

Policy Identification Number	
Policy Title	Honor Code
Classification	
Approval Authority	
Responsible Entity	
Policy Owner	
New/Revision/Retired	
Original Effective Date	

## I. Preamble

The Honor Code is the foundation and bulwark of academic integrity at the Medical University of South Carolina (MUSC). Students enter MUSC to become part of a noble profession. An important part of that development is a commitment to the integrity and ethical standards of that profession. The central purpose of the Honor Code is to sustain and protect an environment of mutual respect and trust in which students can enjoy the freedom to develop their intellectual and personal potential. The Honor Code depends upon the willingness of every individual to adhere to the basic principles of academic integrity and agree never to behave unfairly or dishonestly in academic work, or tolerate those who do. Only through a mutual commitment to maintaining this high standard can students at MUSC enjoy the benefits of a community that is marked by honesty and integrity. The Honor Code both promotes and requires an atmosphere of trust in which students tell the truth, live honestly, advance on individual merit, and demonstrate deep respect for others in the academic, clinical, and research communities. The Honor Code is administered by and for the members of the MUSC community, and it depends on cooperation and support from each community member.

## II. Applicability and Dissemination of the Honor Code

Every student at MUSC is bound by the Honor Code, upon acceptance for admission. Each student will be required by his or her College to sign the following statement before the first day of classes:

I, the undersigned, signify that I have read the MUSC Honor Code and hereby pledge my support of the principles set forth therein. I acknowledge that I am

bound by the MUSC Honor Code. I understand what is expected of me as a student at MUSC and realize a claim of ignorance of the Honor Code is not a mitigating factor.

Signed \_\_\_\_\_

Print Name \_\_\_\_\_

The signed pledge will be collected by the appropriate Dean's office (or designated program director) and be kept for the length of the student's enrollment in that College.

At the beginning of the academic year, the entering class will hold a meeting at which one or more Honor Council Representatives will review the Honor Code. It is the responsibility of the Honor Council to ensure that this presentation is thorough and useful to the MUSC community, and to provide a mechanism for answering questions concerning the Honor Code.

The official version of the Honor Code shall be maintained and available to students on MUSC's website at [www.musc.edu/honorcode](http://www.musc.edu/honorcode). The most current version shall also be published in each year's MUSC Bulletin.

### III. Honor Code Scope; Interaction with Other Codes and Rules

#### A. Scope and Application

The Honor Code applies to all aspects of academic integrity at MUSC. Any conduct that adversely affects the integrity of any academic work at MUSC may be found to be a violation of the Honor Code. For purposes of the Honor Code, "academic work" refers to all work or activity that may have a bearing on a student's grade or progress toward a degree, including all academic assignments, all laboratory work, all research, all examinations, all clinical work, and any other aspect of instruction, evaluation, or testing.

#### B. Coordination with Other Rules and Proceedings

Students at MUSC are also subject to other rules and regulations, including but not limited to codes of conduct and standards of professionalism adopted by the University or the student's College; copyright policies and other standards concerning use of intellectual property; research integrity standards; and applicable law. On occasion, the same conduct may be a violation of both the Honor Code and of one or more of these other standards. Honor Council proceedings will not normally be delayed pending other proceedings concerning the same conduct, including external criminal proceedings, although the MUSC Provost may determine in exceptional circumstances that such a delay is appropriate. Determinations made or sanctions imposed under the Honor Code will not be subject to change because of the outcome of any other proceeding.

#### C. Reporting by Faculty

Faculty members who suspect that conduct constituting a violation of the Honor Code occurred in academic work overseen by them are required to immediately report the violation to the Honor Council. The matter will be handled in accordance with MUSC's Honor Code, rather than direct action by the faculty member. The faculty will honor the decision and sanction imposed by the Honor Council related to the suspected violation. The faculty retain the responsibility for assessing the quality of the academic work using an objective assessment. If the Honor Council determines no violation occurred the objective grade for the assignment will be upheld.

#### IV. Violations of the Honor Code

Conduct adversely affecting the integrity of any academic work at or for MUSC violates the Honor Code. While this Honor Code cannot spell out every possible offense, the following examples are intended to describe the primary categories of Honor Code violations and to assist in interpreting the standard of "adversely affecting the integrity of academic work."

- A. Plagiarism, defined as presenting the words, work, processes, or ideas of another as one's own in academic work, without proper acknowledgement of the source. Examples include doing the following without proper acknowledgement of the source: copying or closely paraphrasing text or distinctive nomenclature; using facts, figures, graphs, charts or other information or presentations of information; submission of academic work prepared in whole or in part by someone else (including a commercial vendor).

- B. Cheating, defined as the giving or receiving of unauthorized aid in academic work, and any attempt to gain an unfair advantage in academic work. Examples include copying another student's work; unauthorized use of notes or devices; unauthorized possession, dissemination, or use of examination questions or similar materials such as prior examinations; soliciting, giving, or receiving unauthorized aid.
- C. Unauthorized Group Work, defined as collaboration with any other person on academic work, where such collaboration is not permitted.
- D. Multiple Submission, defined as submitting the same academic work for credit more than once, without authorization.
- E. Falsification of Results, defined as the fabrication or alteration of research or laboratory results.
- F. Tampering with Academic Records or Materials, defined as making pertinent academic materials unavailable to others; altering or tampering with grades, academic or attendance records, or examinations; and/or altering, damaging, or interfering with notes or laboratory or similar experiments or projects.
- G. Deceit, defined as making untrue or deceitful statements to obtain an advantage in academic work. Examples include misleading others in order to obtain unauthorized answers or materials for academic work, and untruth concerning attendance at classes or other course-related events. "Deceit" also includes any untrue statement in connection with an Honor Code investigation or proceeding.
- H. Attempt, defined as an attempt to commit an act that would violate the Honor Code.
- I. Failure to Report, defined as failing to report a known violation of the Honor Code.

## V. The Honor Council at MUSC

### A. Purpose and Organization

The goal of the Honor Council is to instill and maintain a culture of honor and academic integrity at MUSC. The Honor Council is responsible for educating members of the MUSC community on the meaning and importance of the Honor Code, and for promoting and exhibiting high standards of character and professional ethics. Creation and maintenance of a culture of honor requires the personal involvement and commitment of all members of the MUSC community – students, faculty, administrators, and others who participate in the life of the University. The Honor Council is also responsible for administering the process for determining responsibility for alleged infractions of the Honor Code, as set forth in this document. This includes investigating reported infractions and conducting hearings. In addition, the Honor Council is responsible for ensuring that the Honor process remains vital and responsive. The Honor Council is responsible for identifying issues and trends surrounding the Honor Code and the hearing process, for facilitating the sharing of ideas and insights concerning the Honor process gained from experiences throughout MUSC, and for taking the lead in proposing needed changes to the Honor Code. The Honor Council shall develop and periodically update training materials concerning the Honor Process for Honor Council Representatives and for the entire MUSC community.

#### B. Composition

The Honor Council shall be composed of Student Representatives and Faculty Representatives (together, the “Representatives”), each of whom shall be eligible to vote in all Honor Council meetings and to sit as voting members of Hearing Panels selected for resolution of reported violations. The Honor Council shall also have Faculty Advisors, who will have voice and vote in Honor Council meetings, and who act as neutral advisors in proceedings for the resolution of reported violations.

