

**Instrument of Student Governance**  
**The University of North Carolina at Chapel Hill**

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**Instrument of Student Judicial Governance**  
**The University of North Carolina at Chapel Hill**

**Revision as Adopted by Faculty Council 1/17/03 and by Student Congress 2/4/03**  
**Approved by Chancellor Moeser with Revisions Effective 7/1/03**

**I. Preamble**

This Instrument of Student Judicial Governance for the University of North Carolina at Chapel Hill (the "Instrument") is adopted in furtherance of the University community'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. These goals can only be achieved in a setting in which intellectual honesty and personal integrity are highly valued; other individuals are trusted, respected, and fairly treated; and the responsibility for articulating and maintaining high standards is widely shared.

**A. Premises.** This Instrument, including the Honor Code and the stated means for its enforcement, is adopted based on the following premises:

**1. Students' Commitment.** Ideals of academic honesty, personal integrity, and responsible citizenship are essential to the performance of all academic work and all other activities of students while members of the University community. These ideals are embodied in the Honor Code set forth in this Instrument, with the support of students, faculty, and staff. Application by a student for admission and subsequent enrollment in the University presupposes a commitment to the principles embodied in the Honor Code. Such action also represents consent to be bound by its terms at any time between a student's application for enrollment and the granting of his degree or other termination of enrollment, including the period between academic semesters.

**2. University Interests.** In keeping with its nature and purpose, the University endeavors to instill in each student a love of learning, a commitment to fair and honorable conduct, and respect for the safety and welfare of others. It also strives to protect the community from those who, for whatever reason, do not embody these values in their conduct, and to protect the integrity of the University and its property for the benefit of all.

**3. Educational and Other Activities.** The activities of students as well as other members of the University community outside the classroom influence the educational process and learning environment, just as the intellectual atmosphere of the campus contributes to students' growth and development. Many forms of nonacademic conduct, as well as all facets of the academic process, are therefore areas of proper concern and regulation by the University community.

**4. Responsible Exercise of Freedom.** The guiding principle of University regulation of conduct should be that of the responsible exercise of freedom. Members of the University community should be accorded the greatest possible degree of self-determination correlative with the acceptance of the full responsibility for their conduct and the consequences of their actions.

**5. Chancellor's Responsibilities.** The Chancellor remains solely responsible for all matters of student discipline, in accordance with the expectations of the Board of Governors of the University of North Carolina. Nevertheless, the Chancellor has traditionally shared the responsibility of setting basic policy concerning student conduct and applying overarching requirements in individual cases with students and the faculty in order to achieve the University's underlying goals.

**6. University and Broader Community.** The University has a special interest in assuring that students refrain from academic misconduct, respect the safety and welfare of members of the University community, and protect its institutional integrity and resources. The standards for student conduct and the means of enforcement set forth in this Instrument are adopted in furtherance of University interests and serve to

supplement, rather than substitute for the enforcement of the civil and criminal law applicable at large. Therefore it is not double jeopardy for the University to sanction conduct that is also sanctioned under local, state or federal law.

## **B. Allocation of Responsibility Between Faculty, Students, and Administrative Personnel.**

**1. Responsibilities of Students and Faculty.** In order to ensure effective functioning of an honor system worthy of respect in this institution, specific responsibilities of students are set forth in this Instrument and elaborated upon in Appendix A. Responsibilities of faculty members are articulated by the Faculty Council and embodied in Appendix B. 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. 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 is reserved to the discretion of the Student Attorney General and campus authorities with associated responsibilities.

**3. Action Outside of the Instrument.** This Instrument is intended to govern the means for imposing disciplinary sanctions on any student for conduct covered under its terms, except to the extent other forms of redress or action are recognized herein. Such forms of redress include civil and criminal law as previously referenced; authority reserved to the Chancellor pursuant to policies established by the Board of Governors or Board of Trustees; and authority assigned by the Chancellor to particular administrative units (such as the Department of Transportation and Parking Services, Department of Housing and Residential Education or the University Cashier) or other appropriate authorities responsible for addressing emergency situations involving danger to members of the University community or other extraordinary circumstances.

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## **II. Offenses Under the Honor Code**

### **A. General Responsibilities.**

It shall be the responsibility of every student at the University of North Carolina at Chapel Hill to:

- 1. Obey and support the enforcement of the Honor Code;**
- 2. Refrain from lying, cheating, or stealing;**
- 3. Conduct themselves so as not to impair significantly the welfare or the educational opportunities of others in the University community; and**
- 4. Refrain from conduct that impairs or may impair the capacity of University and associated personnel to perform their duties, manage resources, protect the safety and welfare of members of the University community, and maintain the integrity of the University.**

Offenses proscribed by this section include, but shall not be limited to, those set out in Sections II. B and II. C. Additional guidance concerning the interpretation of Section II of this Instrument may from time to time be issued by the Committee on Student Conduct as provided in Section V. E.

### **B. Academic Dishonesty.**

It shall be the responsibility of every student enrolled at the University of North Carolina to support the principles of academic integrity and to refrain from all forms of academic dishonesty, including but not limited to, the following:

- 1. Plagiarism** in the form of deliberate or reckless representation of another's words, thoughts, or ideas as one's own without attribution in connection with submission of academic work, whether graded or otherwise.

2. **Falsification, fabrication, or misrepresentation of data**, other information, or citations in connection with an academic assignment, whether graded or otherwise.
3. **Unauthorized assistance or unauthorized collaboration** in connection with academic work, whether graded or otherwise.
4. **Cheating on examinations or other academic assignments**, whether graded or otherwise, including but not limited to the following: a. Using unauthorized materials and methods (notes, books, electronic information, telephonic or other forms of electronic communication, or other sources or methods); b. Violating or subverting requirements governing administration of examinations or other academic assignments; c. Compromising the security of examinations or academic assignments; d. Representing another's work as one's own; or e. Engaging in other actions that compromise the integrity of the grading or evaluation process.
5. **Deliberately furnishing false information** to members of the University community in connection with their efforts to prevent, investigate, or enforce University requirements regarding academic dishonesty.
6. **Forging, falsifying, or misusing University documents**, records, identification cards, computers, or other resources so as to violate requirements regarding academic dishonesty.
7. **Violating other University policies** that are designed to assure that academic work conforms to requirements relating to academic integrity.
8. **Assisting or aiding another** to engage in acts of academic dishonesty prohibited by Section II. B.

#### **C. Student Conduct Adversely Affecting Members of University Community or the University.**

It shall be the responsibility of every student enrolled at the University of North Carolina to refrain from conduct that impairs or may impair the right of all members of the University community to learn and thrive in a safe and respectful environment; or the capacity of University and associated personnel to perform their duties, manage resources, protect the safety and welfare of members of the University community, and maintain the integrity of the University. To these ends, no student or student group shall engage in conduct, or assist another in conduct, that adversely affects or creates a substantial risk of adversely affecting University interests including but not limited to the following:

##### **1. Conduct Affecting Persons.**

- a. Fighting or other conduct that unreasonably endangers or inflicts physical injury upon another.
- b. Sexual misconduct that involves:
  - ...i. Deliberate touching of another's sexual parts without consent;
  - ...ii. Deliberate sexual invasion of another without consent;
  - ...iii. Deliberate constraint or incapacitation of another, without that person's knowledge or consent, so as to put another at substantially increased risk of sexual injury; or
  - ...iv. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates an intimidating, hostile, or demeaning environment for an individual's (I) academic pursuits, (II) University employment, (III) participation in activities sponsored by the University or organizations or groups related to the University, or (IV) opportunities to benefit from other aspects of University life.
- c. Harassment or intimidation that abuses, disparages, or otherwise interferes with another 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.
- d. Threats that involve violation of restraining orders or no-contact orders imposed by government or campus authorities, stalking, or other activities that create a reasonable apprehension of physical or emotional harm to an individual following a request or order to desist.
- e. Discrimination on the basis of race, ethnicity, national origin, religion, creed, sexual

orientation, gender expression, age, or disability that impairs or may impair an individual's University working conditions, privileges or opportunities for University employment, educational opportunities, participation in University-sponsored extracurricular activities, or opportunities to benefit from other aspects of University life.

f. Hazing that causes or permits an individual, with or without consent, to engage in activities that subject that individual or others to risks of physical injury, mental distress, or personal indignities of a highly offensive nature, in connection with recruitment, initiation, or continued membership in a society, fraternity or sorority, club, or similar organized group whether or not recognized by the University.

g. Possessing or carrying any weapon or dangerous substance, whether openly or concealed, unless expressly authorized by University policies.

h. Operating a motor vehicle in a reckless manner or while impaired by alcohol, drugs, or other substances so as to create a significant threat to members of the University community.

i. Engaging in recklessly dangerous, disorderly or obscene conduct affecting University interests, students or other personnel.

j. Illegally possessing, manufacturing, selling, or delivering a controlled substance as defined by state or federal law or applicable policies of the Board of Trustees or Board of Governors.

k. Engaging in violent, forceful, threatening, intimidating, or disruptive conduct, or inciting others to engage in such individual or collective conduct, that willfully disrupts any normal operation, function, or activity of the University or any of its organizations, personnel, or guests.

l. Engaging in conduct, or inciting others to engage in conduct that improperly restrains freedom of movement, speech, assembly, or access to premises or activities by any individual who is a member of the University community or guest of the University or of any of its organizations in connection with that individual's performance of legitimate activities or duties within or at the University.

m. Engaging in conduct within a University classroom that substantially disrupts the academic environment.

n. Misrepresenting oneself as another or otherwise adversely interfering with their credit, academic standing, privacy or personal information.

o. Misusing, removing, tampering with, or otherwise making less effective, equipment (including but not limited to, fire extinguishers, fire alarms, smoke detectors, and emergency call boxes), intended for use in improving or protecting the safety of members of the University community, either on University premises or on the premises of a student organization officially recognized by the University.

p. Assisting or aiding another to engage in acts prohibited by Section II. C.1 of this Instrument.

