As provided by the Instrument?, accused students have the right to an assigned student counsel or to a student counsel of his or her own choosing, with the requirement that only currently enrolled undergraduate students at UNC-Chapel Hill may serve as the Investigator or Defense Counsel in cases involving undergraduate students and only currently enrolled students, preferably from within the pertinent academic program, may serve as Investigator or Defense Counsel in cases involving graduate or professional students. Additionally, no person who is either a licensed attorney or who has passed a state bar examination may serve as the Investigator or as Defense Counsel or be present during Honor Court proceedings. 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 who 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.
Additionally, in accordance with N.C.G.S. 116-40.11, for allegations of misconduct received by the University on or after August 23, 2013, any student or student organization accused of violations outlined in section II.C. of the Instrument may be represented, at their own expense, by a licensed attorney or non-attorney advocate of their own choosing. This provision shall not apply to cases heard by a student Honor Court (i.e., a board or panel that is composed entirely of students). Students or student organizations that choose to have a licensed attorney or non-attorney advocate represent them must notify the Office of Student Conduct, in writing, of the attorney’s or non-attorney advocate’s participation in the Honor System process at least five business days prior to any hearing. The notice must specify (a) the identity of the licensed attorney or non-attorney advocate; (b) whether the individual is a licensed attorney or non-attorney advocate; and (c) current contact information (e.g., address, email, and phone) for the attorney or non-attorney advocate. In addition, the student or student organization must complete and submit a written authorization that meets the requirements of a valid consent as specified by the Family Educational Rights and Privacy Act (FERPA) of 1974. Additionally, at least five business days prior to any hearing, the attorney or non-attorney advocate shall provide a signed certification affirming that they have read and understand (1) The Instrument of Student Judicial Governance, (2) Section 700.4.1 of the UNC Policy Manual, and (3) Information for Attorneys and Non-Attorney Advocates Participating in the Honor System.

A student or student organization that chooses to be represented at any hearing by a licensed attorney or non-attorney advocate may also be assigned a trained student counsel to serve in an advisory capacity. However, unless otherwise provided in the Instrument, the student or student organization may be accompanied to the hearing and represented by only one individual (licensed attorney, non-attorney advocate, or student counsel).

Source URL: https://studentconduct.unc.edu/student-advocates