Student Advisor, but if he or she does not, they will not be allowed to bring a different advisor.

Honor Council Hearing Structure and Roles

During the Honor Council Hearing, four key roles exist. These roles are the Panel Chair, the Case Presenter, the Honor Council Advisor, and the Panel Members.

1. Hearing Chair: A trained member of the Honor Council to serve as the Hearing Chair. The Hearing Chair will preside over the Honor Council Hearing and is responsible for conducting the proceedings. The Hearing Chair will ensure the proper processes are followed and, after the hearing and deliberations, will communicate any decisions to the appropriate person. The Hearing Chair will not have voting privileges except breaking a tie vote.
2. Case Presenter: During the Honor Code Hearing, the Chair of the Honor Council will serve as a Case Presenter. The Case Presenter will provide the details of the case and present an opening and closing statement during the hearing. The Case Presenter does not question hearing participants and does not have voting privileges.

3. Honor Council Advisor: The Honor Council Advisor will be present during the proceedings and deliberations but does not have voting privileges. The roles of the advisor are to ensure that the proceedings run smoothly and provide fundamental fairness for everyone involved. The advisor will, along with the chair, keep the proceedings and deliberations focused on issues relevant to the process and the particular situation being heard.
4. Hearing Panel: A six (6) member Hearing Panel will be the body responsible for determining the responsibility of the student will consist of Honor Council member appointed by the Chair of the Honor Council. A minimum of one panel member will be from the same program as the student. If an Honor Council member from the student's program is not available to serve, the Chair of the Honor Council will randomly select an Honor Council member from a different program, but the same school (i.e., School of Health Professions or School of Medicine).

Challenging Hearing Panel Members

The students will receive the names of the Hearing Panel and Hearing Chair ten (10) business days before the date of the Honor Council Hearing. The student can challenge individuals if they believe that individual may hold a bias. It is the responsibility of the student requesting the removal of a panel member to demonstrate precisely why a panel member may have a bias against them. Students alleging bias and requesting the removal of a panel member must submit a detailed letter to the Chair of the Honor Council within 48 of receiving notification of the Hearing Panel and Hearing Chair.

Honor Council Hearing Procedures

The Honor Council wants a fair process to occur for all students participating in an Honor Council Hearing. An essential aspect of a fair process is assisting students to be as prepared as possible. The following steps are followed with the goal of fairness and preparation in mind.

Given the sensitive nature of most Honor Code violations, hearings will be closed to the public, unless the student, the Student Advisor, and the Chair of the Honor Council all agree to open the hearing to the public. This agreement must be reached at least twenty-four (24) hours in advance and must be agreed to in writing. The Chair of the Honor Council may limit the number of observers at an open hearing.

An Honor Council Hearing is a formal process to uphold the trust that is built with the support of the EVMS community. It is an expectation that all participants should wear professional or business attire, as outlined in the EVMS Institutional Student Handbook.

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 a member requests that knowledge of the Honor Council or to fulfill one of the requirements of this Code.

The hearing will be audio recorded; however, if recording quality problems and malfunctions occur, they will not nullify or invalidate the decision on the committee.

Introductions

The Hearing Chair will call the hearing to order and review the expectations for all parties involved. The Chair will ask everyone to introduce themselves and explain their role in the proceedings. Once introductions are completed, the Chair will ask witnesses to leave the room until called.

Presentation of the Case File/Student's Opening Statement

Once introductions have concluded, and the witnesses have exited the hearing room. The Case Presenter will present an overview of the case file, including reading the initial Honor Code Violation report and providing a basic summary of each piece of evidence. Once the Case Presenter's presentation has concluded, the student will have an opportunity to provide an opening statement. The student's opening statement must focus on information relevant to the Honor Code charges being heard.

Witnesses

The Hearing Chair will then instruct the Case Presenter to call the first witnesses on behalf of the institution. All witnesses shall be sworn in by the Hearing Chair 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?"

After the panel has asked all of their questions, the student with assistance from the Student Advisor will be given the same opportunity to ask questions of the witness. When the student has finished, the Hearing Chair will ask if anybody has more questions for the witness. Once all parties have exhausted their questions, the witness will be excused by the chair, although the witness may be recalled if necessary. This process will continue until all witnesses for the institution have been called.

