

WEAPONS ON SCHOOL GROUNDS

It is a felony to possess or carry, whether openly or concealed, a weapon of any kind on any school grounds, including the Fayetteville State University campus. If you do obtain a concealed weapon permit, you are still prohibited from bringing a weapon on campus.

WRITTEN COMPLAINT PROCEDURE FOR FSU STUDENTS

At Fayetteville State University, we recognize our students as the primary customers for all of the services that we offer, from classroom instruction, to personal counseling, to computer labs. When an area of the University needs improvement or change to better serve the needs of our students, we appreciate hearing your suggestions/resolutions.

As a first step, students are encouraged to discuss their complaints directly with the person responsible for the area or problem. If the issue is not or cannot be addressed through discussion with the responsible person; and if there are no methods prescribed for appeal in the applicable area in University Catalogs, Student Handbooks or other official University documents; then the issue should be outlined in writing and submitted to the following offices in the order indicated:

1. Academic Complaints:

- a. Department Chair
- b. Dean of the School/College
- c. Provost and Vice Chancellor for Academic Affairs

2. Non-Academic Complaints:

- a. Department of Office Director
- b. Vice Chancellor of the Division to which the Department or Office reports

Each office listed above will respond to students within ten working days of receipt of the written complaint. If the issue is not satisfactorily resolved at the first level, the student should submit his/her request to the highest level. If the issue remains unresolved at the highest level indicated above, the student(s) should appeal to the Office of the Chancellor.

For a complete listing of all University policies and procedures visit the following link:
http://www.unccfsu.edu/chancellor/legal_counsel/Policies_and_Procedures.htm

FAYETTEVILLE STATE UNIVERSITY CODE OF STUDENT CONDUCT

I. AUTHORITY

In accordance with Section 502D(3) of The Code of the University of North Carolina, the Chancellor of Fayetteville State University, has "... full authority in the regulation of student affairs and in matters of student discipline..." This responsibility may be delegated to certain University administrators and committees. However, the Chancellor may intervene directly in any matter when deemed necessary. Except for such intervention, no offense shall be recognized nor disciplinary sanction imposed on any student except as provided in this *Code of Student Conduct*.

II. JURISDICTION

The University reserves the right to take necessary and appropriate action to protect the safety and well being of its campus community. This Code applies to all enrolled part time, full time and graduate students while they are on premises owned by the University, on city streets running through or adjacent to the campus and in off-campus facilities occupied by students by virtue of their association with an organization recognized by the University. Fayetteville State University jurisdiction and conduct processes shall be limited to behavior which occurs on University premises, at University-sponsored events or other off-campus locations if it adversely affects the University community and/or the pursuit of its objectives as determined by University officials (Chancellor, Vice Chancellors, administrators, faculty or staff). In the

case of University-sponsored off-campus events, conduct related incidents will be treated as if the event took place on campus and thus are governed by the Code of Student Conduct.

A student whose conduct has been found to be in violation of established University rules and regulations may also be subject to appropriate actions by individual University offices. An incident may result in criminal or civil charges as well as a University disciplinary action. Unless otherwise provided by law, disciplinary and court proceedings may occur concurrently.

III. DEFINITIONS

Alcohol shall be defined as malt beverages, unfortified wines, fortified wines, spirituous liquor or mixed beverages.

Appeal shall refer to a submission of a request to review a decision made by the Associate Vice Chancellor. The bases for appeals shall be as follows: 1) demonstration of a significant procedural error; 2) the availability of compelling new evidence; 3) demonstration of bias on the part of a member of the Student Conduct Board involved in the case; 4) demonstration that the rights of the accused were violated according to the Code of Student Conduct.

Associate Vice Chancellor shall mean the Associate Vice Chancellor for Student Affairs who receives the recommendation for sanctions for level one violations from the Student Conduct Board and renders a decision.

Business Days shall mean days when the University is open for business.

Campus Appearance Ticket (CAT) is a document for non-academic misconduct violations of the Code. It is given to a student to notify them of the charges against them and is issued in lieu of uniform citations for violations of the NC General Statutes. If the Code violation is also a serious criminal offense, the CAT will be issued in addition to affecting an arrest.

Code refers to the Fayetteville State University Code of Student Conduct.

Compelling New Evidence shall mean evidence that must not have been available to the student, or not known or reasonably discoverable by the student at the time of the hearing. In addition, the evidence must have substantial weight to warrant the Student Conduct Board's or Vice Chancellor's recommendation.

Complainant shall mean an individual or individuals making a complaint or a formal accusation against an individual or a group of individuals.

Dean of Students shall mean whose responsibilities shall include, but not be limited to, reviewing allegations of misconduct, interviewing and advising parties involved in disciplinary proceedings on matters pertaining to the Code, maintaining student disciplinary records and providing staff support to the hearing board.

Expulsion shall mean permanent dismissal from the University, unless at a later date the Chancellor who imposed or approved the sanction (or his or her successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education. A student who has been expelled from one constituent institution may not be admitted to another constituent institution of the University of North Carolina, unless and until the sanction of expulsion has been rescinded by the institution that imposed the sanction.

Institution and/or University shall mean Fayetteville State University and all of its academic and administrative units.

c. Notice. Note that whenever this Code requires giving notice, students/groups will receive written notice. Unless otherwise noted in this Code, recipients must pick up notification from the Division of Student Affairs, Collins Building, Suite 209 (non-academic misconduct) and the Division of Academic Affairs (academic integrity violations). If a student fails to pick up notification, documents may be:

- submitted through electronic notification
- delivered and/or mailed to the local address or residence hall most recently provided by the student to the Registrar

- or, if undeliverable at that address, to the student’s permanent address on record;
- this shall give rise to a conclusive presumption that notice has been given.

Provost shall mean the Provost and Vice Chancellor for Academic Affairs.

Respondent shall mean any University student who must answer or respond to a complaint or formal accusation against him/her. “Respondent” shall also refer to a faculty member who responds to a student’s appeal of an academic misconduct charge.

Student shall mean any person who has accepted admittance to the University for student status or who is currently registered or enrolled as an undergraduate or graduate student or certificate program participant, whether matriculating or non-matriculation, full-time or part-time, resident or commuter, paid or delinquent, or who has a pending appeal of an academic or disciplinary dismissal. Such a person shall also be considered a “student” during intersession/summer periods and University sponsored commencement events in which he or she is a participant.

Student Advisor shall mean a currently enrolled student at the University’s main campus who is in good standing and free of any academic or disciplinary sanctions whose responsibility shall be to assist/represent a complainant or respondent during the judicial process.

University Official shall include faculty or staff members exercising their assigned duties and may include student staff such as Resident Assistants, Student Public Safety assistants and other students acting in an assigned official capacity on behalf of the University.

University Premises means buildings or grounds owned, leased, operated, managed, controlled or supervised by the University.

University Sponsored Activity shall mean any activity or event on or off campus which is initiated, aided, authorized or supervised by the University.

