

## The Honor Council Code:

Preamble: The Honor Council of Reed College is a group of appointed students, faculty, and staff that educates, advises, and mediates among members of the Reed Community regarding the Honor Principle. The Honor Principle is not a constitutional system but rather a guiding principle that seeks to ensure honesty and mutual trust in the academic and social spheres of Reed College (Statement of the Faculty, 1973). Furthermore, the Honor Principle entrusts the responsibility of acting in accordance with one's personal sense of right and wrong to each member of the Reed community (Student Body Constitution, 1919) and requires all members of the community to maintain their academic integrity and an environment free from harassment and prejudice. One of the distinctive features of a community run partially under an honor system, as opposed to a community run exclusively under a system of written laws, is the expectation that those governed under the system play an active role in seeing that the community runs smoothly. The Honor Council exists to foster a culture of honor and honorable behavior at Reed College. The Honor Council maintains a website on the Honor Principle with further information on the Honor Process. The Honor Council shall function as follows:

I. The Honor Council shall consist of nine (9) voting members: three (3) students, three (3) faculty members, three (3) staff members. In addition there shall be six (6) nonvoting, ex-officio student members. A member of the faculty chairs the Council. The Chair is responsible for organizing meeting times and preparing the agenda, faculty members speak for the Honor Council in faculty meetings and produce written documents related to faculty legislation, staff members communicate with the larger staff about the Honor Council's purpose and functions, and student members facilitate communication with student groups and publicize student gatherings.

II. The Honor Council shall internally appoint each of its members to a subcommittee according to the following specifications:

- A. The Education Subcommittee shall consist of one (1) faculty chair, one (1) staff member, three (3) voting student members; and six (6) ex-officio student members.
- B. The Mediation Subcommittee shall consist of one (1) staff chair, one (1) faculty member, and one (1) voting student member.
- C. The Community Rights Subcommittee shall consist of one (1) student chair, one (1) faculty member, one (1) staff member, and two (2) additional voting student members.

III. Legislation passed in the spring of 1998 identifies the following specific duties associated with each subcommittee of the Honor Council. Those subcommittees and their duties are described as follows:

A. The Education Subcommittee:

- 1. General Purpose: Article IV, Section 2 of the Community Constitution states, "The Honor Council shall be responsible for educating incoming members of the community about the meaning and importance of responsible and honorable conduct at Reed College." This Subcommittee

serves to educate the community about the Honor Principle and honor-related issues. To educate the community, the Education Subcommittee organizes community discussions about issues relating to the Honor Principle and hosts events for new members of the Reed community.

2. Relationship with Other Bodies: This Subcommittee will work with other college offices including Residence Life and the Judicial Board to facilitate community education and will maintain the booklet "Living with the Honor Principle."
  3. Reporting Activities: Article IV, Section 3 of the Community Constitution states, "The Honor Council shall provide the community with routine summaries of its activities and shall from time to time report to the community about larger issues and problems concerning honorable conduct and the College's grievance and judicial procedures."
  4. Relationship with other Honor Council Subcommittees: The Education Subcommittee will make available to the Reed community information regarding further committee functions and practices by means of mediation documents, procedural flow charts, confidential consultation regarding honor issues, and information regarding how to procure mediation or how to bring an honor issue to the Community Rights Subcommittee. Members of the Education Subcommittee shall promote and advertise the resources of the three subcommittees and the Honor Council as a whole through whichever channels and programs they see fit.
  5. Advisory Role: Article IV, Section 2 of the Community Constitution states, "In accordance with the procedures referred to in Section 1 of this article, members of the Honor Council shall provide advice to persons seeking formal or informal resolutions of disputes..." The Faculty Code (in Section VI.E: Academic Honesty Policies and Procedures) and the Policy and Procedure concerning Sexual Harassment also acknowledge this role. The Community Constitution Article IV, Section 1 clearly states that all communication between Honor Council members and community members is strictly confidential. If a member of the Council is unclear on the proper advice to give an inquiring member of the community, the Honor Council member must gain permission from the community member before seeking the advice of other Council members or other officers of the College. Exceptions to the strict confidentiality of Honor Council consultation include violations of the College's Sexual Harassment Policy. As stated in this policy, "When a faculty member, dean, or supervisor has reason to believe that a violation of the sexual harassment policy may have occurred, he or she must inform the Dean of the Faculty, the Dean of Students, or another designated officer of the College, or otherwise initiate the published procedures of the College, regardless of the wishes of the complainant." Any member of the community may contact any member of the Council for advice.
- B. The Mediation Subcommittee: This Subcommittee serves to provide trained and experienced mediators in order to formally mediate disputes among community members. To this end, it shall publicize and encourage mediation in the

