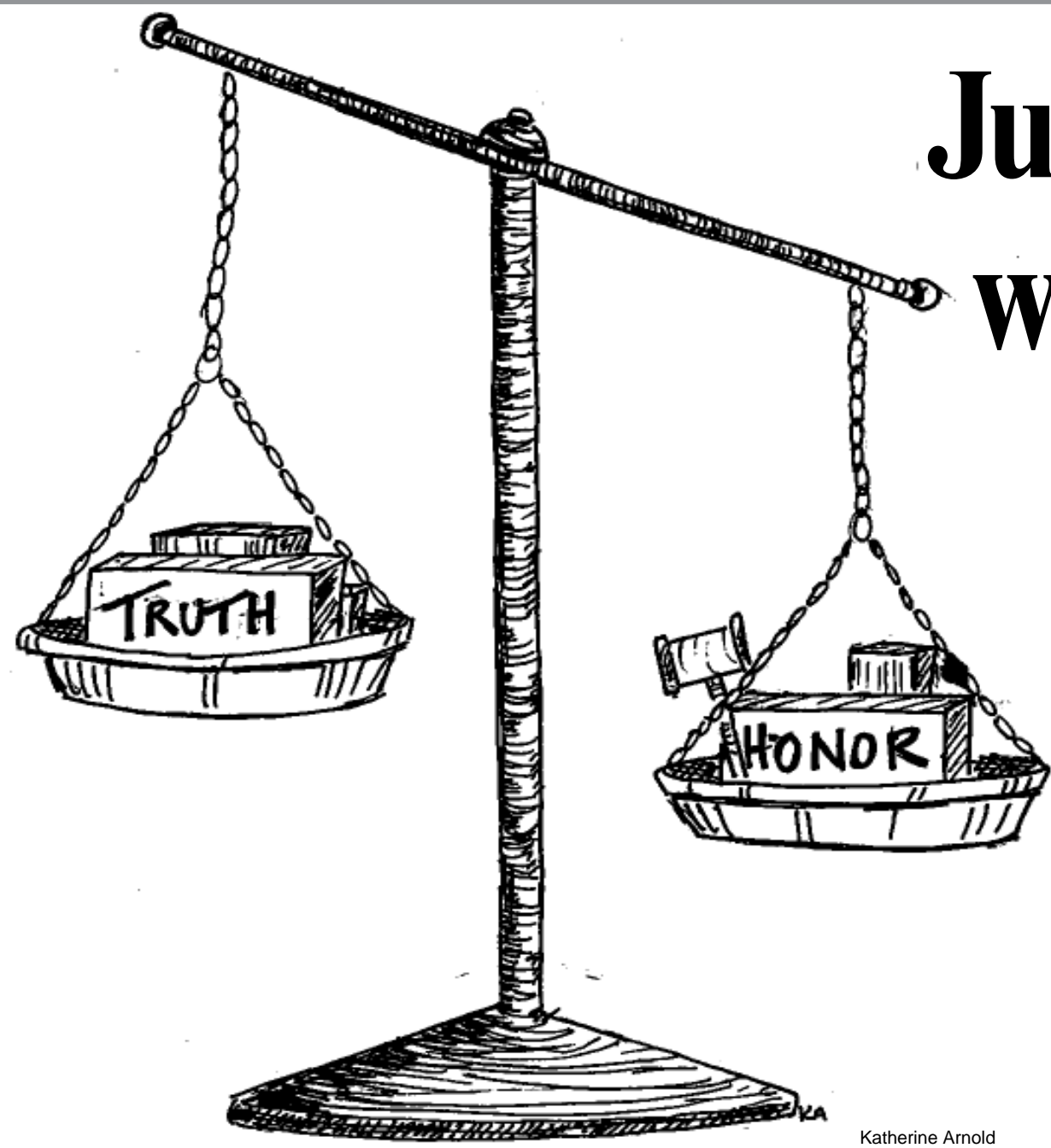


Forum

Judicial reform met with mixed reaction



Katherine Arnold

After prolonged discussion and lengthy research, the Judicial Council Subcommittee on Judicial Reform released its proposal to reform the judicial system in August 1997. The proposal was made in response to the controversy the system has caused over the past ten years. The new system differs drastically from the one currently in effect, seeking to eradicate flaws evident to many.

Under the reformed system, one Honor and Ethics Board would replace the existing bodies: the Judicial Board and Honor Council. Alternating hearing boards, composed of four students, two faculty members and one administrator would be chosen from the HEB to adjudicate all proceedings.

The Board of Investigators and Advisers would assign an investigator and an adviser to each accused student. In the past, counsel has been optional, and students have not always known their

options. No one may serve on the HEB and the BIA simultaneously.