## **2. Conduct Affecting Property.**

a. Stealing, destroying, damaging or misusing property belonging to the University or another individual or entity.

b. Violating University policies regarding use or management of resources including but not limited to computers, electronic resources, library resources, equipment, or supplies.

c. Forging, falsifying, or misusing documents, records, identification cards, computers, data, library materials, or other resources created, maintained, or used by the University or members of the University community.

d. Trespassing upon housing units, offices, classrooms, laboratories or other facilities or unauthorized intrusion into electronic records owned or managed by the University, an

affiliated organization, or another member of the University community.

e. Assisting or aiding another to engage in acts prohibited by Section II. C.2 of this Instrument.

### 3. Conduct Affecting the Integrity of the University.

a. Knowingly abusing a position of trust or responsibility within the University community.

b. Disregarding the Honor Code or interfering with the judicial procedures established under this Instrument by refusing to identify oneself to a University official in pursuit of his or her duty, refusal to appear before University officials or disciplinary bodies when directed to do so, or lying to the Honor Court or judicial officials in the discharge of their duties.

c. Violating the terms of disciplinary proceedings or of any sanction imposed pursuant to such proceedings. d. Using the name of the University or the names of members or organizations in the University community without authorization.

e. Knowingly misrepresenting academic standing, performance, or accomplishments to members of the University community or others in order to gain an undue advantage.

f. Knowingly violating officially adopted University policies designed to protect the integrity and welfare of the University and members of the campus community.

g. Deliberately furnishing false or misleading information to University personnel acting in the exercise of their official duties. h. Assisting or aiding another to engage in acts prohibited by Section II. C.3 of this Instrument.

**4. Group Offenses.** Societies, clubs, or similar organized groups in or recognized by the University are subject to the same standards as are individual members of the University community. The commission of any offense within this section by such a group or its members acting in concert, or the failure of such a group to exercise preventive measures relative to violations of the Honor Code by its members shall constitute a group offense that may be sanctioned in addition to sanctions imposed for offenses by individual students.

**D. Application to Students Acting in Capacity of University Instructors or Employees.** Where conduct prohibited by provisions of Section II involves a student acting in the capacity of University instructor or employee, such conduct may be addressed under pertinent University policies such as those relating to sexual misconduct, discrimination, harassment, falsification of information, or misuse of University resources, rather than under this Instrument, if handling under such applicable University policies is deemed to be more appropriate by responsible University officials in their sole discretion.

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## III. Sanctions

### A. Guiding Principles.

In keeping with the University's central mission, students who have violated the Honor Code should learn to take responsibility and learn from their mistakes. Student educational development should therefore play a central role in the development and imposition of sanctions pursuant to this Instrument, imposition as should concern for the shared interest of students, faculty, staff, and the greater University in academic integrity, maintenance of a safe and respectful environment conducive to learning, the protection of the University community; and protection of other University interests.

**1. Flexibility.** This Instrument establishes a range of sanctions that may be imposed alone or in combination in order to provide necessary flexibility to deal as appropriate with specific cases. In addition, the courts may impose other sanctions it deems appropriate in a given case.

**2. Relevant Factors.** Sanctions imposed in particular cases should take into account the gravity of the offense in question, including its implications for other members of the campus community and any relevant recurring patterns of misconduct; the value of learning through experience so as to develop a greater sense of

responsibility for one's actions and their consequences to others; the importance of equitable treatment for similar offenses; and other compelling circumstances, so as to reach a just and appropriate resolution in each case.

## **B. Available Sanctions: Individuals.**

The following sanctions alone or in combination may be imposed in connection with offenses under this instrument:

### **1. Academic Sanctions** including but not limited to the following:

- a. **Failing Grade.** Receipt of a failing grade in a course, component or aspect of a course, or on an assignment;
- b. **Educational Assignment.** Requirement of satisfactory completion of an additional educational assignment, course, or program with or without credit.
- c. **Other Requirements.** Other requirements or conditions designed to assure that prior academic misconduct is remedied and does not recur in the future.
- d. **Implications for Academic Retention of Graduate or Professional School Students.** In the case of graduate or professional school students, the imposition of an academic sanction in the form of a failing grade in a course shall not in itself be grounds for terminating the affected student's enrollment in the academic program in which he or she is enrolled, except when the pertinent academic authorities independently determine that such termination is warranted pursuant to pertinent academic rules and requirements.

### **2. Conduct Sanctions** including but not limited to:

- a. **Drug or alcohol probation** including completion of a drug or alcohol education and counseling program, participation in specified forms of community service, and acceptance of such other conditions and requirements as may be judged appropriate by the Judicial Programs Officer. A refusal or failure to comply with the terms of a drug or alcohol probation program, as determined by the Vice Chancellor for Student Affairs, will result in suspension for the unexpired term of the probation.
- b. **Behavior management.** Completion of projects, programs, or requirements designed to help the student manage behavior and understand why it was inappropriate.
- c. **"No contact" orders.** Compliance with orders of no contact that limit access to specific University areas or forms of contact with particular persons;
- d. **Community service.** Completion of up to 60 hours of community service over a period not to exceed twelve weeks under guidelines established by the Judicial Programs Officer;
- e. **Restitution.** Where applicable, payment of restitution in an amount determined by the hearing board and paid under guidelines established by the Judicial Programs Officer;
- f. **Other requirements.** Where applicable, taking necessary steps to inform affected parties, correct misrepresentations, or otherwise remedy the effects of misconduct.

### **3. Loss of privileges** including but not limited to those relating to:

- a. **Participation on or in:**
  - i. Athletic teams (including intramural teams) as a member, coach or manager;
  - ii. Activities or organizations sponsored by or representing the university;
  - iii. Recruitment of new members, induction in, or continuing membership in any student organization (including but not limited to sororities or fraternities).
- b. **Attendance at campus events or sports activities.**
- c. **Use of University facilities or resources including:**
  - ...i. Parking an automobile or driving an automobile on campus;
  - ...ii. Residing in University residence units;
  - ...iii. Using privileges relating to information technology, computers, or telecommunications.

d. Representation of the University or its affiliated organizations as a tour guide, intern, researcher, or otherwise.

e. Receipt of special recognition or distinction including:

- i. Any award, prize or other recognition bestowed by the University;
- ii. A fellowship or assistantship that permits the student to act on behalf of the University (including a teaching position or resident assistantship, but not forms of financial aid based on need or merit).

**4. Penalties of record** that are reflected both on a student's academic transcript (during the period they remain in effect), and in a student's disciplinary record as provided under governing policies, including:

a. Probation for a definite or indefinite period, including probation with associated conditions or requirements. Probation means that a student may remain at the University but may be required to satisfy specified conditions or requirements, report regularly to the Judicial Programs Officer, and be barred from holding any office or participating in any activity in which the student represents the University or University-recognized student organizations either within or outside the University community. The sanction of probation prohibits graduation until the period of probation has ended and the student has complied with all requirements as established by the Honor Court and the Judicial Programs Officer.

b. Suspension including the following forms of suspension with associated conditions or requirements.

...i. Suspension for a definite or indefinite period means that the student is removed from good standing and must leave the University for a definite or indefinite period. Suspension anticipates that the student may eventually return if applicable conditions are satisfied. Academic work completed at another institution during a period in which a student is under suspension from the University may not be transferred toward the degree, but applicable health care or insurance benefits may be continued.

...ii. Permanent Suspension from the University of North Carolina at Chapel Hill means that the student is removed from good standing and must leave the University permanently without an expectation that the student may eventually return to the Chapel Hill campus. A student permanently suspended from the campus is not barred from seeking admission to another UNC system university, if that university wishes to permit such application following disclosure of the student's disciplinary record at UNC-Chapel Hill. Permanent suspension may only be imposed with the concurrence of the Chancellor and will remain in effect unless and until the Chancellor who imposed or approved the sanction or his or her successor concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education at UNC-Chapel Hill.

c. Expulsion if approved by the Chancellor. Expulsion means that a student is removed from the University permanently and may not be admitted to any UNC system university, unless and until the Chancellor who imposed or approved the sanction or his or her successor concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education within the UNC system.

**5. Written warning** in the form of an official reprimand that is formally communicated by a letter giving the student notice that any subsequent Honor Code violation will carry more serious sanctions.

### **C. Additional Sanctions: Group Violations.**

In addition to the imposition of sanctions on individual students, where appropriate, the following group sanctions may be imposed in connection with violations of the Instrument:

**1. Written warning** in the form of an official reprimand that is formally communicated by a letter to the group, its advisers and members, giving notice and warning that any subsequent Honor Code violation will carry more serious sanctions.

**2. Conduct sanctions** including but not limited to:

a. Educational activities such as presentation or completion of projects, programs or requirements designed to understand the nature and implications of the misconduct and

prevent similar misconduct from arising in the future.

- b. Community service such as completion of specified service programs or projects on or off campus within a specified period.
- c. Payment of restitution if applicable.
- d. Other requirements. Where applicable, taking necessary steps to inform affected parties, remedy the effects of misconduct, prevent similar conduct from arising in the future, or comply with other requirements or conditions.

**3. Loss of group privileges** including but not limited to:

- a. Activity restrictions prohibiting the group from sponsoring any organized social activity, party, or function for a specified period of not less than four weeks of a regular academic term, or otherwise limiting group activities (other than seeking and adding members) for a specified period.
- b. Restrictions on participation in intramural competitions or other activities or events sponsored by the University or University affiliated organizations.
- c. Restrictions on use of University facilities for meetings or other activities.
- d. Loss of such other privileges as deemed appropriate to deter future misconduct.

