

Bylaws

BYLAWS OF THE VANDERBILT UNIVERSITY OWEN GRADUATE SCHOOL OF MANAGEMENT HONOR COUNCIL (Adopted by the Owen Honor Council, February 21, 2017; revised March 14, 2017; revised May 13, 2018)

This document contains the Bylaws of the Owen Graduate School of Management (OGSM) Honor Council.

ARTICLE I

Terminology

The following terms are defined and governed by these Bylaws.

Accused: The individual or individuals alleged to have violated the honor code.

Advisor: A Vanderbilt University faculty member, staff member, or student, who does not have any formal legal training and is not related to the Accused. The Advisor may also serve as a Character Witness for the Accused. The Accused may consult with the Advisor throughout the Hearing and the Advisor may be present, at the discretion of the Accused, at any meeting or discussion at which the Accused is present.

Chief Investigator: A member of the Office of Student Accountability, Community Standards, & Academic Integrity, which may include a graduate student. This individual is appointed after being notified by the Chair of the OGSM Honor Council that an alleged violation of the Honor Code has occurred.

Conflict of Interest: An individual who has, in fact or perception, a vested interest in the outcome of the honor council deliberations. Conflicts of interest arise if the Accused has a relationship with a member of the OGSM Honor Council through blood, marriage, or romantic affiliation. Conflicts of interest need not always be apparent to both parties. Individuals who perceive a conflict of interest must disclose the possibility of such conflict to the Chair of the Honor Council.

Hearing: The deliberation in which the Accused is determined to have violated or not violated the Honor Code based on a preponderance of the evidence.

Hearing Panel: an eight-member panel consisting of seven student representatives selected from the OGSM Honor Council and the Administrative Representative. The Administrative Representative is a non-voting member of the Hearing Panel. That is, there are seven student voting members of the Hearing Panel.

Reporting Party: The individual or individuals having first-hand knowledge of the alleged violation.

Review Panel: A three-member panel consisting of the Chair and Vice Chair of the OGSM Honor Council and the Administrative Representative. The Administrative Representative is a voting member of the Review Panel.

ARTICLE II

Responsibilities of Students

Without the support and cooperation of the entire study body, the Honor Code will not work. Students must insist on the absolute integrity of themselves and their fellow students. It is the obligation of every student who suspects an honor violation to take action in one of the following two ways, determining the choice of action by the flagrancy and/or certainty of the violation. Failure to report suspicion of an Honor Code violation in one of these two ways is itself a violation of the Honor Code. If a student has reason to suspect that a breach of the Honor Code has been committed, the student, known as the Reporting Party, must:

- Report the incident and identify, if possible, the Accused to the Owen Graduate School of Management Honor Council (“OGSM Honor Council”) for action by the Chair, or
- Report the incident and identify if possible, the Accused, to the instructor of the course in which the violation is believed to have occurred.

Timely reporting is encouraged.

Article III Faculty Engagement

Part III, Chapter 9 of the *Vanderbilt University Faculty Manual* describes faculty responsibilities and obligations under the OGSM Honor Code. In cases of discrepancies between this document and the Faculty Manual, the latter governs faculty responsibilities and obligations. Part III, Chapter 9 of the Faculty Manual is here:

<https://www.vanderbilt.edu/faculty-manual/part-iii-university-principles-and-policies/ch9-honor-system/>

If an honor code infraction is reported to the course instructor the faculty member, as also recognized in the *Vanderbilt University Faculty Manual*, has the option of issuing a personal warning.

ARTICE IV

Violations

The jurisdiction of the OGSM Honor Council is specific to academic violations of the OGSM Honor Code. Non-academic violations are considered conduct issues and will be handled by the OGSM administration and/or the Vanderbilt University Office of Student Accountability, Community Standards, and Academic Integrity. Academic violations of the OGSM Honor Code include, but are not limited to, the following:

Lying encompasses, but is not limited to, the following:

- The willful and knowledgeable telling of an untruth and any form of deceit, attempted deceit, or fraud in an oral or written statement relating to academic work. This statement can be made to any member of the OGSM or Vanderbilt University faculty, staff, or student body.
- Providing false information to the Honor Council during the course of an investigation or during a Hearing. This action may result in an additional charge. If this charge is not in conjunction with another academic violation, then it is considered a conduct issue and the case will be referred to the Vanderbilt University Office of Student Accountability, Community Standards, and Academic Integrity.

Cheating encompasses, but is not limited to, the following:

- Giving and/or receiving unauthorized aid or assistance of any form, including soliciting, using or distributing unauthorized aid, copying from another student's work, or similar actions contrary to the principles of academic honesty.
- Use of texts or papers prepared by commercial or noncommercial agents and submitted as the student's own work.
- Submission of work prepared for another course without the specific prior authorization from the instructors in both courses.
- Falsification of results of study or research.