The reforms would eliminate popular elections, rather the Student Government Election Committee would select the members of the HEB and BIA. The committee would consist of members of SG, the HEB, and the Judicial Council.

Applicants for membership on the HEB or the BIA would be required to have a grade point average of at least 2.0 and have no prior honor code violations. Candidates would be required to disclose judicial offenses to the Election Committee, although a violation would not bar them from serving on either board.

Some members of the university community who are knowledgeable about the proposed system share some of their thoughts regarding its advantages and disadvantages in the following editorials.

Student body should have stronger voice in reforming judicial system

There is one central theme to which all members of the university family subscribe, and that is a deep sense of pride, pride based on friendship and learning which is cultivated throughout every community interaction. With every interaction, there is at its heart the most integral part of the community – its honor code. Without it, there could not be a community that enjoys unparalleled distinction and prestige. A challenge to the honor system and its integrity is a

challenge to every member of the community. Unfortunately, such challenges have been articulated in recent years. The integrity of the honor system has been questioned, and concerned students, faculty and administrators have labored for over five years to propose a viable plan for judicial reform.

The Judicial Council now faces the challenge of implementing the new plan. It is my contention that the council should allow the reform to follow the student-run procedure of amending the Student Constitution (two-thirds vote by Student Government, and ratification by the student body). There are two benefits to allowing the process to take the "student route." Allowing the student body to amend their constitution takes a step toward remedying the perception of disenchantment, which

Chris Cathcart
GUEST COLUMNIST

challenge to every member of the community. Unfortunately, such challenges have been articulated in recent years. The integrity of the honor system has been questioned, and concerned students, faculty and administrators have labored for over five years to propose a viable plan for judicial reform.

The Judicial Council now faces the challenge of implementing the new plan. It is my contention that the council should allow the reform to follow the student-run procedure of amending the Student Constitution (two-thirds vote by Student Government, and ratification by the student body).

There are two benefits to allowing the process to take the "student route." Allowing the student body to amend their constitution takes a step toward remedying the perception of disenchantment, which

is pervading the student community. Many students have begun to feel ignored in decision making processes at the university. If debate on the reform were to ensue, proponents would have an opportunity to lobby and educate in favor of the reform proposal, while opponents would execute a similar campaign.

Allowing the process to continue in the hands of the student body would make the honor code a living entity. The number one priority of many administrators and faculty members is to make the honor code a real part of the Wake Forest culture. I say to them, here is your opportunity. Allow students to pass reforms to their judicial system and foster healthy debate and education about what should be the most important aspect of their education.

I issue a new set of challenges. To the students, educate yourselves about the new proposal and form an opinion. Taking the time to find out about issues that affect us is the only way to make change. Likewise, I challenge the Judicial Council to open its process of implementation and provide the students with a forum in which education can take place; an act of good faith which conveys to the students that they can be a part of the decisions that affect them. Most importantly, designate the honor code and its role in the campus culture as your number one priority. Disregard of the student-led process of implementation would allow the ripest opportunity to make the honor code a vital entity at the university slip away again.

Senior Chris Cathcart is the former SG treasurer.

Much-needed judicial reform proposed Confusion would be eliminated, faith restored

The University has a unique method for dealing with cases of honor and judicial infractions. This method, however, is not without its shortcomings. For many years the format

Honor Council and Judicial Board. Rather, all infractions would be heard by a single Honor and Ethics Board, eliminating inconsistencies in judgment. The issue has been raised that if there were only one board instead of two, there would be twice as many cases for a serving member to hear. However, in the new system, the hearing panel would be drawn from a pool of members so that any single member would not be called upon to hear each and every case.

Another concern is that faculty and students have lost faith in the system. As a result, there is little respect for board members and some skepticism in the authority they have in rendering sanctions. The university views elections as popularity contests and members' qualifications for such authority are at times questioned. The format of the proposed new system attempts to alleviate these problems in two ways. First, instead of a popular student vote, there would be an application and screening process performed by an elections committee. This ensures that only the most qualified and dedicated people get the positions and not just the best campaigners. Secondly, the board

would no longer be solely composed of students. There would be two faculty members and one administrator on each hearing body. This revision would hopefully boost the faith of the faculty and administration in the system since they would be directly participating in the process for the first time. Many students may object to faculty and administrators voting at hearings; however, the goal of the Honor and Ethics Board is to uphold the judicial integrity of the entire academic community. If viewed from this perspective, hearing boards should represent all aspects of the community.

Reforms need to be made in our judicial process and the proposals made by the Judicial Reform Committee are right on target in correcting some of its faults. By combining the Honor Council and Judicial Board into one Honor and Ethics Board, and by integrating all facets of the academic community, the system would be more consistent in its sanctions and will more efficiently maintain the judicial integrity of the fine academic community.