**4. Sanctions Affecting Group Status or Charter.** The following sanctions may be imposed:

- a. Group probation, which restricts group activities and privileges (other than seeking and adding members) for a specified period of time, upon pain of immediate restriction or revocation of the group's charter or status as a University-affiliated or recognized organization in the event of repeated violations during the period of the sanction.
- b. Restricted status, which restricts a group's charter, temporarily removes a group's status as recognized or affiliated with the University, or imposes related restrictions on recruitment or addition of members, sponsoring or conducting events in the University community, or enjoyment of privileges other than the right to continue to occupy or hold property for a period of one semester in addition to the semester in which the offense occurred.
- c. Revocation of group charter or affiliation including permanent removal of University recognition for the group in question, if approved by the Chancellor.

**D. Gravity of Offenses.**

**1. Usual and Minimum Sanctions.** In determining the appropriate sanction to be imposed in individual cases, consideration shall be given to usual and minimum sanctions specified in this section as well. For purposes of this Instrument, "usual" sanctions are those that are to be applied in individual cases except to the extent that relevant factors listed in Section III. A provide a compelling basis for imposition of a lesser or greater sanction in order to do justice in a particular case. "Minimum sanctions" are the least serious sanction possible in light of the gravity of the conduct in question, although a more substantial sanction may be imposed in order to do justice in a particular case.

**2. Academic Dishonesty.**

- a. For an initial instance of academic dishonesty,
  - ...i. The usual sanction for grade-related misconduct shall be a failing grade in the course, an aspect or component of a course, or on the assignment as recommended by the instructor, and suspension for one full academic semester or until specified conditions are met.
  - ...ii. The minimum sanction for grade-related misconduct shall be a failing grade in the course, component or aspect of the course, or on the assignment as recommended by the instructor; probation for at least one full academic semester; an additional educational assignment or other requirements as appropriate; and a written warning that further academic misconduct will lead to more serious sanctions.

b. For a second or subsequent instance of academic dishonesty, the minimum sanction shall be suspension for at least two full academic semesters.

### 3. Conduct Adversely Affecting Persons.

a. For deliberate sexual invasion of another, the minimum sanction shall be suspension for two full academic semesters.

b. For illegally possessing, manufacturing, selling, or delivering a controlled substance as defined by state or federal law, sanctions established by relevant policies of the Board of Trustees, including as specified, drug probation, suspension, or expulsion, depending upon the gravity of the offense and prior history of misconduct.

### 4. Group Offenses.

In instances in which a group has committed a violation of the same type within a period of two years for which a written warning was issued, the minimum sanction shall be group probation.

**5. 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.

## E. Administration of Sanctions.

**1. Duration and Effective Date.** The duration and effective date of sanctions shall be determined by the hearing panel. A sanction specified to extend over an academic semester means a semester within the academic year and does not include summer sessions. If a timely appeal is filed as provided in Appendix C, no sanction shall take effect until such time as the relevant appeal has been withdrawn or has been finally determined and a decision rendered by the University Hearings Board or, in applicable cases, by the Chancellor or his or her designee. When, because of an appeal, a sanction of suspension or expulsion becomes effective during the middle or at the end of a semester or term, the student shall receive no credit for any courses undertaken or completed in the semester or term in which the judgment of the hearing panel was initially rendered. Students who have been expelled or suspended from the University are granted 96 hours from the time the sanction becomes effective to depart from the campus. Sanctions of record (expulsion, suspension, and probation) shall be entered on the student's transcript by the Dean of Students following conclusion of any relevant appeals.

**2. Review.** A student who is placed on definite or indefinite probation or suspension may be required to meet periodically with the Judicial Programs Officer.

**3. Removal of Sanctions.** Upon completion of the requisite period, a student who has satisfied any pertinent conditions or requirements may submit a formal petition requesting removal of a probationary sanction or reinstatement following suspension. The petition shall be reviewed by the Judicial Programs Officer who shall prepare a recommendation, and submit the matter for determination by the appropriate. The court shall consider the student's petition as soon as practicable.

**4. Records of Student Discipline.** Only disciplinary cases pending and currently active sanctions of probation, suspension, or expulsion shall be noted as part of a student's transcript. Records of all disciplinary actions and sanctions imposed pursuant to this Instrument shall be maintained by appropriate offices in the Division of Student Affairs as part of a student disciplinary record separate from the transcript, and shall be retained for a period of 10 years from the date on which all appeal rights have expired or have been exhausted, and thereafter destroyed, unless destruction at the end of a lesser period shall be permitted in accordance with a disciplinary records retention policy adopted by the Chancellor upon recommendation by the Committee on Student Conduct as provided in Section V. E. Files on pending cases will be maintained indefinitely. Disciplinary files and records of cases that resulted in "not guilty" findings shall be destroyed immediately. Recordings or transcripts of judicial hearings in which an accused student is found guilty shall be retained for 12 months following the conclusion of any available appeal and then destroyed.

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## IV. Procedural Rights of Students and Complainants

### A. Rights of the Accused Student.

A student accused of a violation of the Honor Code under Section II of this Instrument shall have the following rights:

**1. Information and Informed Choices.** The right to examine this Instrument; to be advised of the charge, the character of the evidence against him or her, the alternatives for responding, the possible sanctions, their rights, and their responsibilities to appear for relevant proceedings; and to make choices of the student's own free will, including the choice to waive any rights provided by this Instrument after receiving an explanation of the possible consequences so long as any such waiver is made in writing.

**2. Presumption of Innocence.** The right to be presumed innocent until proven guilty, and to plead not guilty without fear that the plea itself (as distinct from any related lies or misrepresentations) may give rise to a charge of lying should the student be found guilty of violating the Honor Code.

**3. The right to an assigned student counsel or a student counsel of his or her own choosing,** provided that neither a licensed attorney nor a person who has passed a state bar examination may serve as the investigator of defense counsel or be present during proceedings; only currently enrolled undergraduate students at UNC-Chapel Hill may serve as investigator or defense counsel in cases involving undergraduate students; and only currently enrolled students, preferably from within the pertinent academic program, may serve as investigators or counsel to the accused student in cases involving graduate or professional students. However, in the event the offense charged is also the subject of criminal charges, the accused student may be accompanied to the hearing by a licensed attorney and may confer with the student during the hearing so long as the attorney does not address the hearing panel, those hearing the appeal, or other parties or witnesses, and so long as the attorney does not delay or disrupt the proceeding.

**4. Fair Hearing.** The right to a fair, impartial, and speedy hearing, including a separate hearing upon request.

**5. Self-Incrimination.** The right to refuse to respond to questions that would tend to be self-incriminating.

**6. Evidence and Witnesses.** The right prior to the hearing to review written evidence and obtain a list of anticipated witnesses; to hear or face witnesses testifying against him or her and question any material witnesses; to challenge and rebut any evidence or written testimony; to present material and character witnesses; and to testify and present evidence in his or her own behalf provided that such evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students.

**7. Proof Beyond a Reasonable Doubt.** The right to have an alleged offense proven beyond a reasonable doubt, where "beyond a reasonable doubt" means a doubt that is based upon reason and common sense after careful and impartial consideration of all evidence, and does not mean a mere "shadow of a doubt" or any conceivable doubt.

**8. Appeals and Rehearing.** The right to pursue a subsequent appeal to the extent as specified in this Instrument, and to be free from rehearing under this Instrument for the same offense after being found not guilty, except to the extent that a new hearing may be required on an original charge pursuant to Appendix C.

### B. Rights of the Complainant.

A complainant who asserts that an accused student has violated the Honor Code shall have the following rights:

**1. Notification.** In accordance with the Federal Family Educational Rights and Privacy Act (FERPA), in cases of alleged academic misconduct, the complainant has the right to be notified of the outcome of the case if the complainant has a legitimate educational interest in the outcome. A complainant who is an alleged victim of an offense that involves the use, attempted use, or threatened use of physical force against the person or property of another, or is a felony that, by its nature, involves a substantial risk that physical force may be used against the person or property of another in the course of committing the offense, has the right to be notified of the following matters, pursuant to FERPA and policies of the University Board of Governors: the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any imposed, the duration of the sanction, and the date the sanction was imposed.

**2. Privacy.** The right to have his or her name or other personally identifiable information withheld from release to the public, the press, or others who are not directly involved in the case, by members of the Student Attorney General's Staff, any student court or University Hearings Board, or the Office of the Vice Chancellor for Student Affairs.

**3. Comments and Recommendations.** The right to challenge or to request the student attorney general's office to challenge the qualifications of any member of a student court or University Hearings Board to hear the case; the right to recommend the forum in which the case should proceed as specified in Appendix C; the right to make a written or oral statement during the sanctioning phase of a hearing; and the right to notice and an opportunity to make an oral or written statement in any proceeding for the removal of a sanction of indefinite suspension or indefinite probation in a case involving a student against whom the complainant filed a complaint.

**4. Presence.** The right to be present during court proceedings except during court deliberations, the announcement of the judgment, the sanctioning phase or any appellate proceedings as provided in Appendix C.

**5. Additional rights in certain cases.** In certain types of cases, the complainant shall have additional rights as stated below.

a. Academic dishonesty. The right of an instructor to recommend a failing grade (as to a particular assignment, course component or aspect, or the course as a whole), and to have the recommended penalty imposed in the event that the accused student is found guilty as charged.

b. Sexual misconduct. In offenses involving sexual misconduct (section II. C.1. B):  
 ...i. With the approval of the Student Attorney General and the Judicial Programs Officer, the right to request a student investigator of his or her own choosing from within those available in the Student Attorney General's office after charges have been filed;  
 ...ii. The right to be present during court proceedings except court deliberations, evidentiary proceedings, or appellate proceedings and to have a support person present during the original hearing, any evidentiary proceeding or any appeal;  
 ...iii. In cases involving sexual invasion (section II. C.1. B. li), the right to a closed hearing when requested in writing (notwithstanding any request to the contrary by the accused student) and to refuse to testify without being charged with a violation based on that refusal upon a determination by the Student Attorney General after consultation with the Vice Chancellor for Student Affairs that compelling circumstances prevent the complainant from participating in the case;  
 ...iv. The right for evidence of other sexual behavior to be deemed inadmissible in a hearing except as provided in Appendix C.

c. Other conduct involving injuries to persons. In offenses involving other forms of conduct resulting in injuries to persons under section II. C.1, the right to be present except for any court deliberations (during an original hearing, evidentiary proceeding, or appellate proceeding) to the extent permissible under pertinent state and federal law.

