

Resolution 2015-10. On Amending the *Instrument of Student Judicial Governance*

The Faculty Council consents to the amendments to the *Instrument of Student Judicial Governance* appended hereto and recommended by the Committee on Student Conduct as of the following dates:

- Proposals I-III: 11/20/2014
- Proposal IV: 3/25/2015
- Proposal V: 5/5/2015
- Proposal VI: 10/9/2014

I. Proposal to Update Section II.C.1.c. of the Instrument

Proposal:

Remove the current language of Section II.C.1.c. of the Instrument and reserve the provision for future codification.

1. **Current Wording:**

- a. “**II.C.1.c.** [Effective June 6, 2013, no student shall be charged with a violation of section II.C.1.c. until the University has completed a review of this provision.] **Disruptive or intimidating behavior** that willfully abuses, disparages, or otherwise interferes with another (other than on the basis of the protected classifications identified and addressed in the University’s Policy on Prohibited Harassment and Discrimination) so as to adversely affect their academic pursuits, opportunities for University employment, participation in University-sponsored extracurricular activities, or opportunities to benefit from other aspects of University Life.”

2. **Proposed Revisions:**

- a. “**II.C.1.c.** [Effective [insert date of approval], this provision is reserved for future codification.]”

Rationale for Proposed Revisions: Section II.C.1.c is already suspended due to First Amendment concerns, and its mere presence may have a chilling effect on protected speech and expression, regardless that it is not presently actively enforced. As such, it is in the University’s best interest to remove the provision and to reserve it for future codification of carefully crafted language that well balances the University’s interest in addressing actionable behavior not otherwise addressed by University policy and the University’s interest in and obligation to protect constitutionally protected speech and expression.

II. Proposal to Amend Appendix A to the Instrument

Proposal:

Amend Appendix A to the Instrument so as to include additional aspirational statements.

1. **Current Wording:**

a. **“APPENDIX A**

Expanded Statement of Commitment by Students and Faculty

- I. **Students.** In order to ensure effective functioning of an Honor System worthy of respect in this institution, students are expected to:
- A. Conduct all academic work within the letter and spirit of the Honor Code, which prohibits the giving or receiving of unauthorized aid in all academic processes.
 - B. Consult with faculty and other sources to clarify the meaning of plagiarism; to learn the recognized techniques of proper attribution of sources used in the preparation of written work; and to identify allowable resource materials or aids to be used during examination or in completion of any graded work.
 - C. Sign a pledge on all graded academic work certifying that no unauthorized assistance has been received or given in the completion of the work.
 - D. Comply with faculty regulations designed to reduce the possibility of cheating—such as removing unauthorized materials or aids from the room and protecting one’s own examination paper from the view of others.
 - E. Maintain the confidentiality of examinations by divulging no information concerning an examination, directly or indirectly, to another student yet to write that same examination.

- F. Treat all members of the University community with respect and fairness.
- G. Report any instance in which reasonable grounds exist to believe that a student has given or received unauthorized aid in graded work or in other respects violated the Honor Code. Such report should be made to the Office of the Student Attorney General, the Office of the Dean of Students, or other appropriate officer or official of their college or school.
- H. Cooperate with the Office of the Student Attorney General and the defense counsel in the investigation and hearing of any incident of alleged violation, including giving testimony when called upon. Nothing herein shall be construed to contravene a student's rights enumerated in Section IV.A. of this *Instrument*.

The offenses set out in Section II of this Instrument, not this listing of responsibilities, shall be the basis for determining chargeable offenses under the Honor Code.

II. Faculty. Academic work is a joint enterprise involving faculty and students.

Both have a fundamental investment in the enterprise and both must share responsibility for ensuring its integrity. In relation to the Honor Code, therefore, specific responsibilities of the faculty that parallel the responsibilities of students have been formally adopted by the Faculty Council as stated in Appendix B.

III. Shared Aspirations. These responsibilities are the minimum expected of members of the student body and the faculty. They are not mutually exclusive, and the failure of a student or a faculty member to live up to the stated expectations does not lessen or excuse any failure of the other to comply with relevant requirements.”

2. *Proposed Revisions:*

a.

