



## **BYLAWS OF THE HONOR COUNCIL MACON TRADITIONAL UNDERGRADUATE PROGRAMS**

The Honor Council Constitution provides the fundamental principles that govern the Honor System. These Bylaws provide specific rules of guidance for the Honor Council.

### **Article I. Purpose**

The purpose of the Honor Council is to foster academic integrity by educating the University community on the Honor System and upholding the Honor Code. The Council investigates and adjudicates allegations of Honor Code violations and recommends academic sanctions under the supervision of the faculty advisor and the Office of the Provost.

The Honor Council for the Macon Traditional Undergraduate Programs, hereinafter referred to as the Honor Council or Council, serves traditional undergraduate programs in the College of Liberal Arts and Sciences, School of Business, School of Engineering, College of Education, School of Music, and College of Health Professions. The Honor Council serves under the authority of the Provost of Mercer University.

### **Article II. Membership**

**Section 1.** The Council must consist of a minimum of ten (10) voting student members who are enrolled in one of Mercer University's traditional undergraduate programs on the Macon campus in the College of Liberal Arts and Sciences, School of Business, School of Engineering, College of Education, School of Music, and College of Health Professions. Members are appointed for leadership ability, character, interest in the undergraduate schools/colleges, academic integrity, and scholarship. Student members may serve for multiple semesters and are not required to reapply. The faculty advisors and the Chief Justice are non-voting members.

**Section 2.** At the beginning of the spring semester, applications for undergraduate students to join the Honor Council will be made available by the Executive Board of the Honor Council. Rising sophomores, rising juniors, and rising seniors who meet the requirements may apply. In addition to the application, two letters of recommendation from faculty members, advisors, or work supervisors at Mercer University are required.

Members must maintain a minimum cumulative grade point average of 2.5 and not be found responsible of an Honor Code or Student Code of Conduct violation while attending the University.

The Executive Board will review applications and select new members. Student justices are appointed during the spring semester at the successful completion of Honor Council training.

Any vacancy during the academic year must be filled promptly if the number of justices fall below the minimum membership as referenced in Section 1 or as necessary determined by the Executive Board and the Office of the Provost.

**Section 3.** The Honor Council must elect by a majority vote the following officers to the Executive Board: Chief Justice, Associate Chief Justice, and Clerk.

- The Chief Justice must have served at least three semesters previously as a member of the Honor Council.
- The Associate Chief Justice must have served at least two semesters previously as a member of the Council.
- The Clerk must have served at least one semester previously as a member of the Council.

In the event that applicants have only served for less than the minimum number of semesters on the Council, the Chief Faculty Advisor will confer with the Provost about officer positions.

Elections for the Executive Board are conducted at the end of the fall semester. A new Executive Board member trains during the spring semester and takes office in the following fall term.

An Executive Board member serves for one academic year but may be re-elected. A vacancy created on the Executive Board will result in a new election for the office.

**Section 4.** Each academic unit must designate at least one faculty advisor to serve on the Honor Council. Faculty advisors serve in a non-voting capacity and provide guidance to the Honor Council regarding policies, procedures, and appropriate methods of administering the Honor System. They are charged with protecting the rights and safety of all participants and may stop a hearing if necessary. Faculty advisors may ask questions of any participant and make comments that are nondisruptive of the process.

At least one faculty advisor from the College of Liberal Arts and Sciences must attend every hearing, both formal and informal hearings. If the alleged violation occurred outside of the College of Liberal Arts and Sciences, a faculty advisor from the school/college where the violation occurred must attend the formal hearing.

Faculty advisors serve for a one-year term but are eligible for reappointment. The Chair of the Honor Council committee from the College of Liberal Arts and Sciences will serve as Chief Faculty Advisor.

### **Article III: Duties and Responsibilities**

**Section 1.** Each new justice must attend Honor Council training and take the oath of office:

*I, (name), do solemnly swear that I will uphold the office of Justice of the Honor Council of Mercer University to the best of my ability. I will at all times remember the position I hold, the duty entrusted to me, and the responsibilities they entail. I will devote myself unswervingly at all times and at all places to the high ideals, principles, and goals of the Honor System of this University which the Honor Council protects and the justices represent.*

**Section 2.** The Honor Council justice is responsible for attending all meetings, events, and hearings, as requested by the Executive Board, for which they are not excused. The minimum number of hearings requiring attendance is determined each semester and is subject to change. All requests for excused absences must be made in advance and directed to the Clerk.