Vice Chancellor shall mean the Vice Chancellor for Student Affairs.

Weapon shall mean any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including, but not limited to, a BB gun, air rifle, air pistol, hand gun, rifle, pistol, shotgun, or firearm of any kind, dynamite cartridge, bomb, fireworks of any kind, hazard materials of any kind, grenade, mine or powerful explosive, knife (including, but not limited to a Bowie knife and switchblade knife), dirk, dagger, sword, sling shot, leaded cane, switch blade knife, black jack, metallic knuckles, stun gun, paint gun, bullet(s), razors and razor blades (except solely for personal shaving) and any sharp pointed or edged instrument (e.g., box cutters) and chemicals such as tear gas.

IV. POLICIES AND PROCEDURES

The Division of Academic Affairs will serve as the facilitator of the Academic Dishonesty Policy and Procedures.

A. Academic Integrity Policy and Procedures

Academic dishonesty is the giving, taking, or presenting of information or material by a student with the intent of unethically or fraudulently aiding oneself or another on any work which is to be considered in the determination of a grade or the completion of academic requirements. It is expected that all members of the University community will work to actively deter academic misconduct and thus will share in the responsibility and authority to challenge and make known to the appropriate authority acts of apparent academic dishonesty.

1. Violations

A student shall be guilty of a violation of the Academic Dishonesty Policy if he or she engages in act(s) of:

- Facilitating Academic Dishonesty.** Such conduct includes, but is not limited to, giving unauthorized assistance to another in order to assist that person in cheating or plagiarizing.
- Attempt.** Such conduct shall include, but not be limited to, attempting any act that if completed would constitute a violation as defined herein.
- Cheating.** Such conduct includes, but is not limited to, a student receiving unauthorized aid or assistance on any form of academic work.

- c. **Referral to the Academic Integrity Board.** After completion of the interview and on the basis of the evidence presented, if the faculty member is of the opinion that issuance of a community service and/or a failing grade sanction would be inadequate disciplinary action, the faculty member may refer the entire case to the Academic Integrity Board for appropriate action. In this case, a hearing will be conducted by the Board without regard to the findings made or any disciplinary action taken during the interview. A failing grade or community service sanction issued by the faculty member may remain in effect even if further discipline is recommended.

The referral must be submitted to the Senior Associate Vice Chancellor for Academic Affairs within five (5) business days after the faculty member has notified the student of his or her decision.

- d. **Appeal to the Academic Integrity Board.** The student may appeal the decision of the faculty member following the interview to the Academic Integrity Board if the student believes the penalty is too severe and/or the student contests the decision of the faculty member on the basis of the evidence presented. The appeal must be submitted to the Senior Associate Vice Chancellor for Academic Affairs within five (5) business days after the student receives notification of the decision by the faculty member.

4. Academic Integrity Board

- a. **Purpose.** The purpose of the Academic Integrity Board is to investigate the incident giving rise to the appearance of academic dishonesty, to reach an informed conclusion as to whether academic dishonesty occurred, and to make a recommendation to the Provost and Vice Chancellor for Academic Affairs (“Provost”) as to sanctions. A hearing by the Academic Integrity Board should not be considered as an adversarial proceeding similar to criminal or civil legal trials.
- b. **Composition.** The Academic Integrity Board shall consist of six (6) persons who shall include three (3) faculty members and three (3) students. In the event that a student accused is a graduate student, then at least one of the student members shall be a graduate student and one of the faculty members shall be a member of the Graduate Faculty.
- c. **Student Members.** The President of the Student Government Association shall appoint annually three (3) student members and two (2) alternates to the Academic Integrity Board. At least one of the alternates shall be a graduate student who will serve when the accused is a graduate student. Such appointments shall be subject to the approval of the Student Senate.
- d. **Faculty Members.** The Chairperson of the Faculty Senate shall appoint annually three (3) faculty members and two (2) alternates to serve on the Academic Integrity Board. At least one of the alternates shall be a member of the Graduate Faculty who will serve when the accused is a graduate student.
- e. **Board Chair.** Prior to hearing its first case, the Senior Associate Vice Chancellor for Academic Affairs shall convene with the Academic Integrity Board for the purpose of electing a chairperson. The chairperson shall vote only in the case of a tie.

5. Hearing Procedures

- a. **Notification.** The Assistant Vice Chancellor for Academic Affairs shall notify the parties involved that an appeal/referral has been received and that a hearing will be held by the Academic Integrity Board. Such notification must be received by the parties within five (5) business days after receipt by the Assistant Vice Chancellor for Academic Affairs. The Assistant Vice Chancellor for Academic Affairs shall notify each of the parties no later than ten (10) business days prior to the hearing of the date, time and place of the hearing. If a grade for the student in the course must be submitted, the faculty member shall record

a grade of incomplete, pending a decision by the Provost and Vice Chancellor for Academic Affairs.

b. Conduct of the Hearing.

- i. The hearing shall be closed and shall be attended only by the student and his or her witnesses, the faculty member and his or her witnesses, the independent nonparticipating observer(s) present at the interview, the Board members and any other persons called by the chair of the Board.
- ii. The hearing shall be recorded.
- iii. The hearing shall begin with the individual who requested the review by the Board (“Complainant”) who shall state his or her contentions and offer such proof as he or she desires. When the Complainant has concluded his or her presentation, the individual responding to the Complainant’s request for a hearing (“Respondent”) should then present his or her contentions and any such proof. Both the Complainant and Respondent may question witnesses.
- iv. The members of the Board may ask the Complainant and/or Respondent and their witnesses questions, or to develop a particular line of inquiry. The members may also seek such additional material or the attendance of such other persons as they judge necessary to an understanding of the incident, even if it requires that the proceedings be continued.
- v. Once both parties have made their presentations, the Board may request that each party present a final statement. Once the final statements have been made, the chair shall conclude the hearing.

6. Actions by the Academic Integrity Board

Following the hearing, the Academic Integrity Board shall meet privately to discuss the case, and reach a finding by a majority vote. Within five (5) business days after the hearing, the Board shall notify, through the Senior Associate Vice Chancellor, the Complainant and the Respondent of its decision.

The decision of the Academic Integrity Board must be decided according to whether it is “more likely than not” (preponderance of the evidence) that the alleged violations occurred. In finding guilt under this standard of proof, a member of the Board must be convinced, based upon information presented in the course of the hearing that the conduct described is more likely than not to have occurred.

If the Board finds an attempt or act of academic dishonesty did not occur, or that the evidence presented was insufficient to sustain the charge or charges, the issue of the student’s continuation in the class(es) and other related issues must be resolved by the dean or department chair in consultation with the student and the faculty member.

