Proposal:  

*Amend Section B.1. of Appendix C to the Instrument to provide that charge decisions need not be sent via certified mail.*

Current Wording:

**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.

Proposed Revision:

**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**
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**Rationale for Proposed Revision:**

Currently, the Instrument requires that all charge decisions be sent via certified mail. While undoubtedly conceived as a provision to ensure timely and adequate notice of the commencement of an Honor Court action, it has, in practice, become an expensive, onerous, and generally unsuccessful mandate. Less than half of the certified mail parcels sent by the Honor System are delivered to the intended addressee. This is in large part because students do not regularly provide current addresses for University records. Moreover, many certified mail parcels may ultimately be delivered or forwarded to a home address where they are frequently intercepted by parents, siblings, or other family members.

Under current practice, charge decisions are sent both by certified mail and to the student’s email address. In the significant majority of cases, students receive notice and initiate the next step in the process as a result of the email communication. It is also noteworthy that most students have had an initial meeting with the Student Attorney General or his representative prior to the charge decision being made and are actually expecting an email from the Honor System.

Because email is the favored means of communication for most students and because an electronic address is accessible even when the student’s physical address changes, it would be beneficial to codify this delivery method in the Instrument, while not excluding other possible means of delivery if appropriate to the particular case.