**Section 3.** All members are required to show professionalism when conducting Council business, including but not limited to promptness, personal hygiene, dress code, demeanor, and effective oral and written communication. Each member is required to sign a statement of expectations.

**Section 4.** Each member is required to use a Mercer University email address when corresponding with students, Mercer employees, witnesses, and other justices related to the case.

**Section 5.** A member of the Honor Council must be recused from a hearing if the member is related to an accused student, shares a residence with the accused student, is a member of the same student organization as the accused student, or for any other reason that may cause a perceived conflict of interest for the justice or accused student. It is the member's responsibility to inform the Chief Justice if the member has had any acquaintance with any person in a case.

**Section 6.** Each member is required to follow Honor Council investigation and hearing procedures.

**Section 7.** The Executive Board members are assigned specific duties and responsibilities as follows:

- Chief Justice
  - Manages the application process and facilitates interviews of candidates
  - Participates in the interviewing, selection, and training of new justices
  - Leads Council meetings
  - Assigns new cases to investigating justices
  - Assists the investigating justice with resolving issues during an investigation
  - Records hearings
  - Presides in a non-voting capacity at hearings unless the Chief Justice must vote in order to break a tie

- Participates in the appeals process by providing case information
  - Disciplines justices as needed
  - Ensures that the University community is educated on Council policies and procedures
  - Answers inquiries from students, faculty, or staff
  - Serves as the Council liaison to the Office of the Provost
- Associate Chief Justice
    - Participates in the interviewing, selection, and training of new justices
    - Manages investigation and hearing documents
    - Presents an overview of the case at the hearing
    - Records testimonies during hearings
    - Maintains the Council case database
    - Participates in the appeals process by providing case information
    - Provides guidance on sanctions during hearings
    - Supplies student records upon request by students, graduate programs, or the University
    - Plans the annual Honor Council banquet and the election of new Executive Board members
    - Performs the duties of the Chief Justice if the officer is absent or unable to perform duties
    - Submits an annual report to the Office of the Provost
- Clerk
    - Schedules Council hearings and meetings
    - Communicates hearing and meeting times to all participants
    - Participates in the interviewing, selection, and training of new justices
    - Maintains Council membership
    - Records hearing attendance
    - Investigates cases when necessary
    - May participate in the appeals process by providing case information
    - Performs the duties of the Associate Chief Justice if the officer is absent or unable to perform duties.

**Section 8.** An officer must inform the other Executive Board members and the Chief Faculty Advisor of an absence.

#### **Article IV: Violations of the Honor Code**

A violation of the Honor Code involves cheating, plagiarism, academic negligence, or other acts which compromise academic integrity. It is the responsibility of the student to ascertain what would constitute a violation of the Honor Code in any given academic situation or publication. Ignorance or disapproval of a faculty's expressed class policy is not an excuse for an Honor Code violation.

**Section 1. Cheating** is the unauthorized use of information, materials, sources, devices, or practices to complete academic activities that meet course and/or program requirements. Cheating includes but is not limited to the following:

- using or producing unauthorized aids, including but not limited to notes, answer keys, computer programs, or other reference materials
- copying material from another student's work
- requesting, giving, and/or receiving unauthorized aid either verbally or in writing
- obtaining unauthorized access to tests, examinations, and other course materials
- unauthorized posting, sharing, photographing, or distributing past or present tests, examinations, or other course materials
- collaborating when not authorized by the faculty member
- compromising a testing environment or violating specified testing conditions
- using unassigned translations in a reading course in a foreign language
- using calculators, phones, watches, or other devices that are not authorized by the faculty. These devices must not be visible or accessed in any way during a testing period, as directed by the faculty.
- using texts, papers, or other work prepared by a third party that is submitted as a student's own work
- participating in similar action that the faculty clearly communicates as a violation of the Honor Code.

**Section 2. Plagiarism** is defined as the use of ideas, facts, phrases, or additional materials from any source without giving proper acknowledgement for such material, regardless of intent. Any material in a paper or report, which is not acknowledged through citations and/or a bibliography, is understood to be the original work of the author. This definition applies to work that is submitted to faculty for grading and/or feedback.

