

Dear Members of Student Congress,

On behalf of the Honor System Leadership and the Committee on Student Conduct (COSC), we would like to present to you the most recent proposals for changes to the *Instrument of Student Judicial Governance* that have been approved unanimously by COSC. These changes have been the product of three years of thought, research, and discussion between students (graduate and undergraduate), faculty, and administrators, and, as a result, we believe that these are the strong proposals. Moreover, we believe, as we will explain further, that these changes are to the benefit of students in maintaining the integrity of the University as a whole. We have taken a critical look at our system and have written proposals that will strengthen it.

When we began working on these proposals, we approached them with three convictions:

1. The protection of due process rights for all students
2. The preservation of the student-led Honor System, a tradition that is a source of pride for the entire community in its legacy and its leaders.
3. The recognition that honor and integrity is the responsibility of the entire Carolina community. Accordingly, we need to have a system that serves all stakeholders: faculty, students, and administrators.

We strongly believe that these proposals fulfill the three convictions above. These proposals will help to strengthen academic integrity and the culture of honor at UNC and serve the interests of all students.

In the current climate, reform of the Honor System must take place. We must respond to student, faculty, and administrative concerns to show the System's dedication to serving the community and to preserve the atmosphere of academic and social excellence at UNC. We believe that change in some form will come to the Honor System. Therefore, we think it is incumbent on Student Congress, Faculty Council, and the Chancellor to pass these proposals that have been written hearing the voice of students. We believe it is incumbent on these three bodies to pass proposals before the ability to make legislative changes is taken out of our hands by a new Chancellor or the Board of Trustees (something we believe to be a distinct possibility).

Having said that, we want to make it clear that the Honor System leadership does not just support these changes because change must come. We support these changes because after asking for the input of our fellow students, writing them, and debated them, we believe they are in the best interest of our entire University community.

The current proposal involves the following changes which will take effect Fall 2014:

1. Removing the current usual sanction for an initial instance of academic dishonesty -- suspension for one full academic semester, a failing grade in the course, an aspect of the course, or on the assignment -- and the current minimum sanction -- probation for one full academic semester, a failing grade in the course, an aspect of the course, or on the assignment, and a written letter of warning. Instead, the proposal establishes a minimum sanction of a failing grade in the course, an aspect of the course, or on the assignment and a written letter of warning and also includes a table which elaborates relevant factors in sanction for the purpose of consistency (attached).
2. Lowering the burden of proof from "beyond a reasonable doubt" to "clear and convincing evidence".
3. Inviting faculty members to become members of the Undergraduate and Graduate Honor Court for hearings involving academic cases where a student is pleading "not-guilty". One faculty member will be added to these hearing panels if they are available and will only be present for the judgment phase - not the sanctioning phase.
4. Committing to creating a Student-Instructor Resolution process for students pleading guilty to minor instances of academic dishonesty.

The most pressing concern in the past few years with respect to the Honor System has been faculty support. The system is predicated on the participation of faculty protecting the academic integrity of the

University by reporting cases of academic dishonesty. If not all members of the faculty report cases of academic dishonesty, the result is inconsistency for students. Because equitable treatment is one of our main responsibilities, it is imperative that we respond to faculty concerns with the system. We, as a student body, and we as Honor System leadership realized that such a situation in which a substantial portion of faculty do not report violations is unacceptable both for the academic reputation of our institution and even more for the right to equitable treatment that all students deserve *per our Instrument*. We want to affirm the integrity of our current system, but we have taken a hard, critical look at our procedures and come to a few conclusions that will increase faculty participation, as well as correcting other issues.

Over the past three years we have heard concerns from students, faculty, and the administration about the current usual sanction for initial instances of academic dishonesty (one semester of suspension). We have heard these concerns and considered them in conjunction with our commitment to accountability and the value of students learning from the process and have created an entirely new method of sanctioning. The proposed change removes the usual sanction and lowers the minimum sanction to a grade penalty, while providing a more extensive, non-binding chart to be included in an appendix of the *Instrument*. This chart, as you can see, provides a spectrum of charges that, on the one hand, maintains a usual of suspension for one full academic semester for deliberate and extensive academic dishonesty, but now suggests a usual sanction of one semester of probation for reckless and/or minor academic violations. These changes, therefore, hold our students accountable for the most severe violations, but allow flexibility for lesser violations so that students can have the opportunity to learn. We believe that this change will be fairer to students and will encourage faculty previous worried about overly punitive sanctions to report violations.

