The University of North Carolina at Chapel Hill
Student Congress – 95th Congress
Minutes of Full Congress
April 23rd, 2013
Gardner 309
Minutes by Meghan McFarland, Alternate Clerk

I. Call to Order
Speaker Brady called the meeting to order at 7:26 p.m.

Vice-Chair McClelland requested two minutes to address Congress. He expressed his opinion that, in the wake of the scandal that has plagued the University, student congress has a heavy burden to bear in representing the student interests. He believed that everybody should be professional and hold him or herself to a higher standard in order to protect the reputation of student congress. Voting that night on legislation would determine how the university would act – will congress lower the honor court standard or will they continue to demand evidence beyond a reasonable doubt? Will the integrity of the student elections be questioned for small alleged benefits? Will congress throw support behind a resolution that isn’t likely to go anywhere in Raleigh, or will they prioritize legislation that will affect the Carolina community.

Representative Mellini took the oath of office.

II. Call of the Roll

The following members were present: Representatives Barksdale, Best, Caison, Clark, Deal, Ferguson, Ferrara, Greene, Guzek, Hardy, Lucas, McClelland, Mellini, Norris, Niver, O’Connor, Root, Rosa, Stelpflug, Swain, Tollini, Touby, Vass, Walter, Williams, Winters, and Speaker Brady.

The following members were absent: Representatives Biyyala, Burney, Collins, Corbett, Holson, and Patel.

III. Approval of the Minutes
Speaker Brady called for a motion to approve the minutes. So moved – seconded. The minutes were approved.

IV. Reports of the Officers of Congress
a. Speaker’s Report
Speaker Brady announced that he still didn’t have contact information of photographs, and he was working on the application for external appointments for congress. He stood for queries – none.

b. Speaker Pro Tempore’s Report
Speaker Pro Tempore Guzek said that he would send out a google doc for congress members to sign up for pit pubbing in order to establish a direct engagement with students. ASG went well the previous weekend as well – there was a bill to reform student judicial government, and also a resolution to support a bill in the NC general assembly that would give in-state tuition to undocumented immigrants. He strongly expressed his support. He stood for queries – none.

c. Finance Committee Chair’s Report
Chair Best said that all terminal appropriations had been heard, and student congress still needed to pay the clerks. She also went to the union board of director’s meeting. She stood for queries – none.

d. Rules and Judiciary Committee Chair’s Report
Chair Stelpflug said he saw a lot of appointments in the previous week’s meeting. All there were reported unfavorably or without prejudice. There were also a couple important bills – to reform presidential elections and to reform honor court. He expressed his opposition against House Bill 843, which would give students in the honor system the right to a professional attorney, and announced he’d be writing a bill about it later. He stood for queries – none.

e. Oversight and Advocacy Committee Chair’s Report
Speaker Brady read Chair Burney’s report – Swain was elected Vice-Chair, they heard SFAC and hardship parking appointments. WXYC couldn’t make it. ASG met over the weekend and talked about the budget for next year and cut stipends by around $3,000 as well as added money to the general fund. He stood for queries on Chair Burney’s behalf – none.

f. Ethics Committee Chair’s Report
Chair Clark reminded everybody to send in his or her housing confirmation. She stood for queries – none.

V. Receipts of Petitions and Messages
a. Student Body President
President Lambden reminded everybody that appointments couldn’t answer questions about the process by which they were appointment, but he or VP Morris could. ASG finally cut stipends for officers and saved student fees, and they put more toward direct advocacy. A task force that was created for sexual assault issues continued to meet and came up with a final list of recommendations for the committee to be successful over the summer. A forum was held introducing people, creating a dialogue between administrators and advocates. He expressed his support for the new chancellor. He stood for queries – none.

b. Graduate and Professional Student Federation President
No representation.

c. Student Body Treasurer
Treasurer Farley had nothing to report.

d. Student Attorney General
She explained that House Bill 843 stated that a student going through a disciplinary proceeding would be able to hire a lawyer at any time. Currently it could only be for a criminal process, and the lawyer is just a consultant. She explained that the bill would be detrimental to the system because criminal court is much different than the honor system, which is an educational process. Also honor court acts as a truth-seeking body, not an adversarial body. This bill would take the honor system out of the students’ hands. This also removes equitability within the honor court because wealthier students could afford lawyers where others couldn’t. She stood for queries – none.

e. Honor Court Chair
Chair Tilley echoed what the Attorney General said, and he wanted everybody to remember the educational nature of the system. He stood for queries – none.