Plagiarism may be the result of carelessness or ignorance of acceptable forms of citation; it may also include some degree of premeditation. Plagiarism is not the accidental deletion of a footnote when it should be obvious to the professor that the student has, in general, properly credited the author and thus preserved academic honesty. Plagiarism encompasses, but is not limited to, the following:

- Incorporating into one's own work the work of another without properly indicating that source.
- Using patterns of thought, arrangement of material, or sequencing of ideas from another without properly indicating that source.
- Paraphrasing, changing wording, or using a catchy word or phrase from another without indicating that source.

Stealing encompasses, but is not limited to, the following:

- Taking or appropriating without permission to do so property belonging to someone else. If this charge is not in conjunction with another academic violation, then it is considered a conduct issue and the case will be referred to the Vanderbilt University Office of Student Accountability, Community Standards, and Academic Integrity.

Failure to report suspicion of an Honor Code violation, such as one of the violations including, but not limited to, the above is itself a violation of the Honor Code.

ARTICLE V

Procedure

The process is as follows.

- a student is accused of an OGSM Honor Code infraction;
- a Chief Investigator is appointed who notifies the Accused and gathers information related to the accusation from the Reporting Party;
- the Accused is charged;
- the Accused provides a response to the accusation;
- the investigator completes all investigative work and prepares a dossier of information, referred to as the Investigate Packet, for the Review Panel. The Review Panel consists of the OGSM Chair, Vice Chair and Administrative Representative;
- The Review Panel determines if there is sufficient evidence to proceed with a Hearing. If the answer is no the process ends; if the answer is yes then the process moves to the Hearing stage.

Appointment of Chief Investigator

A member of the Office of Student Accountability, Community Standards, & Academic Integrity, which may include a graduate student, shall be appointed as Chief Investigator on a timely basis after being notified by the Chair of the OGSM Honor Council that an alleged violation of the Honor Code has occurred.

Student Notification and Evidence Collection

The Chief Investigator will notify the Accused of the allegation.

The Chief Investigator will gather evidence related to the suspected violation. This investigation may include gathering physical evidence, identifying potential witnesses, and interviewing relevant parties, such as the Reporting Party, the Accused, and witnesses, if any.

Charging the Accused

The Chief Investigator will draft a formal charge against the Accused. The Chief Investigator will inform the Accused of the process of an investigation, Hearing, possible penalties, and the

Accused's rights throughout the process, including the right to an Advisor as discussed in in these Bylaws. When formally charging the Accused, the Chief Investigator will provide the Accused with the following:

1. A copy of the formal charge brought against the Accused.
2. A statement to be signed by the Accused acknowledging that the Accused has received a copy of the charge. Signing this statement does not constitute an admission of guilt.
3. A copy of the OGSM Honor Code.
4. A reading of the Accused's rights, which are as follows:
 - a. The right to remain silent.
 - b. The right to have an Advisor throughout the entire process.
 - c. The right to have one Character Witness and as many Material Witnesses as have relevant information to testify at the Hearing.
 - d. The right to appeal the Honor Council's decision to the Vanderbilt University Appellate Review Board.

Student Response

After the charge has been served to the Accused, the Accused responds to the Charge.

Investigative Packet

The Chief Investigator will complete the investigation and provide the Investigative Packet to the Review Panel to determine whether or not there is sufficient evidence to hold a hearing on the case in question. After the report is prepared, it is conveyed to the Review Panel. The Review Panel determines whether the case will proceed to a Hearing. A case requires a unanimous, secret-ballot vote of the Review Panel to proceed to a Hearing. Generally, with the exception of relevant privacy laws that may prohibit such notification, the Reporting Party shall be notified fully of the Review Panel's action.

Article VI

Hearing

The Hearing should occur as soon as practicable after the signing of the formal charge by the Accused. Furthermore, the Administrative Representative shall enter into evidence a copy of the document signed at matriculation at Owen indicating that the Accused is bound to the Honor Code.

Before the Hearing, the Chief Investigator may conduct additional interviews and collect further documentation as necessary. All evidence must be shared with the Accused at least 48 hours prior to the Hearing.

The purpose of the Hearing is to determine whether the Accused is guilty or not guilty of the alleged violation(s), as well as any applicable penalties. Voting procedures and penalties are

outlined below. The Hearing will be conducted in private, and all members of the Honor Council will be required to preserve the confidentiality of the proceedings in all cases.

