

FAQs about the Honor System

Does the Honor System hear sexual assault cases? No. As of August 1, 2012, the Honor System no longer hears cases of sexual assault. Honor System members led the removal of sexual assault from the Honor System's jurisdiction. Additionally, from January 2012 to August 1, 2012, all cases regarding harassment, discrimination, or sexual misconduct were held under *Interim Policies* and were heard by University Hearings Boards rather than an Honor Court.

What were the *Interim Policies*? The *Interim Policies* were in effect from January 2012 to August 1, 2012 and moved the University's sexual assault adjudication policies closer to the U.S. Department of Education's requirements (Dear Colleague Letter, April 2011) while a more thorough policy was drafted. Under the *Interim Policies*, a University Hearings Board rather than a student Honor Court panel heard cases of sexual assault.¹ These boards were composed of two students, two faculty members, and one administrative chair. The administrative chair was responsible for the conduct of the hearing and leading of the deliberations. The *Interim Policies* also lowered the burden of proof to "preponderance of the evidence" and added appeal rights for the complainant. The University's new sexual assault policy is available at <http://safe.unc.edu>.

Why are students leading the Honor System? The purpose of the Honor Code is to educate students above and beyond all else.² Carolina students for over 100 years have believed that empowering students to set the community standards and to hold each other accountable to those standards best achieves that purpose. This student self-governance is not only a vital part of the long tradition at the University, but also has very real practical value. The University has instilled trust in its students to hold their peers accountable and to develop honor and integrity in the student body. This promotes a culture of integrity within the campus community because the Honor System is by the students, for the students. We as students, with the support of faculty and administrators, recognize that academic misconduct diminishes the value of our degrees and the ability of the University to fulfill its mission to instill in its students a love of learning.³ We also recognize that personal misconduct can negatively affect the ability of every university student to feel secure in his/her person and possessions, and to mature and develop intellectually and emotionally. For this reason, the Honor System hears both academic and conduct violations.

What is the Honor System? The Honor System consists of three branches on both the undergraduate and graduate level: the Attorney General's Staff, the Honor Court, and the Outreach Committee.⁴

The Student Attorney General (SAG) or his/her designee receives all reports that a student may have violated our Honor Code and is responsible for reviewing the report, meeting with the accused student, and conducting a preliminary investigation.⁵ After this investigation, the SAG must determine if there is a *reasonable basis* to believe that an Honor Code violation may have occurred. If the SAG decides to charge a student, the student attends a Preliminary Conference to learn about students' rights, to make decisions regarding a plea and hearing type, and to schedule a hearing. Two members of the Attorney General's staff are then assigned to assist the reporting party and the accused student as they prepare for an Honor Court hearing.

Members of the Honor Court then convene a hearing, carefully and completely review all evidence presented, and deliberate a judgment.⁶ If the five-student Honor Court panel determines that there is proof beyond a reasonable doubt that a violation occurred, they will then determine an appropriate sanction for the violation. Available sanctions range from a written letter of warning to expulsion.

¹ "Interim Sexual Assault Procedures," Jan. 2012, [http://deanofstudents.unc.edu/sites/deanofstudents.unc.edu/files/Interim_Sexual_Misconduct_Procedures_\(Jan._2012\).pdf](http://deanofstudents.unc.edu/sites/deanofstudents.unc.edu/files/Interim_Sexual_Misconduct_Procedures_(Jan._2012).pdf); "Dear Colleague Letter," April 2011, <<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>>.

² "Preamble," *Instrument of Student Judicial Governance*, Aug. 2012, accessed at <<http://instrument.unc.edu>>, p. 3.

³ *Ibid.*, "Premises," I.A.2, p. 3.

⁴ *Ibid.*, V.A.1.b, p.21; See also <<http://honor.unc.edu/>>.

⁵ *Ibid.*, "Appendix C," A-B, pp. 36-38.

⁶ *Ibid.*, "Appendix C," C, pp. 38-46.

What does a reasonable basis mean? In deciding to charge a student, the Student Attorney General must establish a reasonable basis – legitimate facts or reasons supported by sufficient evidence to believe that a violation may have occurred. If the evidence available reaches this threshold and the Student Attorney General cannot unilaterally decide that a violation did not occur, he/she has an obligation to refer the case to the Honor Court.

What's the difference between a charge and a guilty verdict? A charge indicates that the Student Attorney General has found a reasonable basis to believe that a violation might have occurred. To be found guilty of a violation, a majority of a panel of five Honor Court members must determine that there is proof beyond a reasonable doubt that a violation did occur.

What is the usual punishment for a violation? There is no one sanction that is applied in every case, although some violations do have a usual sanction as outlined in the Instrument. An initial instance of academic misconduct and driving while under the influence of drugs or alcohol both have a usual sanction of one semester of suspension. The Board of Trustees Policy on Illegal Drugs determines the minimum sanctions for possession, sale, and delivery of illegal drugs.⁷ No other conduct violations carry a minimum or usual sanction.

Can the Honor Court expel a student? The Board of Governors Policy Manual requires the Office of Student Conduct and the Honor System to list any sanction that a student could possibly receive.⁸ Because there is no maximum sanction for any charge, every student charged by the University will see expulsion on his/her list of possible sanctions. The Honor Court can recommend a sanction of expulsion. However, both permanent suspension and expulsion are rarely assigned as sanctions. Furthermore, the Chancellor or his/her designee must review and uphold any case in which the Honor Court recommends a sanction of expulsion or permanent suspension.

Is there a process for appealing a decision? Any student found guilty by the Honor Court can appeal that decision to a University Hearings Board, which is comprised of two students, two faculty members, and one administrator who have no prior knowledge of the case.⁹ Students may appeal an Honor Court decision on the basis of a violation of their basic rights, insufficient evidence for guilt beyond a reasonable doubt, or the severity of sanctions.

What kind of faculty and administrative involvement exists in the Honor System? The Chancellor remains solely responsible for all matters of student discipline, though he/she delegates this authority to the student-led Honor System with significant advice and oversight capacity by faculty and staff. The Judicial Programs Officer serves as the designee of the Chancellor in coordinating and advising the Honor System.¹⁰ The Judicial Programs Officer provides support and advice to the Honor System leaders, supervises student compliance with Honor Court sanctions, and assists with the training of Honor System members. Additionally, the Committee on Student Conduct oversees the operation of the *Instrument* and the Honor System, interprets and proposes amendments to the *Instrument*, and advises student and administrative judicial officers.¹¹

The Faculty Honor System Advisory Committee advises the graduate and undergraduate Student Attorney Generals regarding difficult charge decisions, helps develop training and outreach activities to address campus concerns about the Honor System, and serves as a source of expertise on sanctions.¹² The Faculty Hearings Board Panel is a standing panel of at least 30 faculty members who serve on cases of appeal and cases where their expertise is needed, such as sexual assault cases processed under the *Interim Policies* from January 2012 to August 1, 2012 and other cases in which a student requests a hearing before a University Hearings Board panel.¹³

⁷ http://www.unc.edu/campus/policies/illegal_drugs.html

⁸ <http://www.northcarolina.edu/policy/index.php?pg=vs&id=s457>

⁹ I.1, "Appendix C," *Instrument of Student Judicial Governance*, p. 46-49.

¹⁰ *Ibid.*, V.D, p. 28.

¹¹ *Ibid.*, V.E, p. 28-29.

¹² *Ibid.*, V.B, p. 27.

¹³ *Ibid.*, V.C, p. 27-28.