Speaker Brady asked for a motion to allow the presiding officer to reorder the agenda as necessary – so moved. Seconded – the motion passed.

VI. Public Comment Period
Four students spoke about their personal stories as undocumented students and why providing them in-state tuition would be beneficial both to the North Carolina community and the University.

VII. Introduction of Concurrent Resolutions
a. SCR-95-027
Speaker Pro Tempore Guzek explained that an NC General Assembly bill had been submitted that would allow immigrant youth who have attended NC schools for two years to receive in-state tuition to attend UNC. He allowed Emilio (an undocumented student present) to speak. Emilio said that even though 65,000 undocumented students graduate across the country, most aren’t able to afford out of state tuition because they’re barred from federal and state based aid. He said it would be meaningful if student congress would support this bill.

The floor was opened for debate.

Chair Stelpflug expressed his support for this bill because the Supreme Court has recognized that the right to public education can’t be denied because of a student’s education status – this isn’t a new or radical bill. Chapel Hill wouldn’t be negatively impacted at all, and it’d make a positive impact on the community college systems throughout the state.

Vice-Chair McClelland said that if they support resolutions for every bill that that has little to no chance of getting through the general assembly, it would dilute the ones that do have a chance of getting through.
Representative Ferguson said that every action congress takes matters – one vote can’t change the minds of millions of citizens, but how congress represents the university matters, and he believed it’d be a huge mistake if congress didn’t support this resolution.

Representative Greene said that voting should not be based on whether something is popular or will pass, but whether things fit with the ideals of the university.

Vice-Chair Swain moved the previous question. Seconded. Consent. No objections – move into a period of voting.

20-5-2, the resolution passed.

Chair Best moved to hear SCR-95-026 first. Seconded. Consent. No objections – the motion passed.

b. SCR-95-026
Chair Best presented the bill to appropriate government funds to Best Buddies. The request was for a leadership conference that would be held from July 19th-22nd at Indiana University. It was passed favorably in finance, but pulled off the consent calendar because some expressed concern that it was funding to send only one person to congress.

The president explained the Best Buddies program at the request of Representative Touby. She explained to Representative Root that there were 85 college students with 60 disabled buddies. She explained that the seminar would allow her to work with other presidents throughout the nation to strengthen the group.

Representative Ferrara moved the previous question. Seconded. Consent. No objections. The ayes had it – the motion passed. Vice-Chair McClelland objected.

c. SCR-95-017a
Honor Court Chair Tilley explained that the applicants present had completed 11 hours of training, shadowed five hearings, and took a new member test.

Speaker Pro Tempore Guzek presided.

Speaker Brady moved the previous questioned. Seconded. Consent. No objections – the resolution passed.

d. SCR-5-017
Speaker Brady moved the previous question. Seconded. Consent. No objections – the motion passed.

VIII. Consent Calendar
Speaker Brady moved to adopt the consent calendar. Seconded. Consent. No objections – the consent calendar passed.

**IX. General Orders**

a. **SCR-95-007**
Chair Best moved to table on the grounds that Margaret Brown hasn’t been in committee. Seconded. Consent. No objections – the motion was tabled.

b. **SCR-95-008a**
VP Morris presented the nominees for COSC. Chair Best moved the previous question. Seconded. Consent. No objections – the resolution passed.

c. **SCR-95-010**
Windsor explained that he was the parliamentarian last year, and he hoped to do it again this past year. He stood for queries.

Representative Root asked how he felt about the bill involving a new election system. Windsor said that according to IT, it would be possible, but he thinks that having three weeks to campaign would be good for candidates, so the time period would need to be extended. He also think that there’s a low enough student population percentage voting at the time, so switching the system might not be the best idea. But, if congress chose to do so, he’d work his hardest to do just that. He explained that he thinks students come out to vote and don’t understand there’s a runoff election, so that’s why the voting percentage is smaller in runoffs.