The Hearing Committee is comprised of the Chair and six (6) randomly selected members of the Honor Council. No person related to the Accused by blood or marriage will be allowed to serve on the Hearing Committee. Individuals with other potential conflicts will also be excused. Individuals may, for example, have a conflict of interest with a party other than the Accused; such individuals shall be excused. Furthermore, a member may withdraw or the Chair may excuse a member from the Hearing Committee if a clear conflict of interest exists. The Chair may appoint a faculty member to the Hearing Committee to serve as an expert witness.

If a member of the Hearing Committee is unable to participate in the entire Hearing, the Accused shall be entitled to a complete re-hearing under the same procedures outlined here. The committee re-hearing the case may consist of members of the original Hearing Committee.

Administrative Representative

The Administrative Representative is appointed by the OGSM Dean to serve as a non-voting observer for all Hearings. The Administrative Representative is one of the three voting members that constitutes the Review Panel to make a determination if a case moves to a Hearing. The Administrative Representative will attend all Hearings and will be present during Council deliberations. The Administrative Representative does not vote regarding Hearing deliberations. The Administrative Representative is bound to the same confidentiality standards as the Honor Council.

Proceedings

The Chair will open the Hearing by reading into record the charge(s). At this time, the Accused will be required to plead “guilty” or “not guilty.”

The Chief Investigator will then present the results of the investigation and call witnesses with knowledge of the suspected violation. Material Witnesses may include any faculty, staff or students. A Material Witness, including the Reporting Party, should only be present for their testimony; a Material Witness should not be present for the testimony of other witnesses or any other official proceedings. Each Material Witness may present a prepared statement or testimony; after which time, each witness will be subject to questioning by the Accused and the Hearing Committee. The Accused and the Administrative Representative should be present during the presentation of evidence and during all Material Witness testimony, including that of the Reporting Party, if present.

At the request of the Accused or the Hearing Committee, the Chair may suspend the Hearing proceedings for a reasonable period of time to gather additional evidence deemed material to the outcome of the case.

Following the presentation of evidence, the Accused will present the Accused’s defense. The Accused may present a statement to the Hearing Committee and may call witnesses, including as many Material Witnesses as have relevant information and one (1) Character Witness.

A character witness should not speak to the allegations and is limited to answering 1) how long they have known the student, 2) in what capacity they know the student, and 3) what they know about the student's character generally without reference to the case.

The Character Witness may present a prepared statement or testimony; after which time, the Character Witness is subject to questioning by the Hearing Committee. If present, the Accused will be present for the testimony of any witnesses. The Hearing Committee and the Accused will have the opportunity to question all Material Witnesses. After all witnesses have been excused, the Hearing Committee will have the opportunity to question the Accused. Following the conclusion of the defense, the Accused and the Advisor are excused from the Hearing.

If the Accused pled "not guilty" at the beginning of the Hearing, then the Hearing Committee will deliberate and determine, by simple majority vote [e.g. four (4) of the seven (7) voting members of the Hearing Committee], if the Accused is guilty of the charge using the evidentiary standard in Article VII. If the Hearing Committee finds the Accused "not guilty," the Accused and the Advisor will be recalled and the Chair will announce the verdict.

If the Hearing Committee finds the Accused "guilty" or the Accused has already pled "guilty," then the Hearing Committee will determine by majority vote the penalty as outlined in Article VIII below. After the penalty is decided, the Accused and the Advisor will be recalled and the Chair will announce the verdict and penalty.

Following the conclusion of the Hearing, the Chair will inform, in writing, the Accused and the Reporting Party of the verdict and any applicable penalties.

The minutes (including tape recordings) shall be kept on file at the Owen Graduate School of Management for a period of seven (7) years.

ARTICLE VII

Evidentiary standard

The evidentiary standard to be used in determining whether the Accused is guilty or not guilty shall be the preponderance of evidence standard. This standard is defined as whether it is "more likely than not" that the Accused is guilty. More likely than not means that there is greater than a 50 percent likelihood that the Accused is guilty. If there is less than a 50 percent chance that the Accused is guilty then the Accused is declared "Not Guilty based on the preponderance of the evidence."

ARTICLE VIII

Penalties

Penalties given to those declared guilty based on the evidentiary standard described herein will be decided upon by the OGSM Honor Council. Students found not guilty by the OGSM Honor Council will not be subjected to any adverse action by the faculty member in whose class the violation was alleged to occur. In order to guide the penalties students evaluate the Accused

separately on three dimensions: flagrancy, premeditation, and dishonesty. These terms are defined as follows:

- **Flagrancy:** The extent to which the alleged violation is considered a significant breach of the principles set forth in the Honor Code.
- **Premeditation:** The extent to which the alleged violation was undertaken with deliberate and willful intent.
- **Dishonesty:** The extent to which the Accused endeavored not to comply and reported dishonestly in interactions related to the Honor Council, its deliberations, and its investigation.
- Each dimension is separately rated on a five-point scale: Low, Medium-Low, Medium, Medium-High, and High.