“APPENDIX A

Expanded Statement of Commitment by Students and Faculty

The Instrument of Student Judicial Governance was adopted in furtherance of the University’s shared commitment to the pursuit of truth, and the dissemination of knowledge to succeeding generations of citizens devoted to the high ideals of personal honor and respect for the rights of others. In order to achieve these goals and ideals, and to promote a community characterized by intellectual honest, personal integrity, and mutual respect, students and faculty are encouraged to adhere to the following principles:

- I. **Students.** In order to ensure effective functioning of an Honor System worthy of respect in this institution, students are expected to:
 - A. Conduct all academic work within the letter and spirit of the Honor Code, which prohibits the giving or receiving of unauthorized aid in all academic processes.
 - B. Consult with faculty and other sources to clarify the meaning of plagiarism; to learn the recognized techniques of proper attribution of sources used in the preparation of written work; and to identify allowable resource materials or aids to be used during examination or in completion of any graded work.
 - C. Sign a pledge on all graded academic work certifying that no unauthorized assistance has been received or given in the completion of the work.
 - D. Comply with faculty regulations designed to reduce the possibility of cheating—such as removing unauthorized materials or aids from the room and protecting one’s own examination paper from the view of others.
 - E. Maintain the confidentiality of examinations by divulging no information concerning an examination, directly or indirectly, to another student yet to write that same examination.

- F. Treat all members of the University community with respect and fairness.
- G. Report any instance in which reasonable grounds exist to believe that a student has given or received unauthorized aid in graded work or in other respects violated the Honor Code. Such report should be made to the Office of the Student Attorney General, the Office of the Dean of Students, or other appropriate officer or official of their college or school.
- H. Cooperate with the Office of the Student Attorney General and the defense counsel in the investigation and hearing of any incident of alleged violation, including giving testimony when called upon. Nothing herein shall be construed to contravene a student's rights enumerated in Section IV.A. of this *Instrument*.

The offenses set out in Section II of this Instrument, not this listing of responsibilities, shall be the basis for determining chargeable offenses under the Honor Code.

The University is committed to freedom of expression. The principles set forth in this appendix do not create the basis for disciplinary action and are not intended to interfere with an individual's academic or personal freedom. Consequently, the offenses set out in Section II of this Instrument, not this listing of expectations, shall be the basis for determining chargeable offenses under the Honor Code. It is hoped, however, that student will voluntarily endorse these common principles in furtherance of the shared commitment to fostering a community of intellectual honesty, personal integrity, and responsible citizenship.

- II. **Faculty.** Academic work is a joint enterprise involving faculty and students. Both have a fundamental investment in the enterprise and both must share responsibility for ensuring its integrity. In relation to the HonorCode, therefore, specific **expectations** of the faculty that parallel the **expectations** of students have been formally adopted by the Faculty Council as stated in Appendix B.
- III. **Shared Aspirations.** These **principles** are the minimum expected of members of the student body and the faculty. They are not mutually exclusive, and the failure of a student or a faculty member to live up to the stated expectations does not

lessen or excuse any failure of the other to comply with relevant requirements.”

Rationale for Proposed Revisions: The expectations and principles set forth in Appendix A are aspirational in nature and are not intended to provide an independent basis for disciplinary action. The proposed additional language clarifies the purpose of Appendix A and affirms its aspirational intent.

III. Proposal to Add/Supplement Provisions in the Instrument Regarding Conduct Relating to Hate Crimes

Proposal:

Amend three provisions in the Instrument to include specific provisions addressing conduct related to Hate Crimes, as adopted by the UNC Board of Governors and as required by the Policy on Student Conduct, UNC Policy Manual 700.4.2 (adopted 2/12/10).

Provision One: Appendix A, Section I.

Specifically, add UNC Policy Manual 700.4.2 Mandatory Provision II.A.2 as the first sentence after “I. Students” in Appendix A of the Instrument.

1. **Current Wording:**

- a. “**I. Students.** In order to ensure effective functioning of an Honor System worthy of respect in this institution, students are expected to:”

2. **Proposed Revisions:**

- a. “**I. Students.** All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom each member of the academic community are respected. In order to ensure effective functioning of an Honor System worthy of respect in this institution, students are expected to:”

Provision Two: Appendix D, Section III.

Specifically, create an additional bullet in Appendix D Section III to add UNC Policy Manual 700.4.2 Mandatory Statement II.A.1.