### C. Additional Student Rights.

From time to time, additional student rights may be created or recognized by the University, including rights to privacy and free expression set forth in Appendix D.

## V. Honor System Officers, Responsibilities, and Structures

### A. Student Honor System Officers

#### 1. Undergraduate Honor System

##### a. Undergraduate Student Attorney General.

...i. 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 Student Congress, 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.

...ii. Duties. The Undergraduate Student Attorney General, and, as he or she may determine, members of the Attorney General's staff, shall be responsible for performing the following

## functions:

(1) Recruitment, appointment, training, certification, and oversight of members of the Undergraduate Student Attorney General's staff. The staff of the Undergraduate Student Attorney General shall be responsible for investigating all alleged violations of the Honor Code by undergraduate students, providing defense counsel as requested, and presenting matters to the Honor Court for resolution. In making staff appointments, the Undergraduate Student Attorney General should endeavor to assemble a staff whose diversity reflects that of the student body as a whole. In the event of disagreement between the Attorney General and the Vice Chancellor for Student Affairs concerning training or certification, the issue shall be decided by the Committee on Student Conduct.

(2) Review and investigation of alleged violations of the Code of Student Conduct. The Undergraduate Student Attorney General (or his or her designee) shall receive complaints of all alleged violations by undergraduate students; investigate such complaints to determine whether there is sufficient evidence to refer the incident to the Honor Court; formulate and bring charges; advise students to be charged concerning their rights, the availability of counsel, and procedures to be employed; bring charges to Honor Court; and respond to appeals as necessary.

(3) 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.

**b. Office of the Undergraduate Honor Court.**

## ...i. Appointment and Qualifications.

(1) 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 Student Congress, 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.

(2) 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 spring semester, and serve for a period of 12 months or until successors have been named.

(3) 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 Student Body President, and approved by Student Congress. Members of the Court shall be recommended during the Spring semester by a nominating committee composed of the outgoing and incoming Chair and Vice Chairs, from among a pool of candidates who have been members of the academic community for at least a full semester (or two summer sessions). In reaching their recommendations, the nominating 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 12-month term and shall serve until successors are named.

...ii. Duties of the Chair and Vice Chairs. The Chair of the Undergraduate Honor Court, and, as he or she may determine, Undergraduate Honor Court Vice Chairs, shall be responsible for the following duties:

(1) Recruitment, nomination, training, certification, and oversight of members of the Undergraduate Honor Court. Members of the Honor Court may not sit on a hearing panel until they have been found to be knowledgeable concerning the regulations, provisions, procedures, sanctions, and functioning of the Honor System as delineated in this Instrument, and accordingly certified as "qualified" by the Chair of the Undergraduate Honor Court and the Vice Chancellor for Student Affairs. In the event that the Chair and the Vice Chancellor for Student Affairs disagree over procedures or certification, the issue shall be decided by the Committee on Student Conduct.

(2) Administration of the Honor Court. The Chair shall assign hearing panels composed of the Chair or a Vice Chair (as presiding officer) and the requisite number of Court members to conduct hearings, and to serve on University Hearings Boards. The Chair shall make such assignments by random selection using a separate presiding officer pool (composed of the Chair and Vice Chairs) and a panel member pool (composed of the remaining members of the court). The Chair shall also perform such other duties as may be appropriate consistent with this Instrument.

(3) 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.

...iii. Summer School: Special Provisions. During summer session, the authority of the Undergraduate 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. 1.(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.

**c. Honor System Outreach Coordinator.**

...i. 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.

...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 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 Undergraduate Honor Court, graduate and professional school judicial system officers, 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. Graduate and Professional School Honor Systems.**

**a. Graduate Student Honor System.** The graduate student governance agency shall appoint a graduate school attorney general, and the chair and members of the graduate school honor court, in accordance with its governance and judicial structures. The Graduate School Honor System shall be responsible for charges against students enrolled in a degree program in the University's Graduate School or any course in post baccalaureate study except as provided in paragraph b. Except as provided in Appendix C all other sections of this Instrument shall apply.

**b. Honor Systems for Graduate Students Enrolled in Designated Professional School Programs.** The student government agencies of the Schools of Dentistry, Law, Pharmacy, and Medicine shall operate their own courts and devise their own judicial structures. The honor systems of the respective professional schools shall be responsible for charges against students enrolled in their respective programs for the degree of DDS, JD, Pharm. D. or MD.

...i. Except as provided in Appendix C, all other sections of this Instrument shall apply.

...ii. The student government agencies and academic authorities of other 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 specified post-baccalaureate programs, by filing a proposal describing the proposed judicial system and arrangements for its operation with the Committee on Student Conduct. 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.

**B. Faculty Honor System Advisory Committee**

**1. Appointment.** The Chair of the Faculty shall appoint a five-member Faculty Honor System advisory committee, drawn from faculty members with interest and experience concerning the campus Honor System. In making the requisite appointments, the Chair of the Faculty shall take into account recommendations by the Undergraduate Student Attorney General, the Chair of the Undergraduate Honor Court, and the Graduate Student Attorney General. In making appointments, the Chair of the Faculty should strive to maintain a committee that is broadly representative (in terms of academic units and faculty rank), and possesses relevant expertise (such as experience with legal systems, knowledge of undergraduate and graduate-level issues, experience with instructional development, and awareness concerning the operation of the Honor System).

Members of the advisory committee shall serve for overlapping three-year terms or until their successors have been appointed.

**2. Duties.** The Faculty Honor System Advisory Committee shall have the following duties: providing advice when appropriate to the Undergraduate and Graduate School Attorneys General regarding difficult academic charge decisions; communicating to student judicial officers information regarding faculty concerns or suggestions for improvement of the Honor System; assisting the student judicial officers with outreach and educational activities to involve academic departments and the greater campus community in discussion of issues of honor and integrity; assisting in the development of training materials for use in the Honor System; serving as a source of expertise and advice on educational sanctions; and such other duties as may be appropriate to bolster the effectiveness and smooth operation of the Honor System.

### **C. Faculty Hearings Boards Panel.**

The Chair of the Faculty, in consultation with the chair of the Committee on Student Conduct, shall establish a standing panel of at least 30 faculty members whose interest and expertise qualifies them for service on University Hearings Boards charged with responsibilities to hear original or appellate matters pursuant to this Instrument. The faculty panel should be drawn from a cross-section of departments, disciplines, and ranks of faculty in order to provide a diverse and representative pool of faculty who are known and respected by their peers. Appointments to the faculty hearing board panel shall be for three years. All members of the Faculty Hearings Boards Panel shall be provided relevant training concerning the operation of the campus honor system and other related matters.

### **D. Judicial Programs Officer.**

The Vice Chancellor for Student Affairs shall provide requisite resources and appoint necessary personnel to support the Honor System, including a Judicial Programs Officer who shall perform the following functions:

- 1. Coordinator.** Serve as the designate of the Vice Chancellor for Student Affairs in coordinating and advising the Honor System.
- 2. Adviser.** Provide reports, monitor data, evaluate and apprise the Vice Chancellor for Student Affairs, the Committee on Student Conduct, and other University officers of matters regarding student conduct and the Honor System.
- 3. Supervisor.** Supervise compliance with conditions and requirements imposed upon students and groups subject to disciplinary sanction, including, as appropriate, scheduling mandatory conferences with students placed on probation and with student officers of organizations with an active sanction, overseeing compliance by students and student organizations with the terms of disciplinary sanctions, and providing reports and recommendations to the courts concerning removal of sanctions.
- 4. Trainer.** Provide support and oversight of training of Court members, Student Attorney General's staff, and faculty members serving as members of the Honor System Advisory Committee and University Hearings Boards.
- 5. Outreach and Program Planner.** Working with students, faculty, and staff, develop strategies, materials, resources, and programs to inform members of the University community about the Honor Code and Honor System.

### **E. Committee on Student Conduct.**

**1. Appointments and Terms.** The Committee on Student Conduct shall be composed of three persons appointed by the Chancellor, three members of the Faculty selected by the Chair of the Faculty, and six students (four undergraduate and two graduate/professional students who are representative of their student constituencies as well as the diversity of the student community). Student members shall be selected through an application process by the Student Body President, or designee, and by the President of the Graduate and Professional Student Federation, or designee, respectively. All Attorneys General, Court Chairs, and Outreach Coordinators shall serve as non-voting ex officio members. In no case shall a member's term of appointment be less than one year or more than three years. Although it is not mandatory, the Chair of COSC shall usually be a member of the University faculty or a Chancellor's appointee who has been a member of COSC for one or more years or who has experience in student judicial matters. The Chair shall be elected for a one-year term at the beginning of the fall semester by a majority of Committee members.

**2. Procedures.** The Committee shall meet regularly, or upon call by the Chair, or by a petition from a majority of the members of the Committee presented to the Chair. A quorum shall consist of four students,

two faculty members, and two appointees of the Chancellor. A quorum is not required for Committee action. Action taken without a quorum, however, shall not become effective until five calendar days have elapsed following the transmittal of the Committee minutes describing such action. If within the five-day period any Committee member files with the Chair a request for review of the action taken, the action will be held in abeyance until reviewed by the Committee when a quorum is present. A majority vote of those present at the meeting shall be determinative of any issue.