If the student has witnesses that differ from the witnesses called by the institution, the student will be allowed to call their witnesses. The student will ask questions of these witnesses first, to then be followed by the panel. When the panel has finished, the Hearing Chair will ask if

anybody has more questions for the witness. Once all parties have exhausted their questions, the witness will be excused by the chair, although the witness may be recalled if necessary. This process will continue until all witnesses for the student have been called.

Questioning of the Accused

After all the witnesses for both the institution and the student have been called the panel will then question the student. The student should be prepared to answer all questions and should utilize their Student Advisor to help anticipate what may be asked so that he/she can be prepared to respond.

Closing Statements

The Hearing Chair will then instruct the Case Presenter to present a closing statement, followed by the student if desired. Students are encouraged to prepare much of their closing statement in advance but should leave room to add information from the hearing. If necessary, a short recess can be requested to allow the student and Case Presenter prepare for closing statements.

Deliberations

Once the hearing has concluded, all non-voting participants will leave the room, except the Honor Council Advisor. The panel will deliberate utilizing the clear and convincing standard. A majority vote determines the responsibility of each charge. In the case of a tie vote, the Hearing Chair will break the tie. Deliberations are not recorded. The Hearing Chair will draft a rationale outlining the basis for each charges finding.

Notification of Outcome

Once the panel has concluded deliberations and the rationale has been drafted. The Hearing Chair will reconvene the hearing and read the findings of responsibility to the student. If the student has been found responsible for any of the charges, the hearing will move into the sanctioning phase. The hearing will end if the student has been found not responsible for all charges.

Sanctioning

If the student has been found responsible for a minimum of one charge, the hearing will move into the sanctioning phase. First, if the student has any previous Honor Code violations, the Case Presenter will read the dates, charges found responsible, a summary of the incident, and the assigned sanctions to the panel.

The student will then have the opportunity to provide a statement including any sanctioning recommendations he or she may have for the panel to consider. The panel may then ask questions of the student. Once the panel has exhausted all questions that they have for the

accused, the Case Presenter, and the student will then have the opportunity to provide closing statements.

Sanctioning Deliberations

Once the closing statements have concluded, all non-voting participants will leave the room, except the Honor Council Advisor. The panel will deliberate to determine what sanctions are appropriate based on the student's history the charges for which they were found responsible. A majority vote determines the assigned sanctions. Consideration should be given to the specific effects of a sanction based on the policies of the degree or certificate program of the student. In the case of a tie vote, the Hearing Chair will break the tie. Deliberations are not recorded. The Hearing Chair will draft a rationale outlining the basis for each assigned sanctions.

Notification of Sanction Outcome

Once the panel has assigned sanctions and drafted the corresponding rationale. The Hearing Chair will reconvene the hearing and read the assigned sanctions to the student. The hearing is then concluded.

Formal Notification of Honor Council Hearing Outcome

The Honor Council will have two (2) business days to provide the student with a written outcome of the hearing. If sanctions were assigned during the hearing, the corresponding instructions for completion would be included. Additionally, guidelines for the appeals process will also be outlined.

Sanctions

Sanctions, which serve as the institution's response to misconduct in violation of the institution's policies, will be determined and imposed by institution administrators under the processes established in this policy, and are not influenced by program, departmental, or organizational action.

The Assistant Dean for Student Affairs in conjunction with the Honor Council will oversee the completion of all sanctions and ensure that they are carried out appropriately.

Possible sanctions for Honor Code violations include the following:

1. *Zero on the Assignment*: A grade of no credit for the assignment on/in which the Honor Code Violation occurred.
2. *Failure of Affected Course, Module, Clerkship, or Clinical Rotation*: A grade of Failure for the course, module, clerkship, or clinical rotation in which the Honor Code Violation occurred.