1. **Current Wording:**

- a. “**III. Student Expression**

A. Confidentiality of Unpublicized Views and Associations.

Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisors, or counselors is confidential, and is not to be disclosed to persons outside the University except under legal compulsion.

B. Freedom of Publication. A currently enrolled student or officially recognized University organization may publish material on campus without prior approval. Such publications shall be subject to all applicable protections available under relevant policies and laws.

C. Right of Peaceful Protest and Free Access. All members of the University community shall have the right of peaceful protest. Any lawful organization may recruit personnel at the University. All members of the University community shall have access to these organizations, and other members of the University community shall not interfere with the right of any individual in the University

to participate in arranged interviews with that organization’s representatives, or with the rights of such representatives.”

2. **Proposed Revisions:**

a. “ **III. Student Expression**

A. **Confidentiality of Unpublicized Views and Associations.**

Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisors, or counselors is confidential, and is not to be disclosed to persons outside the University except under legal compulsion.

B. **Freedom of Publication.** A currently enrolled student or officially recognized University organization may publish material on campus without prior approval. Such publications shall be subject to all applicable protections available under relevant policies and laws.

C. **Right of Peaceful Protest and Free Access.** All members of the University community shall have the right of peaceful protest. Any lawful organization may recruit personnel at the University. All members of the University community shall have access to these organizations, and other members of the University community shall not interfere with the right of any individual in the University to participate in arranged interviews with that organization’s representatives, or with the rights of such representatives.

D. **Freedom of Speech. The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner or exercising these and other constitutionally protected rights.**”

Provision Three: **I.B.2 of the Instrument.**

Specifically, insert UNC Policy Manual 700 4.2 Mandatory Statement II.A.3 between the first and second sentence of I.B.2 of the Instrument.

1. **Current Wording:**

- a. “**I.B.2. Location of Conduct and Reservation of Discretion.** Conduct by students on University premises or the premises of groups affiliated with the University, as well as conduct that occurs elsewhere, may give rise to offenses prohibited by this *Instrument* if University interests are implicated. Determinations of whether such conduct should be addressed pursuant to this *Instrument* in instances in which University interests are implicated are reserved to the discretion of the Student Attorney General and campus authorities with associated responsibilities.”

2. **Proposed Revisions:**

- a. “**I.B.2. Location of Conduct and Reservation of Discretion.** Conduct by students on University premises or the premises of groups affiliated with the University, as well as conduct that occurs elsewhere, may give rise to offenses prohibited by this *Instrument* if University interests are implicated. **Violations of campus or University policies, rules or regulations, or federal, state, or local law may result in a violation of the student code of conduct and imposition of student discipline.** Determinations of whether such

conduct should be addressed pursuant to this *Instrument* in instances in which University interests are implicated are reserved to the discretion of the Student Attorney General and campus authorities with associated responsibilities.”

Rationale for Proposed Revisions: The Board of Governors adopted specific provisions concerning conduct related to Hate Crimes. Pursuant to BOG Policy, the above amendments represent statements that shall be included “in all UNC campus codes of student conduct.” See UNC Policy Manual 700.4.2, Sec.1. (2010). Any additional provision may be added, so long as that supplemental provision is “not inconsistent with these mandatory provisions.” Id.

IV. Proposal to Amend Section Five of the Instrument

Proposal:

Edit “Section V. Honor System Officers, Responsibilities, and Structures” to alter leadership structure and selection of Honor System Outreach so as to increase its efficiency and effectiveness. The specific provisions revised in this proposal are V.A.1.a.ii.3., V.A.1.b.ii.3, V.A.1.c.i., V.A.1.c.ii., V.2.a., and V.2.b.

Provision One: *V.A.1.a.ii.3*

1. *Current Wording:*

- a. **“Contribution to cooperative efforts to strengthen the campus Honor System.** In cooperation with the Chair of the Undergraduate Honor Court, the Undergraduate Student Attorney General shall recommend to the Undergraduate Student Body President one or more experienced candidates (from among those who have served on the Attorney General’s staff, members of the Honor Court, or other undergraduate students) to serve as Honor System Outreach Coordinator. The Undergraduate Student Attorney General shall also serve as an appointed or ex officio member of the Committee on Student Conduct, foster cooperation between the Student Attorney General’s Office and the Office of the Undergraduate Honor Court, work closely with the Faculty Advisory Panel on the Honor System, and advise the Judicial Programs Officer, Vice Chancellor for Student Affairs, Chancellor, and Chair of the Faculty about matters relating to the Honor System and Honor Code.”

