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SUMMER/FALL 2022

HONOR UP CLOSE

The facts on
the ground and
the higher hope

THE UVA MAGAZINE | uvamagazine.org

PUBLISHED BY  **UVA ALUMNI**



HONOR UP CLOSE

What we discovered when we undertook
an honest look at the Honor System

BY RICHARD GARD

One of the prerequisites for admission to the University of Virginia's McIntire School of Commerce is to take Introduction to Financial Accounting, usually during second year. It has made the course famously competitive and at higher risk than most for cheating.

Roger D. Martin has taught the course since 2016, the year before it went entirely online. In the fall of 2020, he added two short videos to the instruction. Their subject is the fraud triangle, the three predicates for most instances of corporate fraud and cooked books—pressure, opportunity and rationalization.

In the first video, Martin brings up the WorldCom scandal of 2002. The company was a Wall Street darling that stayed that way by inventing a way to offload billions in ordinary expenses from its operating statements, where they belonged, to its balance sheet, where they did not. It cleared a path for more revenue to flow to the bottom line, at least on paper.

As part of the lesson, Martin assigns a *Wall Street Journal* article that tells the cautionary tale of a midlevel WorldCom accountant arm-twisted to abet the scheme. Middle-aged and fearful of reentering the job market, she was her family's primary earner and the primary insured for its health benefits; she felt trapped (pressure). Investors never fully understood the high-flying telecom giant's business model to begin with (opportunity), and she backdated entries in case anyone might look too closely. The accountant talked herself into believing her higher-ups' assurances that she would need to perform her sleights just this once, and she convinced herself of that over and over again, over successive quarters, for over \$3.7 billion in sham accounting (rationalization). →

ILLUSTRATIONS BY CHLOE CUSHMAN

ENTER
BY THIS GATEWAY
AND SEEK
THE WAY OF HONOR
THE LIGHT OF TRUTH
THE WILL TO WORK FOR MEN





After premiering the fraud videos during fall semester 2020, Martin began to realize that some of his students had become a little too expert in the subject matter.

For young guns trying to get into the Comm School, a convoluted tale of high finance from 20-odd years back might seem remote. When Martin applies it to the classroom, however, it's no longer academic.

"In this second video, I'm going to extend what we just learned about the fraud triangle to a different setting, our course," Martin says in the lesson. You can hear the flat forthrightness of Kansas in his voice and some of the prairie sand. Early 60s, his tightly trimmed beard more salt than pepper, he appears on the screen without pretense, in short sleeves, a lone, tall figure standing between a simple lectern and a blank blue background. Piece by piece, he dismantles each side of the academic-fraud triangle.

He starts with pressure, showing how he's alleviated it for his students. No one test is worth so many points as to create a temptation to cheat on it. Weekly deadlines help students keep up and not feel overwhelmed come the exam. He has even made the tests open book and open note.

Then he addresses the misapprehension that has dogged Comm 2010 and its forerunner, Comm 201, forever. Students hoping to enter UVA's undergraduate business school in their third year just need to pass Intro to Accounting; they do not have to ace it. Says Martin on the video: "Do you really have to have an A in this class to get into the Comm School? The answer is an unequivocal 'no.'" His point: Any pressure anyone feels to cheat in the class is largely self-induced.

Opportunity, too, is a figment. "You should know that since this is a digital course, I have access to lots of data about your answers," Martin says, "so don't convince yourself that you probably won't get caught or that I'm too busy to care."

Last, please don't rationalize cutting corners: "Everyone else does not cheat. Most of your classmates want to do the right thing, just like you," Martin says. "Even if you don't get the grade you want, it's just accounting. It's not worth it to cheat. You're better than that."

The two videos combined take not quite

12 minutes. It's straight talk from a teacher who cares about his students and cares about the rules. Following the fraud videos' premiere, by the end of the fall 2020 semester, Martin began to realize that some of his students had become a little too expert in the subject matter.