**3. Responsibilities.** The Committee shall have the following responsibilities:

- a. Overseeing the operation of this Instrument and the Honor System;
- b. Developing, promulgating, and monitoring policies and guidelines regarding operational procedures for implementation of this Instrument and the Honor System as provided in Section VI;
- c. As necessary and appropriate, interpreting this Instrument and developing guidelines and policies regarding its meaning and operation, including but not limited to designation of offenses as “minor” or “serious” as provided under policies of the University Board of Trustees or Board of Governors;
- d. Advising student judicial officers, the Judicial Programs Officer, Vice Chancellor for Student Affairs, and the Chancellor regarding the Instrument and the Honor System as appropriate.
- e. Proposing, reviewing, and coordinating action on amendments to this Instrument appropriate to its increased effectiveness;
- f. Performing such other duties as specified in this Instrument; and
- g. Reporting to the Chancellor, Faculty Council, and Student Congress annually in writing.

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## VI. Operational Procedures

The Committee on Student Conduct shall develop policies and guidelines relating to the its implementation and the operation of the Honor System including, but not limited, policies and guidelines regarding reports of violations, initiation of charges, authority of the courts, procedural protections relating to evidence and witnesses, proceedings of student courts and University Hearings Boards, expedited hearing panels, appeals, and other specific arrangements for the effective operation of the Honor System. All such guidelines and policies shall be promulgated as part of Appendix C to this Instrument in accordance with the procedures for amendment set forth in Section VII.

## VII. Amendments

### A. Proposed Amendments.

Amendments to any provision of this Instrument may be proposed by the Chancellor, the Faculty Council, the Student Congress, or the Committee on Student Conduct.

### B. Approval of Amendments.

**1. Amendments to Sections I-VII of the Instrument.** Amendments to this Instrument will become effective when approved by the Student Congress, the Faculty Council, and the Chancellor.

**2. 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 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 Student Congress and Faculty Council, provided that the Committee on Student Conduct provides Student Congress and the Faculty Council with written notice of any such proposed amendment and that 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.

## Appendices

- A. Expanded Statement of Commitment by Students and Faculty
- B. Statement of Faculty Responsibilities Under the Honor Code (as adopted by Faculty Council)
- C. Operational Procedures for the Honor System
- D. Statement of Student Rights to Privacy and Free Expression

### 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 the giving of testimony when called upon. Nothing herein shall be construed to contravene a student's rights enumerated in Section

#### IV.A.1 of this Instrument.

The offenses set out in Section II of the 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.

### Appendix B: On Faculty Responsibilities in Relation to the Honor Code (Faculty Council Resolution 2003-5,

**dated January 17, 2003)**

Whereas faculty members and students at the University of North Carolina at Chapel Hill share a 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; and Whereas, these goals can only be achieved in a setting in which intellectual honesty and personal integrity are highly valued; others are trusted, respected, and fairly treated; and the responsibility for articulating and maintaining high standards is widely shared; and Whereas the University can effectively set and maintain high standards for academic integrity only through the individual and collective commitment of its faculty to this end; and Whereas the Faculty Council, on behalf of the faculty, wishes to provide renewed guidance to colleagues on how best to achieve this important objective; now therefore the Faculty Council resolves:

Academic work is a joint enterprise involving faculty and students. Both have a fundamental investment in the enterprise and share responsibility for ensuring its integrity. Therefore, the specific actions enumerated below are declared to be those which are included in, but do not exhaust the responsibility of the faculty in relation to the Honor Code.

### **I. Awareness**

To assure that community-wide expectations regarding academic integrity are understood and communicated, and that students are held accountable for conforming their conduct to such expectations, faculty members, teaching assistants and other instructional personnel should become familiar with the University Honor System (embodied in the Instrument of Student Judicial Governance and related documents) and other sources of information about instructional practices that foster a strong commitment to academic integrity. Deans, department chairs, advisors, and others responsible for academic units and support services related to the University's academic mission should aid instructional personnel in achieving this objective.

### **II. Communicating Expectations and Administering Examinations**

To assist students in complying with their responsibilities relating to academic integrity, faculty members, teaching assistants, and other instructional personnel should

- A. Use good judgment in setting and communicating clear ground rules for academic work conducted under their supervision (for example by stating expectations as part of course syllabi, identifying materials that may or may not be used in completing assignments, and indicating the extent of collaboration that is or is not permitted).
- B. Require students to sign the honor pledge as a condition of submitting academic assignments.
- C. Take steps to prevent unauthorized access to examinations during development, duplication, and administration.
- D. Avoid re-using prior examinations in whole or part to the extent possible in keeping with sound academic judgment (such as when warranted as part of an assessment system that relies upon recurring use of a pool of pre-tested and validated multiple choice questions, when security is assured, or when questions are placed on reserve or otherwise made available in advance to all students on an even-handed basis).
- E. Take all reasonable steps consistent with physical classroom conditions to reduce the risk of cheating during the administration of examinations.
- F. Maintain proper security during the administration of examinations including as appropriate overseeing distribution and collection of examinations and proctoring the examination session.

### **III. 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 should:

- A. Report to the appropriate Student Attorney General any instance in which the instructor has reasonable basis to conclude that a student under the faculty member's supervision has engaged in academic dishonesty or substantially assisted another to do so in connection with academically related work. Such reports should include a brief description of the suspected academic dishonesty including surrounding facts and circumstances, and may, if the faculty member chooses, incorporate a recommendation as to the appropriate

sanction or disposition from among those available in the event the student is found guilty (such as whether a failing grade would be implemented as to a particular course assignment, component or the course as a whole).

B. In the instructor's discretion, notify the student of the instructor's intention to report the suspected academic dishonesty and permit the student to provide relevant further information if the student chooses to do so.

C. Refrain from taking unilateral punitive action as to a student rather than reporting conduct in suspected violation of the Honor Code.

D. Cooperate with representatives of the student judicial system (including the appropriate Student Attorney General, defense counsel, honor court personnel, and the judicial program officer) in conducting necessary investigation, providing testimony or other evidence, recommending appropriate sanctions, or otherwise bringing the matter to prompt conclusion.

#### **IV. Involvement**

To bring to bear requisite faculty judgment regarding the nature and importance of academic integrity, and to nourish a strong campus-wide understanding and commitment to associated intellectual and personal values, faculty members, teaching assistants, and other instructional personnel should:

A. Explore issues of integrity in connection with instructional activities where relevant and appropriate.

B. Encourage their academic units to take matters of academic integrity seriously, become informed regarding related problems and advisable means of preventing problems from arising, and provide requisite training and support to instructional personnel.

C. Participate upon request as part of educational initiatives, faculty advisory panels, and University Hearing Boards designed to create, nurture, and enforce high standards of academic integrity within the University community.

#### **APPENDIX C: Operating Procedures for Implementation of the Honor System**

##### **A. Reports of Possible Violations**

1. **Initial Report.** A member of the University community who observes what he or she believes to be a violation of the Honor Code shall promptly submit a short, written report to the applicable student attorney general in which he or she identifies the student or students believed to be responsible and describes relevant facts in support of the allegations, including a description of the conduct in question and attendant circumstances. A faculty member who suspects that a student has committed a violation of the Honor Code relating to academic dishonesty may also recommend an appropriate sanction as part of the report of the alleged conduct or by communicating his or her views to the relevant Student Attorney General. If the faculty member chooses to do so, he or she may notify the student of the faculty member's intention to report the suspected violation, and give the student the opportunity to provide additional information if the student chooses to do so after the student reviews his or her rights under the Instrument. Private action by a faculty member as a sanction for academic dishonesty is inconsistent with faculty policy as promulgated by Faculty Council and embodied in Appendix B and may not be used in lieu of or in addition to a report of the incident.

2. **Notice, Review, and Investigation.** The applicable student attorney general shall review and investigate reports of Honor Code violations that have been referred by members of the University community or by police authorities or citizens outside the University community because of the possible implications of the conduct in question for protection of the University's interests. Anonymous charges shall not be permitted. The appropriate student attorney general or Judicial Program Officer shall notify the accused student promptly once a report has been received.

##### **B. Initiation of Charges**

1. **Charge and Notice to Appear.** The applicable student attorney general or his or her designee shall review the report of alleged misconduct and conduct a preliminary investigation prior to determining whether charges under the Honor Code should be filed. Under ordinary circumstances, charge determinations should be made within 30 days, provided that an extension of up to an additional 30 days may be permitted for good

cause as determined by the applicable student attorney general or for up to an additional 60 days under exceptional circumstances with the concurrent of the Judicial Programs Officer. If the applicable student attorney general determines that there is a reasonable basis for concluding that a student has violated the Honor Code, he or she shall notify the accused student or students in writing by certified mail of the student attorney general's intention to commence an action under the Instrument of Student Judicial Governance, the charges to be pursued, the underlying allegations and factual basis for the charges, possible sanctions, and the student's procedural rights. In all instances in which charged offenses could result in expulsion, the notice shall include this possibility and must specify that expulsion precludes matriculation at any UNC constituent institution. The notice shall also advise the accused student of the need to schedule a preliminary conference, and may specify the date and time of the anticipated hearing on the charges, so long as the date specified is at least 10 calendar days from the date on which the date written notice is received by the accused student. The applicable student attorney general shall also advise the Judicial Programs Officer of the proposed action by copy of the communication notifying the student.

2. Preliminary Conference and Hearing Date. A preliminary conference shall be scheduled between the Student Attorney General or his or her designee and the accused student at least 10 calendar days before an anticipated hearing date on the charges. At the conference, the Student Attorney General or his or her representative shall inform the accused student in detail of the charges against him or her, the character of the evidence, alternatives available in responding to the charge including acknowledgement of responsibility and implications, possible sanctions, and procedural rights. In the Student Attorney General's discretion, if the requirements set forth in section B.3 of Appendix C are met, he or she may also advise the accused student of the possibility of proceeding through an expediting hearing process as described in section F of Appendix C rather than under the full hearing process described in section E of Appendix C. If a hearing date is not specified in the notice of the charge, written notice of the hearing date must be provided to the accused student at the preliminary conference or sent to the student to be received not less than five calendar days before the proceeding is scheduled for hearing, unless the accused student agrees to an earlier hearing date, or either the accused student or the designated student attorney general requests a reasonable extension of time to prepare for the hearing and mutually agree to the requested extension or the extension is approved by the Judicial Programs Officer in the event of dispute.