2. *Proposed Revisions:*

- a. **“Contribution to cooperative efforts to strengthen the campus Honor System. In cooperation with other members of the Honor System Outreach Coordinator Search Committee, the Undergraduate Student Attorney General shall recommend to the Undergraduate Student Body President one or more qualified candidates to serve as Honor System Outreach Coordinator.** The Undergraduate Student Attorney General shall also serve as an appointed or ex officio member of the Committee on Student Conduct, foster cooperation between the Student Attorney General’s Office and the Office of the Undergraduate Honor Court, work closely with the Faculty Advisory Panel on the Honor System, and advise the Judicial Programs Officer, Vice Chancellor for Student Affairs, Chancellor, and Chair of the Faculty about matters relating to the Honor System and Honor Code.”

Provision Two: *V.A.I.b.ii.3*

1. *Current Wording:*

- a. **“Contribution to cooperative efforts to strengthen the campus Honor System.** In cooperation with the Undergraduate Student Attorney General, the Chair of the Undergraduate Honor Court shall recommend to the Undergraduate Student Body President one or more experienced candidates (from among those who have served on the Attorney General’s staff, members of the Honor Court, or other undergraduate students) to serve as Honor System Outreach Coordinator. The Chair of the Undergraduate Honor Court shall also serve as an appointed or ex officio member of the Committee on Student Conduct, foster cooperation between the Student Attorney General’s Office and the Office of the Undergraduate Honor Court, work closely with the Faculty Advisory Panel on the Honor System, and advise the Judicial Programs Officer, Vice Chancellor for Student Affairs, Chancellor, and Chair of the Faculty about matters relating to the Honor System and Honor Code.”

2. *Proposed Revisions:*

- a. **“Contribution to cooperative efforts to strengthen the campus Honor System. In cooperation with other members of the Honor System Outreach Coordinator Search Committee, the Chair of the Undergraduate Honor Court shall recommend to the Undergraduate Student Body President one or more qualified candidates to serve as Honor System Outreach Coordinator.** The Chair of the Undergraduate Honor Court shall also serve as an appointed or ex officio member of the Committee on Student Conduct, foster cooperation between the Student Attorney General’s Office and the Office of the Undergraduate Honor Court, work closely with the Faculty Advisory Panel on the Honor System, and advise the Judicial Programs Officer, Vice Chancellor for Student Affairs, Chancellor, and Chair of the Faculty about matters relating to the Honor System and Honor Code.”

Provision Three: *V.A.I.c.i*

1. *Current Wording:*

- a. **“Appointment.** The Student Body President, with the advice and concurrence of the Undergraduate Student Attorney General and the Chair of the Undergraduate Honor Court, and confirmation by Student Congress, shall appoint an Honor System Outreach Coordinator. Candidates for this position shall have attained at least second semester sophomore status and shall have extensive knowledge of the Honor System, with preference given to individuals who have served for at least

two full semesters as a member of the Honor Court or staff of the Undergraduate Attorney General. The Honor System Outreach Coordinator shall serve a 12-month term or until a successor is selected.”

2. *Proposed Revisions:*

a. **i. Appointment and Qualifications.**

1) **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 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.**

2) **Honor System Outreach Coordinator Search Committee. The Honor System Outreach Coordinator Search Committee shall be chaired by the outgoing Honor System Outreach Coordinator, and shall additionally include the outgoing Undergraduate Student Attorney General, the outgoing Graduate and Professional Student Attorney General, the outgoing Undergraduate Honor Court Chair, the outgoing Graduate and Professional Court Chair, the outgoing Graduate and Professional Student 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.**”

Provision Four: *V.A.1.c.ii*

1. *Current Wording:*

a. **“ii. Duties.** The Honor System Outreach Coordinator or Coordinators shall be responsible for coordination and promotion of outreach activities by the Office of the Undergraduate Student Attorney General and the Office of the Undergraduate Honor Court; working with the Faculty Honor System Advisory Committee to improve information and education relating to academic integrity issues; working with the student government and other student organizations to foster information and education regarding student conduct issues; and such other related coordination and outreach activities as may be appropriate after consultation with the Undergraduate Student Attorney General, Office of the Undergraduate Honor Court, the Graduate and Professional Attorney General, the Graduate and Professional Honor Court Chair, the Judicial Programs Officer, the Dean of Students, and the Committee on Student Conduct. The Honor System Outreach Coordinator shall also serve as an appointed or ex officio member of the Committee on Student Conduct.”