community by making available mediation resources and training individuals as mediators. Honor Council members may serve as mediators in disputes or may refer disputants to other designated mediators (Community Constitution, Article IV, Section 2). Mediation may be performed by any Honor Council member or by a number of community members selected by the Mediation Subcommittee. These individuals will be trained during the mediation training that the Honor Council offers every spring. Mediation may consist simply of all parties having a chance to state their views and discuss their disagreements in a structured, confidential, and non-judgmental forum. In other sorts of cases, successful mediation can result in a written agreement signed by both parties. Mediation is entirely voluntary, and can be broken off by any disputant at any time. Regardless of the results of mediation, either party retains the right to institute formal proceedings according to the processes described in Article IV of the Community Constitution.

- C. The Community Rights Subcommittee (hereafter referred to as CRS): This Subcommittee addresses honor issues affecting the Reed community as a whole. While the individuals comprising the community are ultimately responsible for ensuring that the Honor Principle is respected and upheld, the CRS pursues honor issues impacting the community at large in cases where no individual is willing or able to take action on behalf of his or herself. Upon receipt of a complaint from a community member, the CRS will initiate action in accordance with the honor process, which includes formal mediation and possibly judicial action.

#### IV. Appointments:

- A. Faculty members shall be appointed according to the specifications of the faculty constitution and in agreement with the Committee on Academic Planning and Policy. One of the appointed faculty members will serve as Honor Council Chair. The other two members will each serve as a voting member of the subcommittee to which they are appointed.
- B. Staff members shall be appointed according to the specifications of the staff handbook and in agreement with Human Resources.
- C. Students shall be appointed by the Student Senate at the recommendation of the Appointments Committee the semester before they serve on Honor Council. Appointees shall serve on the Honor Council for a year-long term. The Student Senate shall appoint members in the following way:
  - 1. During the fall semester the Senate shall appoint two (2) voting and three (3) nonvoting student members to the Honor Council. Their term shall begin the following semester and shall last for one year.
  - 2. During the spring semester, the Senate shall appoint one (1) voting and three (3) nonvoting student members to the Honor Council. Their term shall begin the following semester and shall last for one year.
  - 3. The student members who do not seek re-appointment shall assist the Appointments Committee in filling the available voting and ex-officio positions.
  - 4. If a student member of the Honor Council resigns, then the Senate shall appoint another student to finish the remainder of the term. If the resigning

student is a voting member then a current non-voting member will assume the position of voting member and the new member will serve as an ex-officio member.

V. Training: Training shall occur whenever new members are appointed to the Honor Council, which will be at least once a semester. Training may include explaining to new members the duties of the Honor Council, the roles of each subcommittee, and the importance of community documents including conduct policies and the Honor Council confidentiality policy.

VI. Meetings:

- A. The Honor Council shall meet at least once a month. Each of the subcommittees shall report on its actions since the last meeting and its goals for the next meeting. The Honor Council shall take minutes in this general meeting and post them in a public place or publish them online. Responsibility for minute-taking will rotate amongst Honor Council members, with the exception of the Chair. If sensitive or private material is discussed at the meeting, the Honor Council shall record that in the minutes as time spent in ‘executive session.’ Community members need only contact the Chair of the Honor Council to be added to the meeting agenda.
- B. The Honor Council shall meet with the Student Senate and Judicial Board every semester to discuss its current goals and practices as well as honor-related issues that may affect the Reed College community.

VII. Honor Council Procedure

A. Education Subcommittee

- 1. Meeting Structure: The Education Subcommittee of the Honor Council will meet as a whole (faculty, staff and students) at least once a month to engage in event planning or general concerns brought to the attention of the Honor Council. The students of the Education Subcommittee will meet once a week for similar purposes.
- 2. Further responsibilities: Responsibilities of the Education Subcommittee include planning at least one event per semester for the general education of the community. The Subcommittee shall also maintain the Honor Principle website by updating relevant information and adding documents as necessary. Moreover, student members of this Subcommittee will serve as liaisons to campus institutions and offices (e.g., Student Senate, Judicial Board, Student Services, Residence Life, etc.).