If the Board finds that an attempt or act of academic dishonesty did occur, it shall recommend to the

Provost one of, or a combination of, sanctions identified in Paragraph IV.A.2. The Provost shall issue his or her decision within five (5) business days of receiving the Board’s recommendation. A decision, other than expulsion, by the Provost shall be final. A decision to expel a student shall be forwarded by the Provost to the Chancellor. The Chancellor shall notify the parties involved of his or her decision within ten (10) business days of the receipt of the Provost decision.

7. Appeals

A student who has been expelled under the Academic Dishonesty Policy may appeal, within ten (10) business days of their receipt of the Chancellor’s decision, to the Fayetteville State University Board of Trustees. The Trustees’ decision shall be final.

B. Non-Academic Misconduct Policy and Procedures for Individual Students

A student's non-academic behavior on or off campus, which is judged by University officials to be unsatisfactory will be subject to disciplinary action outlined in the Code. A disciplinary action may be brought against a student by another student, a staff or faculty member, a campus police officer or some other University official.

NOTE: The University shall have the right to determine whether to sanction an organization directly and/or whether to submit a charge to individuals of the organization through the Student Conduct Board.

1. Interim Suspension of Students

Interim suspension may be imposed upon the following students:

- i. Students exhibiting dangerous or disruptive student behavior, including danger to self or others;
 - ii. Students charged with a serious crime; and
 - iii. Students charged with a violation of the University's Drug Policy and or Weapons Policy.
- b. The Dean of Students in consultation with University officials may suspend a student for an interim period. Such interim suspension shall become immediately effective without prior written notice. During the interim suspension students shall be denied access to the residence halls, all campus facilities, University classes, on or off campus University activities or privileges for which the student might otherwise be eligible. A student found on University premises after an interim suspension has been imposed will be issued a trespass citation by the Campus Police.
- c. A student shall be notified in writing of the charges (including factual information supporting the allegation) against him or her, by the Dean of Students, when the interim suspension is initially imposed. Formal written notice of the charges shall be filed as soon thereafter as possible in accordance with Section IV.B.7.a. of this Code. The notice will also inform the student that he/she may request an interim suspension conference before the Vice Chancellor within five (5) business days from the effective date of the interim suspension, in order to review the following issues only:
- i. The reliability of the information concerning the student's behavior; and,
 - ii. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus poses a substantial threat.

2. Interim Suspension Conference

- a. The conference shall be closed and shall be attended by the following parties:
 - i. the complainant;
 - ii. any other persons called by the Vice-Chancellor.
- b. The interim suspension conference shall be recorded.
- c. The conference shall begin with the student to affirm that their testimony is truthful and may be subject to charges of intentionally providing false information to the University, pursuant to Section IV.B.5.s.
- d. The student shall state the facts that prompted the event in question. When the student has concluded his or her presentation, the Vice Chancellor shall ask questions to the student. If any other parties are present, they will be allowed to ask the student questions.
- e. Once the student has given his or her final statements, the Vice Chancellor shall conclude the conference.

- f. A decision shall be made by the Vice Chancellor within two business days as to whether or not the interim suspension will continue until a pre-hearing conference is held, pursuant to Section IV.B.7.d.
 - g. The student shall be notified in writing and a letter will be available for pick up at Campus Police.
 - h. Students who fail to pick up their written notification from Campus Police within twenty-four hours may suffer severe sanctions from the University.
4. **Classification of Offenses** Violations of the Code are categorized into two (2) classifications:

Level One Offenses and Level Two (2) Offenses.

a. *Level One Offenses.* Such offenses are considered the most serious violations of the Code. A student found guilty of a Level One infraction may be suspended from the University for a minimum of one academic semester. Suspension for an academic year or expulsion may also result from the commission of a Level One offense. Level One Offenses are as follows:

- Accessory to Commission of a Prohibited Act
- Computer Violations
- Contempt
- Endangerment of Self or Others
- Embezzlement
- Hazing
- Infliction or Threat of Bodily Harm
- Lewd/Indecent Behavior
- Possession, Distribution or Sale of a Controlled Substance
- Possession of Drug Paraphernalia
- Hate Threats
- Rape
- Residence Life Violations
- Sexual Assault/Sexual Abuse
- Sexual Harassment
- Stalking
- Violation of Law
- Weapons, Explosives and Hazardous Materials Violation
- Violation of University Regulations or Policies
- Other Offenses

b. *Level Two Offenses.* Such offenses are considered the lesser violations of the Code.

Expulsion, suspension or a lesser sanction may result from the commission of any of the following offenses:

- Alcohol Violation
- Disorderly Conduct
- False Alarm
- Gambling
- Harassment
- Identification Misuse
- Keys and Unauthorized Entry

- Misuse of Fire or Safety Equipment
- Providing False Information
- Receipt and/or Possession of Stolen Property
- Refusal to Comply with Lawful Order
- Soliciting
- Telecommunication Violation
- Theft
- Trespass
- Vandalism or Defacement of Property
- Violations of University Regulations or Policies
- Other Offenses (depending on severity)

5. Violations

Violations of the Code that may result in expulsion, suspension or a lesser penalty include, but are not limited to, the following:

- a. **Accessory to Commission of a Prohibited Act** shall mean aiding through action or negligence, abetting, or otherwise acting as an accomplice to the commission of any prohibited act.
- b. **Alcohol Violations** shall include the following:
 - i. The possession, consumption or selling of any type and any amount of alcoholic beverages on University premises.
 - ii. Aiding and abetting another in the possession, consumption or selling of any type and any amount of **alcoholic beverages**.
 - iii. Violations of state laws and/or municipal ordinances regarding the purchase, possession consumption or selling of any type or any amount of alcoholic beverages.
- c. **Computer Violations** shall include the following:

Theft, misuse or other abuse of any computer or electronic device including but not limited to:

 - i. Unauthorized entry into a file to use, read or change the contents, or for any other purpose;
 - ii. Unauthorized transfer of file;
 - iii. Unauthorized use of another individual's identification and/or password;
 - iv. Use of computers to interfere with the normal work of another student, faculty member or University official;
 - v. Sending/viewing illegal obscene, pornographic, abusive or other illegal messages;
 - vi. Interfering with the normal operation of the University computing system (ex. Sending viruses);
 - vii. Unauthorized use of copyrighted material.
 - viii. Use of an electronic device in violation of the Universities computer use policy.
- d. **Contempt** shall include
 - i. A failure to appear before a hearing body as summoned without proper excuse or justification;
 - ii. A failure to comply with a decision or order issued by a judicial hearing body or a University official while acting in the performance of their duties;
 - iii. Any willful disobedience or disrespect of a hearing body;
 - iv. Falsification, distortion, or misrepresentation before the Student Conduct Board or hearing officer or University official;