Self-plagiarism is reusing some or all elements of a previous submission/publication without proper acknowledgement. Work from a previous course that is resubmitted or republished in a new submission must be cited as such. The faculty must give explicit permission for the use of previously submitted work and may place limitations on how much of that work may be reused.

**Section 3. Academic negligence** is unacceptable academic conduct that the student should have known, such as a student's failure to understand the faculty's specific instructions on an assignment. Regardless of intent, academic negligence is a serious matter that identifies the need for additional training on academic integrity and/or the use of sources in academic writing.

**Section 4. Perjury** is the falsification of testimony or other evidence presented to the Council. Willfully omitting evidence may also result in a conviction. A student can only be found responsible of perjury for the following:

- Willful omission of evidence or falsification of testimony during an Honor Council hearing. Perjury is an additional violation and therefore will receive an additional sanction.
- Failure to report an Honor Code violation

**Section 5. Falsification of class records** or other materials submitted as course requirements or to gain class credit, including but not limited to falsifying class attendance, attendance at required events or events for which credit is given, or attendance or hours spent at internships or other work or service.

**Section 6. Fabrication or falsification in research** involves misrepresenting research data or results and/or altering elements of the research that do not reflect the research record. Falsification may include but is not limited to omitting or changing data or results or manipulating research processes, materials, and equipment.

## **Article V: Reporting Honor Code Violations**

**Section 1.** Each student is responsible for reporting all violations of the Honor Code. The student accepts this responsibility when entering the University as a vital participant in the Honor System.

If a student knows of or witnesses an act of dishonesty, the witnessing student is responsible for reporting the suspected violation to the faculty member or the Honor Council. Even in cases where there is only suspicion, the details of the suspicion should be reported to the faculty.

Students and faculty members report violations of the Honor Code by completing and submitting the Academic Dishonesty Report in MyMercer under Academics. The report is submitted to the Honor Council.

**Section 2.** Honor Code violations that are reported during the summer semester will be investigated and adjudicated in the fall semester.

## **Article VI: Investigation Procedures**

**Section 1.** Once the violation has been reported to the Honor Council, the Chief Justice assigns the case to a justice to serve as an impartial investigator whose purpose is to collect any information related to the alleged violation. The investigating justice presents an investigative report to the Chief Justice and may serve as a witness at the hearing. The investigative justice is ineligible to serve during deliberations and as a voting member at the hearing.

**Section 2.** The investigating justice sends the Notice of Alleged Violation to the accused student via the student's official University email address. The Notice of Alleged Violation explains the charge of the Honor Code violation and provides references to the investigative process, hearing procedures, and rights and responsibilities of the accused student. The notice will direct the accused student to contact the investigating justice within five (5) business days.

If the accused student does not respond within five (5) business days from the Notice of Allegation, the Chief Justice will determine the type of hearing and proceed with adjudication. The accused student will have a registration and/or transcript hold placed on the student's University record by the Office of the Provost until the Honor Council charge has been resolved.

**Section 3.** The assigned justice contacts (via University email) and meets separately with the accused student, relevant faculty member, and the witness(es) to review the process, rights and responsibilities, and case information and to collect additional evidence.

During the meeting with the accused student, the investigating justice reviews the types of hearings and hearing procedures. If the student requests an informal hearing, the student signs the Informal Hearing Request Form, and the investigating justice submits the request form to the Chief Justice for approval or denial. The accused student is notified in writing via University email of the decision of the informal hearing request within three (3) business days of submission.

The investigating justice also reviews with the accused student the list of justices who may be recused from the hearing. A member of the Honor Council must be recused from a hearing if the member is related to an accused student, shares a residence with the accused student, is a member of the same student organization as the accused student, or for any other reason that may cause a perceived conflict of interest for the justice or accused student. The investigating justice submits the Student Request for Recusal form to the Chief Justice for review and approval.

**Section 4.** A case may be dismissed by the Chief Justice if there is a lack of evidence in the reporting form or observed by the investigating justice. If the case is dismissed before the hearing due to lack of evidence, the Chief Justice will notify in writing all involved parties of the decision to dismiss the case.