The Education Subcommittee provides an introduction to the Honor Principle at student orientation. The Honor Council will work with Student Services and Orientation Coordinators to create a program that adequately introduces the Honor Principle to new students and engages them in thoughtful discussion with returning students and other members of the Reed Community. It is preferable that the student assigned this role live in Portland for the summer so that he or she may work closely with the Orientation Coordinators. For new Faculty, Honor Council members attend an orientation session for new Faculty to discuss how the Honor

Principle applies to Faculty, the classroom, and the educational philosophy at Reed. Honor Council members may also lead a discussion of the Honor Principle with interested parents of incoming students.

Student Honor Council members will work with the Residence Life program to hold informal discussions in the residence halls in cooperation with the student Judicial Board members for the purpose of continuing to educate students about their options for resolving honor concerns. The Honor Council may also hold similar sessions for interested students who live off campus. Honor Council members participate in House Adviser Orientation to emphasize their availability to advise, educate, or mediate concerning issues related to dormitory life.

The Education Subcommittee will compile annual reports summarizing the Council's activities for the year. The Council has periodically reported to the community about larger issues and problems concerning honorable conduct through articles published in *At Reed* and *The Quest*. In some cases these communications have taken the form of position papers and have been successful in stimulating campus wide discussion of the Honor Principle and the use of the community grievance procedures in adjudicating honor violations.

Members of the Education Subcommittee also play an advisory role: in seeking the advice of a Council member, community members can expect to gain knowledge about their options in seeking resolution of disputes, grievances or breaches of honor. Any community member seeking redress through this process should consider the type of resolution he or she desires. Options will include both informal and formal means for seeking resolution. The informal options include direct discussion with the offending party or discussion through Honor Council mediation. The exact path of a particular formal grievance procedure will depend on the identity of the offending party. In most instances any formal sanction against an offending party necessitates the filing of a formal grievance to the Dean of Faculty (if the offending party is a faculty member), the Student Judicial Board (if the offending party is a student), or the Director of Human Resources (if the offending party is a staff member). Community members wishing to contact the Honor Council either verbally or in writing can obtain the names of Council members from the switchboard operator. In seeking advice the community member may remain anonymous. In giving advice, members of the Honor Council will not attempt to investigate the validity of the accusation, nor will they promote a particular option for resolution. Those members of the community that have been accused, either formally or informally, of an honor violation have every right to discuss the matter confidentially with a member of the Honor Council. In no way will the Honor Council or any of its members seek to take sides in advising or in mediating a particular dispute.

In addition to educating students on a regular basis, the Subcommittee may hold events directed at the faculty and/or staff. These programs aim to foster an awareness of the Honor Principle and its

practical application for faculty and staff, targeting specific areas that need clarification (e.g., academic misconduct, grievance procedures, etc.).

In addition to all responsibilities listed, the Subcommittee may proceed with its educational mission as it sees fit. For example, it may hold regular office hours.

## B. Mediation Subcommittee

1. Overview of Mediation: Most disputes at Reed should be settled by direct discussion. When such discussion fails to resolve disagreements, members of the Reed community, including students, faculty, and staff, are expected to resolve disputes, grievances and breaches of honor informally, i.e. through mediation, before pursuing an honor case. Members of the Honor Council may serve as mediators in disputes or may refer disputants to designated mediators. When members of the community involved in a disagreement have difficulty speaking to each other or find that they cannot resolve their dispute, they may find a mediator useful.

Disputes about grades or other formal evaluations of student work and disagreements arising from formal personnel evaluations are not subject to mediation. Cases of alleged sexual assault, violence, and academic misconduct are also not subject to mediation, and should either be conveyed directly to the Dean of the Faculty, the Dean of Students, or another designated officer of the College, or otherwise addressed according to the published procedures of the College. Any member of the community may contact any member of the Honor Council for advice.

2. The Mediation Process: Either party to a dispute may ask any member of the Honor Council to initiate the process of mediation. Before mediation can begin, both parties must agree to engage in mediation, must agree in writing to the ground rules of mediation for this case, and must agree on a particular mediator. Certain ground rules must be agreed to for all mediation sponsored by the Honor Council.