Each College within the University shall select the following to serve on the Honor Council for a given academic year: (i) at least six but not more than twelve Student Representatives; (ii) at least two but not more than four Faculty Representatives; and (iii) one Faculty Advisor.

In addition, MUSC’s Provost or the Provost’s designee may appoint one or more University Advisors who will have voice but no vote in Honor Council meetings and in Appeal Panel meetings.

## C. Selection and Terms of Service

### Student Representatives

Each College will develop and administer specific guidelines, consistent with the provisions of this Honor Code, for the election by that College's students of that College's Student Representatives to the Honor Council. A College may determine whether to allocate one or more Student Representative positions to specific programs within the College. The election guidelines shall include specification of the term of office. It is permissible, but not required, for Student Representatives to be elected near the beginning of their first academic term at MUSC, for a term equal to their entire expected enrollment. The guidelines shall also specify a procedure, in the event a Student Representative does not complete his or her term, for selection of a successor Student Representative to complete the remainder of the term.

### Faculty Representatives

The Dean of each College appoints Faculty Representatives to the Honor Council. Such appointments shall occur in or around April, to select Faculty Representatives for the coming academic year. Faculty Representatives must be full-time faculty members of the College in question. Faculty Representatives serve a three-year term, except that the Dean may make shorter appointments to create staggered terms, and Faculty Representatives may serve multiple consecutive terms. In the event a Faculty Representative does not complete his or her term, the Dean shall appoint a replacement to serve the remainder of the term.

### Faculty Advisors

The Dean of each College appoints one Faculty Advisor to the Honor Council. Such appointments shall occur in or around April of the academic year preceding the academic year when the appointment in question shall commence. Faculty Advisors must be full-time faculty members of the College in question. Faculty Advisors serve a three-year term, and may serve multiple consecutive terms. In the event a Faculty Advisor does not complete his or her term, the Dean shall appoint a replacement to serve the remainder of the term.

### University Advisors

The Provost or the Provost's designee appoints one or more University Advisors. Such appointments shall occur in or around April of the academic year preceding the academic year when the appointment in question shall commence. University Advisors must be either full-time faculty members or full-time members of MUSC's administration. University Advisors serve a three-year term, and may serve multiple consecutive terms.

### Removal of Representatives and Advisors

A Student Representative who leaves MUSC for any reason, misses two or more meetings or assigned hearings in an academic year without an appropriate excuse (as determined by the President), fails to undergo Honor Council training, is placed on professional or academic probation, or is found to have violated the Honor Code will be automatically removed from the Honor Council. Further, Student Representatives can be removed from the Honor Council by a two-thirds majority vote of the Honor Council.

The Dean of the College in question may remove any Faculty Representative or Faculty Advisor from that College.

The Provost, or the Provost's designee charged with appointing University Advisors, may remove any University Advisor to the Honor Council.

## D. Officers

The Honor Council officers are a President, an Executive Vice President, and six Vice Presidents (one Vice President from each College). These officers, all of whom serve on the Executive Committee of the Honor Council, are elected from among the Student Representatives by a simple majority of the current Student Representatives present and voting at a meeting called for that purpose. All of these officers shall have at least one year of experience on the Honor Council before taking office.

### President

The President presides at all meetings of the Honor Council and performs all duties common to this office. The President is responsible for overseeing all Honor Council activities and ensuring that all required steps of the process

have been delegated to a member of the Honor Council and carried out. The President may appoint committees from among the Representatives and Faculty Advisors as appropriate.

The President administers the following oath to new Student and Faculty Representatives, Faculty Advisors, and University Advisors:

I do solemnly promise to uphold the MUSC Honor Code and the policies of the Honor Council, to safeguard the confidentiality of Honor Council proceedings, and to perform the duties of my office to the best of my ability.

#### Executive Vice President

The Executive Vice President assumes the duties of the President in the event of the President's absence or incapacity.

#### Vice Presidents

The Honor Council shall elect one Vice President from each College of MUSC.

#### Executive Committee

The Executive Committee consists of the President, the Executive Vice President, and the Vice Presidents. The members of the Executive Committee shall serve as advisors and resources to all members of the Honor Council concerning the Honor Code and Honor Code processes. The Chair of each Formal Hearing Panel shall be appointed by the President from among the members of the Executive Committee, except that the President shall not Chair a Formal Hearing Panel. The appointed Chair shall be a student in the College of the Student in Question, unless all students on the Executive Committee from that College are unavailable, or prevented from serving by a conflict of interest, bias, or some other extraordinary circumstance. The Executive Committee, after obtaining advice from the Faculty Advisors, shall make a formal recommendation to the Honor Council on any proposed amendments to this Honor Code.

The term of each student officer position is one academic year. Officers may serve two or more consecutive terms, if elected.



#### E. Role of Faculty Representatives

The primary role of Faculty Representatives is service as voting members on Reasonable Cause Panels and on Hearing Panels for Formal Hearings.

Faculty Representatives may also attend all meetings of the Honor Council, and may vote in such meetings on all matters other than election of officers. However, Faculty Representatives are not required to attend Honor Counsel meetings, and Faculty Representatives are not considered for purposes of determining a quorum at Honor Council meetings.

#### F. Role of Faculty Advisors

Faculty Advisors occupy a unique role within the Honor system. They are expected to remain neutral and to offer unbiased advice and sound judgment and wisdom to all participants in the system, with the goal of promoting and protecting the core aim of academic integrity at MUSC. For this reason, those selected to serve as Faculty Advisors should normally have previous experience with the Honor system, as well as a firm commitment to MUSC and to the Honor Code.

Faculty Advisors attend all meetings of the Honor Council, and may speak and vote in such meetings on all matters other than election of officers. Faculty Advisors are included for purposes of determining a quorum at Honor Council meetings.

One Faculty Advisor will be appointed as the Faculty Advisor for the matter whenever there is a report of a possible violation. The Faculty Advisor appointed for the matter will be from the College of the Student in Question, unless unavailable, or prevented from serving by a conflict of interest or some other extraordinary circumstance. The Faculty Advisor appointed for the matter will be available to all parties for consultation, and will attend the Formal Hearing in an advisory capacity. The Faculty Advisor at the Formal Hearing does not have a vote, but may provide advice on procedure, including during deliberations. The Faculty Advisor will not provide advice or express opinions on whether the Student in Question violated the Honor Code, nor on the appropriate sanction.

The Faculty Advisor appointed for the matter will preside over the Reasonable Cause Conference for that matter, unless unavailable.

Faculty Advisors serve generally as a resource for Honor Council Representatives, including Investigators, who may consult with the Faculty Advisors concerning Honor Council duties and procedures.

Faculty Advisors are expected to serve as liaisons between the Deans of the Colleges and the Honor Council, to ensure clear communications.

Faculty Advisors shall also be available and identified as a resource for students with questions or concerns about the Honor Code. This includes students who are considering reporting a possible Honor Code violation, as well as students who have been reported for a suspected violation.

Faculty Advisors shall be available to such students at any time during the process, but a Faculty Advisor consulted by a Student in Question shall not serve as an advocate for the student, and should caution the Student in Question that the Faculty Advisor is neutral and impartial, and so may also be consulted by Investigators or Hearing Panel members on the matter. While Faculty Advisors should exercise discretion in conveying information they receive during the Honor Process, communications to a Faculty Advisor are not confidential.