2. *Proposed Revisions:*

a. **“ii. Duties.** The Honor System Outreach Coordinator, **and, as he or she may determine, members of the Honor System Outreach Staff, shall be responsible for performing the following functions:**

- 1) **Recruitment, appointment, training, and oversight of Honor System Outreach Members. The Honor System Outreach Coordinator shall make staff appointments of Honor System Outreach members, and shall oversee the recruitment, training, and outreach efforts of Honor System Outreach members. In making staff appointments, the Honor System Outreach Coordinator should endeavor to assemble a staff whose diversity reflects that of the student body as a whole.**
- 2) **Coordination and Promotion of Outreach Activities. The Honor System Outreach Coordinator shall coordinate and promote outreach activities by the Office of the Honor System;** work with the Faculty Honor System Advisory Committee to improve information and education relating to academic integrity issues; work with the student government and other student organizations to foster information and education regarding student conduct issues; and such other related coordination and outreach activities as may be appropriate after consultation with the

Undergraduate Student Attorney General, Office of the Undergraduate Honor Court, the Graduate and Professional Attorney General, the Graduate and Professional Honor Court Chair, **the Graduate and Professional Honor System Outreach Officer**, the Judicial Programs Officer, the Dean of Students, and the Committee on Student Conduct. The Honor System Outreach Coordinator shall also serve as an appointed or ex officio member of the Committee on Student Conduct.”

Provision Five: *V.2.a.*

1. *Current Wording:*

a. **“Graduate and Professional Honor System.**

2. Graduate and Professional Honor System. The graduate student governance agency shall appoint a Graduate and Professional Attorney General and Graduate and Professional Honor Court Chair in accordance with its governance and judicial structures. The Graduate and Professional Honor System shall be responsible for charges against students enrolled in a degree program in the University’s Graduate or Professional Schools or any course in post baccalaureate study except as provided in Section V.A.2.b. Except as provided in Appendix C, all other sections of this *Instrument* shall apply. Only Graduate or Professional students in good standing at the University who have at least one semester of experience on the Graduate and Professional Attorney General’s staff shall be eligible for appointment to the Graduate and Professional Attorney General position. Only Graduate or Professional students in good standing at the University who have at least one semester of experience on the Graduate and Professional Honor Court staff shall be eligible for appointment to the Graduate and Professional Honor Court Chair position. The Graduate and Professional Attorney General, in cooperation with the Graduate and Professional Honor Court Chair, shall appoint an experienced student candidate to serve as Graduate and Professional Honor System Outreach Coordinator. The Graduate and Professional Attorney General shall also serve as an appointed or ex officio member of the Committee on Student Conduct; foster cooperation between the Graduate and Professional Attorney General’s Office and the Office of the Graduate and Professional Honor Court; work closely with the Faculty Advisory Panel on the Honor System; and advise the Judicial Programs Officer, Vice Chancellor for Student Affairs, Chancellor, and Chair of the Faculty about matters relating to the Honor System and Honor Code.”

2. *Proposed Revisions:*

a. **“2. Graduate and Professional Honor System.**

a. **Graduate and Professional Honor System.** The graduate student governance agency shall appoint a Graduate and Professional Attorney

General and Graduate and Professional Honor Court Chair in accordance with its governance and judicial structures. The Graduate and Professional Honor System shall be responsible for charges against students enrolled in a degree program in the University's Graduate or Professional Schools or any course in post baccalaureate study except as provided in Section V.A.2.b. Except as provided in Appendix C, all other sections of this *Instrument* shall apply.

b. **Graduate and Professional Attorney General.** Only Graduate or Professional students in good standing at the University who have at least one semester of experience on the Graduate and Professional Attorney General's staff shall be eligible for appointment to the Graduate and Professional Attorney General position. The Graduate and Professional Attorney General shall also serve as an appointed or ex officio member of the Committee on Student Conduct; foster cooperation between the Graduate and Professional Attorney General's Office and the Office of the Graduate and Professional Honor Court; work closely with the Faculty Advisory Panel on the Honor System; and advise the Judicial Programs Officer, Vice Chancellor for Student Affairs, Chancellor, and Chair of the Faculty about matters relating to the Honor System and Honor Code.