The Honor Council becomes aware that its assistance is needed when a community member contacts the Chair of the Mediation Subcommittee indicating a desire for help in carrying out an informal discussion with another (or other) member(s) of the community with respect to an honor issue. A member of the Honor Council will then send a letter to all parties indicating the nature of the dispute, asking which members of the Council are acceptable, and which not, as mediators, and asking for times when they might meet. At an acceptable time the parties gather. No one may be present at mediation except the disputants and the mediator(s).

Each disputant presents his/her side of the story. The parties are not permitted to interrupt while this is going on. Each disputant is then asked to respond directly to the other party. The mediator tries to keep the environment respectful and attentive. The mediator does not take sides in the dispute. The mediator may occasionally rephrase a statement in an attempt to attain greater clarity but not in an attempt to argue any side of

the issue at hand. The exact nature of the solution, especially as it affects the generation and fate of a written agreement, is in the hands of the disputing parties and, as such, should be part of the mediation. The wording of the written agreement and the fate of the written agreement should be decided by the parties during the mediation.

3. Outcome of Mediation: Mediation is not a “hearing,” and does not result in a judgment or finding, though it may result in a written agreement. A confidential report of the progress and outcome of mediation will be transmitted to the Chair of the Mediation Subcommittee. Regardless of the outcome of mediation, either party retains the right to institute formal proceedings according to the processes described in Article IV of the Community Constitution.
4. Mediator Training and Selection: The Mediation Subcommittee shall provide mediation training to the Reed Community every spring. This training shall be open to all qualified members of the community. Training shall include review of mediation procedure, mediation techniques, Honor Council guidelines, and confidentiality requirements. Once trained, the Honor Council may invite appropriate individuals (no more than eight) to be available mediators for Honor Principle disputes. These members will be listed alongside Honor Council members on the mediation request form as possible mediators for any requested formal mediation.
5. Confidentiality: Any mediation that takes place as part of the honor process will be held in confidence, unless all parties agree otherwise. The Honor Council defines confidentiality with respect to mediation as an agreement not to release the names, the nature of the issue or even the process utilized beyond the individuals involved with the particular honor issue (e.g., Honor Council Chair, Mediation Subcommittee Chair, selected mediators). This policy applies to Honor Council members, selected mediators from the community, and any and all parties involved in the dispute. Information pertaining to the mediation process cannot be reproduced in any form, digital or audio included.
6. Record-keeping: If mediation occurs, then a general record, including the names of the involved parties and other relevant details of the proceedings, is provided by the mediators and kept by both the Chair of the Honor Council and the chair of the Mediation Subcommittee. A confidential report of the progress and outcome of mediation will be transmitted to both the chair of the Mediation Subcommittee and the Chair of the Honor Council. If any resolution is reached, then it shall be kept confidential as well. If no resolution is reached, then it will be noted as such in the record of the mediation. These documents and only these documents are recorded.

Mediation documents include e-mails involving requests for mediation, a current list of approved mediators, a brief description of the mediation process, confidentiality guidelines, and any resulting agreements reached in mediation. Upon completion of the process, the parties involved in the dispute as well as the mediator will sign a

document stating that mediation occurred and attesting to the nature of the dispute. A signature makes the document official, but any possible resolution agreement is non-binding.

The documents designated above for the purposes of recordkeeping shall be kept in paper form by the Mediation Subcommittee in a locked file cabinet in the Vice President for Student Services' office. They shall be filed chronologically by date of requested mediation. Digital records shall be deleted when they are no longer necessary. The file cabinet will have an access log, and records may be viewed by the Chair of the Honor Council. Documents will be disposed of once both parties are no longer officially enrolled or on official leave-of-absence at the college.

7. Mediation and Honor Cases: In the event that an honor issue, which had previously been the subject of mediation, becomes an honor case, the Chair of the Judicial Board may inquire whether mediation occurred, but confidentiality bars the release of any further information.

The mediation process should be stopped if it becomes evident that the dispute is of such a nature that it must bypass mediation and go to Judicial Board (e.g. in cases where new information relating to possible sexual assault, violence or academic misconduct is disclosed).