## **Article VII: Rights and Responsibilities of the Accused Student**

**Section 1.** The accused student will have the following rights to due process and equal protection under the Student Government Association Constitution and subsequent legislation when facing a hearing before the Honor Council:

- a. To be informed of all charges and presumed not responsible of an Honor Code violation until proven responsible by a preponderance of evidence standard. This standard means that the evidence, taken as a whole, supports that it is more likely than not that the violation occurred.
- b. To request an informal hearing from the Chief Justice, if the accused student meets the requirements.
- c. To request a summer hearing or delay the hearing until the fall semester without penalty, if the alleged violation occurred in late spring semester.
- d. To be notified of the date, time, and place of the hearing at least three (3) business days prior to the hearing in the Notice of Hearing. This right may be waived by joint consent of the accused student and the Honor Council.

- e. To review all evidence at least three (3) business days before the hearing. This right may be waived by joint consent of the accused student and the Honor Council.
- f. To ask questions of any person providing testimony during a hearing as well as re-examining all evidence in the hearing.
- g. To submit no more than two character witness statements from Mercer University students or employees as part of the evidence packet. Character witness statements will not be read aloud at the hearing, and the character witness does not attend the hearing.
- h. To advisement provided that the person of support is a current undergraduate student or employee at Mercer University or another person (with advance approval from the Chief Justice) for the purposes of consultation and/or emotional support. The person of support will not serve as a witness or be charged in the case. The person of support cannot speak on behalf of the accused student nor ask questions of any faculty, witness, or Council member. Consultation must take place in a manner that does not disrupt the proceedings. The accused student must notify the investigating justice at least five (5) business days prior to the hearing if the student will be bringing a person of support to the hearing. When multiple students are charged from the same incident (or a related incident), accused students are not allowed to have the same person of support at any point during the proceedings.
- i. To request the removal, with cause, of any member of the Honor Council from the hearing. The Honor Council will retain the right to deny this request.
- j. To have all documents and hearing proceedings held in strict confidence by the Honor Council and any other persons involved in the case.
- k. To be notified in writing of a decision within ten (10) business days of the hearing. Additional time to render a decision may be needed under certain circumstances in which case the accused student would be notified.
- l. To appeal the decision of the Honor Council. This right must be exercised within three (3) business days after receipt of the letter of decision. Additional time may be requested for extenuating circumstances but must be requested within three (3) business days after receipt of the letter of decision.
- m. To free speech, and therefore the accused student may choose to remain silent when questions are posed and have no inference of responsibility.

**Section 2:** The accused student will have the following responsibilities when facing a hearing before the Honor Council:

- a. To cooperate fully and respond in a timely manner to the Council in all matters pertaining to the investigation and hearing.
- b. To be present at the hearing at its scheduled time. If the accused student fails to appear or fails to notify the Council, the hearing shall proceed in the accused student's absence and a decision rendered provided that the student has been properly notified of the hearing.
- c. To answer all relevant questions honestly, remembering that false information or willful omission of evidence could lead to additional charges.

- d. To acknowledge that the hearing is recorded and that the recording may be reviewed if the final decision of the Council is appealed.
- e. To contact the character witness and person of support and refer them to the investigating justice.
- f. To inform the investigating justice of any desire for additional witnesses or evidence to be added to the case.

The accused student does not have the right to discuss the investigation with anyone other than the chosen person of support, the investigating justice, or the Chief Justice (or designee). At the conclusion of the hearing, all questions must be directed to the Chief Justice.

Harassment of other witnesses, justices, employees, or accused students is strictly forbidden and will be considered a violation of the values of the Community of Respect and leads to an investigation by the University Judicial System.

### **Article VIII: Rights and Responsibilities of the Faculty Member**

**Section 1.** The faculty member involved in the case will have the following rights:

- a. To be notified of the date, time, and location of the hearing at least three (3) business days prior to the hearing in the Notice of Hearing.
- b. To free speech and therefore may choose to remain silent when questions are posed.
- c. To have all documents and hearing proceedings held in strict confidence by the Honor Council and any other persons involved in the case.
- d. To participate in a hearing without the faculty member's person or property being insulted, molested, threatened, or damaged.