Chair Best moved the previous question. Seconded. Consent. No objections – the motion passed.

d. **SCR-95-011**
Representative O'Connor moved the previous question. Seconded. Consent. No objections – the motion passed.

e. **SCR-95-012**
The resolution was written upon the resignation of the chief justice. Mary Ellen Goode would be graduating in May, but would be continuing her education at UNC law so she would serve as a good chief justice. She said that he is unbiased, hardworking and thorough, and she’d studied the student code in depth.

Representative Ferrara moved the previous question. Seconded. Consent. No objections – the motion passed.

f. **SCR-95-013**
Representative Root moved the previous question. Seconded. Consent. No objections – the motion passed.

g. **SCR-95-016**
Three new members of SAC were introduced. Representative Root made a motion to split the bill into three. The motion died for lack of second.

Representative Root asked the three students a series of yes or no questions: Were the a treasurer with a SAFO account? Were they assistant to student body treasurer? Were they a member of FCC or GPSF? Were they a former member of SFAC? Did they have other qualifying experience?

Chair Best said that she sat on SFAC the previous year, and she didn’t believe it was a big deal if they didn’t have SFAC experience.

Chair Stelpflug asked what should be done about looking into different fees for graduate and undergraduates. All three of the SFAC students believed that a new system needed to be created, and scholarships that only applied to under grads should not be charged to graduates. Same with athletics.

Representative Ferguson moved the previous question. Seconded. Consent. Representative Root objected – he had another question. He opposed voting, but the ayes had it. Congress moved into a period of voting.

Seconded. Representative Root opposed. The motion passed.

h. SCR-95-015
Carson Mckee was introduced as an English major looking to work for WXYC. He was interested in the position because he was the VP of the student record label, and a singer/songwriter. He wanted to reach out to students.

Chair Stelpflug moved the previous question. Seconded. Consent – no objections. The motion passed.

X. Bills
a. SCB-95-004
Representative Ferguson presented the bill that provides for an instant runoff vote instead of allowing student presidential candidates to campaign further. It would save money, and if there was a mishap with a system the old system could easily be reinstated.

Vice-Chair McClelland said that he doesn’t think ITS could support the system, and he didn’t think that the new chancellor should have to also deal with a new system.

Representative Ferguson said that he was contacted by fairvote.org, who would support the university with educational campaigns for the new system.

Chair Best said that the average student doesn’t vote because the president doesn’t impact their daily lives, so it’d be a lot to ask them to rank candidates one through five.
Chair Stelpflug said that he supported the system, because you don’t have to rank five candidates, only as many as you want, so if students aren’t informed on all five they can only rank one of two. He thought it was worth a try.

Representative Hardy agreed with Chair Best and suggested a referendum.

Speaker Pro Tempore Guzek said a referendum would be a challenge, but he believed it was a reasonable expectation for students to be informed on the candidates before voting.

Representative Root expressed his support for the bill.

Representative Niver said that she knew many students who didn’t vote in the first election because they knew it’d go into a runoff anyway, so she knows that many are tired of the process.

Chair Clark said that there are many resources regarding platforms, so voter education should not be an issue.

She moved the previous question. Seconded. Consent. No objections.

Chair Best requested a roll call vote. Seconded.

19-6-1, the bill passed.

b. SCB-95-005
Speaker Pro Tempore Guzek presented the bill. Student Attorney General Sturkey and Honor Court Chair Tilley presented a power point to explain the new changes to the honor system.

The dean of the law school expressed his support for the new system. He didn’t think the honor court got the full benefit because people can’t see how much good work is done. He thought this would increase faculty buy-in while not undercutting student leadership.

Chair Tilley said that with faculty member buy-in, they become the best advocates and engender further buy-in.

Representative O’Connor noticed there was no language about a conflict of interest, and he’d love to hear how the faculty would be held in terms of such a conflict. Chair Tilley said that the accused student has the right to dismiss a court member if they feel a bias, and that remains equally valid for the faculty.