- v. Disruption or interference with the orderly conduct of a conduct proceeding (including the behavior of advisors or witnesses);
 - vi. Attempting to discourage an individual's participation or use of the student judicial process;
 - vii. Attempting to influence the impartiality of a member of a conduct proceeding;
 - viii. Harassment (verbal or physical and/or intimidation) of a member of a conduct body/hearing officer or University official;
 - iv. Failure to comply with or complete the sanctions imposed under the Student Code of Conduct;
 - x. Influencing or attempting to influence another person to commit an abuse of the conduct code.
- e. Disorderly Conduct** shall include the following:
- i. Acting in a manner so severe, pervasive, and objectively offensive that it materially or substantially interferes with normal classroom procedures or school activities or when the school has reason to anticipate disorder;
 - ii. Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored events;
 - iii. Failing to leave the scene of a fight, riot, or group disruption when asked by University officials.
- f. Endangerment of Self or Others** shall mean conducting oneself in a manner that, intentionally or accidentally, endangers, or threatens to endanger, the health or safety of oneself (including threats of suicide made even in jest or otherwise), other members or visitors within the University community or at University-sponsored or related events.
- g. Embezzlement** shall mean fraudulent conversion of another's property by one to whom the owner entrusted it.
- h. False Alarm** shall mean intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency on University premises or at University-sponsored activities.
- i. Gambling** shall mean any illegal game or contest played for money or for any form of property or item of value. Gambling includes, but is not limited to, games played with cards, dice, or other gambling devices which involve betting and/or wagering.
- j. Harassment** shall mean any act which leads to a hostile environment including conduct that is (1) directed toward a particular person or persons, (2) unwelcomed, (3) based upon the person's race, color, religion, national origin, sex, gender, sexual orientation, gender-identity, creed, disability, or veteran status, (4) severe or pervasive, and (5) so objectively offensive that it unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities such that it effectively denies equal access to the University's resources and opportunities. In determining whether alleged conduct constitutes harassment as defined in this policy, all relevant facts and circumstances shall be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual, unless that susceptibility is known to the alleged harasser. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. The Dean of Students should seek advice from campus attorneys, as appropriate, when deciding whether to charge a student under this Code with a harassment charge.
- k. Hazing:** includes, but is not limited to, pressuring or coercing a student into violating state or federal law, any brutality of a physical nature, such as striking in any manner, whipping, beating, branding, exposure to the elements, forced

consumption of food, liquor, drugs, or other substances, or other forced physical activities that would adversely affect the health or safety of the student. It also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct that would be extremely demeaning or results in extreme embarrassment or any other forced activity that could adversely affect the mental health or dignity of the student.

For purposes of this definition, any activity as described above, or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, recruitment, initiation, acceptance or admission into or affiliation with a university sanctioned organization, shall be presumed to be hazing and a “forced” activity, the willingness or consent of an individual to participate in such activity notwithstanding.

- l. Infliction or Threat of Bodily Harm** shall include the following:
 - i. Intentionally or recklessly causing physical harm to any person;
 - ii. Intentionally or recklessly threatening a substantial risk of bodily harm to any person;
 - iii. Intentionally or recklessly placing a person in fear of imminent physical injury or danger.
- m. Identification Misuse** shall include the following:
 - i. Intentionally failing to provide their name and show an appropriate Fayetteville State University identification card to a University Official upon request;
 - ii. Falsely identifying or failure to identify oneself or guests;
 - iii. Possession, production, or distribution of false identification cards.
- n. Keys and Unauthorized Entry** shall include the following:
 - i. Unauthorized/improper possession, duplication or use of keys to any University premises or unauthorized/improper entry to or use of University premises;
 - ii. Tampering with any locking device on campus.
- o. Lewd/Indecent Behavior** shall mean conduct including but not limited to urinating/defecating in areas other than bathrooms (including lawns, lounges, elevators, stairwells, balconies, parking lots, etc.), exposing private body parts and/or engaging in intimate sexual conduct in common or public places or viewing of pornography.
- p. Misuse of Fire or Safety Equipment** shall include the following:
 - i. Intentionally or recklessly tampering with the fire alarm system, smoke detectors, sprinkler system, emergency exits, fire alarm systems, exit signs (intentionally or recklessly misusing or damaging fire safety equipment.);
 - ii. Failure to evacuate a University building during fire and/or emergency alarms.
- q. Possession, Distribution or Sale of Controlled Substances** shall mean any act which amounts to the possession, use, sale or manufacture of any substance declared illegal by North Carolina General Statutes (NCGS) Sections 90-86 through 90-113.8, Section 14-401.23 or any other NCGS provision. For a comprehensive statement regarding illegal drug offenses and sanctions see the Fayetteville State University Drug Policy.
- r. Possession of Drug Paraphernalia** shall mean scales, homemade pipes, film canisters, balances, baggies (nickel, dime, quarter) and their corners diluents, bongs, roach clips, sifters, syringes, carburetor pipes, cigarette or paper products, materials that can be linked directly to the usage of controlled substances.

- s. **Providing False Information** shall include the following:
- i. Intentionally furnishing oral or written false information to the University.
 - ii. Forgery, falsification or deliberate misrepresentation or unauthorized alteration, or unauthorized use of any University documents, one card, records, keys or instruments of identification including, but not limited to, photo ids, medical excuses, traffic decals, drop/add forms and applications.
- t. **Hate Threats**: threatening, coercing, harassing or intimidating another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status. In determining whether student conduct violates this provision, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated legal standards. The Dean of Students should seek advice from campus attorneys, as appropriate, when deciding whether to charge a student under this Code with a hate threat charge.
- u. **Rape** shall mean sexual intercourse with a person by force and/or without that person's consent.
- v. **Receipt and/or Possession of Stolen Property** shall mean receiving and/or possessing by any means property one knows or has reason to know has been stolen.
- w. **Refusal to Comply with Lawful Order** shall mean a refusal to comply with any lawful order of a clearly identifiable University official acting in the performance of his or her duties in the enforcement of University policy.
- x. **Residential Life Violations** shall mean a violation of policy and procedures outlined in the Office of Residence Life Guide to Residential Living and/or the Office of Residence Hall Housing Agreement or failure to comply with the Office of Residence Life judicial requests.
- y. **Soliciting** shall mean the unauthorized commercial solicitation on campus without prior approval from the Vice Chancellor of Business & Finance.
- z. **Sexual Assault/Sexual Offense** shall mean a sexual act, other than intercourse, with a person by force and/or without that person's consent.
- aa. **Sexual Harassment** shall mean unwelcome sexual advances, requests for sexual favors, sexual violence, or other verbal or physical conduct of a sexual nature that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit or alters the conditions of the victim's employment/educational environment and creates an abusive working environment. In determining whether alleged conduct constitutes sexual harassment as defined in this policy, the record as a whole will be considered as well as the context in which the conduct occurred. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular susceptibility of an individual unless that susceptibility is known to the alleged harasser. Prior to a formal hearing, there shall be an attempt to mediate a charge of sexual harassment in accordance with the University's sexual harassment policy. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. The Dean of Students should seek advice from campus attorneys, as appropriate, when deciding whether to charge a student under this Code with a harassment charge.
- bb. **Stalking** shall mean engaging in a course of conduct that is directed toward another person if that conduct would cause a reasonable person to fear for their safety or the safety of that person's immediate family members or close acquaintance, and that person in fact fears for their safety or the safety of that person's immediate family members or close acquaintance.