3. *Educational or Developmental Experience*: Active or passive remedies, such as research or reflection papers, projects, or participation in meetings, classes, assessments, programs, modules, or workshops.
4. *Community Service*: A specified number of community hours in which a student or student organization must perform service to a non-profit organization, designated by the institution.
5. *Restitution*: Reimbursement to the person or entity harmed by the violation.
6. *No Contact Order*: A ban requiring the respondent to have no contact with a designated individual, including, but not limited to verbal, written, digital, and physical contact or contact by a third party.
7. *Loss of Privileges*: Denial or restriction of privileges for a designated period, including, but not limited to, restriction or exclusion from EVMS premises or EVMS activities.
8. *Monitoring*: Meeting periodically with a member of Student Affairs to check the progress of completing a required educational or developmental experience.
9. *Disciplinary Probation*: Period of fixed duration during which the fitness of a respondent to continue at EVMS is evaluated. A student or student organization placed on probation is not considered to be in good conduct standing with EVMS. Subsequent violations that occur during the probationary period will normally result in a review for dismissal from the institution.
10. *Deferred Sanction*: Deferral of sanction for a specified period. Should the student be found in violation of any institutional policy during the stated period, the deferred sanction shall be imposed without further review, in addition to any disciplinary action appropriate to the new violation.

Appeals Procedures

Appeal Request

A student who has been found responsible for Honor Code violation(s) will have five (5) business days from the date of formal notification of the Honor Council's decision to submit a written request for an appeal. For an appeal to be heard, the student must articulate at least one of the following grounds for appeal, in addition to any evidence to support the claim:

1. There was a substantial lack of due process as outlined in this policy
2. New information that was not available at the time of the hearing and that could change the original decision.

Once a student has submitted an appeal request, all assigned sanctions will be held in abeyance until the outcome of the Appeal Review Committee. During the appeal process, the student shall remain in good standing.

Appeal Review Committee

Once the appeal request is received the Chair of the Honor Council will assemble a review committee consisting of three members of the Honor Council. These members will be selected by the Chair of the Honor Council and cannot include any member that participated in the original hearing.

The Appeal Review Committee will administratively review the student's appeal request, the record of the Honor Council Hearing, and determine by a majority vote whether the appeal should be granted. If the appeal is granted the Chair of the Honor Council will convene a new Honor Council Hearing following the guidelines established previously in this policy. No members who were involved in a decision making role during the previous hearing or Appeal Review Committee will be able to participate. The Student Advisor, Case Presenter, and Honor Council Advisor shall remain the same.

Records Retention

The Honor Council adheres to the Records Retention Policy as dictated by the Office of General Counsel. All Honor Council Hearing records will be stored within Student Affairs. All students have the right to inspect and review his or her hearing record. Individuals requesting to view their hearing records should allow for forty-eight (48) business hours from the receipt of a request to receive his or her record.

Notification to the Student Progress Committee and Academic Program

Student Progress Committee

When the outcome of an Honor Council Hearing has become finalized, and the student has been found responsible for a minimum of one charge of the Honor Code, the student will be referred to the Student Progress Committee of their specific program or school.

Academic Program

If a reported violation of the Honor Code is related to any academic or clinical course at EVMS, the Chair of the Honor Council shall inform the faculty member(s) responsible for that course (i.e., Course Director, Clerkship Director, Instructor, or Program Director) of the outcome of the Honor Council Hearing. The Chair shall also inform such faculty member(s) of the verdict of any hearing or appeal, as well as any sanctions assigned that would affect that faculty member's course; however, the faculty member will be instructed not to act on such punishments until contacted by the Assistant Dean for Student Affairs.

VI. HISTORY OF APPROVALS AND UPDATES

The following list documents policy approvals and updates by oversight authority, date, and summary of changes. This policy is housed on the Institutional Student Handbook webpage.

- On January 9, 2020, the Honor Council approved this policy to change the overall language in the Code from court/judiciary terms to words that are more consistent with institutional processes; to add an affirmation statement for students; to remove sections related to the Honor Council organization to be created into a separate charter; to streamline the functions and increase efficiency of the Honor Council; and to bring the Student Honor Code in line with case law on the federal, circuit, and state level.
- On August 10, 2020, the Student Government Associate approved this updated policy.
- On September 15, 2020, the Board of Visitors approved this policy.