c. **Graduate and Professional Honor Court Chair.** Only Graduate or Professional students in good standing at the University who have at least one semester of experience on the Graduate and Professional Honor Court staff shall be eligible for appointment to the Graduate and Professional Honor Court Chair position.

d. **Graduate and Professional Honor System Outreach Officer. The incoming Honor System Outreach Coordinator, with advice from the Graduate and Professional Honor System Outreach Officer Search Committee, shall appoint a graduate or professional student candidate to serve as Graduate and Professional Honor System Outreach Officer. Among candidates otherwise equally well-qualified for the position, preference shall be given to those candidates who have served for at least one semester in the Office of Honor System Outreach. The Graduate and Professional Honor System Outreach Officer shall work closely with and shall report to the Honor System Outreach Coordinator in working to address the unique needs of the graduate and professional student body as related to Honor System Outreach. The Graduate and Professional Honor System Outreach Officer shall serve a 12-month term or until a successor is selected.**

i. **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 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.”

Provision Six: *V.2.b.*

1. ***Current Wording:***

- a. “b. Honor Systems for Graduate Students Enrolled in Designated Professional Schools.

The student government agencies and academic authorities of designated professional schools may request authorization to appoint a professional school attorney general and the chair and members of a professional school honor court and to operate a judicial system responsible for operation of the Honor System as it applies to students enrolled in post-baccalaureate programs, within the requesting professional school. A professional school requesting such authority must file a proposal with the Committee on Student Conduct describing the proposed judicial system, arrangements for its operation, and the need for its establishment. After consultation with the affected parties, the Dean of Students, and the graduate student governance agency, the Committee on Student Conduct may recommend that this *Instrument* be amended to authorize the establishment of the proposed professional school honor court, in accordance with procedures set forth in Section VII.B. of this *Instrument*. Except as provided in Appendix C, all other sections of this *Instrument* shall apply to all professional school judicial systems applicable to post-baccalaureate students. Designated professional schools include the Schools of Dentistry, Law, Pharmacy, Business, and Medicine.”

2. ***Proposed Revisions:***

- a. “**e.** Honor Systems for Graduate Students Enrolled in Designated Professional Schools.

The student government agencies and academic authorities of designated professional schools may request authorization to appoint a professional school attorney general and the chair and members of a professional school honor court and to operate a judicial system responsible for operation of the Honor System as it applies to students enrolled in post-baccalaureate programs, within the requesting professional school. A professional school requesting such authority must file a proposal with the Committee on Student Conduct describing the proposed judicial system, arrangements for its operation, and

the need for its establishment. After consultation with the affected parties, the Dean of Students, and the graduate student governance agency, the Committee on Student Conduct may recommend that this *Instrument* be amended to authorize the establishment of the proposed professional school honor court, in accordance with procedures set forth in Section VII.B. of this Instrument. Except as provided in Appendix C, all other sections of this *Instrument* shall apply to all professional school judicial systems applicable to post-baccalaureate students. Designated professional schools include the Schools of Dentistry, Law, Pharmacy, Business, and Medicine.”

Rationale for Proposed Revisions: As presently structured, the *Instrument* mandates both an Undergraduate and a Graduate and Professional Honor System Outreach Coordinator. In practice, this structure has at times led to duplicated outreach efforts, increased organizational difficulty, and decreased efficiency. Thus, when the foregoing revisions are considered as a whole, the proposal seeks to consolidate the two Outreach Coordinator positions into one position so as to address these concerns, while additionally seeking to ensure sufficient graduate and professional representation-- both in Honor System Outreach and in the selection of the Honor System Outreach Coordinator--, through mechanisms such as the Honor System Outreach Coordinator Search Committee and the creation of the Graduate and Professional Honor System Outreach Officer. Additionally, the proposal seeks to clarify and enumerate the duties already assumed in practice by the Honor System Outreach Coordinator and his or her designees, such as responsibility for Honor Outreach staff recruitment and selection.

V. Proposal to Add Violation for Intent to Sell in II.C.1.h. of the Instrument

Proposal:

Amend II.C.1.h. to add an additional charge for possession of a controlled substance with intent to sell or distribute.