When he reviewed exam results, he saw a disturbing pattern. Because the class is online, students take the tests remotely within a several-day time frame and, by Martin's rules, by themselves. They can't collaborate, and they're certainly not allowed to share the questions or their answers. Martin noticed discrete clusters of students with identical scores, not remarkable by itself, but then he saw that students inside a cluster had taken the test at the same time. As he delved further into the test data, he noticed each had the same wrong answers, even on questions requiring multiple calculations and therefore offering a wider possibility for variation.

In the video, Martin discloses that he uses algorithmic questions, where all students may have the same word problem but different sets of numbers to use in solving it. "No one else has the same test as you," he warns. Even there, students within a cluster but with disparate data sets had entered the same wrong answer. And he saw the phenomenon repeated from cluster to cluster.

He continued to dig. He went back to previous tests from the semester. He gives a total of four in the course: three that he calls midterms, plus the final exam. He saw the same patterns within each cluster replicated in multiple tests—identical scores, identical time stamps and identical wrong answers, sometimes wildly wrong.

"I teach fraud because I'm an auditing guy. I mean, I know fraud," Martin told *Virginia Magazine*.

He identified 34 cases of suspected cheating among the 619 students he taught in fall 2020; the preceding spring semester he had pinpointed three among 203. The volume and rate of cheating were higher than that, Martin has reason to believe, though he won't estimate the extent.

"My hurdle of what I was willing to call cheating and take to Honor is very high," Martin says. "In the data analysis I did, there was just a limit to what I was willing to say, 'This is without a doubt in my mind cheating.'" He turned up other highly suspicious cases, he says, but once he drew a line for himself on what he considered an incontrovertible standard of proof, he resolved not to pursue (or tally) the instances below it.

Martin reported 37 students to the Honor System; 33 of them promptly confessed. Of the four who didn't, one won an acquittal at an Honor hearing. The remaining three continue to wait on their days in Honor court. So does Martin, going on two years now.

THE BIGGER PICTURE

It's rare for the particulars of Honor incidents to come to light. *Virginia Magazine* discovered the Intro to Accounting cases while delving into the Honor System during the lead-up to and, now, aftershock from a dramatic student vote last semester. The referendum concerned the Honor System's 180-year-old tradition of having but one official punishment for offenders, permanent expulsion, the so-called single sanction. Students voted to reduce it to a two-semester suspension, a new single sanction capable of affording second chances.

We set out to take a deeper, more

The voting and the nonvoting together delivered a message. More than three-quarters of the student body felt no compulsion to show up in support of the status quo, and the remainder rejected it 4-to-1.

comprehensive look into UVA Honor because there's more to it than simply the form of penalty. By the same token, adjusting the length of sentence doesn't get at the array of challenges UVA Honor continues to face. We've covered many of them in recent years, but not in the aggregate or in the frame of the bigger picture. Added to the composite is a new set of systemic challenges, the collateral consequences of the approved ballot measure, issues student leaders are working to address, in addition to those the sanction reform originally sought to remedy.

From the story of Roger Martin's encounters with the Honor System, a dive into the available data, a review of historical context, and the candid views shared in interviews, what comes into focus is an honor system suffering from observable and measurable disengagement—by students, by faculty, by entire schools of the University. That's not to say students don't follow an honorable way of life, that they don't foster and consider themselves part of a community of trust, or that faculty and the academic divisions don't respect the ideals of Honor, because on a higher level they all do. It's when it comes to the day-to-day, functional operations of the System that each of those constituencies over time has found cause and means to bypass it.

In the course of our investigations, we also uncovered something else, buried treasure. It comes in the form of the Stanford Study, a rare outside appraisal of UVA Honor conducted more than 30 years ago. The study doesn't hold all the answers, but a look back at it might well illuminate a way forward. The consultants took on some of Honor's most vexing and contentious issues, deconstructing them with acumen, grace and eloquence, including their coinage of a phrase that, like the study itself, lost currency all too soon: "the Honor Spirit."