**Section 2:** The faculty member will have the following responsibilities:

- a. To cooperate fully and respond in a timely manner to the Council in all matters pertaining to the investigation and hearing.
- b. To be present at the hearing at its scheduled time. If the faculty member cannot attend the hearing, the submitted Academic Honesty Report will be read at the hearing, given that the report includes all relevant information. The Council may request additional statements and/or information as deemed necessary.
- c. To answer all relevant questions honestly.
- d. To acknowledge that the hearing is recorded and that the recording may be reviewed if the final decision of the Council is appealed.
- e. Uphold the final decision in the case.

### **Article IX. Rights and Responsibilities of the Witness**

The University may require any student or employee with information relevant to the charges to participate in the investigative process, provide any such information to the investigating justice, attend the hearing, and present information to the Council for consideration. In addition, the University may obtain a written statement from another faculty member serving as an expert witness who reviews evidence and provides the Council more information about difficult subject matter.

**Section 1.** The witness for an Honor Council investigation and hearing will have the following rights:

- a. To be notified of the date, time, and location of the hearing at least three (3) business days prior to the hearing in the Notice of Hearing.
- b. To free speech and therefore may choose to remain silent when questions are posed.
- c. To have all documents and hearing proceedings held in strict confidence by the Honor Council and any other persons involved in the case.
- d. To participate in a hearing without the witness's person or property being insulted, molested, threatened, or damaged.

**Section 2.** The witness for an Honor Council investigation and hearing will have the following responsibilities:

- a. To cooperate fully with the Council in all matters pertaining to the investigation and hearing.
- b. To be present at the hearing at its scheduled time. If the student fails to appear at the hearing, the student may be charged with contempt.
- c. To acknowledge that the hearing is recorded and that the recording may be reviewed if the final decision of the Council is appealed.
- d. To answer all relevant questions honestly, remembering that false information or willful omission of evidence could lead to additional charges.

The witness does not have the right to discuss the investigation with anyone other than the investigating justice or the Chief Justice. All contact with members of the Honor Council must take place only between the witness and the Chief Justice (or designee).

Harassment of other witnesses, justices, employees, or accused students is strictly forbidden and will be a considered a violation of the values of the Community of Respect and leads to an investigation by the University Judicial System.

## **Article X. Types of Hearings**

**Section 1.** The Honor Council conducts hearings during the fall and spring semesters. The Council also conducts summer hearings from the business day following commencement until the last business day in May.

**Section 2.** An accused student may participate in a formal hearing or informal hearing. The Council reserves the right to pre-select the type of hearing at any point in the process.

- a. A **formal hearing** is conducted when a student pleads “responsible” or “not responsible” to violating the Honor Code. The Council convenes to adjudicate the case and determine the sanction(s). Witnesses attend the hearing, and the faculty member attends the hearing or, if absent, submits a statement. A full panel with a minimum of five (5) voting justices must be present at the formal hearing to decide the verdict and recommend the sanction(s).
- b. An **informal hearing** may be conducted if the accused student pleads “responsible” to violating the Honor Code and has not previously been found responsible for an Honor Code violation. Since the accused student admits to being responsible for the violation, the Council only convenes to decide and recommend the sanction(s). The accused student waives the right to a formal hearing. A three-person panel of voting justices must be present at the hearing. An informal hearing cannot be conducted if there are multiple accused students in the case. The accused student must formally request the informal hearing, and the Chief Justice must grant approval for an informal hearing.

**Section 3.** The Council also conducts formal and informal hearings in the summer from the first business day following commencement to the last business day in May. Formal hearings held in summer have fewer justices; a panel with a minimum of three (3) voting justices is required in summer compared to the minimum of five (5) justices required in the fall and spring semesters. Informal hearings have three (3) justices, regardless of the semester. Hearings are conducted in person in the fall and spring semesters. Hearings held in the summer are conducted virtually.

The investigating justice must inform the accused student of the option of a summer hearing, a formal or informal hearing is determined, and the student must elect to schedule the hearing by the last business day in May or delay the hearing until the following fall semester. There is no penalty to the accused student for delaying the hearing until the following fall semester.

**Section 4.** During summer hearings or if members of the University community are unable to gather in person, the Chief Justice of the Honor Council is authorized to direct members of the Honor Council to conduct virtual hearings. All procedures of confidentiality will be maintained in the virtual space.