- cc. Telecommunication Violation** shall include but are not limited to
 - i. Harassment by telephone (to include annoying, threatening, harassing or violation of any restraining order);
 - ii. theft of telephone service.
- dd. Theft** shall mean the unlawful taking or use of University or personal property.
- ee. Trespass** shall mean forcible or unauthorized entry into or unauthorized presence on University premises or unauthorized entry or presence in student properties such as automobiles, lockers or residence.
- ff. Vandalism or Defacement of Property** shall mean any act that intentionally or maliciously destroys, damages, defaces or misuses University property or property of any person on University premises or at University-sponsored activities.
- gg. Violation of Law** shall mean any violation of federal, state or local laws on or off University premises.
- hh. Violations of University Regulations or Policies** shall mean, but not be limited to, violations of such regulations and policies of the University including but not limited to: the residence hall agreement, visitation policy, sexual harassment policy and drug policy, or any policies listed in the Student Handbook or on the policy website at www.uncfsu.edu/policy.
- ii. Weapons, Explosives and Hazardous Materials Violations** shall mean the unauthorized use, possession or storage of any weapon, explosive or hazardous material on University premises or at University-sponsored activities.
- jj. Other Offense** shall include violations of University policy, city ordinances, state or federal law not listed in this section if committed on University premises or at University-sponsored activities.

6. Sanctions

- a. Individual Sanctions.** Possible sanctions for an offense committed by an individual shall include, but not be limited to:
 - i. **Campus Restriction.** A student may be barred from either a particular building, part of campus, or the entire campus for a pre-determined period.
 - ii. **Community Service.** A student may be given a community service assignment. The maximum number of hours that may be assigned is 100. A student must complete a Community Service Contract Form in the Office of Student Affairs. A completion date will be assigned at the time the sanction is instituted. Any assignment of community service shall be supervised by a University employee. Students who fail to complete a Community Service Contract Form may suffer severe additional sanctions.
 - iii. **Counseling.** A student may be required to undergo counseling at the University's Center for Personal Development or be referred to an outside agency by the Center for Personal Development and/or the Student Conduct Board.
 - iv. **Disciplinary Eviction.** A student may be removed from University housing on disciplinary grounds. Eviction may be permanent or for a specified period of time.
 - v. **Disciplinary Probation.** A Student may be placed on probation for a specified period of time. A discipline record is created in the Division of Student Affairs. Misconduct during the probationary period may cause more serious disciplinary action to be taken. Conditions restricting the student's privileges or eligibility for activities may be imposed. Such privileges and eligibility are automatically restored upon completion of the probation period if the student has complied satisfactorily with all conditions and refrained from Code violations. A probationary term shall not exceed one academic year.

- vi. **Educational Activities.** A student may be required to attend educational programs, interviews with appropriate officials, planning and implementing educational programs or other educational activities. Students must complete an Education Sanctions Contract in the Office of Student Affairs. Students who fail to complete an Education Sanctions Contract Form may suffer additional sanctions.
- vii. **Expulsion.** A student may be permanently dismissed from the University if he or she is a repeat offender or commits an act(s) which is considered to be a substantial violation of this Code. The UNC Board of Governors defines expulsion as a permanent dismissal from the University, unless at a later date the Chancellor who imposed or approved the sanction (or his or her successor) concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education. A student who has been expelled from one constituent institution may not be admitted to another constituent institution of the University of North Carolina, unless and until the sanction of expulsion has been rescinded by the institution that imposed the sanction. Expulsion shall require the approval of the Chancellor and result in a permanent transcript notation. A student who is expelled is not permitted to be on University premises or attend University-sponsored off-campus activities without the written approval of the Vice Chancellor for Student Affairs. A trespass citation will be issued by Campus Police to an expelled student who has not received such authorization from the Vice Chancellor.
- viii. **Restitution.** A student may be required to reimburse the University and/or an individual for damage to, or destruction of University property or personal property.
- ix. **Restriction of Privileges.** A student may be restricted from participating in University-sponsored activities/events such as intercollegiate athletics, recreational activities and residence hall visitation.
- x. **Suspension.** A student may be separated from the University for a specified period of time if he or she is a repeat offender or commits an act(s) which is considered to be a substantial violation of this Code. Any suspension will be noted on the student's transcript. **In cases where a student will complete graduation requirements during the current semester, suspension is to take effect immediately. In cases where a student will complete graduation requirements during either of the summer sessions, the suspension period will be applied to the summer session.** A student who is suspended is not permitted to be on University premises or attend University-sponsored off-campus activities, during the period of the suspension, without the written approval of the Vice Chancellor for Student Affairs. A trespass citation will be issued by the University Police to a suspended student who has not received such authorization from the Vice Chancellor.
- xi. **Written Reprimand.** A student may be issued a written reprimand. The reprimand will be issued by the Associate or Vice Chancellor, indicating the misconduct charge and state that the University finds such misconduct unacceptable. The reprimand will also state that any further violations of the Code may result in a more severe disciplinary sanction. Parents and/or guardians may be notified when students who are under the age of 21 are found responsible for any drug and/or alcohol violations. Furthermore, as required by federal law, drug violations may be reported to the Office of Financial Aid which may have repercussions on future federal aid eligibility.

7. Procedures

- a. **Initiation of Charges. A charge may be initiated by submitting written factual information supporting the allegation. Anonymous charges will not be permitted.** A charge may be filed by either of the following methods:

i. **Campus Appearance Ticket**

The issuance of a Campus Appearance Ticket (CAT) shall serve as notification that a charge against a student has been filed. The CAT may be amended to reflect additional charges or a more accurate description of charges by Campus Police and/or the Dean of Students. A student who receives a CAT is expected to contact and meet with the Dean of Students for a Pre-Hearing Conference within three business (3) days.

A student who fails to contact and meet with the Dean of Students within the three (3) business day time period will be deemed to have forfeited their right to a Pre-Hearing Conference and will be notified in writing of their Hearing.

ii. **Disciplinary Referral.**

A member of the campus community may file a charge against a student by submitting a Disciplinary Referral Form (DRF). The DRF must be filed within five (5) business days of the alleged incident. The respondent will receive written and/or electronic notification, of the allegation within three (3) business days of the receipt of a DRF by the Dean of Students. A student who receives a Notice to Appear is expected to contact and meet with the Dean of Students for a Conduct Review within three (3) business days.