#### G. Role of University Advisors

University Advisors attend all meetings of the Honor Council, with voice but no vote. However, University Advisors are not considered for purposes of determining a quorum at Honor Council meetings.

University Advisors attend meetings of Appeal Panels, with voice but no vote. University Advisors are responsible for retention and custody of documents of the Honor Council.

#### H. Role of MUSC's General Counsel

The General Counsel of MUSC or the General Counsel's designee is available to the Honor Council for consultation, including interpretation of this Honor Code and provision of relevant legal advice. The General Counsel or designee may

attend any meeting or hearing provided for in this Honor Code to provide appropriate legal advice.

#### I. Meetings

The provisions of this subsection relate to all meetings of the Honor Council as a body. They do not apply to the procedures for resolution of reported violations of the Honor Code, which are addressed in the following section.

1. Each April, the sitting Honor Council President shall call a meeting to elect Honor Council officers (President, Executive Vice President, Vice Presidents) for the coming academic year, and to conduct such other business as may be before the Honor Council.
2. At the beginning of each of the fall term and the spring term, soon after each College has completed Student Representative elections, the President shall call a meeting of the Honor Council to (i) induct the new Student and Faculty Representatives and Faculty Advisors and familiarize them with the functions of the Honor Council; (ii) to receive and discuss the report on reported violations during the previous semester, as described hereinafter; and (iii) to conduct such other business as may be before the Honor Council. New Representatives and Faculty Advisors may be inducted before they undergo training, but may not participate in a Reasonable Cause Panel or a Formal Hearing Panel until they have been trained.
3. For each term, the Executive Vice President during that term shall provide to the Honor Council a written report of all final dispositions during that semester of reported violations of the Honor Code, for discussion at a meeting at the beginning of the following term. The report shall describe the reported violation, identify the College of the Student in Question, state whether the matter went to a Formal Hearing, and describe the determination and sanction. All names are to be redacted from this report. This report shall be maintained by or within the University Provost's office, or in such other appropriate location as may be determined from time to time by the University Advisors, for use in training, analysis, and establishing guidelines for panels in selecting sanctions.

4. After the Honor Council has reviewed this report, the Executive Vice President shall prepare a summary that provides in aggregate the number of reported violations, the number of hearings, and the number of violations found. This aggregate report shall not contain names and shall not identify the College in which each reported violation occurred. The Executive Vice President shall post this aggregate report to an appropriately secure site accessible to the MUSC community.
5. Additional meetings may be called, with ten days' notice, by the President, by any three members of the Executive Committee, or by any five Representatives.
6. A quorum is present if the aggregate number of Student Representatives and Faculty Advisors present at the meeting equals one-half or more of the total aggregate number of Student Representatives and Faculty Advisors serving on the Honor Council. Honor Council meetings are closed to all persons other than Representatives, Faculty Advisors, University Advisors, and MUSC's General Counsel as appropriate.
7. From time to time as appropriate, the Honor Council shall discuss and make recommendations concerning training of Honor Council Representatives and Faculty Advisors, education of the University community concerning the Honor system, creation of training materials and forms for Honor Council use, and changes to Honor Council procedures or this Honor Code. The President may appoint committees from among the Representatives and Faculty Advisors to study and make recommendations regarding any such matters. The Executive Committee, with the advice of the Faculty Advisors, shall make a formal recommendation to the Honor Council regarding any proposed amendment to the Honor Code.

#### J. Training

The Honor Council shall provide training as needed for new Representatives. Representatives must complete a training session before serving on a Reasonable Cause Panel or a Formal Hearing Panel. Training will normally be provided once or twice per academic year, preferably near the beginning of an academic term.

#### K. Document Retention and Custody

The University Advisors are responsible for the retention and custody of documents relevant to the Honor process, including any documents specified for retention in this Honor Code, and other relevant documents as determined by the University Advisors. The University Advisors shall have discretion to select a location and medium for storage of such documents and, in consultation with MUSC's General Counsel, shall determine retention periods and destruction protocols. Documents related to resolution of reported violations shall be retained for the longest of (i) three years; (ii) the duration of the student's enrollment at MUSC; or (iii) any retention period imposed by MUSC or the Provost. Records related to reported violations shall be treated as confidential, and shall be shredded or otherwise rendered inaccessible when the retention period is over. Examples of documents to be retained by the University Advisors for the Honor Council include meeting minutes, reports on handling of reported violations, records of amendments to this Honor Code, training materials and other guides for students and/or Honor Council Representatives and Advisors, and records of resolution of reported violations.

### VI. Procedures for Resolving Reported Violations of the Honor Code

#### A. General Principles Governing the Resolution of Reported Violations

1. Proceedings are not adversarial, and shall be conducted in a manner that preserves the educational tone of the proceedings and furthers the purposes of the Honor Code.
2. The Student in Question is presumed not to have committed a violation, unless the evidence presented at the hearing makes it appear more probable than not that the student violated the Honor Code.
3. Reports of violations of the Honor Code should be resolved promptly. All parties shall use their best efforts to meet the timeframes set forth herein for resolution of a reported violation. However, with the exception of the deadlines for filing an appeal of a determination by a Hearing Panel and for petitioning the Select Panel to review the determination of an Appeal Panel, the time requirements are guidelines only. Due to the nature of MUSC's environment, some delays may be unavoidable. The Honor Council President or the Chair of the Hearing Panel shall allow reasonable extensions in light of this environment, with the goal of promoting both fairness, consideration to all

participants, and prompt resolution. Delays will not normally provide grounds for dismissal of the report of the violation. Only gross and inexcusable delays, which are solely the fault of the Honor Council, may serve as grounds for dismissal. A request for dismissal on such grounds must be made in writing to the Dean of the College of the Student in Question, who shall have the sole authority to grant such a dismissal. Similarly, the failure of the Student in Question to meet a reasonable schedule set by the Honor Council President may provide grounds to proceed to the next step of the process, with or without that student's participation.

4. Whenever a time period is given in "working days," calculation of the time period shall exclude weekends and holidays recognized by MUSC. However, absent extraordinary circumstances as determined by the President of the Honor Council, non-holiday weekdays after the end of the term shall count as working days, so that a matter commenced during a given academic term should not normally be stayed until the beginning of the following term.
5. In making appointments at every stage of the proceedings (including appointing the Chair, Faculty Advisor, Investigators, Reasonable Cause Panel, Hearing Panel, and Appeal Panel), the President shall take reasonable steps to avoid any conflict of interest or appearance of bias or impropriety, and to ensure that such roles are rotated equitably among the Honor Council.
6. All participants in the Honor Code process shall maintain confidentiality to the maximum extent possible. Absolute confidentiality is not possible, as witnesses must be identified and interviewed, and others in the MUSC community may have a legitimate need to know about a matter. All aspects of the written record received or maintained by the Honor Council shall be treated as confidential, except for documents that are otherwise generally available. All proceedings of the Honor Council, including the Reasonable Cause Conference, the Formal Hearing, and any hearing on appeal, are closed to persons other than those specified in the Honor Code, unless the President of the Honor Council or the Chair of the particular proceeding makes an exception for good cause. Other than recordings specified in this Honor Code, no person may make an audio or video recording of any Honor Council proceeding. Witnesses and other participants are not to discuss the proceeding or

- their testimony. Representatives of the Honor Council shall not discuss pending or resolved cases with persons outside the Honor Code process who have no legitimate need to know about a matter. It is also recognized that some participants in, and some aspects of, the Honor Code process may be subject to laws concerning disclosure or confidentiality, such as the Family Educational Rights and Privacy Act (“FERPA”) and the South Carolina Freedom of Information Act (“FOIA”).
7. All notices and communications provided for herein may be delivered either electronically or on paper.