### C. Community Rights Subcommittee Procedure

1. Meeting Structure: The CRS meets whenever issues arise, but at the very minimum it must convene once a semester as a procedural refresher. In this case the meeting shall not involve any specific honor issue but instead focus on a hypothetical situation.
2. Raising Honor Issues through the CRS: Any individual, apart from current members of CRS, may bring an issue to the CRS. The first step for an individual considering bringing an issue to CRS should be to consult with the Chair of the Honor Council. This consultation should include a comprehensive review of options for resolution of the issue at hand, especially focusing on options that avoid CRS involvement if possible, and also the procedures for bringing a case to CRS. The Chair informs the aggrieved party how CRS considers both the Honor Principle and the notion of community vs. individual responsibilities in assessing any potential CRS involvement. This initial consultation is held with the Chair of the Honor Council, because he or she is the individual vested with the broadest knowledge of the activities of the Honor Council as a whole and can give informed advice to a concerned party. This information may assist the individual in deciding whether CRS involvement is warranted or desirable.

Following consultation, the concerned party may choose to bring the issue forward to CRS, even against the advice of the Chair of the Honor Council. To do so, a short written description of the issue at hand should be provided to the Chair of CRS. This information will be sent to all members of CRS, taking the necessary steps to protect strict confidentiality, and a meeting will be held to discuss the issue. At the

preliminary meeting, any member of CRS may choose to recuse him or herself from involvement in the proceedings if s/he perceives a serious conflict of interest, or is already proceeding or considering proceeding with formal mediation or an honor case regarding the issue at hand. Recusal should be a last resort and not be taken lightly. Any member of CRS involved with proceedings past the initial vote may never individually raise the issue at hand through the honor process.

During the preliminary meeting, CRS should hold a majority vote to determine if there is enough available information to continue deliberation. If it is voted that there is enough information at hand, CRS may proceed to the next step in deliberation. If it is voted that there is not enough information, the committee may decide what further information needs to be solicited. It is never appropriate to solicit information from a potential respondent. The issue should be tabled until the needed information is gathered. When it has been decided that there is enough information, further deliberations are held to decide whether CRS should participate in the case. The decision to either accept or decline CRS participation in a particular honor issue will be decided by two majority votes. The first vote is as to whether or not the Honor Principle is relevant to the incident at hand, not that it has necessarily been violated. The second vote is to decide whether or not there is an individual more suitable to serving as complainant in this case than CRS.

If the CRS decides against raising an issue, the CRS Chair will ensure that the aggrieved party will be notified that CRS has voted not to participate in the case, but will not be informed as to which vote failed to pass. The aggrieved party should also be informed of the available options should he or she decide to continue with the honor process. Should CRS take the honor issue forward, all documentation will eventually be placed in a confidential file maintained in the office of the Vice President of Student Services.

Once CRS has decided to accept an issue, it proceeds either via formal mediation or by pursuing an honor case. Which course of action is most appropriate for CRS to take is decided by majority vote. As with other honor issues, mediation is the preferred route to resolution. If formal mediation is voted as inappropriate to the situation, an honor case will be pursued directly. In this case CRS should be confident that its choice to bypass mediation is well-founded and defensible in presenting the case to the appropriate judicial board. In pursuing mediation, the CRS will appoint one or more of its members to bring the issue to the Mediation Subcommittee for assistance in reaching resolution. If a mediated resolution is reached, then that resolution is presented to the entire CRS for approval by majority vote. If no resolution is reached, or if CRS members do not accept the mediated solution, then the case may be brought to the appropriate group for an honor case.

In pursuing an honor case, the CRS will appoint one or more of its members to bring the issue to the attention of the appropriate body—either

the Student Judicial Board, the Dean of Faculty, or the Director of Human Resources. In presenting a case, the CRS member(s) must prepare a written complaint as described in Section 3 of the Judicial Board Code. Generally, the decision of the judicial body in question will be final, unless an appeal of that decision is pursued by unanimous vote of the CRS. The procedures for appeal are described in Section 7 of the Judicial Board Code.

3. CRS Confidentiality: All Community Rights Subcommittee meetings are executive sessions. The Honor Council defines confidentiality, with respect to CRS, as an agreement not to release the names, the nature of the issue, or even the course of action involved (mediation or honor case) with anyone not on the Committee. Members of CRS shall only discuss requests for CRS involvement or current business within CRS meetings or sessions required by the honor process (e.g., mediation, joint session with Judicial Board, or consultation with the Chair of the Honor Council). Because of the serious implications of a breach in confidentiality, any breach in confidentiality will be dealt with via resignation and/or the honor process.