**Section 5.** If multiple students are involved in a single case, the students will be contacted separately by the investigating justice. The investigation meetings will occur separately. There will be one formal hearing unless the Chief Justice assigns separate hearings. Each accused student will provide an opening statement separately from the other accused students. The accused students will be questioned separately and may be questioned together by the Council. The accused students will appear together when the faculty member and witness provide testimonies and are questioned by the Council and when the accused students question the faculty member and witness. Closing statements will occur separately. Decisions on the responsibility and sanctioning will be rendered separately.

**Section 6.** When multiple students are charged with the same violation and it is determined that an individual was not responsible for that specific violation but was present and/or had knowledge that the violation was occurring, the Council has the authority to find that student responsible for the lesser charge of Perjury for failure to report without recharging the student and having a separate hearing.

## **Article XI. Hearing Guidelines**

All hearings are governed by the following guidelines. The purpose of the hearing is to determine the facts of the case, determine responsibility, and consider appropriate sanctions if necessary. Procedures may be modified to expedite the proceeding if they do not jeopardize the accused student's fundamental rights or the fairness of the hearing.

- A. **Call to Order.** The Chief Justice will bring the accused student into the hearing room. The recording is started. The Chief Justice will:
  1. Call the hearing to order and state the date and time.
  2. Ask all participants in the hearing to identify themselves for the record.
  3. State the conditions of the hearing, including:
    - a. The hearing will be recorded, excluding deliberations. The recording will serve as the only official record of the proceedings and is the property of the University. A transcript of the hearing is not made.
    - b. Documentation of the proceedings are maintained in accordance with the applicable University document retention policies.
    - c. Rules of evidence applicable to courts of law will not apply.
    - d. The burden of proof rests with the University. The standard of proof required to determine whether an accused student is responsible for the allegations will be a preponderance of the evidence so that it is more likely than not that the academic misconduct occurred.
    - e. The hearing and final outcome will be considered part of the accused student's educational record and will be kept confidential, except as provided under federal and state law.
  4. Ask the accused student if there are any objections to proceeding with the hearing. The Chief Justice is responsible for determining if such objections are reasonable and/or what measures should be taken to address them.
- B. **Confidentiality.** All hearings will be closed to protect the confidential nature of the proceedings. No audio or visual recordings of the hearing may be made other than by the Honor Council.
- C. **Disabilities.** Any student with a documented disability may request that reasonable accommodations be provided during the hearing process. This request must be made to the investigating justice at three (3) days in advance of the hearing, and the accommodations must be approved by the Office of Access and Accommodations.

- D. **Failure to Appear.** If the accused student fails to appear at the hearing, the hearing may proceed in the student's absence and a decision rendered provided that the student has been properly notified of the hearing.
- E. **Testimony.** Testimony is expected to be provided orally in person. Relevancy of testimony is determined by the Council members serving on the panel. When a witness is unable to be physically present, testimony may be obtained via video conferencing. If a witness cannot testify in person, a written statement and/or testimony provided to the Honor Council may be utilized and weighed accordingly. The University reserves the right to exempt certain witnesses from being called to provide testimony.
- F. **Deliberations.** Deliberations are closed and will only include those Council members involved in the decision-making process and the Chief Justice. A Council member does not vote in any proceedings for which the member served as the investigating justice.
- G. **Decisions.** Decisions of "responsible" or "not responsible" on the charge(s) will be based solely on the evidence presented at the hearing. A majority of Honor Council justices must vote "responsible" to find the accused student responsible for the violation.
- H. **Official Record.** An official record of the hearing will be made by the Chief Justice for internal University use only. The record of the hearing may exist in written or audible form. Students may request to inspect their record of testimony and case file after the hearing is closed. Records will be redacted to protect other students' FERPA rights. Written records are kept on file for seven (7) years except for suspension and expulsion records which are kept permanently.
- I. **Notice of Decision.** A written decision will be issued to the accused student within ten (10) business days of the hearing. This time may be extended in cases in which additional time is necessary for deliberations. If additional time is necessary, the accused student will be notified.

