

Resolution 2021-1. On Amending the Instrument of Student Judicial Governance.

The Faculty Council approves the amendments to the Instrument of Student Judicial Governance as presented by the Committee on Student Conduct in its Proposal 1 dated October 30, 2020.

Submitted by the Committee on Student Conduct.

**IN THE COMMITTEE ON STUDENT CONDUCT
OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL
UNDERGRADUATE STUDENT GOVERNMENT**

COSC PROPOSAL 1

**A RESOLUTION TO UPDATE THE INSTRUMENT OF STUDENT JUDICIAL
GOVERNANCE**

03 28 2019	INTRODUCED BY EX OFFICIO MEMBER BROWNE
10 30 2020	<i>CURRENT</i>

WHEREAS, *The Instrument of Student Judicial Governance* is a necessary document to inform and govern the student body of The University of North Carolina at Chapel Hill;

WHEREAS, it is an important duty of the Committee on Student Conduct to maintain and update this document in accordance with changes on and around our campus;

WHEREAS, Section VII.B.1 of the Instrument of Student Judicial Governance provides that any amendments to the Instrument must be approved by Student Congress, and that, as successor organizations to Student Congress, such authority now resides with the GPSF and Undergraduate Senates.

THEREFORE, BE IT RESOLVED BY THE COMMITTEE ON STUDENT CONDUCT OF THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL THAT THE INSTRUMENT OF STUDENT JUDICIAL GOVERNANCE SHALL BE AMENDED AS FOLLOWS:

Section 1. Section III.D.2.b. shall be amended as following:

For a second or subsequent instance of academic dishonesty, ~~the minimum a~~ sanction shall be ~~determined as provided in III.D.5.~~ **determined as provided in III.D.5.** ~~disciplinary suspension for at least one full academic semester~~

Section 2. Section III.D.5. shall be amended as following:

Repeat Offenses. For offenses of the same or similar type: ~~for which a student has previously received at least probation, the minimum sanction shall be suspension for at least one academic semester with appropriate conditions.~~

- a. **the usual sanction shall be suspension for at least one academic semester, and**
- b. **the minimum sanction shall be a sanction that is more severe than the sanction in the previous case;**
- c. **When considering repeat academic violations, the Court shall consider any prior academic offenses as similar offenses. When considering repeat academic violations, any prior conduct violations could be considered prior violations if the panel determines them to be of same or similar type;**
- d. **When considering repeat conduct violations, the Court shall consider any prior conduct or academic offenses as same or similar offenses if the panel determines them to be of same or similar type;**
- e. **Violating sanctions imposed by the Honor Court is considered similar to the violation for which the sanctions were originally imposed.**

Section 3. Section V.A1.a.i shall be amended as following:

Appointment and Qualifications. The Office of the Undergraduate Student Attorney General shall be led by the Undergraduate Student Attorney General, who shall be appointed by the Student Body President, with the approval of the [Undergraduate Senate](#), during the spring semester and shall serve a term of 12 calendar months from date of appointment or until a successor has been appointed. Only undergraduate students who have attained at least second semester sophomore status and who have at least two semester's experience on the Student Attorney General's staff shall be eligible for appointment.

Section 4. Section V.A1.b.i.1 shall be amended as following:

Undergraduate Honor Court Chair. The Office of the Undergraduate Honor Court shall be led by the Undergraduate Honor Court Chair, who shall be appointed by the Undergraduate Student Body President, with the advice of the outgoing Chair and Vice Chairs, and shall be confirmed by [Undergraduate Senate](#), during the spring semester to serve for a term of 12 calendar months or until a successor has been named. The Chair shall have attained at least second semester sophomore status and have at least a full two semester's experience on the Undergraduate Court prior to selection in the Spring semester.

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

Undergraduate Honor Court Vice Chairs. The Honor Court Chair may be assisted by a minimum of two vice chairs or additional vice chairs as the Committee on Student Conduct determines to be necessary for it to conduct its business. Vice Chairs shall have attained at least second semester sophomore status and have at least a full semester's experience on the Undergraduate Court prior to selection. 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 of the Undergraduate Honor Court. The Undergraduate Honor Court shall be composed of a minimum of 25 undergraduate students (including the chair and vice chairs) or a larger number recommended by the Committee on Student Conduct as necessary to conduct the Court's business. 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).~~ In reaching its recommendations, the committee shall consider the candidacy of any interested undergraduate student; endeavor to recruit candidates whose diversity reflects that of the student body as a whole; conduct interviews and evaluate personal qualifications using criteria designed to assure effective operation of the Court. 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.~~

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

~~Summer School: Special Provisions. During summer session, the authority of the Undergraduate Honor Court shall be exercised by a Summer School Court composed of members, who shall~~

~~meet the minimum qualifications and be chosen by the procedures set forth in Section V.A.1.b.i.(3). and shall serve for the duration of the summer session. Vacancies that exist at the beginning of or during the summer session may be filled by appointment of the Student Body President and confirmation by Student Congress. The Chair of the Summer School Honor Court shall be appointed by the Student Body President with the advice of the Chair and Vice Chairs of the Undergraduate Honor Court and shall be confirmed by Student Congress. Two vice chairs shall be elected by the members of the Summer School Honor Court, with preference for students who have attained at least second semester sophomore status and who have with at least a full semester's experience. Hearing panels during summer session shall be composed of a presiding officer who is selected by random drawing from a pool of the Summer School Chair and Vice Chairs, and members selected by random drawing from a pool composed of the remaining members of the Summer School Court.~~

Section 8. Section V.A.1.c.i.1. shall be amended as following:

Appointment. The Office of Honor System Outreach shall be led by the Honor System Outreach Coordinator, who shall be appointed by the Student Body President, with the advice of the Honor System Outreach Coordinator Search Committee, and with confirmation by ~~the Undergraduate Senate and the Graduate and Professional Student Federation Senate~~ Student Congress.