LOW-TURNOUT LANDSLIDE

The student vote in March to repeal Honor's power to expel violators was stunning—it ended what some had regarded as a defining feature of the Honor System—and it had been a long time coming. Honor's expulsion penalty had faced ballot challenges 16 times since 1972, surviving with successively slimmer margins. This time, 80 percent of student voters backed change, though less than 24 percent of the electorate turned out.

And yet, greater participation would not have altered the outcome, given the surplus of yea votes—20 points more than the supermajority needed for passage—and given how student representatives reflected the will of their constituents. More than 60 percent of Honor Committee representatives backed the reform. Student Council endorsed it unanimously.

The participation level underperformed the already modest 29 percent average for Honor votes going back to 2009. That's despite get-out-the-vote efforts—by the campaigns for and against the constitutional amendment, by other student organizations, and by the University Board of Elections, which manages the student online voting process. The elections board sent a series of five emails to students nudging them to click and vote, including one each day of the three-day election period. Those even offered the chance to enter a drawing—"Incentivizing Your Vote!"—for \$1,000 in prizes, including free Bodo's bagels.

The effect was close to nil, a big bagel. UBE Chair **Max Bresticker (Col '23)**

assesses the turnout this way: "I would give it like a B-minus because it's good relative to UBE's past history, but in the grand scheme of things, it's fairly sad that I have to say that's good."

Taken together, the voting and the nonvoting alike delivered a message of restless indifference: More than three-quarters of the student body felt no compulsion to show up in support of the status quo, and the remainder rejected it 4-to-1. It seemed to extend a survey trendline from *Virginia Magazine's* Vox Alumni Special Report (Winter 2021) where, across a 50-year continuum of undergraduate alumni, favorability scores for how one remembers the Honor System from student days declined the more recent one's time here.

THE EQUITIES

Concern about racial inequity largely drove the reform vote. It underlay a main argument of reform leader **Christopher Benos (Col '18, Law '22)**, a law school student Honor representative who, stymied in the Honor Committee, got the measure placed on the ballot via student petition.

"The community made clear that they could not stand behind a sanction that has historically allowed, and could prospectively allow, the most severe punishment to fall disproportionately on some more than others," he told *Virginia Magazine* the day after the vote. Student Council used similar language in the resolution it unanimously passed urging students to support the constitutional amendment. Referendum debates on Grounds invariably came around to the topic of racial



inequity and dwelled there.

We strolled Central Grounds on a spring afternoon a month after the election and asked small groups of students whether they had voted and how. Tellingly, though far from scientific, the perception of Honor System color bias came up unprompted in every conversation. It was why three out of the 11 who spoke to us said they voted for change and why six others said they would have done the same, had they voted.

The one student who said she voted to preserve expulsion was almost apologetic. On her own, she brought up the reform argument that the Honor System targets students of color. “If that’s the case, I wasn’t as informed as I probably should have been,” the fourth-year said. “I understand completely making the [constitutional] change.”

We compared those perceptions of bias with the available data. The caveats outnumber the case counts, because Honor doesn’t have a lot of cases to begin with, which is an altogether different issue. For the five academic years from fall 2017 through spring 2022, the Honor System averaged 49 cases per year for a population of 24,931. The small numbers can give percentage calculations an exaggerated appearance.

Second, the cases-by-race statistics the Honor Committee furnished in response to our queries are incomplete. While the report indicates that 2.9 percent of accused students didn’t specify race, that figure combined with all the cases where students did specify race still left a 27.3 percent gap of cases lacking any demographic designation. We posit, but couldn’t confirm, those cases concerned international students, which both Honor and the University treat as a category unto themselves, separate from the race and ethnicity designations. The size of that gap is consistent with the 28.3 percent of cases reported against international students in the immediately preceding period, 2012 through 2016, presented in the Honor Bicentennial Report, a comprehensive data analysis released in 2019.

From fall 2017 through spring 2022,

“[T]rusting and being trusted, ... being honest in one’s dealings ... and the allegiance to intellectual honesty are among the most important ideological building blocks of a strong pluralistic community.”

—*The Stanford Study, 1991*

African Americans represented 6.4 percent of total enrollment and 8.2 percent of total cases. That 2 percentage-point difference made for an Honor overrepresentation of at least 28 percent. In raw numbers, the overage works out to one case per year.