3. Recommendation and Referral for Expedited Sanctioning in Instances in Which Student Accepts Responsibility. The Student Attorney General may, in his or her discretion, and in consultation with the Judicial Programs Officer, determine that a matter should be referred to an Expedited Hearing Panel of the Honor Court as described in section F of Appendix C rather than for a full hearing as described in section E of Appendix C provided that all of the following conditions apply: (a) the accused student admits fault and takes responsibility in writing for the conduct and related offense; (b) the evidence is sufficiently clear so that the student's guilt for the offense to be charged has been demonstrated without additional review under section E of Appendix C; (c) the accused student agrees in writing to proceed before an Expedited Hearing Panel after receiving pertinent information about his or her rights under this Instrument; and (d) the Student Attorney General submits a written recommendation and referral that addresses each of the conditions set forth above.

4. Relation to Action in State or Federal Courts. In instances when action is either pending or completed against a student in a state or federal court and when the University's interests are at issue, the Student Attorney General and the Vice Chancellor for Student Affairs will make a determination as to whether the protection of the University's interests requires action by the University. If the Student Attorney General and the Vice Chancellor for Student Affairs cannot agree on the determination, the issue shall be decided by the Committee on Student Conduct.

5. Academic Progression while Honor Court case is pending. A student may not graduate while the subject of an Honor System case.

### **C. Authority of the Honor Court**

A hearing on charges that a student or students have violated the Honor Code shall be held by the court with the authority granted under the Instrument of Student Judicial Governance over the matter or a University Hearings Board as provided below.

1. 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 or Professional School Courts, those cases reserved to the University Hearings Board in section C.5 of Appendix C, and those cases reserved for the Summer School Court under section C.2 of Appendix C.

2. 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,.
3. Graduate School Court. The Graduate School Court shall have authority to hear all matters concerning alleged violations of the Honor Code by students who are enrolled in a degree program in the University's Graduate School or any other course in post-baccalaureate study, except as specified in section C.4 of Appendix C (relating to professional school courts) or section C.5 of Appendix C (relating to cases referred to the University Hearings Board).
4. Professional School Courts. The Professional School Courts shall have authority to hear all matters concerning alleged violations of the Honor Code by students who are enrolled in the Schools of Dentistry, Law, Medicine, and Pharmacy as candidates for a degree of DDS, JD, MD, or Pharm.D, except as specified in section C.5 of Appendix C (relating to cases referred to the University Hearings Board).
5. University Hearing Board. The University Hearings Board shall have authority to hear in the following cases:
  - a. Cases otherwise within the authority of the student courts when the appropriate student attorney general and the Vice Chancellor for Student Affairs determine that circumstances make such authority inappropriate as a result of verifiable medical or psychological complications, the inability of the student court to provide a speedy hearing; or other considerations that make the case inappropriate for hearing and decision by a student court.
  - b. Cases in which an accused student, with the concurrence of the appropriate student attorney general, requests in writing a University Hearings Board because of significant disparities in age of the accused student and members of the student court, or significant inconvenience in scheduling an appearance before the student court due to geographic, family, occupational, or other circumstances.
  - c. Cases in which a student charged under the Honor Code chooses to accept responsibility for his or her conduct and requests in writing an expedited hearing before the University Hearings Board rather than before an expedited hearing panel as described in section F of Appendix C.
  - d. Cases involving alleged violations of the Honor Code that would fall within the authority of any student court has ceased to exist, or cannot or does not exercise its authority to hear the matter.

#### **D. Procedural Protections**

1. General Protections. Students charged with Honor Code violations and complainants alleging such violations shall be afforded the detailed procedural rights set forth in Section IV of the Instrument of Student Judicial Governance.
2. Evidence in Cases Involving Sexual Invasion (Section II.C.2.b.ii of the Instrument)
  - a. Limited Admissibility. In cases involving offenses under section II.C.2.b.ii of the Instrument of Student Judicial Governance the following rules of evidence will apply with regard to "sexual behavior" including sexual activity of the complainant other than the sexual act on which the charge is based. Evidence of the sexual behavior of the complainant of a sexual assault, when offered by the student charged, is inadmissible in the hearing on the charge unless such behavior was between the complainant and the accused, is evidence of specific instances of sexual behavior offered for the purpose of showing that the act or acts charged were not committed by the accused, is evidence of an occurrence or occurrences of sexual behavior so distinctive and so closely resembling the accused student's version of the alleged encounter with the complainant as to tend to prove that the complainant consented to the act or acts charged, or is evidence of sexual behavior offered as the basis of expert psychological or psychiatric opinion that the complainant fantasized or invented the act or acts charged. Sexual behavior otherwise admissible under this section may only be proved by evidence of specific acts and may not be proved by reputation or opinion. Until a determination is made under this section that specific evidence is admissible, no reference to the complainant's alleged behavior shall be made in the presence of the court and no evidence of this behavior shall be introduced at any time during the hearing.

b. Determination of Admissibility. Prior to the time the case is set for hearing, the person seeking to introduce such evidence shall apply to the Judicial Programs Officer for a determination of its admissibility. The Judicial Programs Officer shall convene a three-person University Hearings Board panel composed of one faculty member, one student from the court having authority to hear the matter, and one administrator designated by the Vice Chancellor for Student Affairs, to consider evidence and arguments of the student charged and the investigator acting on behalf of the appropriate student attorney general. Procedures shall apply and a record of the hearing shall be made in accordance with section E.2-E.6 of Appendix C. The person seeking to introduce the evidence must establish the basis for its admissibility. The University Hearings Board panel shall determine the admissibility of the evidence and state in writing its findings, setting out the specific purpose for which the evidence is admissible and the reasons supporting the finding. Its determination on the admissibility of the evidence shall be conclusive and no separate appeal of the admissibility finding shall be allowed. The court in the full proceeding on the charge of sexual invasion must, however, determine the probative value and weight of the evidence, including the credibility of witnesses, as in the case of any other evidence. A finding of admissibility of such evidence may be reviewed only in an appeal of a determination of court rendering a final judgment on the merits of the charge of sexual invasion under section II.C.2.b.ii of the Instrument.

#### **E. Proceedings by Student Courts or University Hearings Board Panels Exercising Original Authority**

Except in instances in which the Student Attorney General has recommended and the accused student has agreed in writing to proceed under section F of Appendix C, the following requirements shall apply.

##### **1. Composition of Hearing Panels.**

a. Student Court panels. Hearing panels of the Undergraduate Court shall be composed of a presiding officer selected by random drawing from a pool composed of the chair and vice chairs of the pertinent court, and four additional members selected by random drawing from a pool composed of the remaining members of the pertinent court. Hearing panels of the graduate school and professional school courts shall be determined according to procedures established pursuant to the governance systems established by these schools.

b. University Hearings Board panels exercising original authority under section C.5 of Appendix C. University Hearings Board panels exercising original jurisdiction under section C.5 of Appendix C shall be composed of two faculty members selected from among those serving on the Faculty Hearings Board Panel, one designee of the Vice Chancellor for Student Affairs (serving as Chair), and two students designated by the chair of the appropriate student court having authority with regard to matter being heard.

2. Presiding officer. The presiding officer shall direct and control the proceedings before the court or University Hearings Board. The presiding officer shall be responsible for determining whether all members of the hearing panel are qualified to sit on the matter and have disclosed any information that may bear on their ability to proceed in a fair and impartial manner. The presiding officer shall also be responsible for maintaining proper decorum, including the conduct of parties and counsel toward witnesses. Subject to review by the hearing panel, the presiding officer shall have the power to limit the introduction of evidence, testimony of witnesses, and argument of the parties to matters that are relevant and significant. The presiding officer shall also be responsible for announcing the decision of the hearing panel with regard to the guilt of the charged student and the sanctions to be imposed, and for promptly submitting a written summary of the hearing panel's findings, conclusions, ruling, and rationale.

3. Responsibilities of members of hearing panel. The members of the hearing panel shall be responsible for hearing and reviewing the charges and evidence in a fair and impartial manner. In any instance in which a member of the hearing panel is aware of matters that may affect his or her ability to hear a matter fairly and impartially, he or she shall make prompt disclosure of such information and request that the remaining members of the hearing panel determine whether he or she should proceed after an opportunity is provided to the charged student and the other members of the panel to ask questions.

4. Participation in hearing. All hearings pursuant to this Instrument shall be closed, unless the charged student, in cases other than those involving sexual invasion under section II.C.1.b.ii of the Instrument, requests in writing that the hearing be open. The complainant in instances in which the charged student is accused of an offense involving injury to persons under section II.C.1 of the Instrument shall have the right to

be present and to be accompanied by a support person (relative, friend or individual providing counsel other than legal counsel) during the original hearing, any evidentiary proceeding, or any appeal, provided, however, that the support person who may not participate in the hearing itself. In cases involving undergraduate students, the member of the Student Attorney General's staff investigating the case and the charged student's counsel must be undergraduate students currently enrolled at UNC Chapel Hill. In cases involving graduate or professional students, it is preferred, but not required, that the investigator and defense counsel be graduate or professional students under enrolled in the same school or program as the accused student, otherwise the investigator or defense counsel must still be students currently enrolled at UNC Chapel Hill. In any court, neither a licensed attorney nor a person who has passed a state bar examination may serve as the investigator or the defense counsel or be present during the proceedings in support of either.

5. Respect for impartiality. During the pendency of a proceeding or related deliberations, no interested party shall approach any member of the hearing panel other than at the panel's request. Any attempt to approach any member of the hearing panel inappropriately shall itself constitute a violation under this Instrument.