Candidates for this position may be drawn from the general student body and from students who have served in the Honor System, and shall have extensive knowledge of the Honor System. Candidates from the undergraduate student body shall have attained at least a second semester sophomore status, and candidates from the graduate and professional student body shall have completed at least one full academic year of study. Among candidates otherwise equally well-qualified for the position, preference shall be given to candidates who have at least two semesters' experience as members of the Office of Honor System Outreach. The Honor System Outreach Coordinator shall serve a 12-month term or until a successor is selected.

Section 9. Section V.A.2.d.i. shall be amended as following:

The Graduate and Professional Honor System Outreach Officer Search Committee shall be chaired by the incoming Honor System Outreach Coordinator, and shall additionally include the incoming Graduate and Professional Student Attorney General, the incoming Graduate and Professional Court Chair, the incoming Graduate and Professional Student Federation President, and a member of the Office of Student Conduct. The member of the Office of Student Conduct will serve as an ex officio member of the committee.²²

Section 10. Section V.E.3.g. shall be amended as following:

Reporting to the Chancellor, Faculty Council, and ~~the Undergraduate Senate and Graduate and Professional Student Federation Senate~~ Student Congress annually in writing.

Section 11. Section VII.A. shall be amended as following:

Proposed Amendments. Amendments to any provision of this Instrument may be proposed by the Chancellor, the Faculty Council, the ~~Undergraduate Senate and Graduate and Professional Student Federation Senate~~ Student Congress, or the Committee on Student Conduct.

Section 12. Section VII.B.1. shall be amended as following:

Amendments to Sections I-VII of this Instrument. Amendments to this Instrument will become effective when approved by the ~~Undergraduate Senate and Graduate and Professional Student Federation Senate~~ Student Congress, the Faculty Council, and the Chancellor.

Section 13. Section VII.B.2. shall be amended as following:

Amendments to Appendix C. Amendments to Appendix C may be proposed from time to time by the Committee on Student Conduct as a means of improving the operational performance of the Honor System or providing additional guidance to its meaning and interpretation. Amendments to Appendix C will become effective when approved by the Chancellor, upon the recommendation of the Committee on Student Conduct, without formal action by ~~the Undergraduate Senate and Graduate and Professional Student Federation Senate Student Congress~~ and the Faculty Council, provided that the Committee on Student Conduct provides ~~the Undergraduate Senate and Graduate and Professional Student Federation Senate Student Congress~~ and the Faculty Council with written notice of any such proposed amendment and that ~~the Undergraduate Senate and Graduate and Professional Student Federation Senate Student Congress~~ and the Faculty Council are afforded at least 30 calendar days during the academic year in which to advise the Chancellor of their views prior to any action by the Chancellor to approve or reject a proposed amendment.

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**:

Section 15. Appendix C – C.1 shall be amended as following:

Undergraduate Honor Court. The Undergraduate Honor Court shall have authority to hear all matters involving violations of the Honor Code except those within the authority of the Graduate and Professional Honor Court, **and** those cases reserved to the University Hearings Board in Section C.4. of Appendix C, ~~and those cases reserved for the Summer School Court under Section C.2. of Appendix C.~~

Section 16. Appendix C – C.2 shall be amended as following:

~~Summer School Court. The Summer School Court shall have authority to hear all matters that fall within the authority of the Undergraduate Honor Court during the summer session, including any matter pending before the Undergraduate Honor Court at the end of the spring semester and violations occurring during the summer session.~~

Section 17. Appendix C – newly added section to be determined:

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.

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**. The presiding officer shall submit a written summary of the hearing panel's conclusions, rationale, verdict, sanctions, and applicable appeal rights to the accused student and the Judicial Programs Officer as soon as practicable but in no event more than 10 days from the date on which the judgment is announced.

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.

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. Following the notification of a charge, the appropriate Student Attorney General or the Student Attorney General's designee, upon review of the Academic Violation Report and any accompanying materials, shall provide the accused student an opportunity to resolve the pending Honor Court case through a Student-Instructor Alternative Resolution, provided that all of the following conditions are met:

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

If any of the conditions set forth herein are not met, the case shall proceed as otherwise outlined in the *Instrument*. The appropriate Student Attorney General shall provide all proposed resolutions under this section for review by the Office of Student Conduct and the appropriate Honor Court Chair. The Office of Student Conduct and Honor Court Chair shall not approve the proposed resolution and will refer the matter for a hearing, only if it finds that (a) the conditions above have not been satisfied, (b) the recommended sanctions are substantially disproportionate to sanctions imposed in similar cases, or (c) the instructor was not aware of significant facts or circumstances that could reasonably impact the proposed sanction. **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. The decision of the Office of Student Conduct and Honor Court Chair to approve or not approve the alternative resolution is final and shall not be reviewable on appeal. Records of a Student-Instructor Alternative Resolution which results in the acceptance of a proposed sanction will be maintained according to Section III.E.4. of this *Instrument*.

Done by the Committee on Student Conduct e on this ____ day of _____, 2019.

*Meredith Petschauer
Chair of the Committee on Student Conduct*