A student who fails to contact and meet the Dean of Students within the three business (3) day time period will be deemed to have forfeited their right to a conduct review and will be notified in writing of their pre-hearing conference. The individual reporting the incident will be expected to appear and testify at any proceeding at the request of the Dean of Students. *Anonymous charges will not be permitted.*

iii. **Information Form.**

A member of the Office of Residence Life may file a charge to the Dean of Students by submitting a Residence Life Information Form (RIF). The issuance of a RIF will serve as notification that a charge against a student has been filed. The RIF may be amended to reflect additional charges or a more accurate description of charges by Residence Life and/or the Dean of Students. A student who receives an RIF is expected to contact and meet with the Dean of Students for a Pre-Hearing Conference within three business (3) days.

A student who fails to contact and meet the Dean of Students within the three business (3) day time period will be deemed to have forfeited their right to a Pre-Hearing Conference and will be notified in writing of their Hearing.

b. **Conduct Review.**

It is not assumed that a verbal or written report is accurate or an exact account of behavior. A large part of the discipline process involves fact finding and the opportunity for students to respond to allegations of misconduct. A Conduct Review will normally consist of an informal, non-adversarial meeting between the respondent and the Dean of Students:

The Dean of Students may initiate a Conduct Review to determine: whether the charges have merit, if proven, would constitute an offense under the Code;

- based upon the facts of the allegation, there is reasonable belief that such a violation may have occurred.

- if the parties involved can be relieved of the charges administratively by mutual consent through mediation or other methods as determined by the Dean of Students.

Mediation

- Mediation is a voluntary, confidential process in which an impartial, third party assists students in finding a mutually acceptable solution to their problem. Conflicts are resolved without judicial intervention. Some conflict is natural, choosing to respect others while working towards a peaceful resolution is the key to a successful outcome.
- If the parties involved obtain a mutually acceptable agreement during mediation, the Dean of Students may dismiss the case.
- If the parties involved fail to obtain a mutually acceptable agreement during mediation the Dean of Students may submit a notice of charges to the respondent(s) or dismiss the case.

A student who fails to contact and meet the Dean of Students within the three (3) business day time period will be deemed to have forfeited their right to a conduct review and will be notified in writing of their pre-hearing conference.

- d. **Prehearing Conference.** The accused must schedule a pre-hearing conference no less than three (3) business days *from the date that the accused initially receives written notification*. At the prehearing conference the accused shall be informed of his or her rights and options available for resolution of the disciplinary charge(s). Those options are as follows:
 - i. Plead **not guilty** to the charges and request a hearing before the Student Conduct Board.
 - ii. Plead **guilty** to the charges, waive a hearing on the charges and accept the sanctioning as levied by the Associate Vice Chancellor. The Associate Vice Chancellor shall consult with the appropriate officials and parties involved and determine the charge and sanction have factual support. If a hearing has been waived by the accused, a written document signed by the accused and the Dean of Students must be made a part of the record.
 - iii. Plead **guilty** to the charges and request an opportunity to be heard by the Student Conduct Board.
- e. **Referral to the Student Conduct Board.** After the Pre-Hearing Conference, the Dean of Students formally charges the student and the student either pleads not guilty or pleads guilty, but requests to be heard by the Student Conduct Board (Board). The Dean of Students shall then refer the entire case to the Board for appropriate action. A hearing will be conducted by the Board without regard to the findings made or the Conduct Review conducted previously by the Dean of Students. The referral must be submitted to the Chairperson of the Board within five (5) business days after the Dean of Students has notified the accused of the charges. Charges against multiple students involved in the same incident may be heard in a single case if the Dean of Students so determines and each student defendant consents to such a proceeding.
- f. **Referral to the Associate Vice Chancellor.** If the Dean of Students makes a determination that the case is of such a sensitive nature that it should not be heard by the Student Conduct Board (Board), the Dean of Students shall refer the entire case to the Associate Vice Chancellor for Student Affairs for appropriate action. Additionally, a student who does not wish to have his or her case referred to Board may request that the Associate Vice Chancellor hear the case. A student who does not wish to have his or her case heard before the

Board shall sign a statement indicating their preference to have their hearing heard before the Associate Vice Chancellor.

In either case, a hearing will be conducted by the Associate Vice Chancellor without regard to the findings made or the Conduct Review conducted previously by the Dean of Students. The referral must be submitted to the Associate Vice Chancellor within two (2) business days after the Dean of Students has notified the accused of the charges.

8. Student Conduct Board

a. Membership of the Student Conduct Board.

The Student Conduct Board shall consist of seven (7) members which shall include five (5) students, one (1) staff member and one (1) faculty member. At the discretion of the Dean of Students, fewer than five (5) students may be used.

b. Selection of Members.

i. **Student Members.** Student members are elected yearly as vacancies arise. If enough students are not elected to fulfill the five (5) student requirement, the President of the Student Government Association shall appoint the remaining student members. Such appointments are subject to the approval of the Student Government Association Senate. Interested candidates should contact the Office of Student Activities for specific criteria.

ii. **Faculty/Staff Members.** The Vice Chancellor shall appoint annually one (1) staff member and one (1) faculty member to serve on the Student Conduct Board.

d. **Chief Justice and Associate Chief Justice.** Prior to hearing its first case, the Dean of Students shall convene the Student Conduct Board for the purpose of electing a Chief Justice and Associate Chief Justice, by majority vote. Such Chief Justice and Associate Chief Justice must be one of the five (5) student members. The Chief Justice or Associate Chief Justice will preside over the judicial hearing.

e. **Disciplinary Action against a Board Member.** Student Conduct Board Members found in violation of the Code of Conduct are not considered to be in good standing and will be removed from the Student Conduct Board by the Dean of Students. If enough students are not available to fulfill the five (5) student requirement, the President of the Student Government Association shall appoint the remaining student members. Such appointments are subject to the approval of the Student Government Association Senate.

9. Hearing Procedures

a. **Notification.** The Dean of Students shall provide written notification to the parties involved of the charge, the possible sanctions, a brief recitation of the factual allegations supporting the charge, the referral to the Student Conduct Board and the time, date and location of the hearing.

i. Level one judicial hearings must be held no less than ten (10) business days after the student receives notice.

ii. Level two judicial hearings must be held no less than five (5) business days after the student receives notice.

If the charge could result in expulsion, the notice must include this possibility and must specify that expulsion precludes matriculation at any UNC constituent institution.