6. Conduct of the hearing. The hearing shall proceed as follows:

a. Recording of Proceedings and Security of Records. The presiding officer shall inform all participants in a hearing that a record shall be maintained of the proceedings, and shall designate a member of the hearing panel to be responsible for recording all oral statements made at the hearing, receiving all written evidence accepted by the hearing panel, and taking such other clerical action as directed by the presiding officer. The presiding officer and the Judicial Programs Officer shall be responsible for the security of all records of the proceedings.

b. Student Response to Charge. The presiding officer shall state the charge in the presence of the accused student and other members of the hearing panel, and the student charged may accept responsibility; plead not guilty; move to terminate the hearing on grounds that the court or hearing panel lacks the authority to hear the case; or move to postpone the hearing on grounds that he or she has not received a written Notice to Appear, has not been fully informed of the charge and is unable to make an adequate defense, or has not been granted a properly conducted preliminary conference. The hearing panel shall be responsible for determining whether to grant a charged student's motion to terminate or postpone the hearing. If a defendant, without justification, does not appear for or remain at the hearing, the hearing panel may proceed in the defendant's absence.

c. Presentation of Charges. The appropriate student attorney general or his or her representative shall state the charges against the charged student, and present witnesses and written evidence or testimony in support of the charges, subject to the right of the charged student or his or her counsel to refute the case.

d. Access to Evidence and Witnesses. Both the representative of the appropriate student attorney general and the defense shall have the power to compel the appearance of persons from the University community who can provide substantial, relevant evidence or who can testify to the character of those involved in the matter charged. Failure of a student to respond to such a Notice to Appear will subject him or her to action under the Instrument unless the absence is satisfactorily justified, in writing, to the Student Attorney General who issued the Notice to Appear. In order to assure fairness and procedural due process, faculty members and other University employees who possess substantial, relevant evidence in a given case are expected to honor any request to appear issued by a hearing panel acting with authority under the Instrument.

e. Questioning of Witnesses. All witnesses and parties may be questioned by the student attorney general or his or her representative, the accused student and his or her counsel, members of the hearing panel, and the complainant, except in instances in which the individual being questioned asserts the right against self-incrimination.

7. Deliberations and Judgment. Immediately upon conclusion of the initial phase of the hearing, the hearing panel shall deliberate in private and determine whether the accused student or students have been shown beyond a reasonable doubt to have violated the Honor Code as charged, and determine the sanctions to be imposed. In extraordinary circumstances, the presiding officer may postpone deliberation or sanctioning and reschedule the hearing to the next available date.

- a. **Finding of Guilt.** For purposes of the Instrument of Student Judicial Governance, “beyond a reasonable doubt” means a doubt that is based upon reason and common sense after careful and impartial consideration of all evidence, and not a mere “shadow of a doubt” or any conceivable doubt. The hearing panel’s decision shall rest solely on the evidence presented in the hearing, and shall be reached following deliberation by use of a secret ballot. The hearing panel may reach one of the following judgments: (a) not guilty, (b) guilty, or (c) guilty of a portion of the charges stated. In order to find a student guilty, at least 3 of the 5 members must vote guilty. In the event that the Court (with the accused student’s consent) is proceeding with fewer than five members, at least 3 of the members present must vote guilty in order to find a student guilty.
- b. **Error in Initial Charge.** The hearing panel may also determine that an error has been made in the charge against the student, and may correct the error by rewriting the charge to conform to the appropriate charge, in which case the hearing panel shall afford the accused student with the option of having the existing panel deliberate upon the new charge or requesting a new hearing.
- c. **Determination of Sanctions.** In instances in which the hearing panel determines that the accused student is guilty or guilty in part, it shall determine the sanctions to be applied, as provided in section III of the Instrument.
- d. **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. 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.

## F. Expedited Hearing Panels

### 1. Undergraduate Court Expedited Hearing Panels.

- a. **Composition.** The Chair of the Undergraduate Court shall as necessary designate expedited hearing panels to hear matters referred to the Court by the Undergraduate Attorney General as provided in section B.3 of Appendix C. Expedited hearing panels shall be composed of three members of the Undergraduate Honor Court, including the Chair or a designated Vice Chair who shall serve as presiding officer, and two additional members selected for their experience and competence in dealing with the assignment of sanctions.
- b. **Functions and Procedures.** An expedited hearing panel shall be responsible for determining the appropriate sanctions to be imposed in instances in which a student has agreed to take responsibility for the conduct giving rise to a charge under the Honor Code and the matter has been referred by the student attorney general as one in which requisite conditions specified in section B.3 of appendix C have been satisfied and sanctions may be immediately imposed. The accused student may be assisted by counsel as provided in section IV.A.3 of the Instrument, and the student attorney general may present relevant evidence and recommendations regarding the appropriate sanctions through a designated staff investigator or written materials according to his or her discretion. The complainant shall also be entitled to present comments regarding the appropriate sanctions in person or in writing for consideration by the panel, as provided in section IV.B.3 of the Instrument. The expediting hearing panel shall carefully consider the evidence of the student’s conduct and recommended sanctions, allow the accused student to present comments, discuss with the accused student the implications of his or her conduct for the University community, and impose appropriate sanctions from among those available under the Instrument, including at least the minimum sanction provided in Section III. of the Instrument. The chair of the expedited hearing panel shall maintain a record of the proceedings as provided in section E.6.a, and shall provide a rationale for the panel’s decision as promptly as practicable as provided in section E.7.d of Appendix C.
- c. **Appeals.** A student who has accepted responsibility and agreed in writing to proceed before an expedited hearing panel may appeal only on grounds of severity of sanctions or violation of basic rights, as provided in section G.1.c.ii-iii of Appendix C.

### 2. Expedited Hearing Panels in Graduate and Professional School Courts. Expedited hearing procedures for purposes of determining sanctions may be adopted by the graduate and professional school courts in accordance with the governance systems in effect.

## G. Honor Court Alternative Resolution

1. At the discretion of the applicable student attorney general, and with the concurrence of the Judicial Programs Officer, the Student Attorney General may offer a student the option of attempting to resolve a pending Honor Court case via an Honor Court Alternative Resolution. The student may accept the option an Honor Court Alternative Resolution meeting, or the student may reject this option, and the Student Attorney General will schedule the case for a hearing at the first available opportunity.

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.

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.

i. Acceptance of Sanction Offered: If the student accepts the proposed sanction, the student's case is considered closed. By accepting the alternate resolution, the student is agreeing to accept responsibility for the charged violation.

ii. Rejection of Sanction Offered: If the student rejects the sanction offered, or if the panel members are unable to agree on a sanction to be offered, the student's case will be referred for an Expedited Hearing in accordance with Section F of Appendix C of this Instrument.

iii. Maintenance of Records: Records of an Honor Court Alternative Resolution which results in the acceptance of a proposed sanction will be maintained according to Section III.E.4. of this Instrument.

## H. Large Scale Cases

1. Upon receipt of a report of a suspected offense involving five or more students, the applicable student attorney general shall have the option of employing the following plan for disposition of the cases:

a. If the Student Attorney General finds that sufficient evidence exists to charge each student with a violation, the Student Attorney General may seek permission to pursue resolution of the cases via a proposed agreement.

i. The Student Attorney General shall present the proposed agreement and sanctions to an Expedited Hearing Panel composed of three members of the applicable honor court, as outlined in Section F of Appendix C.

ii. If the Expedited Hearing Panel concludes that the proposed agreement is acceptable, the Student Attorney General shall have appropriate authorization to offer each charged student the proposed agreement.

iii. For each individual student accepting the proposed agreement and sanction, the case will be resolved without a formal hearing. By accepting the agreement, the student both agrees to accept responsibility for committing the offense and accept the proposed sanction. For students accepting the agreement, the sanction will go into effect immediately upon acceptance.

iv. If the student rejects the proposed agreement, the case will be referred for a hearing in accordance with the hearing procedures outlined in Appendix C.

## I. Appeals

1. Appeals from Original Proceedings.

a. Authority of University Hearings Board and Composition of Appellate Panel. The University Hearings Board shall have the authority to hear appeals in cases originally considered by the Undergraduate Court (including an expedited hearing panel), Summer School Honor Court, Graduate School Court, or Courts of the Professional Schools. The University Hearings Board shall also have appellate jurisdiction over cases within its authority to hear original matters as specified in section C.5 of Appendix C, provided that no individual who has served on the original hearing panel shall serve as part of the appellate panel. For purposes of exercising its appellate authority, an appellate panel shall be constituted including two faculty members selected from among those serving on the Faculty Hearings Board Panel, one designee of the Vice Chancellor for Student Affairs, and two students designated by the Chair of the appropriate student court having original authority

who have not been involved in prior proceedings in the case. A faculty member or administrator designated by the Vice Chancellor shall serve as presiding officer.

b. Petition and grounds for appeal.

i. Right of Appeal. An accused student who has been found guilty before a student court or University Hearings Board with original authority as provided in section E, or who has had judgment and sanctions determined by an expedited hearing panel as provided in section F of Appendix C may file a petition for appeal no later than five business days (weekends and University holidays excepted) from the announcement of judgment and sanctions as provided in section E.7 of Appendix C. Appeals shall be heard as promptly as possible and, except under unusual circumstances as determined by the Judicial Programs Officer, shall be scheduled for hearing no later than 30 calendar days from the date the initial judgment is announced.

ii. Grounds for Appeal. An appeal of a judgment rendered under section E may be based on the insufficiency of evidence, severity of sanctions, or violation of basic rights provided in section IV.A of the Instrument and on no other grounds. An appeal of a judgment rendered under section F may be based upon severity of sanctions, or violation of basic rights provided in section IV.A of the Instrument and on no other grounds.

