

**Report of the Committee on Student Conduct
January 15, 2021**

2019- 2020 Proposed Changes to the Instrument of Student Judicial Governance

Please find below a summary of and rationale for the amendments to the Instrument of Student Judicial Governance proposed by the Committee on Student Conduct in Faculty Council Resolution 2021-1. The specific changes are detailed in COSC Proposal 1, which the resolution endorses.

1. Changes to update the language as the graduate and professional student senate and undergraduate student senate are now separate entities. They were previously referred to as student congress and therefore this wording needed to be updated. The phrase "Student Congress" is consistently replaced by "Undergraduate Senate and Graduate and Professional Student Federation Senate" (see Sections 3, 4, 8, and 10-13 in COSC Proposal 1).
2. Further clarification regarding honor court qualifications to provide more flexibility and clarifying language.

Section 5. Section V.A1.b.i.2 shall be amended as following:

Vice Chairs shall be selected by election among the members of the Undergraduate Honor Court during ~~the either the spring or fall semester~~ **spring semester** and serve **until resignation or graduation, or until their recusal is deemed necessary.** ~~for a period of 12 months or until successors have been named.~~

Section 6. Section V.A1.b.3. shall be amended as following:

Members shall be appointed by the **Undergraduate Student Government** President, and approved by **the Undergraduate Senate** ~~Congress~~. **Before hearing cases, members will have been members of the academic community for at least a full semester.** Members of the Court shall be recommended during the ~~fall~~ **spring** semester by a nominating committee composed of the ~~outgoing and incoming~~ Chair, ~~and~~ Vice Chairs, **and experienced Court members** from among a pool of candidates **who are current members of the academic community.** ~~have been members of the academic community for at least a full semester (or two summer sessions).~~ Members shall be appointed **for a term lasting until resignation or graduation, or until their recusal is deemed necessary** ~~for a 12-month term and shall serve until successors are named.~~

3. Provisions for reduced availability of the court. During the university breaks and the summer there is reduced availability and the instrument needs to give alternatives as to not delay the student hearing process.

Section 7. Section V.A.1.b.iii deleted due to additions in Appendix C.

Section 17. Appendix C

Special Provisions for Reduced Court Availability. During periods of reduced court availability, the Honor System will operate with modified procedures as specified below.

- a. **Interim Chair:** The Honor Court Chair may designate an Interim Chair to perform duties with the authority of the Honor Court Chair for a definite period during which the Honor Court Chair is absent.
- b. **Modified Honor Court Alternative Resolution:** A Modified Honor Court Alternative Resolution (M-HCAR) shall operate under the same provisions as an Honor Court Alternative Resolution, with the exception that it may be presided over by one designee from the Office of Student Conduct, OR by the Honor Court Chair or Interim Chair and one Vice Chair, Deputy Attorney General, or the Attorney General.
- c. **Emergent Cases:** A member of the Attorney General’s staff may submit a formal request to schedule a case of type Not Guilty, Full Guilty, or EHP to be heard by a UHB De Novo panel if there is a reasonable basis that a case’s pending status creates implications that substantially restrict a student’s academic or professional progress. The request will be evaluated and approved at the discretion of the Honor Court Chair and Attorney General.
- d. **Attorney General Staff:** The Attorney General shall continue to conduct preliminary investigations into reported violations and to issue charges. Attorney General staff members shall continue to conduct preliminary conferences with students, to schedule cases as court availability allows, and to schedule Student-Instructor Alternative Resolutions should the option be available to the accused student.

4. Wording changed from should to shall in the following statement.

Section 14. Appendix B.III shall be amended as following:

Oversight. In the event of student misconduct that appears to violate the requirements of the Honor Code, faculty members, teaching assistants, and other instructional personnel shall:

5. Add “ when possible” to the statement.

Section 18. Appendix C.E.7.d. shall be amended as following:

Announcement and Transmittal of Judgment. After the hearing panel reaches its judgment, the presiding officer shall announce the judgment and sanctions in the presence of the accused student when possible.

6. General copy editing: **Section 19. Appendix C.G.1.a.** shall be amended as following:

(a) Composition. The Chair of the applicable Honor Court shall convene the Honor Court Alternative Resolution meeting along with one Vice Chair of the applicable court. ~~Functions and Procedures.~~

(b) **Functions and Procedures.** An Honor Court Alternative Resolution panel shall be offered to students who accept responsibility for committing the charged violation. If the student chooses to accept the option of the Honor Court Alternative Resolution, the Chair will review the violation and discuss the student’s actions to determine the appropriate sanction to be offered to the student.

7. Further clarification regarding Student Instructor Alternative Resolution (SAIR).

Section 20. Appendix C.A.2.c. shall be amended as following:

Student-Instructor Alternative Resolution. In **academic dishonesty** cases where ~~an~~ the instructor

~~would like to meet with the student~~ suspects academic dishonesty and ~~meets with the student~~ as provided in section A.2.a. and makes a sanction recommendation as provided in section A.2.b., the accused student may be afforded an opportunity to resolve the case through an informal resolution process in lieu of a hearing or further proceedings.

Added to **Section 21. Appendix C.A.2.c.[post v].:**

Once the student and instructor indicate during the Student Instructor Alternative Resolution that they agree on the facts of the case , the matter can only be referred to a hearing type in which the student accepts responsibility and does not challenge the previously agreed-upon facts.