#### B. Reporting an Infraction

The Honor Council will not act on an alleged infraction without a formal report. Such a formal report must be in writing, signed by the person making the report, and delivered to a Representative of the Honor Council, who will provide the report to the President of the Honor Council. The report shall contain at least the following information:

1. Name of the person believed to have violated the Honor Code (herein, the “Student in Question”).
2. Description of the alleged violation, including time, date, and location.
3. Description of the reporting person’s knowledge of the events.
4. Identification of other witnesses and potential evidence.

The Honor Council will take reasonable steps to maintain the confidentiality of the report, recognizing that investigation will inevitably require some disclosure of the reported violation, including disclosure in some form to the Student in Question.

The reporting person should refrain from discussing any aspect of the report with persons not connected with the Honor Council proceeding.

If a possible violation of the Honor Code is reported to the Honor Council after the Student in Question has been awarded a degree, the President of the Honor Council shall inform the University Provost of the report.

#### C. Appointment of Chair and Faculty Advisor

Within one working day of receipt of a report of a possible violation, the President shall appoint a Chair of the Hearing Panel (the “Chair”) for the matter from among the Executive Vice President and the Vice Presidents. The President shall also designate a Faculty Advisor for the matter; the Chair and the Faculty Advisor will be from the College of the Student in Question (or one of the student’s Colleges if the student is pursuing a joint degree), unless one or both is unavailable or has a conflict of interest, or there is some other extraordinary circumstance making such appointments impracticable.

If the Faculty Advisor for the matter is not the Faculty Advisor from the College of the Student in Question, the President shall also notify the Faculty Advisor for the College or Colleges (if the student is pursuing a joint degree) of the Student in Question.

The Faculty Advisor for the matter will notify the Dean of the affected College or Colleges of the report, without including any details of the case other than the reported student’s name, to allow coordination of any other relevant proceedings.

#### D. Notification of Student in Question

Within two working days of his or her appointment as Chair, the Chair shall notify the Student in Question, in writing, of the substance of the alleged violation. This notification shall inform the

Student in Question that a Reasonable Cause Conference will be set after completion of the investigation. The notification shall refer the Student in Question to this Honor Code for a full statement of procedures, and shall provide the online address of this Honor Code. The notification shall state that only the President, the Chair, or the Faculty Advisor appointed to the matter is authorized to respond on behalf of the Honor Council to questions from the Student in Question about the process.

Notwithstanding the foregoing, if the report relates to research integrity, MUSC’s policy on research integrity must be followed. Whenever research integrity may be involved in a report, the Chair shall notify and coordinate with MUSC’s Research Integrity Officer. Research integrity policies may in certain circumstances (in compliance with federal law) require sequestering of the



data before any notification takes place. In such cases, notification shall take place promptly after sequestration of data is complete.

#### E. Investigation

Upon receipt of a report of a possible violation, the President shall appoint two Investigators from among the Student Representatives of the Honor Council.

The Investigators are responsible for collecting available evidence, interviewing witnesses, obtaining signed witness statements from witnesses unavailable to appear at a hearing, and interviewing the Student in Question. (As noted below, absent extraordinary circumstances evidence at a Formal Hearing should come either from witnesses or in the form of signed witness statements, plus any documents, recordings, or other exhibits.) Investigators will remind all interviewed witnesses to maintain confidentiality regarding the matter. Investigators should also remind witnesses that the Student in Question will be informed of the investigation and of the evidence discovered, including any written witness statements. The Student in Question is not required to discuss the matter with the Investigators, and the Student in Question's decision not to respond to Investigators will not be considered evidence of a violation.

The Investigators will be responsible for presenting findings during the Reasonable Cause Conference and presenting evidence and witnesses at any Formal Hearing. The goal of the Investigators shall be to uncover the truth and to protect MUSC's Honor Code. The Investigators are not prosecutors, but advocates for the Honor System.

If, at any point in the process, an Investigator is determined to have a bias or conflict of interest, the President shall remove that Investigator and appoint a replacement.

#### F. Procedure Upon Student's Withdrawal

Proceedings under the Honor Code will normally proceed to resolution if the Student in Question has withdrawn from the University. However, the President of the Honor Council may terminate proceedings before resolution if the President determines there is no reason to complete the process.

Withdrawal from the course in which the reported conduct occurred will not be grounds to halt proceedings.

#### G. Reasonable Cause Conference

After completion of the investigation, the Chair shall set a Reasonable Cause Conference and notify the Student in Question. Normally, the Reasonable Cause Conference will take place within seven working days of appointment of the Investigators. The Chair may extend this period. The purpose of the Reasonable Cause Conference is to determine whether the investigation indicates that a reasonable person could conclude that the Student in Question engaged in conduct constituting a violation of the Honor Code, thus warranting a Formal Hearing before a Hearing Panel of the Honor Council.

The President shall appoint a Reasonable Cause Panel, consisting of three voting Representatives, plus the Faculty Advisor previously appointed to the matter (or a substitute Faculty Advisor, if the appointed Faculty Advisor is unavailable). The Faculty advisor shall preside over the Reasonable Cause Conference but shall not vote or express an opinion on the merits of the matter. The three voting Representatives shall be one Faculty Representative and two Student Representatives, who shall not include (i) the Chair previously appointed by the President for the entire matter; (ii) the Investigators; (iii) the Student in Question, if a Representative of the Honor Council; or (iv) any Representative who is a witness in the proceeding.

At the Reasonable Cause Conference, the Investigators will present a balanced summary of the results of their investigation, including any evidence suggesting no violation occurred. The Reasonable Cause Conference is not a full hearing, and it will normally proceed on the basis of the Investigators' report of the investigation; witnesses will not appear, and the Investigators are not required to present all witness statements. No record or recording of the Reasonable Cause Conference shall be made or retained.

The Student in Question may be present at the Reasonable Cause Conference. The Student in Question is allowed to make a statement in the Reasonable Cause Conference after the Investigators' presentation but is not required to do so. The Student in Question does not have the right to bring an advisor to the Reasonable Cause Conference, as the purpose of the Reasonable Cause

Conference is not to establish responsibility, but simply to determine whether sufficient evidence exists to proceed to a Formal Hearing.

Following presentations and statements, the Student in Question and the investigators will leave the Conference and the Reasonable Cause Panel will deliberate and vote. If any one of the three Representatives votes in favor of proceeding, the matter will proceed to a Formal Hearing.

The Faculty Advisor for the Reasonable Cause Conference will promptly notify the Chair, the President of the Honor Council, and the Dean of the College or Colleges in question of the outcome of the vote. The Chair shall inform the Student in Question of the outcome of the vote, in writing, within three working days of the Reasonable Cause Conference.