Hispanic students made up 6.2 percent of the population but 4.1 percent of cases, a two-point spread in the other direction, which one more accusation per year would have statistically trued up.

Asian American students experienced the most significant racial overrepresentation in Honor cases. They made up 12.4 percent of the population and almost double their demographic share of Honor troubles—at least 22.9 percent of cases, or five more per year than their numbers alone would warrant.

Assuming our statistical assumptions are correct, international students fared even worse. International students comprised 9.2 percent of the University population during the five-year period. If they did indeed account for that 27.3 percent reporting gap in the latest case statistics, then they experienced nearly triple their demographic share in Honor entanglements, nine more cases per year than statistically expected.

White students, who made up 56.9 percent of enrollment, accounted for 34.3 percent of cases over the last five years, 40 percent less (and 11 fewer cases per year) than their numbers would have predicted. The Student Council resolution supporting the referendum bottom-lined the demographic over/under this way: “The majority of students who have Honor cases brought against them are Students of Color or International students, despite those

populations making up a minority percentage of the student body overall.”

THE STANFORD STUDY

Some of the most profound thinking on Honor comes out of an earlier period of racial reckoning, the late 1980s. UVA had gotten a comeuppance on race in a sweeping and frank 295-page task force report called “An Audacious Faith,” taking its title from the Rev. Martin Luther King Jr.’s Nobel Peace Prize acceptance speech and finding new prominence in UVA board-level discussions in the last few years. Audacious Faith recommended student leaders bring in consultants to review the fairness of the Honor System. The result was the Stanford Study of 1991, something almost unthinkable: a view of UVA Honor through the eyes of outsiders looking in.

Led by James W. Lyons, who had just retired as Stanford’s dean of students, the three-person team confronted a stark set of numbers. For the 1988-89 academic year, African Americans were accused of Honor crimes at a rate eight times greater than their demographic proportion—64 percent of Honor accusations had been leveled against a 7.8 percent segment of the population. Things only partially improved the following year. African Americans made up 8.3 percent of the population and 28.6 percent of accusations, more than triple their demographic proportion.

The Stanford consultants cited the numbers as their starting point, not the endpoint of inquiry. They took an avowedly qualitative approach, sifting through the governing documents, conducting

hundreds of interviews, sitting in on an Honor trial and immersing themselves in University culture during a one-week site visit. Both Lyons and his colleague Greg Ricks, who had come to Stanford from a Dartmouth deanship to work on multicultural issues, have since passed away, but the project remains a vivid memory for Christine Brady, the third member of the team, then a graduate student and now a lawyer in the Nevada attorney general's office. She even remembers the color of the seats in Old Cabell Hall from the Black Voices holiday gospel concert she attended.

And she recalls her one-on-ones with fellow African American students. They described to her and others on the team feeling excluded from the presumption of trust that UVA seems to confer to everyone else. They felt spotlighted, subjected to intensified scrutiny simply for being Black. It's why they sat next to a window during tests, according to the study, so that if they looked up they could look out and not be accused of spying on someone else's work; why they brought extra pencils "so that if something drops you don't incur the inevitable suspicion that comes from being Black, leaning over, and picking something up from the floor"; and why they never sat together and risk being accused of colluding.

"Can we say for certain that 'spotlighting' accounts for the disproportionate number of Black students investigated and accused under the Honor System? While not certain, we are reasonably sure that is the dominant reason," the study says.

Donna Lynn Byrd (Col '92) experienced a kind of spotlighting in her dorm during first-year Honor orientation in the late 1980s. She remembers a white student during the session standing up and saying that everyone knows Black students cheat because they're poor and come from single-parent families. Byrd felt everyone in the room turn and laser their gaze on her and the few other Black students in the room. She didn't say anything, nor did she disengage. She did the opposite. Three years later she received her copy of the Stanford Study in her capacity as the chair

of the Honor Committee.