- b. Continuances.** If the respondent desires additional time to prepare for their case, a written request must be submitted to the Dean of Students forty-eight (48) hours prior to their judicial hearing date. The Dean of Students reserves the right to deny or grant such requests. A decision will be made within twenty-four (24) hours of receipt of the request. The decision of the Dean of Students is final.
- c. Witnesses.**
- A witness shall be any person with direct knowledge relevant to a case pending before the Student Conduct Board.
- i. **Duty to Appear.** The Dean of Students, Assistant Vice Chancellor, Associate Vice Chancellor and/or the Student Conduct Board may require the appearance of witnesses. Other witnesses may be required by the complainant and the respondent if approved by the Student Conduct Board.
 - ii. **Notice.** The Dean of Students will notify such witness(es) in writing of the time, place, location and the purpose of their appearance. The complainant and/or the respondent must deliver the names and addresses of their witnesses with 24 hours of the Pre-Hearing Conference to the Dean of Students.
 - iii. **Contempt.** Willful and deliberate failure and/or refusal of any witness to honor a written request to appear may result in contempt under Section IV.B.5.d.
- d. Observer.** The complainant and respondent each may have an observer accompany him/her to the hearing. The respondent's observer may be a parent. Observers shall not be allowed to participate in the hearing.
- e. Failure to Appear.** If the respondent fails to appear at their scheduled judicial hearing after receiving proper notice as outlined in Section IV.B.5. and without submitting a valid written excuse to the Dean of Students, the respondent will be deemed to have pled guilty. The Student Conduct Board shall conduct the hearing in the charged student's absence and make a finding of guilt and issue a recommendation to the Associate or Assistant Vice Chancellor.
- f. Conduct of the Hearing.**
- i. The hearing shall be closed and shall be attended only by the following parties:
 - the respondent and his or her witnesses and/or observer;
 - the complainant and his or her witnesses and/or observer;
 - the Board members, and any other persons called by the chair of the Board or the Dean of Students;
 - and the Dean of Students.
 - ii. The hearing shall be recorded. The deliberation phase will not be recorded. A tape of the hearing may be available to the accused during the appeal period only and can be copied at his or her expense. Additionally, records generated by the hearing process are accessible only to the accused, university officials as designated by the Vice Chancellor for Student Affairs, and others as provided by law.
 - iii. The hearing shall begin with the complainant who shall state his or her contentions and offer such proof as he or she desires. When the complainant has concluded his or her presentation, the respondent should then present his or her contentions and offer any proof. Both the complainant and respondent may question witnesses.
 - iv. Witnesses shall be asked to affirm that their testimony is truthful and may be subject to charges of intentionally providing false information to the University, pursuant to Section IV.B.5. of the Code. Prospective witnesses other than the complainant and the respondent shall be excluded from the hearing during the testimony of other witnesses.

- v. The members of the Board may ask the complainant and/or respondent and their witnesses' questions, or direct that they develop a particular line of inquiry. The members may also seek such additional material or the attendance of such other persons as they judge necessary to an understanding of the incident even if it requires that the proceedings be continued until a further date.
- vi. Once both parties have made their presentations, the Board may request that each party present a final statement. Once the final statements have been made, the chair shall conclude the hearing.
- vii. In cases involving multiple students charged, information provided at one hearing may be used as evidence in the related case(s).
- viii. All decisions by the Student Conduct Board shall be based solely upon evidence presented at the hearing. However, students with prior offenses may suffer additional sanctions.
- ix. Should new charges surface as a result of, or during a conduct process, a separate written notification and hearing may occur.
- x. Prior to the hearing, the student must be given the opportunity to review any written evidence that will be used at the hearing and to obtain a list of witnesses.

10. Actions by the Student Conduct Board

Following the hearing, the Student Conduct Board shall meet privately to discuss the case. Prior records of disciplinary actions are considered by the hearing body. By 5:00 p.m. on the next business day following the hearing, the Board shall notify, through the Dean of Students, the respondent of its decision.

The decision of the Student Conduct Board must be decided according to whether it is "more likely than not" (preponderance of the evidence) that the alleged violations occurred. In finding guilt under this standard of proof, a member of the Board must be convinced, based upon information presented in the course of the hearing that the conduct described is more likely than not to have occurred.

If the Board finds that the evidence presented was insufficient to sustain the charge or charges, it shall notify the respondent and complainant of its decision through the Dean of Students within ten (10) calendar days of the hearing. Such decision shall be final.

If the Board finds the respondent guilty, it shall determine the level of the offense and recommend to the Associate Vice Chancellor one of or a combination of sanctions identified in Section IV.6 that corresponds with that particular offense. The Associate Vice Chancellor shall issue his or her written decision, on both the findings and sanctions, within ten (10) calendar days of receiving the Board's recommendation. The Associate Vice Chancellor's decision notice must contain a brief summary of evidence upon which the decision is based.

Appeal rights will be specified in the final decision letter and the time limits in which to appeal and the permitted grounds for appeal will be clarified.

11. Appeals

A student who has been found guilty of a level-one or level-two violation and has been sanctioned under the non-academic misconduct policy may appeal a decision to the Vice Chancellor for Student Affairs. The bases for appeals shall be as follows: 1) demonstration of a significant procedural error; 2) the availability of compelling new evidence; 3) demonstration of bias on the part of a member of the Student Conduct Board involved in the case; 4) demonstration that the rights of the accused was violated according to the Code of Student Conduct. A decision must be appealed within five (5) business days of the receipt of the decision from the Associate or Assistant Vice Chancellor.

A decision, other than expulsion, by the Vice Chancellor shall be final. If the Vice Chancellor determines that the student should be expelled, the Vice Chancellor will

forward a recommendation for expulsion to the Chancellor. The Chancellor shall notify the parties involved of his or her decision within ten (10) business days of the receipt of the Vice Chancellor's recommendation.

A student who has been expelled under the Non-Academic Misconduct Policy may appeal, within ten (10) business days of their receipt of the Chancellor's decision, to the Fayetteville State University Board of Trustees. The Trustees' decision shall be final.

C. Non-Academic Misconduct Policy and Procedures for Groups (Organizations, Clubs, Sororities, Fraternities)

A group's non-academic behavior on or off campus, which is judged by University officials to be unsatisfactory will be subject to disciplinary action outlined in the Code. A disciplinary action may be brought against a group by another student, member of the community, a staff or faculty member, a campus police officer or some other University official. Student clubs and organizations may be suspended by the Vice Chancellor for Student Affairs, the Dean of Students, or their designees, in circumstances involving actions related to that group that may affect the safety, health/or general welfare of its members or the University community. **The University shall have the right to determine whether to sanction an organization directly, to charge individuals of the organization through the Student Conduct Board, or to issue sanctions against the organization and offending individuals.**

1. Interim Suspension Policy

A group may be subject to an interim immediate suspension. During an immediate suspension all activities, on or off-campus (to include but not limited to programs, or social events) are suspended.

2. Group Sanctions. Possible sanctions for group offenses include but are not limited to the following:

- i. **Educational Activities.** Attendance at educational programs, interviews with appropriate officials, planning and implementing educational programs, or other educational activities.
- ii. **Permanent Revocation.** The University may permanently revoke its recognition of an organization as an official student organization. In such case, the organization will be permanently barred from the University and the use of University facilities and/or participation in University-sponsored activities.
- iii. **Probation.** An organization may be placed on probation for a designated period of time, but not lose its status as an official student organization. Any violation during the probationary period may result in a more severe disciplinary sanction. The probationary term shall not exceed one (1) year.
- iv. **Suspension.** The University may suspend an organization. During the suspension period, the University will not recognize the organization as an official student organization. Also, the organization will not be allowed the use of University facilities or be allowed to participate in University-sponsored activities during the suspension period.
- v. **Written Reprimand.** An organization may be issued a written reprimand. The reprimand will be issued by the Associate or Dean of Students, indicating the misconduct charge and state that the University finds such misconduct unacceptable. The reprimand will also state that any further violations of the Code may result in a more severe disciplinary action. A copy of the written reprimand will be sent to the organization's advisor.