If the matter was dismissed by the Reasonable Cause Conference, the Chair shall gather all materials related to the investigation and forward them to the University Advisors for retention in accordance with the provisions of this Honor Code.

If the matter was not dismissed by the Reasonable Cause Conference, the Investigators shall retain all materials related to the investigation, and the matter shall proceed as set forth hereinafter.

#### H. Acceptance of Responsibility by the Student

If the Student in Question acknowledges violating the Honor Code in the manner specified, the matter shall proceed to a hearing for the purpose of determining a sanction only.

#### I. Prehearing Procedures

1. Notice to Student in Question. The Chair's written notice to the Student in Question that the matter will proceed to a Formal Hearing shall include the date of the Formal Hearing, which shall normally be within ten working days of this notice, the location of the Formal Hearing, a concise summary of the charges, and a reminder that the Formal Hearing will proceed even if the Student in Question does not appear. The notification shall also provide the Student in Question with a list of Honor Council Representatives

selected for the Hearing Panel, to give the student the opportunity to identify potential conflicts of interest or bias.

2. Appointment of Hearing Panel. Promptly after the President is notified that the Reasonable Cause Conference resulted in reference for a Formal Hearing, the President shall appoint and identify to the Chair six additional Representatives of the Honor Council, to serve with the Chair as the Hearing Panel to conduct the Formal Hearing. The Hearing Panel shall consist of five Student Representatives (including the Chair), with at least two from the College of the Student in Question (counting the Chair if from that College), and two Faculty Representatives, with at least one from the College of the Student in Question. The requirement of Representatives from the College of the Student in Question is waived to the extent that unavailability, conflicts, bias, or other extraordinary circumstances prevent satisfaction of that requirement. If the Student in Question is pursuing a joint degree, the two Student Representatives and one Faculty Representative to be selected from the student's College may be selected from either or both of the Colleges of the joint degree. The Hearing Panel shall not include (i) any Representative who served as an Investigator in the matter; (ii) any Representative who served on the Reasonable Cause Panel; (iii) the Student in Question, if a Representative of the Honor Council; or (iv) any Representative who is a witness in the proceeding. A Representative who is appointed to a Hearing Panel shall promptly notify the President if that Representative concludes for any reason that he or she cannot provide a fair hearing of the matter, so that the President may appoint a replacement.
3. Reported Violations Involving Two or More Students. If it is determined there is Reasonable Cause for two or more students to go to Formal Hearings for reported violations that involve some of the same facts or conduct, the President will decide whether the matters will be referred to a single Hearing Panel or to multiple Hearing Panels. If such a matter is referred to a single Hearing Panel, the Chair will decide whether the matters will be resolved in a single Formal Hearing, or in multiple Formal Hearings.

4. Option to Be Excused from Academic Work. If a matter is sent to a Formal Hearing, the Student in Question shall have the option of being excused from any tests, assignments, clinical work, or examinations from receipt of such notice through conclusion of the Formal Hearing. While reasonable efforts will be made to avoid having exercise of this option affect the Student in Question's progress, the academic progress committee (or program level director in the absence of an academic progress committee) of the student's College shall have full and absolute discretion to determine whether and to what extent any such decision not to participate in academic work will delay the Student in Question's academic progress.
5. Removal from Certain Activities. At the discretion of the Dean or Deans of the College of the Student in Question, that student may be removed from some or all classes and/or clinical work for a period commencing at any time after the report of the suspected violation until 48 hours following notification of the decision of the Formal Hearing Panel (or the decision of the Reasonable Cause Panel if the matter does not proceed to a Formal Hearing) if the Dean determines that such participation creates a reasonable risk of danger to patients, faculty, other students, or the University. In making such a removal decision, the Dean shall inform the Student in Question of the reasons for the planned action and shall give the Student in Question an opportunity to provide a response. In cases in which the Dean determines that health or safety concerns make this exchange impracticable before the removal decision is implemented, the Dean shall inform the Student in Question of the reasons and allow the Student in Question to respond as soon after removal as is practicable.
6. Adequate Time to Prepare. The Student in Question will be given reasonable and adequate time to prepare for the Formal Hearing. If the Student in Question wishes additional time to prepare, the student shall make such request in writing to the Chair of the Hearing Panel, who shall rule upon it promptly.
7. Materials. The Chair shall coordinate with the Investigators on the matter to provide the Student in Question with the following materials at least 72 hours prior to commencement of the Formal Hearing: (i) copies of all documents, including witness statements, that may be presented at the

Formal Hearing; (ii) identification of all witnesses who may be called by the Investigators, with a reasonable summary of the expected testimony of each; (iii) access to any documents or non-documentary evidence that may be presented at the Formal Hearing. Any documents that constitute the “education records” (as that term is defined under FERPA) of a student other than the Student in Question shall be redacted to remove such students’ names and other identifying information before being provided to the Student in Question, while ensuring that the Student in Question is not unfairly disadvantaged by the removal of names of witnesses. The Chair and the Investigators should consult with the General Counsel of MUSC as needed to make such determinations. The Student in Question shall treat all information provided under this paragraph as confidential, disclosing it only to advisors and witnesses, after directing such persons to keep the materials confidential.

8. Witnesses. Both the Student in Question and the Investigators may call witnesses to the Formal Hearing. Members of the MUSC community are expected to cooperate with such requests, as part of their obligations under the Honor Code; the Chair or the President will remind such witnesses of this obligation if required.

Signed witness statements may be presented in the Formal Hearing in lieu of live testimony. The person calling a witness (the Student in Question or the Investigators) is responsible for notifying his or her witnesses of the time and location of the Formal Hearing. The Student in Question will provide a written list of all witnesses he or she will call to the Chair at least 48 hours prior to the Formal Hearing.

Absent a showing of extraordinary circumstances, the Student in Question will be limited to four character witnesses (that is, witnesses whose testimony does not relate to whether the Student in Question violated the Honor Code).

#### Potential Bias

At least 48 hours prior to the Formal Hearing, the Student in Question shall identify in writing to the President of the Honor Council any members of the Hearing Panel whom the Student in Question believes are biased, have a

conflict of interest, or are otherwise unable to provide a fair hearing. This statement shall include the reasons that the disqualification of each such Representative is sought. The President shall review this statement and shall remove from the Hearing Panel, and appoint a replacement for, any Representatives whom the President concludes cannot provide a fair hearing. Any replacement Representative shall be promptly identified to the Student in Question.

#### Determination by Faculty Advisor of Prior Violations and Sanctions

Before the Formal Hearing, the Faculty Advisor appointed to the matter shall determine whether the Student in Question had previously been determined to have violated the Honor Code. The Faculty Advisor shall not provide that information to the Hearing Panel before the Sanctions Phase of the Formal Hearing.