"It was a very tough year," she recalls. "There wound up being a great discussion around whether or not the System should exist if these biases existed." She adds, "Everyone decided that we would keep trying, but there was a little bit of, I think, trepidation on the part of people that were not in the majority."

The Stanford group saw bias as symptomatic not so much of Honor System structure as the greater society. "If there is a theme to this report, it is that the racial issues that find expression in the Honor System are *not* issues caused by, or even primarily related to, the Honor System. Rather, they are communitywide issues that find visible expression *through* the Honor System."

The way to address them is not to eliminate the Honor System—it doesn't make them go away—but to strengthen the community, they wrote. Honor itself can be the glue that binds the community together. "Certainly the high values of trusting and being trusted, of being honest in one's dealings with others, and the allegiance to intellectual honesty are among the most important ideological building blocks of a strong pluralistic community."

Those tenets make up what the authors dubbed "the Honor Spirit." They observed, back in 1991, that the spirit gets lost in the shuffle of Honor process and procedures. Among the Stanford Study's official conclusions: "We recommend that less attention be paid to the trial and strictly judicial aspects of the Honor System and that more attention be paid to what we have discussed as the Honor Spirit – the ideals that are its foundation."

CODE OF SILENCE

Many of the Honor System's ongoing struggles, both the philosophical and the practical, fall under the category of acts of omission. Students' not bothering to vote is one example. Of greater consequence is the reality that students won't turn in other students. They may be willing to abide by

the Honor Code themselves, but they cannot abide enforcing it against others, at least not in cases of academic offenses.

The 2019 Honor Bicentennial Report calculated that faculty and administration accusations accounted for 73 percent of the cases from 2012 through 2017, students just 18 percent, miscellaneous other parties making up the rest. **John Sun (Col '23)**, Honor's vice chair for hearings and its data chief, doesn't have updated figures but would consider something approaching 90 percent to be a reasonable assumption for the portion of cases that faculty generate.

Sarita Mehta (Col '22), last year's student representative on the Board of Visitors, acknowledges that students generally stay in their own lane on Honor. "People are just trying to get through the workload and do their life," she says, describing but not judging the attitude. If no one else is turning anyone in, "then you risk becoming a pariah or being *that* kid, you know, and I think, in college that matters a lot, probably matters to most kids more than, like, 'Oh, I upheld the community of trust here.'"

Bresticker, the elections chief who's also a University Judiciary Committee investigator and *Cavalier Daily* columnist, describes his own attitude as "live and let live." That includes when in lecture halls he sees students, against the rules, searching the web during tests.

The Intro to Accounting bust serves as a prime example. It was, after all, the professor who turned in all 37 cases. Student bystanders kept mum, even though it had to have been an open secret. It was a group crime, multiplied by several groups, and repeated over multiple tests during the semester. Martin eventually learned that copies of his tests were circulating freely. "They freaking took pictures of the exam and shared it, and they did it over and over and over," he says.

If you detect exasperation, the greater frustration came when he asked students to name their accomplices. For all intents and purposes, they declined. Honor Code meets code of silence.

The 33 who confessed did so through



“I don’t think students understand what an Honor System means, because I don’t believe an Honor System could possibly work if that’s the mindset—if I’m only responsible for myself.”

the Honor System’s Informed Retraction provision. It’s essentially a plea bargain mechanism, voted in in 2013, when expulsion was still on the books. Students who admit wrongdoing within seven days of formal accusation can return to Grounds after two semesters if, among other conditions, they’ve met whatever amends the professor reasonably requires. Martin tried to use the provision to require students to name other cheaters. The Honor Committee told him he couldn’t do that because the UVA Honor Code no longer includes the obligation to report Honor crimes, known as “non-toleration.”

Honor dispensed with a non-toleration clause more than 40 years ago. When student leaders updated the orientation pamphlet for the 1979-1980 academic year, they added a period after the clause “I will not lie, cheat or steal,” excising the phrase that came after it: “nor tolerate those who do.” An essay included in the Bicentennial Report notes that, after sifting through 99 years of records, researchers could find no instance of anyone brought up on charges for failing to report someone else’s Honor violation.

