

## **Honor System Task Force Subcommittee**

### **Ensuring a Culture of Honor and Integrity**

*Draft - March 22, 2012*

#### **What constitutes a “Culture of Honor and Integrity” at UNC-Chapel Hill?**

- This is a culture in which everyone, including students, faculty, and staff are responsible and accountable to the *intellectual community*. Everyone is responsible for protecting this value system.
- Together members of our intellectual community are responsible for preparing students to go out into the world as ethical, responsible people.
- Honor violations are infractions against this community and the value system established within the community.

#### **What tools, methods, and approaches will help us to instill this culture of honor and integrity into the community?**

- There must be buy-in from everyone. Everyone must have confidence in and use the Honor System, and faculty cannot bypass the system, simply because they do not believe in the system. We must re-institute the *whistle-blower clause*, whereby students and the rest of the community understand it is their affirmative responsibility to report infractions.
- The expected culture of *honor and integrity* and *Honor System* must be adequately advertised and communicated on campus including in new and creative ways.
- Faculty must serve as role models in, and must encourage conversations about ethics and conduct.

#### **What changes to the protocol and process might help create a unified culture of honor and integrity in the community?**

- Instituting an informal resolution option for faculty & students, whereby settled infractions would be documented and tracked. Informal settlement would not be available for cases of repeat offenses.
- In holding with the aforementioned theme of building an inclusive “intellectual community”, the Honor System cannot be a student *only* system. Adding faculty and staff to every step the process will strengthen the community in recognition of the fact that honor violations are offenses against the entire community.
- We must measure the degree to which honor and integrity exists today compared to what it will be after reform takes place (pre-post assessment) and plan to re-evaluate the success or failure of our reforms after 5 years.

## Honor System Task Force Subcommittee

### Substantive and Procedural Recommendations

March 2012

#### General Overview

This brief memorandum sets forth a variety of potential procedural or substantive changes that may be considered in support of simplifying and streamlining the Honor System process, rendering it more inclusive, and achieving its traditional goals of education and accountability. The subcommittee notes at the outset that none of these proposals can or should be considered in isolation. Each has a potential impact on the overall functioning of the system. Moreover, the subcommittee notes that the specifics of many of the proposed changes would need to be refined before receiving the endorsement of the Honor System Task Force. The ideas and recommendations reflected herein are drawn from a variety of sources, including the Committee on Student Conduct, the Educational Policy Committee, the Honor System Task Force, a review of the policies of peer and UNC system institutions, and the personal and shared experiences of the undersigned.

#### Goal 1: Simplicity

In general, the sense of the subcommittee is that the *Instrument* can be cumbersome, inaccessible, and difficult to understand by those not directly involved in the Honor System on a regular basis. The inevitable byproduct of this circumstance is that students and faculty alike can be intimidated and/or confused by the process and, as a result, less likely to engage the process. The following are potential ways of addressing this issue:

##### A. Reorganization of the *Instrument of Student Judicial Governance*

The current document is divided into Preamble, Offenses, Sanctions, Procedural Rights, and Honor System structure, with the operational procedures set forth in a separate appendix. While comprehensive, a proper understanding of the *Instrument* and all that is required in a given case requires the reader to canvass the entire document. It would be preferable to have "stand alone" sections to address academic integrity and conduct violations that would be shorter in length and more immediately accessible. A proposed structure could be as follows: Preamble, Academic Integrity, Student Conduct, Honor System Structure, Definitions. In such a document, all of the provisions relating to adjudication of an academic integrity case would be grouped together.

##### B. Elimination of Legal Language

Much of the terminology in the *Instrument* is borrowed from the legal system and reflect terms of art that are often not fully understood by participants or which create expectations of the

process that are not appropriate to a campus disciplinary process. Some non-exhaustive examples of changes could include the following: “guilty/not guilty” to “responsible/not responsible”, “Honor Court” to “Honor Council”, and “student counsels” to “student advocates”

## Goal 2: Inclusivity

The *Instrument* is predicated on the mutual responsibilities and support provided by students, faculty, and administrative personnel. To that end, it is important to clearly define the respective roles of each constituent group and to recognize the importance of each group’s contributions to the successful operation of the system. In addition, it is important that the system be inclusive of all members of the University community and that its participants are reflective of the diversity within the student body and faculty ranks. The following are potential recommendations for advancing inclusivity at a number of levels:

### Inclusion of Faculty

#### A. Adoption of a Faculty-Student Resolution Process

Affording the possibility of a faculty-student resolution in lieu of a formal proceeding would potentially expedite the resolution of cases, empower faculty members, and provide enhanced opportunity for students to learn from their mistakes. Among the considerations when devising such a process would be (1) eligibility (e.g., students with previous violations); (2) the range of available sanctions, including equitable treatment for comparable violations; (3) reporting requirements to the Honor System; and (4) the process to be followed in the event of a failed resolution process

#### B. Adoption of Mutual Appeal Rights in Academic Integrity Cases

Presently, only an accused student may appeal a decision of the Honor Court. In recognition that the student judicial process is not a criminal justice proceeding, nor is the impact of potential error confined to only one party, it may be appropriate to consider expansion of the rights of appeal in relation to academic integrity cases. Further discussion would be warranted on the potential grounds for appeal and the remedies that would be available.

#### C. Appointment of a Faculty Liaison in Each Academic Department and School

Faculty participation has been difficult to sustain on the Faculty Hearings Board (from which members of the appellate boards are drawn) and in supporting outreach and education efforts designed to prevent academic violations. In addition, survey data and anecdotal experience strongly indicates that many faculty members (and likely students as well) have misconceptions about how the Honor System functions, the prevalence of particular verdicts and sanctions, and how to engage the process. Creating a group of liaisons, with broad faculty support, would provide a cadre of faculty who educate and inform their peers about the Honor System, serve as

members of Faculty Hearings Board on an episodic basis, and operate as a source of regular communication with student leaders and administrative personnel on the functioning of the Honor System. These liaisons could complement the more specific tasks being performed by the 5-member Faculty Honor System Advisory Committee which provides advice and guidance to the student leaders.

#### Diversity and Inclusion

##### D. Expand Education and Training and Examine the Staff/Court Selection Process

Training of Honor System participants must be the mutual responsibility of students, faculty, and University personnel. In addition to education about the procedural aspects of the system, student and faculty board members must demonstrate broadly applied competencies. In addition, recruitment and selection processes must be devised so as to attract effectively a diverse and representative group of participants

Moreover, education and training should incorporate exposure to “best practices”, particularly in the realm of communication and advising. A common observation that has been shared by students and faculty alike is slow, irregular, or incomplete communication, leading to a perception that cases are not advancing as appropriate.

#### Goal 3: Achieving the Goals of the System

Historically, the twin aims of the Honor System have been education and accountability. The realization of these goals is substantially impacted by the procedural standards that are employed to address reported violations. Among the proposals that might be considered in achieving the goals of the Honor System are the following:

##### A. Changing the Burden of Proof from “Beyond a Reasonable Doubt” to “Preponderance of the Evidence” or “Clear and Convincing Evidence”

UNC-Chapel Hill is in the significant minority of colleges and universities in applying a “beyond a reasonable doubt” standard of proof. Most of UNC’s peers have adopted a “preponderance of the evidence” standard, frequently described as “more likely than not.” Recent federal requirements mandate that this lesser burden of proof be applied to sexual misconduct, discrimination, and harassment cases. As a result, there is currently asymmetry in the *Instrument* as some violations are governed by a lower burden of proof. It would be expected that in lowering the burden of proof, the number of contested cases resulting in a finding of responsibility would increase.

B. Examination of the “Usual” and “Minimum” Sanctions in Academic Integrity Cases

Under the current policy, the “usual” sanction for a first-time academic violation is a one-semester suspension and a failing grade. The minimum sanction is a one-semester probation and a failing grade. Depending on the presence of mitigating or compelling circumstances, the Honor Court may go above or below the prescribed “usual” sanction. There has been and remains significant debate about whether the usual sanction as currently defined is optimal. Some believe the sanction is too harsh, while others believe that departure from the usual produces a sanction that is too lenient. It would seem that some measure of discretion is appropriate in determining an appropriate sanction, but the contours of that discretion need to be carefully defined. The dimensions of the sanctioning process must be fully informed by the goals that are to be achieved – education and accountability. At a minimum, there should be a re-examination of the relevant factors to be considered by a hearing panel when determining an appropriate sanction.

Respectfully submitted,

Amanda Claire Grayson, Undergraduate Student Attorney General

Diane Horton, Chair, Committee on Student Conduct

Jonathan Sauls, Dean of Students