Decisions of the Council are recommendations to the Vice Provost, who in the interest of fairness, clarity, and consistency, may choose to accept or modify the recommendations or conduct further inquiry before finalizing the decision. The Vice Provost will communicate the final decision in writing to the Chief Justice who will then issue the Notice of Decision to the accused student.

Notification will be made in writing and emailed to the accused student's University email address. The decision letter will contain a decision on each charge, the finding of fact, and recommended sanctions (if applicable). The notice will also be sent to the appropriate faculty member and the Dean of the accused student's school or college.

The sanctions will be implemented as soon as feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

## **Article XII. Completing or Withdrawing from a Course Before a Hearing**

If an accused student completes or withdraws from the course in question prior to the Honor Council's investigative report or hearing, a letter will be sent to the accused student stating that the student is suspected

of an Honor Code violation, an investigation has been or will be conducted, and a hearing may be held. Prior to the hearing, an Incomplete will be reflected on the student's record for the course in question, and registration and transcript holds will be placed on the student's University record while the case is pending.

### **Article XIII. Withdrawing from the University Before a Hearing**

If an accused student withdraws from the University before a hearing has been conducted, a letter will be sent to the accused student stating that student is suspected of an Honor Code violation, an investigation has been or will be conducted, and a hearing may be held. Registration and transcript holds will be placed on the student's University record while the case is pending.

The accused student may respond in one of three ways: (1) participate in an investigation and hearing; (2) waive the right to provide personal testimony, therefore acknowledging that the hearing may proceed in the student's absence; or (3) waive the right to appear and submit a written, signed statement to the Associate Chief Justice at [honorcouncildocs@mercer.edu](mailto:honorcouncildocs@mercer.edu) which will be presented on the student's behalf at the hearing. Failure by the accused student to respond will be considered a waiver of the right to appear.

If the accused student attempts to re-enroll before the Honor Council hearing, the Office of the Registrar will notify the Office of the Provost and Honor Council. The case must be resolved before the accused student may re-enroll at the University.

### **Article XIV. Sanctions for Honor Code Violations**

**Section 1.** If the accused student is found responsible for a violation of the Honor Code, the Council recommends a sanction to the Vice Provost based on the following situations:

- the flagrancy of the violation
- perjury
- previous Honor Council sanction(s) resulting in harsher sanction(s)
- other extenuating circumstances

**Section 2.** The student will be subject to one or more of the following sanctions:

- a. **Educational sanction:** a sanction due to a gross misunderstanding of citations and formatting that led to plagiarism. If a student receives an educational sanction, it is the student's responsibility to complete the academic training as assigned; otherwise, the student receives a failure of course.
- b. **Censure:** a reprimand due to the student's grossly inappropriate behavior. The sanction of censure does not affect the student's course grade or academic standing at the University.

- c. **Zero on the assignment**
- d. **Failure of course:** a course grade of F which will appear on the student's transcript.
- e. **Suspension:** the termination of the student's attendance at the University for an indefinite or specified period of time. The suspended student may not be on University property without prior approval from the Office of the Provost. Stipulations may be applied to the student for ending the suspension.
- f. **Expulsion:** the immediate and permanent separation of the student from the University.
- g. A **combination** of the above sanctions.

**Section 3.** The Honor Council may consider a range of sanctions for an Honor Code violation, and the Council may elect to consider extenuating circumstances when recommending a sanction.

The typical sanction for a first offense for a violation of cheating or plagiarism is a zero on the assignment.

Typical sanctions for repeated offenses include failure of course or a recommendation for suspension or expulsion.

## **Article XV. Appeals**

**Section 1.** The accused student may appeal the Honor Council's decision to the Dean of the accused student's school/college within three (3) business days from the Notice of Decision. Requests for extensions must be submitted to the Dean prior to the expiration of the three-day period. The appeal request form is available in MyMercer. An appeal is only admissible on the following grounds:

- Significant procedural errors occurred that substantially affected the outcome of the hearing and/or violated the student's rights.
- New information or evidence that was not presented at the original hearing becomes available and could reasonably be expected to affect the original decision.
- The imposed sanction was disproportionate to the violation.

Failure on the student's part to demonstrate that there is reason to believe that one of the above grounds applies will result in an automatic denial of the appeal.

**Section 2.** The student's case information will be obtained from the Chief Justice of the Honor Council in order to process the appeal.