Junior Josh Arnold is a member of the Judicial Board.

Josh Arnold
GUEST COLUMNIST

for administering justice on our campus has remained unaltered and has, in some respects, fallen short of its ideals. Board members, faculty, and administrators have noticed faults in the system and have proposed revisions that would streamline our judicial process. The proposals made by the Judicial Reform Committee are geared to remedy some of the following problems.

Some incidents involve both honor and judicial violations. This overlap of jurisdiction causes confusion in deciding which board should hear the case. Even further, consistency in sanctions is a concern. Would one board yield a different sanction than the other? Under the proposed system there would no longer be both an

fundamental change was necessary.

The current judicial reform plan was drawn up by a special subcommittee appointed by the chair of the Judicial Council. Its voting membership consisted of four students, two faculty members and one administrator. The subcommittee was charged with considering the problems identified in the system and coming up with a proposal that would respond to the crisis of legitimacy.

The most important thing to note about the proposal is that while it makes significant changes, the new judicial plan remains a student-run system. The hearing body (Honor and Ethics Board) has a majority of students on it and is chaired by students. The Board of Investigators and Advisors is made up entirely of students. The selection system is controlled by representatives of the students. The subcommittee believed that the majority of the actors in any reformed system should still be students.

The changes of significance in the new plan were designed to address the problems discovered in the Judicial Council's earlier study. The combination of two boards into one would ease the problems of inconsistent sanctions, complexity and delay. That any hearing panel would be drawn from a pool of members would make it possible to hold more than one hearing at a time, allow members with a conflict of interest to remove themselves without leaving the body lacking a quorum and insure more efficient scheduling of cases.

The loss of faculty confidence in the process would be addressed through the addition of faculty as voting members of the hearing panel and through a revised selection process. The inconsistency of sanctions, which tends to result from the lack of institutional memory on a student body with substantial turnover, would be addressed through the addition to the hearing panel of one administrator with experience in the judicial system.

The perception among students and faculty that elections for judicial bodies are just popularity contests would be addressed through a revised selection process that eliminates direct election and instead involves screening and ratification by a selection committee made up of student representatives. A screening process would also address the problem of people serving on boards with prior honor violations. The problems of investigation and the varying quality of representation by student counselors would be addressed through the creation of a Board of Investigators and Advisors who are trained in investigation and in counseling accused students about the system.

Fundamental judicial reform is necessary. Students have played a significant role in shaping the current proposal and the new system maintains student control of the initial hearing body and the investigative and counseling functions. The plan restores legitimacy to the system, protects the interests of both accused students and the university community, and requires all members of the community to participate in ensuring that justice is done.

Katy Harriger is the chair-woman of the Judicial Council.

Student influence would be preserved under new plan

For most of the 12 years that I have been at Wake Forest the judicial system has been under scrutiny. With each new crisis or controversial case that shed light on some flaw in the process, we have tinkered with the mechanics of the system, trying to respond to the particular problem that arose.

The consequence has been a piecemeal, reactive approach that has sometimes improved the system and sometimes only made it more

Katy Harriger
GUEST COLUMNIST

complicated and difficult to understand. The proposal for judicial reform offers a substantially better system of justice than our existing one, was developed through significant participation and consultation with students and should be embraced by the student body.

The Judicial Council acts as the final appellate body for students who are found guilty of university offenses. It is also charged with overseeing the judicial system and ensuring that it provides due process, and, ultimately, justice for the students and the community. It was this second responsibility that led us, in 1994, to begin a study of the system and its effectiveness. We were alarmed by the increasing number of challenges to the system we heard from students, faculty and administrators alike.

During the 1994-95 school year we undertook a study of the system with the goal of proposing a comprehensive, rather than piecemeal, approach to reform. We held weekly hearings with students involved with the system, faculty who had dealt with the system and administrators in student life who work with the system closely.

In a report issued at the start of the 1995-96 school year we identified a number of serious problems with the existing judicial system. These included a troublesome lack of confidence among many faculty, students and administrators in the method of selection of members of the judicial bodies; little knowledge among faculty and students who were not involved with the system about how it operated; the decision by many faculty who did understand the system to bypass it and handle cases of academic dishonesty by themselves because of their lack of confidence in the Honor Council; the increasing difficulty that students had in sitting in judgment of their peers and their problems in group process and deliberations; inconsistent sanctions for similar offenses; and considerable delay in the system caused by a congruence of factors, including the busy schedules of all involved, the "channeling" process by which cases were assigned to two different student judicial bodies, and the intentional strategies of students seeking to avoid hearings and penalties.

The Council concluded that the legitimacy of the system was at stake and came to believe that