#### J. Formal Hearing

1. Timing. The Formal Hearing by the Hearing Panel will normally take place within ten working days of notification of the Student in Question of the results of the Reasonable Cause Conference. This time limit may be extended by the Chair of the Panel for good cause.
2. Participation of Panel and Quorum.  
All members of the Hearing Panel are expected to participate in the Formal Hearing. A quorum, consisting of at least four Student Representatives (including the Chair) and one Faculty Representative, is required in order to begin a Formal Hearing. Once present, Hearing Panel members shall remain present for the entire Formal Hearing, and must do so in order to vote. A Faculty Advisor must also be present. If the appointed Faculty Advisor is not able to participate in the Formal Hearing, the President may designate a replacement from among the Faculty Advisors to the Honor Council.
3. Participation by Video Conference. Up to two Representatives may participate in the Formal Hearing by video conference, provided that the technology is approved by MUSC and allows all persons participating to communicate concurrently with one another and to participate effectively, allows the Representative participating remotely to see witnesses, and

allows those physically present at the Formal Hearing to see the remote participants. Unless the Chair is a distance student and unable to attend, the Chair should not participate in a Formal Hearing by video conference. The Faculty Advisor should not participate in a Formal Hearing by video conference. The Student in Question may choose whether to participate by video conference or in person, unless the exercise of that choice has the effect of unduly delaying the Formal Hearing. Witnesses may appear by video conference if they have good reason to do so, as determined by the Chair.

4. Recording. An audio recording and transcription of all portions of the Formal Hearing other than the Hearing Panel's deliberation shall be made. All hearings will be transcribed by a stenographer present during the hearing at the cost of the College of the Student in Question. The official case file will have one transcribed copy of the hearing. The recording and transcription shall be delivered to the University Advisors for retention as provided herein, along with other documentation related to the matter. No other person may record any portion of the Formal Hearing, or any other proceeding hereunder. The recording will be destroyed upon receipt of the official stenographer's transcription of the hearing and after the time for appeal is over.
5. Presence of the Student in Question; Advisors. The Student in Question is not required to participate in the Formal Hearing or to testify or present evidence. The decision of the Student in Question not to participate, or not to testify, will not be construed as an admission of a violation. However, such a decision shall not prevent the Formal Hearing from proceeding. In that event, a plea of "no violation" is entered for the Student in Question, and the Formal Hearing shall proceed.

Once present, the Student in Question is expected to remain present throughout the hearing. But that student's decision to leave will not prevent completion of the Formal Hearing.

The Student in Question has the right to be accompanied by one advisor of their choice who will serve as an consultant for the students. The advisor is a



current member of the MUSC community (for example a faculty member, currently enrolled student, or administrator).

Honor Council hearings are student-driven proceedings and, as such, attorneys are not permitted in the hearing to represent or advise the Student in Question. The student may confer with their advisor during the Formal Hearing, but the Student in Question's advisor may not address the Hearing Panel or pose questions to witnesses. The Chair may instruct the Student in Question to consult with the advisor only during certain times, or may otherwise restrict consultation, if consultation with the advisor is unduly delaying the proceedings.

### Role of the Chair

The Chair of the Hearing Panel presides over the Formal Hearing, rules on issues of admissibility of evidence, decides appropriateness of questioning, and otherwise controls the proceeding.

In presiding over the Formal Hearing, the Chair shall ensure decorum, and the opportunity for the Student in Question to present a reasonable defense. Formal rules of evidence do not apply to the Formal Hearing, but the Chair may exclude evidence or argument that is not likely to be trustworthy, that is cumulative, or that is unduly abusive or disruptive without probative impact. Signed witness statements may be considered.

When the Chair convenes the Formal Hearing, the Chair shall instruct all participants in their respective roles and charge all participants to maintain strict confidentiality concerning the matter.

The Chair administers the following pledge to each person presenting testimony during the Formal Hearing, immediately prior to his or her testimony:

"I, \_\_\_\_\_, will tell the truth in relation to the inquiry about which I am to give testimony. I further affirm that all matters relative to this hearing shall be held in strictest confidence."

### Two Phases of the Hearing

The Formal Hearing shall be divided into two phases: a Determination Phase, focused on whether the Student in Question violated the Honor Code, and a Sanction Phase, focused on the appropriate sanction.

1. The Determination Phase Reading of Charges. The Hearing Panel Chair commences the Formal Hearing by reading aloud a statement of the violations alleged to have been committed by the Student in Question.
2. Plea. The Student in Question replies to the statement by acknowledging the violations or by pleading “no violation.”

If the Student in Question acknowledges all of the alleged violations, the hearing shall proceed directly to the Sanctions Phase.

Otherwise, the Determination Phase shall proceed.

### Opening Statements

The Investigators will present an opening statement outlining the information gathered and conclusions drawn in their investigation. The Student in Question may then make an opening statement. Presentation of Evidence. After opening statements are concluded, the Investigators will present evidence concerning the reported violation. Normally, evidence shall consist of live witnesses, signed witness statements (including electronic signatures), and other documentary or non-documentary evidence that the Chair determines is reasonably reliable. Normally, Investigator summaries of the investigation will not constitute evidence, except as to background or undisputed points. However, the Formal Hearing is not bound by rules of evidence, and the Chair may make exceptions and admit other forms of evidence, offered by Investigators or by the Student in Question, when the Chair determines such evidence is reasonably reliable and the exception is appropriate. The Student in Question will have the right to ask questions of all witnesses presented.

After the Investigators have presented all of their evidence, the Student in Question may present evidence, including live witnesses, signed witness statements, and other documentary and non-documentary evidence. The Student in Question may testify.

Witnesses will normally be admitted to the hearing only to testify, and will leave after testifying. Members of the Hearing Panel may question witnesses, and may direct questions to the Investigators.

Evidence that the Student in Question has been found responsible in the past for a separate violation of the Honor Code or any similar rule or regulation, provided that the violation is not relevant to the alleged violation at issue, shall not be admitted during the Determination Phase. Similarly, character witnesses, penalties imposed by a professor, and other evidence not related to whether a violation occurred should not be presented during the Determination Phase.

#### Closing Statements

The Investigators will make a closing statement, after which the Student in Question may make a closing statement.

#### Deliberations and Vote

After closing statements, the Hearing Panel will retire to discuss and decide the case. These discussions will not be recorded. The Faculty Advisor may be present during deliberations to provide procedural advice, but will not express opinions on the merits of the decision and will not vote. The Investigators are not to be present for or participate in deliberations, nor do they vote. If during deliberations the Hearing Panel has a question for the Investigators or the Student in Question, that communication shall take place in the presence of both the Investigators and the Student in Question.

The Hearing Panel will vote by secret ballot upon whether the Student in Question violated the Honor Code in the manner charged. Ballots shall be tabulated by the Chair (or the Chair's designee if the Chair is participating remotely) and shall not be retained. Any Representative participating remotely shall convey his or her vote privately to the Chair or the Chair's designee. If multiple possible violations were presented at the Formal Hearing, each shall be voted on separately. A vote that the student violated the Honor Code indicates that the Representative voting concludes that the evidence presented at the hearing makes it appear more probable than not that the student violated the Honor Code. Seventy-five percent or more of the Representatives on the Hearing Panel participating in the Formal Hearing and

eligible to vote must vote to find a violation in order to render a determination that a violation occurred. Any smaller number voting to find responsibility will result in a determination of no violation.

### Reading of the Decision

The Chair will reconvene all participants in the Formal Hearing (excluding witnesses) and will read aloud the decision concerning responsibility to the Student in Question. If no violation is found, the Formal Hearing shall be concluded and the Chair will adjourn the hearing. If a violation is found, the Formal Hearing shall continue to the Sanction Phase. The Chair may consider a recess (not to exceed 30 minutes) before the Sanction Phase, if appropriate.