**Section 3.** If unsatisfied with the Dean’s decision in the appeal, the accused student may appeal the Dean’s decision to the Provost in writing within three (3) business days of the Dean’s decision. Requests for extensions must be submitted to the Provost at provost@mercer.edu prior to the expiration of the three-day period. The appeal request form is available in MyMercer. The decision of the Provost is final.

**Section 4.** The student will receive a written decision regarding the appeal. The Dean and Provost may decide independently or may convene an advisory committee to assess the merit of the appeal. This committee may be composed of the Honor Council officers, investigating justice, and one or more faculty members. The appeal will consist of a review of the prior proceedings and will not be another hearing. However, the Dean and Provost have the discretion to act *de novo* (i.e., independently of the previous decision) to determine the issues of responsibility and sanction(s).

### **Article XVI. Disciplinary Action for Justices**

The Honor Council has the authority to expel, suspend, or otherwise discipline its own members for not fulfilling member duties and responsibilities as stated in Article III.

A member will be expelled immediately from the Honor Council for one or more than one of the following:

- Two unexcused absences from mandatory meetings or hearings
- Failure to participate in the minimum hearing requirement for the semester
- Breach of confidentiality (also results in charges with the Office of Student Conduct Resolution)
- Harassment of accused students, other justices, witnesses, employees, or advisors (also results in charges with the Office of Student Conduct Resolution)
- Being found responsible of an Honor Council violation while serving on the Council
- Being found responsible for violating the Student Code of Conduct while serving on the Council
- Failure to maintain the minimum 2.5 GPA each semester of Council service
- Violation of a student’s rights
- Failure to represent the Council in a responsible manner

A member will be suspended from the Honor Council or reprimanded for one or more than one of the following:

- Failure to follow investigative and hearing procedures as described in the Bylaws
- Lack of punctuality and other characteristics of professionalism
- Failure to submit hearing availability form
- Failure to attend faculty, student, and witness meetings and required presentations
- Failure of recusal from a case

- Failure to represent the Council in a responsible manner

The Chief Justice in coordination with the faculty advisor(s) will decide and inform the member about expulsion, suspension, or reprimand.

## **Article XVII. Impeachment of Honor Council Officers**

**Section 1.** Any officer of the Honor Council may be impeached and expelled from office if found to have engaged in neglect of duty or misconduct while in office.

**Section 2.** A petition for impeachment and expulsion of the officer must be signed by at least one-half ( $\frac{1}{2}$ ) of the active Council members and presented to the remaining officers. The remaining officers, under guidance from the Chief Faculty Advisor and other faculty advisors, will appoint two current Council members to investigate the allegation. If the entire Executive Board is investigated for impeachment and expulsion from office, two investigators will be appointed by the Chief Faculty Advisor. The remaining officers, or Chief Faculty Advisor in the case of all officers being charged with impeachment, will conduct a hearing on the case. The accused officer is expected to attend the hearing, but the hearing will proceed in the accused officer's absence. The Chief Faculty Advisor and at least one other faculty advisor must be present during the hearing. Council members must vote by secret ballot, and if a two-thirds ( $\frac{2}{3}$ ) majority vote for impeachment, the officer will be impeached and expelled from the Executive Board. A new officer must be voted into office to fill the vacancy during a special election held within seven (7) business days of the impeachment and expulsion from office. This special election will be conducted like annual Executive Board elections.

**Section 3.** The officer found responsible for impeachment and expulsion from office is suspended from the Council for the remainder of the semester or academic year, based on the decision of the newly-formed executive board in conjunction with the Chief Faculty Advisor and other faculty advisors. At the conclusion of the suspension, the impeached officer and Chief Faculty Officer will meet with the Executive Board to decide Council reinstatement of the suspended member. The Executive Board will vote on the reinstatement of the suspended member, and the Chief Faculty Advisor will provide guidance as needed. The Provost is notified of the decision and sanction of impeachment, expulsion from office, suspension, and status of reinstatement.

## **Article XVIII. Amendments**

Amendments to these bylaws require the approval of two-thirds ( $\frac{2}{3}$ ) of the total membership of the Honor Council, including all active faculty advisors, subject to the approval of the Provost of the University.

Adopted in 1955. Revised August 31, 2022.