Martin couldn’t force students to name names, but he could still ask, especially since a student who passes Comm 210 through cheating could potentially win admission to the Comm School over a student who didn’t. “I had aggressive conversations with every one of those students,” he says.

“You’re OK with the rest of your classmates who didn’t cheat still having cheaters among them, and you think that’s what we mean by our Honor System?” he recalls saying. “What you’re telling me is, you’d rather withhold the truth because you’re not comfortable with the implications,” and I would pretty much make them say

that out loud because, I don’t know, these are 20-year-old[s]. They should be thinking about this.”

Some did share information. That’s how he learned students had recorded their online test sessions and shared video files and screenshots. Some did offer up names, but generally names they would have known he already knew.

Says Martin, “I don’t think students understand what an Honor System means, because I don’t believe an Honor System could possibly work if that’s the mindset—if I’m only responsible for myself, then I don’t think that’s an Honor System that’s going to be very powerful.”

The Stanford observers reached a similar conclusion. “The Honor Spirit ... places a heavy burden of citizenship on each student to be responsible for his or her own behavior *and* to help maintain the high value of honesty within the University,” they wrote.

They were also mindful that students informing on peers had the potential to contribute to vindictive spotlighting. It’s one reason they favored face-to-face accusation over anonymous reporting. Ultimately, they saw that “burden of citizenship” as something for students to weigh carefully. “Making a decision to complain is the Honor System’s most demanding procedure. It often places high values in competition with each other: trust in the face of suspicion, friendship and integrity, loyalty to a group versus loyalty to an individual,” the study says. “It tests judgment, character, and courage.”

LACK OF CONVICTION

The corollary to students who won’t accuse is student jurors who won’t convict,

another act of omission. In the court system, it’s known as jury nullification, jurors refusing to apply a law with which they disagree regardless of the evidence. It happens when a death-penalty objector makes it onto a jury in a capital murder trial. The former single sanction had a similar effect: students’ refusing to expel a peer under any circumstances.

Jury nullification is openly acknowledged in Honor Committee meetings, as it was by both sides of the referendum debate. “We have tons of false not-guilties. You get jury nullification all the time,” says **Andy Chambers (Col ’22)**, who led the opposition to the referendum and attended more than his share of trials as last year’s Honor chair and, before that, vice chair of hearings.

Guilty verdicts are statistically rare. Out of the 36 Honor trials held over the eight semesters from spring 2017 through fall 2020, the most recent data on the Honor website, only five returned a guilty, making for a 14 percent conviction rate over the period.

The data don’t show whether all those cases took place in front of student juries. That is the prevailing practice, but an accused student can choose a panel composed entirely of Honor Committee members or a mix of committee members and randomly selected students.

It’s not clear if the end of expulsion will make jurors more inclined to convict if the evidence warrants it. Jurors may still have strong reservations about derailing a fellow student’s academic career for any length of time or about otherwise sitting in judgment. The Honor Committee polls jurors after hearings but doesn’t maintain the results in a sufficiently anonymous form leaders felt comfortable sharing.

Gabrielle Bray (Col ’23), who succeeded Chambers, first as hearings chief and now as Honor chair, says how the constitutional change affects conviction rates going forward is beside the point if, in the end, students don’t embrace the values of Honor. As Sun, the current vice chair of

“Life is easier if I just assign zeros and fail them, and I’m done. To commit to taking it to Honor then is another commitment of time and stomach acid and stress,” Martin says.

hearings puts it, “That’s kind of like ... losing a mile to gain an inch.”

To be sure, a low conviction rate isn’t a per se bad thing. Any justice system would want the triers of fact to struggle, even agonize, in reaching their verdicts. Nor is it a new phenomenon. The Stanford observers reported, “We heard several tales from faculty of mishandled cases, of cases where a violation obviously occurred, but where the student was found not guilty.”