The right of student clubs and organizations to privacy is not protected by FERPA as it is in the case of individuals. However the Division of Student Affairs has at their discretion the authority to determine when a club or organization's need for privacy should be protected.

3. Proceedings for Violations by a Club, Organization, Fraternity or Sorority

The Vice Chancellor for Student Affairs may delegate to the Associate Vice Chancellor for Student Affairs, Dean of Students and/or the Assistant Vice Chancellor for Student Affairs the authority to fairly and expeditiously monitor the administration of these procedures, and to recommend sanctions for violations by groups under these procedures. The Vice Chancellor for Student Affairs may also designate another member of the Division to investigate and adjudicate complaints against any group.

Fayetteville State University may impose sanctions for violation of, or an attempt to violate any campus regulation, rule or policy; city ordinance or local, state or federal law, including those noted or outlined in the Student Handbook and/or the Code. Although not an exhaustive list, groups should note the following types of conduct which are specifically prohibited:

- a. Any violation of University rules, regulations and policies;
- b. Any violation of municipal ordinances, or local, state or federal law;
- c. Any act of hazing as described in the University hazing policy;
- d. Any violation of the group's own constitution and by-laws; and, when applicable, constitutions and by-laws of affiliated national organizations;
- e. Any act of dishonesty, or any public or private act that brings discredit to the University;
- f. Any act that would constitute a violation of the Code of Student Conduct § B.5.
- g. Any acts or activities that pose undue risk to the safety of individuals or which create liability for the club and the university.

A group may be held accountable for the actions of its members if the behavior is related to the activities of the group on or off-campus.

4. Filing of Formal Complaint against a Group regarding alleged violations of the above mentioned responsibilities should be directed to the Dean of Students. The following procedures shall be adhered to in considering sanctions:

- A. A member of the campus community, university police or a person outside the campus community may initiate an allegation of misconduct against a group. Allegations of group misconduct and/or non-compliance with university policy or laws shall be directed to Dean of Students. This notification must be in writing, signed and dated and should generally include sufficient detail if known (i.e.: name of the complainant, date, time and place of the incident, names of people involved, description of events and circumstances, and names of witnesses, and enough information to obtain a complete understanding the issues.) Only in the most extraordinary and immediate circumstances will the University consider proceeding without a written complaint. Since a copy of the complaint may be available to the accused, it is suggested that the complainant provide his or her address and telephone number on a separate sheet of paper with the complaint.
- B. The Dean of Students (or his/her designee) shall inform the group within ten (10) working days following receipt of the written allegations.
- C. The Dean of Students (or his/her designee) shall meet either in person or telephonically (together or separately) with the leadership of the group, the complainant, and witnesses.
- D. The meeting is designed to determine facts, gather information and informally resolve the matter.
- E. The Dean of Students (or his/her designee) will make a decision as to whether to impose a sanction on the group. The Dean of Student's standard of proof will be based upon a preponderance of the evidence (more likely than not).

F. The Dean of Students (or his/her designee) shall deliberate and issue a decision and any sanctions as soon as practical.

G. The officially recognized group shall be informed by the Dean of Students of the closure, and where instituted of the nature and scope of the sanctions imposed.

5. Appeal of Decision

A decision must be appealed in writing by the group within five (5) calendar days of the receipt of the decision from the Dean of Students. The appeal shall be addressed to the Vice Chancellor for Student Affairs. A decision, by the Vice Chancellor shall be final.

E. Confidentiality of Proceedings and Student Records

Information generated during the course of a hearing held before the Student Conduct Board, the Dean of Students, the Associate Vice Chancellor for Student Affairs, and Vice Chancellor for Student Affairs shall be confidential in accordance with the Family Educational Rights and Privacy Act (FERPA). Student disciplinary records are specifically protected under the Act. Any person who, without authorization, reveals such information may be subject to disciplinary action.

Parents and/or guardians may be notified when students who are under the age of 21 are found responsible for any drug and/or alcohol violations. Furthermore, as required by federal law, drug violations may be reported to the Office of Financial Aid which may have repercussions on future federal aid eligibility. Records of all disciplinary cases will be maintained in the Office of Student Affairs. Records in which less severe sanctions are imposed shall be removed seven years from the date of final action on the case, unless the UNC General Administration Record Retention and Disposition Schedule would require that the record be retained for a longer period. Suspension records shall be permanently retained as official records, unless the student is readmitted and successfully completes a degree, at which point the record should be removed five years after the date of readmission, unless the UNC General Administration Record Retention and Disposition Schedule would require that the record be retained for a longer period. Expulsion records shall not be removed from the official files under any circumstances. Any records kept beyond these limits for statistical purposes will not be considered or released as official disciplinary records. A student's prior disciplinary record will be considered only during the sanctioning phase of deliberations, not to determine whether or not to find the student responsible for the alleged violation. Applicable federal and state laws regarding the privacy of educational records will govern the release of student disciplinary records.

F. Victims of Crimes of Violence

Pursuant to FERPA, victims of violent crimes may be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any is imposed, the duration of the sanction and the date the sanction was imposed.

G. Section 504 of the Rehabilitation Act and the Americans with Disabilities Act

When a student with a disability is charged with an offense, the institution will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

H. Judicial Procedures for Violations Occurring During the Last Two Weeks of a Semester or During the Summer Sessions

When a student has a hearing scheduled during the last two weeks of any sixteen week academic semester or during the summer sessions and the case cannot be scheduled before the Student Conduct Board, the Dean of Students may choose, (providing the student is not a graduating senior), one of the following options:

1. The case may be heard immediately by the Dean of Students or the Associate Vice Chancellor for Student Affairs. Section IV.B.7. rules will apply

2. The case may be heard when the next semester begins.

- I. **Sexual Offense Proceedings.** Pursuant to the Campus Security Act in cases of alleged sexual offense, the accused and the accuser are entitled to have the same opportunities to have others present during a disciplinary proceeding. Pursuant to the Higher Education Opportunity Act, the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sexual offense.
- J. **Attorney Participation.** The University will not allow attorneys in any academic or non-academic disciplinary proceeding except when the disciplinary offense charged is also the subject of pending criminal charges. When attorneys are allowed in proceedings, the attorney may not participate in the Judicial Hearing. The attorney may only confer with the student during the hearing so long as the attorney does not address the Student Conduct Board, other parties or witnesses, and does not delay or disrupt the proceeding.

The final interpretation of the Code of Student Conduct shall rest with the Vice Chancellor for Student Affairs.

Effective Date: This policy applies to all offenses committed on or after August 1, 2011.