1. Current Wording:

- a. **“II.C.1.h.** Illegally possessing, manufacturing, selling, or delivering a controlled substance as defined by state or federal laws or applicable policies of the Board of Trustees or Board of Governors.

2. Proposed Revisions:

- a. **“II.C.1.h.**
 - a. Illegally possessing, manufacturing, selling, or delivering a controlled substance as defined by state or federal laws or applicable policies of the Board of Trustees or Board of Governors; **or**
 - b. Illegally possessing with intent to manufacture, sell, or deliver a controlled substance as defined by state or federal laws or applicable policies of the Board of Trustees or Board of Governors.**

Rationale for Proposed Revisions: Currently, the Instrument does not provide an explicit charge for illegal possession of controlled substances with intent to manufacture, sell, or deliver. A revision would clarify that this is an additional offense while making the language in the Instrument consistent with the language in the Policy on Illegal Drugs adopted by the UNC-Chapel Hill Board of Trustees. Under that policy, more severe penalties are required in cases of possession with intent to distribute than in cases of simple possession.

VI. Proposal to amend Section I.2.b.ii. of Appendix C of the Instrument to extend the Chancellor's authority to grant relief in cases on appeal.

Proposal:

Amend Section I.2.b.ii. of Appendix C to the Instrument and expand options available to the Chancellor (or designee) in remedying established violations of fundamental procedural rights.

a. Current Wording:

I.2.b.ii. Review Process. In considering a petition for further review, the Chancellor or his or her designee shall consider the record made in the original court and on appeal, except the deliberations of the hearing and appellate panels, and copies of all documents and other writings introduced in evidence. The accused student shall be afforded an opportunity to present the basis for the petition for review and respond to questions, and a representative of the appropriate Student Attorney General's office shall be provided an opportunity to respond. In instances of petitions based on Section I.2.a.i. of Appendix C relating to violation of fundamental procedural rights, the Chancellor or his or her designee shall determine whether the preponderance of the evidence demonstrates that the accused student's fundamental procedural rights were violated so as to prejudice the outcome of the original or appellate hearing, and if so, shall remand for further proceedings or dismiss the charge if the alleged violation cannot be corrected through remand. In the event that the petition for review is found to be without merit under the stated standards, the accused student's finding of guilt and associated sanctions shall become final and shall be implemented in accordance with the terms of Section III.E.1. of this Instrument. In instances of petitions based on Section I.2.a.ii. of Appendix C, the Chancellor or his or her designee shall determine whether there is a reasonable basis for the sanction imposed, and if not, shall impose a lesser sanction as he or she determines to be appropriate.

b. Proposed Revision:

I.2.b.ii. Review Process. In considering a petition for further review, the Chancellor or his or her designee shall consider the record made in the original court and on appeal, except the deliberations of the hearing and appellate panels, and copies of all documents and other writings introduced in evidence. The accused student shall be afforded an opportunity to present the basis for the petition for review and respond to questions, and a representative of the appropriate Student Attorney General's office shall be provided an opportunity to respond. **In instances of petitions based on Section I.2.a.i. of Appendix C relating to violation of fundamental procedural rights, the Chancellor or his or her designee shall determine whether the preponderance of the evidence demonstrates that the accused student's fundamental procedural rights were violated so as to prejudice the outcome of the original or appellate hearing, and if so, shall remand for further proceedings, dismiss the charge(s), or grant such other relief as may be appropriate to address the alleged violation.** In the event that the petition for review is found to be without merit under the stated standards, the accused student's finding of guilt and

associated sanctions shall become final and shall be implemented in accordance with the terms of Section III.E.1. of this Instrument. In instances of petitions based on Section I.2.a.ii. of Appendix C, the Chancellor or his or her designee shall determine whether there is a reasonable basis for the sanction imposed, and if not, shall impose a lesser sanction as he or she determines to be appropriate.

Rationale for Proposed Revisions: Currently, the Chancellor (or designee) is limited to a binary choice of remanding or dismissing a case when a violation of fundamental procedural rights is established. While these remedies are and will remain appropriate in many cases, there are other situations where neither the accused student nor the University is well-served by the choice of going back to the beginning of a case or discontinuing it. The proposed language would empower the Chancellor (or designee) to consider the totality of the circumstances in addressing an alleged violation of rights.