Second, COSC has recommended that the lowering of the usual and minimum sanctions should be accompanied by a lowering in the burden of proof. Another faculty concern with the System has been the instances in which the Court determined that the student was not guilty due to a very high burden of proof (beyond a reasonable doubt). Additionally, Court members have expressed concerns about having to find a student not guilty when they were convinced that the student had committed the violation in question. In these cases, the evidence may clearly have indicated that academic dishonesty occurred, but to a standard of beyond a reasonable doubt, often as a result of the nature of the particular fact pattern. For the sake of our high standards, we – the community – have an interest in being able to convict individuals who clearly violate the academic integrity of our University when there may be structural reasons why “beyond reasonable doubt” could not be reached. We believe that it is the best interests of all students to have a system that can hold students accountable, when appropriate.

Third, the Boxill committee recommended, in response to many faculty who have critiqued the Honor System process as overly time-consuming and burdensome, some sort of Student-Instructor Resolution process in which minor academic cases could be resolved in a short period, similar to the Honor Court Alternative Resolution (HCAR) process for minor conduct cases. We want to be clear that in all cases, but especially in this proposal, that the overriding ultimate concern will be justice and due process, not necessarily efficiency for its own sake. Due process, however, does include a right to a speedy trial, per the *Instrument*. It seems that more minor cases would be reported to the System, and, therefore, students would be treated more equitably, insofar as they would receive the appropriate rights that are not involved if resolved by faculty separate from the System. Were there to be a process in which faculty could report minor instances and they could be resolved in a few weeks, we believe that faculty would be more willing to participate than in the longer process now. If the student did not agree to the shorter resolution process, he or she always has the right to be heard by a full Honor Court panel.

Fourth, the committee voted to include up to one faculty member on hearing panels for academic violations in which the student is pleading “not-guilty”. On its face, we recognize that this seems to be antithetical to a valuable tradition of students holding students accountable. However, we want to affirm this proposal, created and endorsed by many of the senior members of the Undergraduate and Graduate Honor System. What this constitutes, in our eyes, is an invitation into the System. Faculty have expressed that, even though they have a direct interest in maintaining the academic integrity of the University, they feel that they are being excluded from this important facet of the University. Faculty have rightfully asked, why would they be allowed to report violations to the System, but not have discursive representation of a peer in the hearing panel in which the report is heard. We believe this is a valid concern. Currently, we are systematically

excluding a very valuable perspective in our deliberations. We believe that all students have the right to the fullest deliberations possible so we believe that the way to accomplish this is by inviting faculty to participate. The Honor System will remain student-led, but it will gain the unique perspective of instructors, one of the members of our academic community. Additionally, sanctioning will remain under the sole discretion of students because students are the only ones subject to the sanctions the Honor Court can determine.

More broadly even, the faculty members will, in turn, become some of our best advocates for the Honor System among the faculty. When faculty sit on panels with our Court and Staff members, they will see how professional, intelligent, and competent that our students in the System can be, and those faculty can then speak as much in support of our System as we can. We believe that our process is sound even now before these changes, and we believe that adding a potential faculty member to the hearing panels will only make our System even more credible in the eyes of faculty. If faculty buy-in increases, consistency and equitable treatment for all students increases. This is absolutely in the best interests of students.

Lastly, in response to many who are asking for some form of alternative Student-Instructor Resolution process, COSC has voted to commit to discussion of a process to resolve minor initial instances of academic dishonesty that would result in less than a sanction of probation under the proposed new sanctioning chart between the instructor and the student. In these cases, this sort of alternate resolution process is for two purposes. First, it would create a less stressful process for very minor cases when the student pleads guilty to academic dishonesty so that professors will have the chance to have an educational, non-adversarial conversation with the student about the circumstances that led up to his or her violation so the student may learn from the process. Second, it would increase the number of these minor cases reported to the System so as to ensure the accused student the rights that may or may not be adequately protected if resolved outside of the System. Furthermore, these reports would provide a more accurate picture of areas where better outreach and publicity may be needed. The process would be established to have student and administrator evaluation as safeguards for the student's decision to choose this alternative process and to be sure that the instructor's sanction(s) adhere to proper guidelines.

In sum, though these changes, at first blush, might appear to be fairly radical in the history of the System, we want to emphasize that these are changes that are ultimately in the favor of the student body. These are changes that will better ensure equitable treatment of all students faced with possible violations of the *Instrument* by encouraging more widespread faculty reporting. Furthermore, the new sanctioning guidelines and the Student-Instructor Resolution process will provide students educational opportunities that have not been afforded in the same manner in the past.

We hope that you, as representatives of the Student Body, will carefully consider these changes, the reasons for the changes, and possible implications for the student body, and determine whether these are appropriate for our community. The Honor System leadership affirms that these proposals are indeed just what the System needs at this point in time in order to protect our tradition of student self-governance and also be attentive to community concerns. Both of us are more than happy to meet with any of your or other representatives who have further questions, concerns, or comments or for us.

Sincerely,

Nathan Tilley  
Chair, Undergraduate Honor Court

Anna Sturkey  
Undergraduate Student Attorney General