Chair best said that she was concerned about changing to a clear and convincing standard. She thought the university should hold itself to a higher standard. Dean
Meyers discussed the background to his decision, and explained that it's higher than preponderance of the evidence but lower than beyond a reasonable doubt. He didn’t believe anybody would be convicted who wasn’t guilty, but honor court had previous experiences with students saying they knew the accused was guilty but didn’t feel they could prove beyond a reasonable doubt, because students struggle to understand the difference between reasonable and no doubt.

AG Sturkey said that she’s heard many people complain about having to let off a guilty student on a technicality. It was decided that there wouldn’t be any cases were an innocent student would be convicted, and she pointed out the difference between the honor court and a criminal court.

Representative Niver said that she believed faculty buy-in would be incredibly important for the system to work, because without faculty buy-in all students wouldn’t be treated fairly for the same misconduct.

Representative Winters asked Dean Meyers to explain the difference between clear and convincing evidence, preponderance of the evidence, and beyond a reasonable doubt. He did. AG Sturkey added that beyond a reasonable doubt is a difficult thing for students to understand.

Representative Touby expressed concern that lowering the punishment for students also lowered the incentive to follow the rules, which in turn would lower the quality of the education of UNC. Chair Tilley explained that lowering the sanction allowed for more faculty support, and it worked in conjunction with lowering the burden of proof in order to provide fairness to all students.

AG Sturkey explained that the current sanction – suspension – was too high for faculty to use. It ended up being a deterrent to the honor court system. She also explained that many students don’t understand plagiarism, so not all academic dishonesty is deliberate, and while it deserves to be punished it doesn’t require a suspension.

Representative Touby asked if removing the sanction of suspension, would more avenues for academic misconduct be added? AG Sturkey said that the charges would remain the same, but there’d simply be more reporting. New violations wouldn’t be made up.

Chair Tilley explained that the lower category of sanctions was created to pull in professors who are currently dealing with academic misconduct on their own in order to avoid their students being suspended. He didn’t believe this led to an equitable system.

AG Sturkey said this would actually be a workable system to use, and that it’d be hard to imagine without actually having seen deliberation, but they promised the system would be useful and allow students to get the full due process rights.
Representative Stelpflug seconded what Representative Niver said earlier about the importance of faculty buy-in. He also believed that since the honor court made efforts to remove crime from it’s jurisdiction, than the issues are less grave and deserve lower sanctions.

Representative Mellini asked if they have anything to address a balance of power issue that might arise. Chair Tilley said that they’d seen a number of appeals where two faculty members, two students, and an administrator were involved, and it’d worked just fine. AG Sturkey added that faculty will have to sit in on the same training as students.

Vice-Chair McClelland asked if the main reason for lowering the standard was because it hadn’t been applied uniformly. AG Sturkey said that there were a bunch of reasons. McClelland said that it’d be a better solution to educate people on the legal standard rather than lowering it. AG Sturkey said that that assumed that for the past 138 years they hadn’t tried to educate the students as much as possible. She didn’t believe that was a concern.

Vice-Chair McClelland moved to limit debate to fifteen minutes. Seconded. Consent. No objections – the motion passed.

Representative Ferrara said that lowering the sanctions would allow students to be educated and involved.

Student Body President Lambden expressed his support for the honor court changes. He said that it’s not viable to allow faculty to act outside of the system, and if they’re not reporting to the honor system than they’re not upholding academic integrity. He said that he thought student congress should listen to AG Sturkey and Chair Tilley because they’re the experts and he stands by their decisions.

Representative Guzek seconded what SBP Lambden said. He said that it’s crucial to note that the lowering of sanctions goes with lowerint he standard. He moved the previous. Seconded. Consent. 

Vice-Chair McClelland called for a roll call vote. The motion passed.

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c. SCB-95-022
Chair Best presented funding for OASIS. They requested funding for Africa night – a cultural show. It was passed without prejudice because they wanted to see an invoice for security.

Chair Burney moved the previous question. Seconded. Consent. No objections – the motion passed.
XI. Special Orders
Representative O’Connor requested to work on O&A Committee. Chair Burney accepted.

Chair Best moved to elect him. Seconded. Consent. No objections – the motion passed.

XII. Announcements
None

XIII. Adjournment
Chair Best motioned to adjourn. Seconded.

The meeting was adjourned at 9:44 p.m.