The Council shall base its determination of the penalty based on the seriousness of the offense. The Council shall conform to the limits herein set forth below.

1. The presumptive penalty for a first offense is failure in the course. The course may be repeated; however, a note on the student's academic record will state that the student earned an "F" in the course as a result of an Honor Code violation. The academic record maintains a history of academic actions such as withdrawal requests, changes in status, and disciplinary actions. It is a distinct document from the academic transcript, on which such notification shall not appear.
2. In certain circumstances, after reviewing the flagrancy of the violation, the degree of premeditation, and the dishonesty of the Accused throughout the hearing and investigation, the OGSM Honor Council may, at its discretion, reduce the penalty on a first offense to an OGSM Honor Council reprimand with a recommendation of failure on the assignment or increase the penalty to suspension for one or more semesters, or expulsion.
3. The minimum penalty for a second offense is failure in the course and suspension for not less than one mod, and depending upon the severity of the violation, the penalty may be suspension for multiple mods or expulsion. In the case of suspension, the suspension will begin at the end of the module in which the student is convicted or after the completion of the Appellate Review Board's adjudication of the case, whichever is later. The period of the suspension is noted on the academic record.
4. The penalty for a third offense is failure in the course and expulsion. The expulsion is recorded on the student's academic transcript.
5. Penalties must be approved by a vote of four of the seven voting members during a full panel hearing, unless the penalty is expulsion and then five of the seven voting members must approve. The factors that should be considered in deciding the penalty are the following: the flagrancy of the violation, the degree of premeditation, and the dishonesty of the accused throughout the investigation and the hearing. During discussion of penalty for second offense cases, panels may also consider the ratings assigned for the previous violation.

6. Failure to cooperate with the OGSM Honor Council in providing information about an alleged offense shall constitute a violation of University policy.

7. Any student found guilty by the OGSM Honor Council may appeal the verdict to the Vanderbilt University Appellate Review Board in accordance with the information and the standards outlined in the Student Handbook, http://www.vanderbilt.edu/student_handbook/.

ARTICLE IX

Impeachment

Any Owen student may bring a charge to impeach, suspend, or otherwise discipline members of the OGSM Honor Council for negligent or incompetent performance of their responsibilities as OGSM Honor Council members by contacting an OGSM Honor Council officer. Officers of the OGSM Honor Council may make similar charges on their own or on behalf of a member of the faculty, student body, or OGSM Honor Council. The Chair or acting presiding officer shall work with the Office of Student Accountability, Community Standards, & Academic Integrity to appoint two Investigators to investigate the charge, and a seven-member committee to hear the case. A majority of the hearing committee is required to find the member guilty and to impose discipline, including impeachment.

ARTICLE X

Advisor to the Accused

The Accused may elect to have an Advisor present throughout the entire process at the discretion of the Accused. The Advisor must be a Vanderbilt University faculty member, staff member, or student, who does not have any formal legal training and is not related to the Accused. The Advisor may also serve as the Character Witness for the Accused. The Accused may consult with the Advisor throughout the Hearing. The Advisor may not, in their role as Advisor, directly address the Hearing Committee, the Chief Investigator, the Reporting Party, or any witnesses.

Article XI

Absence of the Accused

If the Accused withdraws from the Owen Graduate School of Management before a Hearing has been conducted, that fact shall be recorded by the Honor Council. A letter shall be sent to the Accused stating that the Accused is suspected of an Honor Code violation, that an investigation will be conducted, and that a Hearing will be held to resolve the matter. The Accused may respond as follows:

1. The Accused may return to participate in the Hearing.
2. The Accused may waive the right to appear and send a written, signed statement to be presented on the Accused's behalf at the Hearing.

3. The Accused may waive the right to give testimony and the Hearing may be conducted in the Accused's absence.

The Accused will not be allowed to register or return to OGSM until a Hearing has been completed.

ARTICLE XII

Confidentiality

All members of the Honor Council shall retain strict confidentiality regarding all matters related to past and present case proceedings. The Honor Council may dismiss an Honor Council member at any time for breaching this oath of confidentiality. Ignorance of the provision of confidentiality is not a defense for its breach.

ARTICLE XIII

Amendments

Amendments to these Bylaws require the approval of two-thirds of the members of the OGSM Honor Council.