iii. Appeal Petition. An appeal petition shall be filed in a timely fashion as specified in paragraph b.i. of this section, and shall consist of a detailed written statement specifying the precise grounds for appeal and indicating with precision the supporting facts, and shall be signed by the accused student (or, in an appeal by a student group, by the group's president or chief officer). The Judicial Programs Officer will review the petition to determine whether it is based upon one or more of the grounds for appeal stated in this section and provides a factual basis for the appeal. If the Judicial Program Officer determines that the petition states a permissible ground and sufficient factual basis for appeal, he or she shall refer the matter to a University Hearings Board appellate panel for action. If the Judicial Program Officer determines that the appeal petition does not state a permitted ground or a sufficient factual basis for appeal, he or she shall refer the petition for appeal to a three-member Appellate Review Board composed of a member of the Faculty Hearings Panel, an administrator designated by the Vice Chancellor for Student Affairs, and a member of the appropriate student honor court who has not been involved in consideration of the case during the original proceeding before the student court. The Appellate Review Board shall determine whether the appeal petition states a permissible ground and sufficient factual basis for appeal, and shall refer the matter for review by a University Hearings Board if requisite grounds and factual basis are stated, or if not shall dismiss the appeal.

c. Scope of review and disposition. In deciding appeals from the judgment of a student court of University Hearings Board panel exercising original authority, the University Hearings Board appellate panel shall review the record made in the original hearing, including relevant portions of the recording or transcript of the hearing proceedings, except the deliberations of the court, and a copy of all documents and other writings introduced in evidence at the hearing. It shall apply the following scope of review and dispose of petitions for appeal as specified below:

i. Insufficiency of evidence. For purposes of evaluating the sufficiency of the evidence, the appellate panel shall consider only the evidence contained in the record made before the original court or hearing panel, and shall sustain that court or panel's determination provided there is a reasonable basis for a finding of guilt beyond a reasonable doubt as defined in section E.7.a of Appendix C, and if not it shall dismiss the case.

ii. Severity of sanctions. For purposes of evaluating the severity of the sanctions, the appellate panel shall consider only the evidence contained in the record made in the original court or hearing panel, and shall sustain that court or panel's determinations provided there is a reasonable basis for the sanction imposed, and if not shall impose a lesser sanction as it determines to be appropriate.

iii. Violation of basic rights. For purposes of evaluating whether the basic rights of the accused student specified in section IV.A of the Instrument were violated, the appellate panel shall consider the relevant evidence contained in the record made in the original court and any further testimony it deems pertinent by the accused student, the appropriate student attorney general (or his or her designee), the presiding officer and members of the original hearing panel, and any witness with knowledge of the alleged violation. The appellate panel shall then determine whether, by a preponderance of evidence, the court or hearing panel having original authority, or the Office of the Student Attorney General, violated the accused student's basic rights, and, if so, whether the violation prejudiced the outcome of the student's original hearing so as to necessitate a remand for a new hearing. If the alleged violation of basic rights cannot be corrected through a remand of the matter, the appellate panel shall dismiss the case.

d. Appellate procedures. The appellate panel shall review the pertinent record made in the original court and

no other evidence except as specified in section G.1.c.iii of Appendix C. The hearing on appeal shall be closed, except to the extent provided in section E.4 of Appendix C. Only the accused student and his or her student counsel, the appropriate student attorney general or his or her designee, the complainant and his or her support person as specified in section IV.B of the Instrument, and witnesses providing specific testimony under section G.1.c.iii of Appendix C shall be permitted to participate. In no case may a licensed attorney or a person who has passed a state bar examination assist or be present during the proceedings, except to the extent specified in section IV.A.3. In the course of the proceedings, the presiding officer shall permit members of the appellate panel to ask questions as they deem appropriate, and shall permit the accused student to concisely present the grounds for appeal, the student attorney general or his or her designee to address the merits of the appeal, and the accused student to offer a concluding summation. Following the concluding summation, the members of the appellate panel will deliberate in private, reach a decision by majority vote using secret ballots, and promptly announce their judgment. The presiding officer shall as promptly as practicable provide the accused student, the complainant, and the Judicial Programs Officer with a written statement of the rationale for the decision.

## 2. Petition for Further Review by the Chancellor from Determinations of the University Hearings Board.

a. Grounds for petition for further review. A petition for further review by the Chancellor of a decision by the University Hearings Board shall be available on either of the following grounds and no others:

i. Denial of fundamental procedural rights under policies of the Board of Trustees or Board of Governors, including rights to due process and a fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to such advice and assistance in the individual's defense as permitted under this Instrument; provided that an appeal on such grounds must have been raised as a basis for appeal to the University Hearings Board or stem from denial of the specified rights with regard to the proceedings of the University Hearings Board on appeal.

ii. Severity of sanction but only where the sanction imposed is permanent suspension or expulsion and not with regard to any other sanctions.

### b. Procedures.

i. Petition for review. An accused student who wishes to petition for further review of a decision of the University Hearings Board upholding a judgment under the Honor Code may file a petition for review by the Chancellor no later than five business days (weekends and University holidays excepted) based on the grounds stated in section G.2.a of Appendix C and no others. A petition for review shall consist of a detailed written statement specifying the precise grounds for appeal and indicate with precision the supporting facts, and shall be signed by the accused student (or, in an appeal by a student group, by the group's president or chief officer). The Dean of Students will consider the petition to determine whether it is based upon the grounds for further review stated in this section and provides a sufficient factual basis for further review. If the Dean of Students determines that the petition states a permissible ground and sufficient factual basis for further review, he or she shall refer the matter to the Chancellor or his or her designee for action. If the Dean of Students determines that the petition for review does not state a permitted grounds or a sufficient factual basis for further review, he or she shall refer the petition to a three-member Appellate Review Board composed of a member of the Faculty Hearings Board Panel, an administrator designated by the Vice Chancellor for Student Affairs, and a member of the appropriate student honor court, none of whom has been involved in consideration of the case during the original proceeding or initial appeal. The Appellate Review Board shall determine whether the petition for review states a permissible ground and sufficient factual basis for further review, and shall refer the matter for review by the Chancellor or his or her designee if requisite grounds and a factual basis are stated or if not shall dismiss the petition for review.

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 G.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 the Instrument. In instances of petitions based on section G.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 it determines to be appropriate.

3. Relief based on newly discovered evidence. An accused student or student group may file a detailed written petition for a new hearing with the Judicial Program Officer on the basis of newly discovered evidence, provided that the evidence provides a reasonable basis for concluding the outcome in the case might have altered the outcome of the original hearing and that the evidence was not known to the student or group at the time of the original hearing or appeals in the case. The Judicial Program Officer shall determine whether the petition states a sufficient factual basis for the claim, and if so shall transmit the petition for consideration by the chair of the appropriate student court, who may order a new hearing to be conducted following the procedures set forth in this Instrument, with different court members selected by the court chair to ensure a fair hearing. If the Judicial Program Officer determines that the petition for a new hearing does not meet the requirements stated in this section, he or she shall refer the petition to an Appellate Review Board as provided in section G.1.b.iii of Appendix C. If the Appellate Review Board determines that the petition for a new hearing satisfies the requirements set forth in this section, it shall refer the petition for action by the chair of the appropriate court, and if not it shall dismiss the petition without grounds for further appeal.

## **Appendix D: STUDENT RIGHTS OF PRIVACY AND EXPRESSION**

### **I. General rights of privacy and expression**

Students have the same rights of privacy and expression as other citizens and, except as otherwise expressly provided herein, surrender none of these rights by becoming members of the University community.

### **II. Privacy**

A. Privacy of Residence Hall Rooms. Searches of residence hall rooms are only permissible under the following limited circumstances:

1. Emergencies. In cases of extreme emergency such as suspected suicide or a problem involving the immediate safety of the occupant or fellow occupants; provided that such searches will be made only with the permission of an occupant of the room and in his or presence if possible, by authorization of the Vice Chancellor for Student Affairs or his or her designate, or by authorization of the highest official present if time is of the essence and the preceding conditions cannot be immediately satisfied.
2. Suspected Violation of State or Federal law. In cases of investigation for a suspected violation of State or Federal law, only through the procedures required for a lawful search including the use of a lawful search warrant.
3. Health and Safety. In instances of concern for health and safety such as unauthorized cooking appliances, pets or pest control, only as needed; and in cases of room inspection to effect normal maintenance and repairs, only as conducted by properly identified University employees and only on a regular schedule announced in advance by the Department of University Housing.

### **B. Privacy of Student Records**

1. Access to Academic Records. Access to any student's permanent academic record will be governed by the provisions of the Family Educational Rights and Privacy Act of 1974. Academic records shall be maintained in such a way as to be physically separate from disciplinary records.

2. Other Official Student Records. Other official student records are retained in the appropriate University offices; e.g., the Office of the Dean of Students, the Student Health Service, University Career Services, and the academic school or department.

a. Prohibition on maintenance of records of political activities. No records shall be maintained in any University office of the political activities of individual students. In the procedures for formally recognizing student organizations, the Vice Chancellor for Student Affairs may require a record of an organization's officers, a statement of the organization's purpose, and statements of the organization's non-discriminatory policy on membership, but no membership list shall be maintained.

b. Medical records. Medical (including psychiatric and counseling) records shall be subject to professional rules

of confidentiality.

c. Disciplinary records. Access to any student's disciplinary or other records will be governed by the provisions of the Family Educational Rights and Privacy Act of 1974. Authorized, identified University officers or faculty members or the student shall have access to disciplinary records. Results of disciplinary proceedings for alleged violations of the Honor Code may be disclosed to the alleged victim of the offense if the offense involved the use, attempted use, or threatened use of physical force against the person or property of another; or is a felony that, by its nature, involves a substantial risk that physical force may be used against the person or property of another in the course of committing the offense. On each occasion that student disciplinary records are initiated or added to by an officer of the University, the student affected shall be informed of the entry and apprised of these stipulations. Student disciplinary records maintained in the Office of the Student Attorney General shall be accorded the same protection and guaranteed confidentiality as those in University administrative offices. Disciplinary files and records of cases shall be maintained as provided by the Instrument of Student Judicial Governance.

### 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 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.

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To the [UNC Honor System](#)  
To the [Office of the Dean of Students](#)

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