FACULTY AND SCHOOLS

That takes us to another act of omission, faculty who address violations themselves, or not at all, rather than trust in the Honor System. Some healthy tension is to be expected in a system that gives students governance over classroom conduct. Faculty can assign zeros to suspected cheaters, but they can’t suspend them. Professors are convinced of an accused student’s guilt; they wouldn’t have referred the case to Honor otherwise. Honor operates from the opposite presumption. It needs to ensure due process and that the offense, even if proven, clears the high bar for expulsion or, now, suspension.

The expulsion penalty has been a long-running reason that significant segments of the faculty run cold on the Honor System. In a 2017 poll, part of an internal UVA blue-ribbon Honor Audit Commission’s report on the System, 44 percent of professors cited the expulsion sanction as the chief deterrent to referring cases—23 percent saying it gave them pause and 21 percent saying they flat don’t believe in it.

For faculty, a trip through the process-heavy Honor System drains precious

time and energy. Twenty-two percent of professors surveyed cited the time-consuming nature of Honor procedures as their No. 1 reason not to bother.

Martin, an accountant of course, estimates he has expended more than 200 hours in documenting the cases he brought to Honor. “The reports I filed were meticulous. They were precise. They were correct. That took a lot of time to put that together,” he says, including the hours he spent fact-checking himself and making sure the recitation flowed logically.

“Life is easier if I just assign zeros and fail them, and I’m done. To commit to taking it to Honor then is another commitment of time and stomach acid and stress,” Martin says.

Still, if he had it to do over, he would do the same. “I’m tenured and I’m senior, and I’m just arrogant enough to say I’m doing the right thing,” he says. “If I was an untenured, junior faculty trying to get tenure, I don’t know.”

In the faculty survey, 75 percent of professors said they believed their colleagues often handle matters themselves rather than go through the Honor System; 48 percent answered that they personally knew professors who have done so.

It’s not just individual professors. Entire schools of the University have gone that route, “essentially bypassing the student-run Honor System,” the Honor Audit Commission’s 2018 report said. It cited the UVA School of Law in particular.

For years, the law school has managed potential Honor cases through its own faculty-run Student Conduct Committee. It has maintained that it needs to do so because American Bar Association standards and state laws require it to certify the character and moral fitness of its graduates.

In June 2019, the law school and the Honor Committee entered into a University Memorandum of Understanding ratifying that they hold overlapping jurisdiction over law student conduct. They pledged to “communicate about new matters and decide priority of adjudication on a case-by-case basis.” Since then, indeed going back to 2013, the data indicate that the law school has kept everything in-house, handling matters through what the joint memorandum renamed as the school’s Academic and Professional Standards Committee.

The UVA School of Medicine has a similar Academic and Professional Standards Committee. Occasional med school cases do pop up in the Honor data, though individual students, rather than the administration, may have initiated them. The Darden School of Business has no such internal disciplinary committee, but neither have its faculty referred a suspected Honor violation in at least 10 years.

The Stanford Study devoted several of its 60 pages to the importance of the faculty’s buying into the System. “Surely one of the strengths of UVA’s Honor System is that it is authentically the responsibility of students; it belongs to them and it is theirs to make work,” the study says. “What may often be forgotten is that the Honor System needs the concurrence and support of the faculty to work.”

Today that has become existential, considering faculty bring the Honor System just about all its cases—essentially all cheating cases (72 percent of Honor volume from fall 2018 through spring 2020) and some portion of the lying cases (8 percent). (The days of faculty having to enlist a student to accuse another student are long gone; professors can refer matters to the Honor System directly.) If faculty give up on taking cases to Honor, the adjudicative operation of the Honor System will effectively go out of business.

REFORMING THE REFORM

The Honor System used to have a practical solution to faculty complaints about

a slow-grinding process with confounding outcomes—Informed Retraction, that 9-year-old plea system that has allowed accused students to admit guilt, make amends and return after a year. From inception through spring 2021, it has spared 149 students from the prospect of expulsion. Informed Retraction suspensions accounted for 85 percent of the punishments the Honor System meted out over the period. Almost all the Intro to Accounting students resolved their cases that way, and the professor considered it a tough but fair disposition.