### The Sanction Phase

1. Statements and Evidence in Mitigation. The Student in Question shall be given the opportunity to make any statements in mitigation or explanation to the Hearing Panel, and to present character witnesses or similar testimony relevant to the sanction. Subject to the discretion of the Chair, no more than four character witnesses may be called by the Student in Question.
2. Statement from Investigators. The Investigators shall then have the opportunity to address the student in question's presentation concerning sanctions.
3. Information on Prior Violations. The Faculty Advisor shall then inform the Hearing Panel of any prior violation by the Student in Question of the Honor Code. The Student in Question shall have the opportunity to comment to the Hearing Panel on this information.
4. Deliberations and Vote. The Hearing Panel will retire to discuss and determine a sanction or sanctions. This deliberation is subject to the same rules as the deliberation concerning responsibility, and shall apply the standards set forth in the following subsection. A simple majority vote of the members of the Hearing Panel participating in the Formal Hearing and eligible to vote is required to impose a sanction; provided, however, that expulsion must be approved by seventy-five percent or

more of the members of the Hearing Panel participating in the Formal Hearing and eligible to vote.

5. Sanctions. In determining a sanction to be imposed on a student determined to have violated the Honor Code, the Hearing Panel may consider (i) the severity and flagrancy of the violation; (ii) premeditation and intent, or lack thereof; (iii) whether the student was previously determined to have violated the Honor Code; (iv) the student's truthfulness and contrition; (v) the student's ability to abide by the Honor Code and succeed in the future; (vi) other mitigating circumstances deemed strongly relevant by the Hearing Panel.

Upon consideration of the factors set forth above, the Hearing Panel may impose an appropriate sanction, or combination of sanctions. Appropriate sanctions include, but are not limited to: formal reprimand; re-submission or repetition of the affected work; sessions at the Center for Academic Excellence; a zero or F on the affected assignment or examination; probation, to be noted on the student's transcript during the term of the probation, and which may affect severity of sanction for any future violation; failure of the affected course with a grade of "XF"; ineligibility for a period of time to hold elected or appointed positions at MUSC; suspension for one or more upcoming semesters; expulsion.

The sanction for a second or subsequent violation of the Honor Code should normally be more severe than the sanction for a first violation of similar magnitude.

In general, the existence of an Honor Code violation will be noted on the transcript of the Student in Question. If the sanction required action by the Student in Question or was designed to last for a certain duration, the transcript notation would be removed upon successful completion of the action and/or elapse of the period in question. If the sanction required action by the Student in Question or was designed to last for a certain duration, the transcript notation will be removed upon successful completion of the action and/or elapse of the period in question, and any remaining grade of XF will be changed to NP or 0.0. A student will not be allowed to graduate while sanctions are still in place.

### Reading of the Sanction Decision

The Hearing Panel Chair will reconvene all participants in the Formal Hearing (excluding witnesses) and will read aloud the sanction to the Student in

### Question

The Chair will also inform the Student in Question of the option to appeal in accordance with this Honor Code. The Chair will then adjourn the hearing.

## VII. Procedures After the Formal Hearing; Record Retention and Reporting

### A. Notification to President.

Promptly after the Formal Hearing, the Chair of the Hearing Panel shall inform the President of the Honor Council of the determination and sanction, if any.

### B. Written Notice.

Within two working days of the conclusion of the Formal Hearing, the Chair will deliver to the Student in Question a written notification of the Honor Council's decision regarding each charge and the sanctions imposed, with a copy to the relevant Dean or Deans for implementation. The Dean shall provide written notification (formal Dean's letter) to notify the Registrar to ensure that appropriate notation is made on the student's transcript. Additionally, the Dean of that student's college is responsible for keeping all information regarding the outcome of the hearing and any imposed sanctions confidential. This information should be disseminated to relevant faculty at the discretion of the Dean, and only such information that is necessary for faculty to carry out their duties in relation to relevant sanctions should be revealed.

### C. Gathering and Retention of Record.

The Chair will gather all documentary evidence, investigative reports, notes, and other records of the investigation and Formal Hearing, including the audio recording of the Formal Hearing, and forward them to the University Advisors for retention in accordance with the provisions of this Honor Code.

### D. Access to Record.

During the period prior to the deadline for submitting an appeal, the Student in Question shall be given reasonable access to the recording of the Formal Hearing and to all materials introduced at the Formal Hearing.

E. Preparation of Summary.

The Chair shall prepare a written summary of the matter (with all names deleted). The Chair shall provide this summary to the Executive Vice President, for use in conjunction with the Executive Vice President's written report of all final dispositions during that semester of reported violations of the Honor Code. A copy of the summary shall be maintained by or within the University Provost's office, or in such other appropriate location as may be determined from time to time by the University Advisors, for future reference and other use in administering the Honor Code.

F. Satisfaction of Sanctions.

The Student in Question shall notify the relevant Dean in writing when the terms of the sanctions have been met. The Dean or Deans shall verify sanctions are complete and notify the Registrar (formal Dean's letter) in writing within two weeks (fourteen calendar days) of such notice if the transcript notation is to be removed.

## VIII. Appeal

- A. Submitting the Appeal. A Student in Question determined in a Formal Hearing to have violated the Honor Code may appeal the decision by submitting a written appeal to the President of the Honor Council. The written appeal must be submitted to the President of the Honor Council within one week (seven calendar days) of receipt by the Student in Question of written notice of the outcome of the Formal Hearing from the Chair. The President shall promptly notify the Faculty Advisor and Dean of the College or Colleges of the Student in Question of the appeal.

If the Student in Question does not submit a timely appeal, the decision of the Honor Council at the Formal Hearing shall be final.

- B. No Appeal of Finding of No Violation. There is no appeal from a finding that the Student in Question did not violate the Honor Code.

- C. Stay of Sanctions. A timely appeal will have the effect of staying all sanctions pending resolution of the appeal. Accordingly, absent a determination by the Dean of extraordinary circumstances, in the event of a sanction of suspension, expulsion, or another sanction that would prevent the Student in Question from completing or participating in academic work, the Student in Question shall be allowed to continue classes and clinical work during pendency of the appeal.

If the appeal process involves the grade in a course that is a prerequisite for a course in the following term, and if the Student in Question enrolls in such a course (the "Subsequent Course") while the appeal process is still ongoing, the Student in Question will be withdrawn from the Subsequent Course if the appeal process results in a failing grade in the prerequisite course.

The time to complete a sanction that includes a deadline (such as receiving education or writing a paper) will be stayed during the appeal. Any grades potentially affected by the sanction shall be entered as "incomplete" during the appeal. Under no circumstances may the Student in Question graduate until the matter and all appeals have been resolved.

- D. Grounds for Appeal. On appeal, the Student in Question bears the burden of establishing that an error has occurred. The Student in Question's written appeal must specify in detail the basis or bases for the appeal. The only recognized grounds for appeal are:

1. A procedural error occurred that significantly affected the outcome of the Formal Hearing.
2. There was demonstrable prejudice or bias on the part of an Honor Council Representative who voted in the Formal Hearing.
3. New information exists, not available at the time of the Formal Hearing, which would have significantly affected the outcome of the Formal Hearing.
4. The sanction is extraordinarily disproportionate to the violation.
5. No reasonable person could conclude, on the basis of the evidence presented, that a violation occurred.



