

# Honor Court busy during summer sessions

By CATHERINE COWAN  
Staff Writer

Students do not violate the honor code only during the regular school year. According to Student Attorney General Walker Poole, the Undergraduate Court has met twice a week throughout the summer to hear cases of alleged honor code violations.

Poole said the Court hears two kinds of cases during the summer. "The majority are carry-overs from the spring semester," he said. "A few are from final exams, and most are from final research term papers. These usually can't be heard before the spring semester is out, so we try to get them done during the summer as soon as possible. Then we have cases that arise during summer school, but there are usually not many of these," Poole said.

Poole said that so far this summer only one case from summer school has been heard, but that two to three others are pending.

Perhaps the major difference between an Undergraduate Court hearing during the summer and a Court hearing during the regular year is that during the year the defendant is tried by the Court of Original Jurisdiction, a panel composed of five student members of the Undergraduate Court headed by the Undergraduate Court Chair or one of the three vice-chairs. During the summer they are tried by the University Hearings Board, a panel composed of one administrator, who chairs the hearing, two students and two faculty

members. The main reason for the difference is that there are not five Undergraduate Court members in town this summer who can meet twice a week to hear cases, Poole said.

Mary Evans, former Student Attorney General, said there were many pros and cons to this difference. "The con is that you don't have five students — you have a mix. On the other hand, everyone has gone through training. They are all eminently qualified, and all very fair. If you waited for all students, you'd have to wait three months," she said.

Another difference between the summer Court and the regular year Court is that the Court does not meet as often during the summer, Poole said. "During the regular year there are two hearings every Monday and Thursday night, but there is a good chance that once every two weeks or so a session will be cancelled because there will be no case. During the summer there is one hearing every Tuesday and Thursday. This also might not always be full, but so far this summer it has been pretty full because we've been finishing cases from the spring," Poole said.

Poole said that the process a case goes through during the summer once it is reported is not much different from the process it would go through during the regular year. "The main difference is that during the year I will assign one of my assistants to be investigatory council to the defendant, the person who

presents the evidence that supports the charge. But during the summer I typically handle the investigation myself," he said.

Honor Code violations can be divided up two ways, Evans said. "One way to divide them is into academic versus non-academic offenses. Another way to divide offenses is into Honor Code versus Campus Code violations," she said. Honor Code violations include lying, cheating and stealing related to anything that involves academics or the University. Stealing a computer from Phillips Hall or cheating on a midterm would fall under this. Campus Code violations include anything which compromises the welfare or educational opportunities of another. This would include things like any kind of racial or sexual harassment, hazing, or theft of personal property," Evans said.

Evans said that the usual sanction for academic offenses is suspension, while non-academic offenses carried a variety of sanctions. "The sanctions for academic offenses start with suspension," she said. "This applies whether it is homework or a final exam — there is no degree of cheating. It would only be reduced to some kind of probation if there is some kind of unusual circumstances. Or if it is very serious or a repeat offense, the person may receive indefinite suspension or expulsion.

"Campus code offenses have a whole range of sanctions. There we look more at questions like the

amount of harm it did to the university and the likelihood it will happen again. We distinguish between someone who steals peanuts from the Student Stores and someone who steals a MacIntosh (computer)," Evans said.

When a report of an honor code violation is made to the Attorney General's office, it has a long process to go through before it is actually heard, Evans said. First, the Attorney General conducts a preliminary investigation in which he decides whether there is sufficient evidence to suggest a violation occurred. If he feels that there is enough evidence, a charge will be made and the case will be turned over to an Assistant Attorney General. The AAG issues a summons, which is a written statement notifying the person of the charges, and conducts a preliminary conference in which the defendant is told all the rights guaranteed to him.

The AAG then assigns one staff member to be the investigator, the person who presents information which supports the charge, and one staff member to counsel the defense and present information which refutes the charge. Unlike a typical court, however, the Undergraduate Court is non-adversarial. The investigator, defense council and Attorney General have access to the same information and evidence, and during the hearing there are no surprise witnesses or evidence.

Finally, after listening to all the

evidence, the five court members give their verdict. If it is not guilty, the case is dismissed. If the verdict is guilty, however, the Court must decide on sanctions. At this stage, both sides may present character witnesses. Evans said the reason this is kept until after the verdict is that a one's character does not have much to do with whether one is guilty or not. "A person who is not very nice may be innocent, but a someone who is a great person may have just made a mistake," Evans said.

"... (The legal process is) complicated and involved, but it is also a very fair process," said Evans. "We want to make sure the accused student gets a fair shake."

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# Charges against Goetz reinstated

From Associated Press reports

ALBANY, N.Y. — The state's top court reinstated attempted murder and assault charges Tuesday against Bernhard Goetz for shooting four youths on a Manhattan subway, and his attorney said he welcomed a chance to bring the notorious case to retrial.

Goetz, 39, an electronics worker, was praised as a heroic crime victim by some and blasted as a trigger-happy vigilante by others after he admitted shooting the four teenagers on Dec. 22, 1984, after one of them asked him for \$5.

Goetz, a white man who had been injured in a 1981 mugging, has said he was acting in self-defense because he feared that the four black youths were about to rob him. The youths have said they were panhandling to get money for video games.

He was indicted by a grand jury on four counts of attempted murder and four counts of assault, but those charges were thrown out by lower courts. The New York Court of Appeals unanimously overruled those lower courts and declared that a jury must get a chance to decide Goetz's guilt or innocence.

Goetz's defense attorney, Barry Slotnick, said he would not appeal.

Although disappointed by the ruling, Slotnick said, "What is about to happen is perhaps the best thing; Bernhard Goetz will go on trial. The public will now see and know all the facts and he will ultimately be acquitted by a jury of his peers."

Goetz told reporters in New York City that he was not sure what

the trial might deliver, but added, "perhaps the most important thing is that New York is going to have to look at where it's going."

The ruling "is significant because it clarifies the law of justification in New York," Morgenthau said.

The Court of Appeals over-

turned a ruling by the Appellate Division of the state Supreme Court that the prosecutor on the case had erred by telling grand jury members to consider what any reasonable person would have done when confronted by the same situation as Goetz in the subway.



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