IR remains part of the System, but the student incentive for admitting wrongdoing, at least the extrinsic one, washed out on last semester's election wave. Going to trial no longer carries the risk of expulsion, which means confession no longer confers a practical advantage. In fact, it now confers the disadvantage of 100 percent probability of suspension. At trial, remember, the probability of conviction has been 14 percent, 1 in 7 odds. Even if the newly reduced penalty makes juries more comfortable returning guilty verdicts, anything short of a 100 percent probability of conviction would seem to make trying one's luck at trial the shrewder play.

That's the strictly pragmatic, risk-benefit viewpoint. From a philosophical standpoint, the referendum has caused a more troubling incongruity. It created an unconditional constitutional right of return. While someone making an Informed Retraction must take personal responsibility and work to put things right, those who fight and lose at trial have no such obligations. They're back after a year, with or without remorse. Informed Retraction found justification in notions of rehabilitation, redemption and a commitment to the values of Honor. Those were the moral paving stones on the path to readmission to Honor's foundational community of trust. The new constitutional amendment built a highway bypass for those more interested in the return

destination than the journey.

The reform movement very much cared about redemptive Honor; that's why it pushed so hard to get the Honor System out of the business of imposing permanent exile. Benos, who led the effort, fully acknowledged early in the campaign that the Honor System would need further reform. As he said then, "The focus of this proposal has been, 'Pick something that tackles what is the biggest problem for students, but not every problem.'"

The single sanction of permanent exile troubled the Stanford group too. Brady says the team was unanimous in recommending it change. They each saw it in conflict with the ideal of a caring community of

learning. But the Stanford team didn't recommend eliminating expulsion. It favored a continuum of punishment, that the single sanction become multiple, "that it be made flexible as to the length of the separation," they recommended, the separation "ranging from a semester to permanently."

It's not a novel idea. Every previous referendum on Honor sentencing had proposed adding lighter alternatives to expulsion but not eliminating it altogether. That's what made the latest reform so striking (and so attractively simple to vote for). It's also what created the moral hazards that can give Informed Retraction the appearance of a losing bet and that confer the same right of return to those who atone and those who won't. Repealing the power to expel took away the Honor System's leverage. The Stanford approach would be to restore it at the far end of a continuum of consequences. A modern version of that might be to recast expulsion as a last resort, a back-pocket power reserved for specific circumstances, including when a violator fails to make amends.

THE HONOR SPIRIT

Or it's at least worth a conversation.

"I don't love the place our system has

ended up at," says Bray, the Honor chair. Upon taking office in April, she began meeting with student leaders and faculty members with an eye toward holding what, with deliberate looseness at this stage, she calls "a sort of constitutional convention-style situation, where we talk about ... what we think the Honor System should actually look like."

"Hopefully, ideally, God willing, knock on wood—whatever—we're going to get back on track this year," Bray says.

If she can bring about some kind of convention, she could do worse than using the Stanford Study as a discussion guide, starting with the section on the Honor Spirit.

"The Honor Spirit places the value of honesty as the keystone of the UVA community," the study says. Community wasn't a term it tossed around lightly. The ideals of strong, vibrant educational communities served as the report's analytical framework. "We found no students (or any others, for that matter) who even suggested that UVA would be a better intellectual and social community if personal and scholastic honesty were lesser values."

Ultimately, students need to decide what kind of community they want to create and uphold for themselves and what legacy they would leave for those who come after them. It's a two-part discussion. Step One is identifying and committing to a set of shared ideals—the Spirit. Step Two is the nuts and bolts of figuring out the best rules, regulations, practices and infrastructure to achieve it—the System. With that come the frank conversations about the ongoing and long-running moral, ethical and practical challenges of the UVA Honor System, those reported here and others.

"It's not a perfect system. It is not," says Byrd, who helped host the Stanford observers during their visit and led UVA Honor the year after. "But if you are going to create your community, if you're going to create the laws and ways that you want to live and interact with one another, then I think it's a pretty good one to start with." 🍷

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UVA President James Ryan offers his thoughts on Honor change, Page 66.