E. The Appeal Panel. Promptly after the President receives an appeal; the President shall appoint an Appeal Panel to decide the appeal. The Appeal Panel shall consist of three Student Representatives from the Executive Committee (including either the President or the Executive Vice President) and two Faculty Advisors. The President or Executive Vice President shall chair the Appeal Panel. The Appeal Panel shall not include (i) any Representative who served as an Investigator in the matter; (ii) any Representative who conducted the Reasonable Cause Conference; (iii) the Student in Question, if a Representative of the Honor Council; (iv) any Representative who is a witness in the proceeding; (v) any Representative who was on the Hearing Panel; or (vi) any Faculty Advisor originally appointed to the matter, or who participated in the Formal Hearing or Reasonable Cause Conference.

F. Advisors to the Appeal Panel. At least one of the University Advisors shall serve as advisor to the Appeal Panel, with a right to attend any meeting of the Appeal Panel, and voice but no vote.

G. Deciding the Appeal.

1. The Appeal Panel shall normally meet to decide the appeal within one week of appointment by the President. The Chair of the Appeal Panel may distribute the Student in Question's appeal and relevant portions of the record of the Formal Hearing to members of the Appeal Panel prior to this meeting.
2. An appeal is not a rehearing, and the Appeal Panel will not, other than in exceptional circumstances as determined in the Appeal Panel's discretion, receive testimony. If the Appeal Panel does take testimony, the Student in Question and the Investigators are permitted to be present during that testimony; the Appeal Panel may decide whether to allow questions from those parties.
3. The Student in Question has the right to be accompanied by one advisor who is a current member of the MUSC community (for example a faculty member, currently enrolled student, or administrator). Attorneys are not permitted in the appeals hearing to represent or advise the Student

- in Question. The Student in Question's advisor may not address the appeals panel or pose questions to student in question or investigator. The Chair may instruct the Student in Question to consult with the advisor only during certain times, or may otherwise restrict consultation, if consultation with the advisor is unduly delaying the proceedings.
4. The Appeal Panel will decide the appeal on the basis of the Record of the Formal Hearing and the contents of the appeal notice of the Student in Question, along with any additional evidence the Appeal Panel elects to receive.
  5. All members of the Appeal Panel shall be present. Up to two members may participate by video conference.

All decisions of the Appeal Panel shall be made by a simple majority vote of those members present and voting; provided, however, that a decision to change the sanction to expulsion must be approved by seventy-five percent or more of the members of the Appeal Panel participating in the appeal and eligible to vote. The Appeal Panel will take one of the following four actions:

1. Affirm the decision of the Hearing Panel in all respects.
  2. Uphold the finding of a violation but change the sanction. The Appeal Panel may impose a more lenient sanction or a more stringent sanction.
  3. Overturn the determination that a violation occurred.
  4. Remand the matter to the Hearing Panel for further appropriate proceedings (such as, for example, consideration of new evidence).
- H. Communication of Decision. The Appeal Panel shall provide a written decision that concisely explains the basis for its decision. This written decision shall be transmitted to the Student in Question, to the Honor Council President, and to the Dean of the College or Colleges in question within four working days of the meeting of the Appeal Panel. The Dean, and the Honor Council President in the event of a remand, will implement the

decision of the Appeal Panel, unless it is overturned by the Select Panel as described below.

- I. Gathering and Retention of Record. The Chair of the Appeal Panel will gather all documentary evidence, investigative reports, notes, and other records of the appeal, and forward them to the University Advisors for retention in accordance with the provisions of this Honor Code.
- J. Petition to Select Panel for Review. The decision of the Appeal Panel will normally be final. However, in extraordinary cases a Select Panel consisting of the Provost and the Deans of two of the Colleges has the discretion to review an Appeal Panel's decision. To ask this Select Panel to consider reviewing an Appeal Panel decision, the Student in Question must deliver a written petition to the Provost. This petition must be received by the Provost within one week (seven calendar days) of transmittal to the student of the decision of the Appeal Panel, and the petition must specify in detail the clear error or extraordinary circumstance that warrants review.

Upon receipt of a petition, the Provost will appoint two Deans (neither of whom shall be from the College of the Student in Question) to form the Select Panel with the Provost. The Select Panel is not obligated to review the matter, but has the discretion to do so if two of the three members of the Select Panel conclude that the petition presents extraordinary issues that may have a significant impact on the Student in Question, the Honor process, or MUSC. The Provost will inform the Student in Question and the relevant Deans and Faculty Advisors within one week of receipt of the petition whether the matter will be reviewed.

If the Select Panel does not review the matter, then the decision of the Appeal Panel shall stand and shall not be subject to further appeal. If the Select Panel does accept the matter for review, the Select Panel shall thereafter review the record and conduct any such further inquiry as it may deem desirable.

A vote of at least two members of the Select Panel is required to reverse or alter the decision of the Appeal Panel. The Select Panel shall issue a written decision that affirms or alters the decision of the Appeal Panel. The decision

of the Select Panel shall be final and is not appealable. All sanctions are stayed pending the Select Panel's decision, as described in Section VIII.C. above.

#### IX. Amendment of the Honor Code

Any currently enrolled student or full-time faculty member of MUSC may propose amendments to the Honor Code. A proposed amendment must be submitted in writing to the President of the Honor Council. Proposed amendments shall be initially considered by the Executive Committee which, with the advice of the Faculty Advisors, shall make a formal recommendation to the Honor Council concerning whether the proposed amendment should be adopted, either as submitted or with modifications.

To be adopted, a proposed amendment must receive each of the following approvals, in the following order. Any change to an amendment at any point in the approval process will necessitate new approval by anybody having voted on the proposal before that change was introduced.

The proposed amendment(s) must first be approved by majority vote of the Honor Council in a duly called meeting. The proposed amendment(s) must then be approved by majority vote of the MUSC Student Government Association in a duly called meeting. The proposed amendment(s) must then be approved by majority vote of the University Education Advisory Committee. The proposed amendment(s) must then be approved by majority vote of the voting members of the Provost's Council. The proposed amendment(s) must finally be approved by majority vote of the MUSC Board of Trustees.

Unless an effective date is specified in the adopted amendment, the amendment shall become effective on the first day of the academic semester immediately following approval by majority vote of the MUSC Board of Trustees, and shall apply to any conduct by a student occurring after the effective date.

The University Advisors shall maintain a record of all adopted amendments to the Honor Code, with effective dates, and shall see that amendments are promptly reflected on the online version of the Honor Code.

Amendments to the Honor Code may occur during the course of the year. Please refer to *The Bulletin* for the current, official version.

X. Review Cycle

Ongoing

XI. Approval History

Original approval date and subsequent review dates:

Approval Authority	Date Approved
Board of Trustees	October 12, 2001
	July 21, 2016 (revision)
	October 26, 2017 (revision)
Board Approved Revision	April 13, 2018

XII. Approval Signature

Lisa K Saladin, PT, PhD, FAPTA  
Executive Vice President for Academic Affairs and Provost

Date

Reference Link: