FAYETTEVILLE STATE UNIVERSITY
CODE OF STUDENT CONDUCT

I. AUTHORITY

The Code of the Board of Governors of the University of North Carolina provides to the Chancellor of Fayetteville State University (University) the “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 sanction imposed on any student except as provided in this Code of Student Conduct (Code).

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 undergraduate and graduate students as defined below. The University’s jurisdiction and conduct processes shall be limited to behavior which occurs on University premises, at University-sponsored events or at other off-campus locations if the conduct adversely affects the University community and/or the pursuit of its objectives as determined by university officials (Chancellor, Provost, Vice Chancellors, administrators, faculty or staff).

A student whose conduct has been found to be in violation of established University policies and regulations may also be subject to appropriate actions by individual University offices which may or may not give rise to a formal charge under the Code. In addition, an incident may result in criminal or civil charges as well as a University disciplinary action. Unless otherwise provided by law, University disciplinary proceedings and court proceedings may occur concurrently. University proceedings, investigations, and resolutions shall be prompt, fair, and impartial.

The University also reserves the right to dismiss any student prior to his or her enrollment by rescinding that student’s admission, without a hearing, upon a finding of cause to do so. Such a finding shall be an administrative decision rendered by the Provost or the Vice Chancellor for Student Affairs or his or her designee.

III. DEFINITIONS

Academic Integrity Board (AIB) shall mean the board composed of students and faculty who address whether a student has violated the University’s the academic dishonesty policy of the Code.

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

Associate Vice Chancellor shall mean the Associate Vice Chancellor for Student Affairs who receives the recommendation for sanctions from the Student Conduct Board.

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

Campus Appearance Ticket (CAT) shall mean a document which contains a specific report of misconduct against a student issued by a University police officer. It is given to a student to notify the student of a complaint that has been made against the student. A CAT may be issued in lieu of a uniform citation for violations of the NC General Statutes. If the misconduct is also a serious criminal offense, the CAT will be issued in addition to affecting an arrest.

Code shall mean 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.

**Complainant** shall mean an individual or individuals making a report of misconduct against an individual or a group of individuals.

**Director of Student Conduct** shall mean the University official whose responsibilities shall include, but not be limited to, reviewing reports of misconduct, determining whether to bring a formal charge, interviewing and advising parties involved in non-academic misconduct proceedings on matters pertaining to the Code, maintaining student non-academic misconduct records, and providing support to the non-academic misconduct hearing bodies. The Director of Student Conduct must receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

**Expulsion** shall mean permanent dismissal from the University, unless at a later date the University 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 former student who has been expelled from one constituent institution of the University of North Carolina may not be admitted to another constituent institution, unless and until the sanction of expulsion has been rescinded by the institution that imposed the sanction.

**Formal charge** shall refer to the written accusation of a violation of the Code made by the Director of Student Conduct. The Director of Student Conduct shall issue a formal charge if she or he believes that the report of misconduct may have merit. The formal charge is not a determination of whether the student should be held responsible. The formal charge will initiate a formal non-academic proceeding by the University against a student or student organization alleging that the student or student organization has violated the Code.

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

**Provost** shall mean the Provost and Vice Chancellor for Academic Affairs who is the University’s chief academic officer.

**Report of misconduct** shall mean a written complaint of a non-academic infringement of the Code that is made by anyone other than the Director of Student Conduct.

**Respondent** shall mean any University student or student organization who must answer or respond to a report of misconduct or formal charge. “Respondent” shall also refer to a faculty member who responds to a student’s appeal of an academic dishonesty charge.

**Student** shall mean any person who has accepted admittance to the University for student status and who is currently registered or enrolled as an undergraduate or graduate student or certificate program participant, whether matriculating or non-matriculating, full-time or part-time, resident or commuter, paid or delinquent. 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 Conduct Board (SCB) shall mean** the disciplinary procedures board composed of students who address whether a student or student organization has violated the University’s non-academic misconduct policy, other than the Sexual Misconduct and Interpersonal Violence Policy, of the Code. The Director of Student Conduct must receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
Student organization shall mean a student group that has been officially recognized or sponsored by the University in accordance with the policies and guidelines of the University’s Division of Student Affairs.

For purposes of this Code, a University official shall include faculty or staff members, other than University police officers, exercising their assigned duties, and may include student staff such as Residence 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, explosive, 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), machete, 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. ACADEMIC DISHONESTY/NON-ACADEMIC MISCONDUCT

A. Academic Dishonesty

The Division of Academic Affairs shall be responsible for ensuring the adherence to the procedures outlined below should any student be charged with academic dishonesty.

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 dishonesty 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 an act of academic dishonesty if he or she engages in any of the following act(s):

a. Facilitating Academic Dishonesty

Such conduct includes, but is not limited to, giving unauthorized assistance to another in order to assist that person in cheating, plagiarizing, falsifying or engaging in professional dishonesty.

b. Attempting Academic Dishonesty

Such conduct shall include, but not be limited to, attempting any act that if completed would constitute a violation as defined herein.

c. Cheating

Such conduct includes, but is not limited to, a student receiving unauthorized aid or assistance on any form of academic work.

d. Falsification

Such conduct shall include, but not be limited to, the unauthorized changing...
of grades or conduct involving any untruth, either spoken or written regarding any circumstances related to academic work.

e. **Plagiarism**

Plagiarism includes, but is not limited to, copying the language, structure, ideas and/or thoughts of another, without giving appropriate recognition and/or adopting the same as one’s own original work.

2. **Sanctions**

Possible sanctions for a finding of academic dishonesty include the following:

a. **Academic Community Service**

A student may be given community service hours in lieu of a more severe sanction. Such service shall be supervised by a University employee.

b. **Academic Integrity Probation**

A student may be placed on academic integrity probation for the remainder of his or her academic career at the University. A student who is found to have committed another act of academic dishonesty while on academic integrity probation may be subject to suspension or expulsion from the University.

c. **Failing Grade**

A student may be given a failing grade on the assignment, paper, program, test or exam on which the violation occurred and/or no credit/failing grade for the course.

d. **Suspension**

A student may be separated from the University for a specified period of time if he or she has previously engaged in an act of academic dishonesty or if a student commits an act or attempts to commit an act that warrants suspension. 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. Any suspension will be noted on the student’s transcript.

e. **Expulsion**

Expulsion is a permanent separation from the University and a student will be expelled if he or she is a repeat offender or commits an act(s) which is considered to be a substantial violation of academic integrity. Expulsion results in a permanent transcript notation.

3. **Procedures**

a. **Notification**

In cases where a faculty member believes that a student has attempted or committed a violation, the faculty member should notify the student of the charge and thereafter investigate the matter. If, after the investigation, the faculty member concludes that such an act has occurred, he or she should conduct an interview with the student.

b. **Interview**

The student must be notified of the date of the interview within five (5) business days after the alleged violation has come to the attention of the faculty member. At the interview, the student and the faculty member may each have an independent nonparticipating observer. The faculty observer shall be the chair of the department. The student may select a student, staff
or faculty member as he or she desires. The observers are to observe the procedures impartially. At the interview, the faculty member shall present evidence in support of the charge or charges against the student. The student shall be given the opportunity to respond and present evidence to rebut the charge or charges. After hearing the student, the faculty member may either dismiss the charge or find it supported on the basis of the evidence. If supported, the faculty member may issue community services or record a failing grade in the course or some portion thereof.

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 AIB for appropriate action. In this case, a hearing will be conducted by the AIB 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 AIB 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 AIB 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 AIB should not be considered as an adversarial proceeding similar to criminal or civil legal trials.

b. **Composition**

The AIB 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 AIB. 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 AIB. 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. Academic Integrity Board Chair

Prior to hearing its first case, the Senior Associate Vice Chancellor for Academic Affairs shall convene with the AIB for the purpose of electing a chairperson. The chairperson shall vote only in the case of a tie.

5. Hearing Procedures

a. Notification

The Senior Associate 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 AIB. Such notification must be received by the parties within five (5) business days after receipt by the Senior Associate Vice Chancellor for Academic Affairs. The Senior Associate 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 AIB 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 AIB (“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 AIB 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 AIB 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 AIB shall meet privately to discuss the case, and reach a finding by a majority vote. Within five (5) business days after the hearing, the AIB shall notify, through the Senior Associate Vice Chancellor, the Complainant and the Respondent of its decision.

The decision of the AIB 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 AIB 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 AIB 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 AIB finds that an attempt or act of academic dishonesty did occur, it shall recommend to the Provost one of, or a combination of, sanctions. The Provost shall issue his or her decision within ten (10) 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 expelled student may appeal within ten (10) business days of receipt of the Board of Trustees’ decision to the University of North Carolina Board of Governors. The Board of Governor’s decision shall be final.

B. **Non-Academic Misconduct**

   1. **Sexual Misconduct, Domestic Violence, Dating Violence & Sexual Stalking**

      The University is committed to fostering a safe campus environment where sexual misconduct, domestic violence, dating violence, and stalking are unacceptable and are not tolerated. In keeping with this commitment, the University has implemented a policy prohibiting certain sexual conduct by a student against a student, the purpose of which is to protect the rights of a student making a complaint, as well as the rights of an accused student. Thus, reports of sexual misconduct, dating violence, domestic violence, and stalking by a student against a student will be governed by the University’s [Prohibited Sexual Conduct Policy](http://www.uncfsu.edu/policy) and hearings shall be conducted by the hearing panel designated under that policy. See [www.uncfsu.edu/policy](http://www.uncfsu.edu/policy).

   2. **Other Misconduct Committed by Individual Students**

      A student’s non-academic behavior on or off campus may be subject to disciplinary action outlined in this Code.

      **NOTE:** The University shall have the right to determine whether to file formal charges against an organization directly under Section B.3. of this Code and/or whether to separately charge individuals of the organization under Section B.2. of this Code.

      a. **Reports of Misconduct**

         A report of misconduct may be made against a student by another student, by a staff or faculty member, or by a University police officer or university official. A report of misconduct is not considered a formal charge.

         A report of misconduct may be initiated by submitting written factual information supporting the complaint. A report of misconduct may be filed by any method allowed by the Director of Student Conduct and may include, but is not limited to, either of the following methods:

         i. **Campus Appearance Ticket (CAT).** The issuance of a CAT shall
serve as notification of a report of misconduct. The University Police may amend a CAT to reflect additional complaints or a more accurate description of the complaint.

ii. University Incident and Student Complaint Form. A member of the campus community may report misconduct against a student by completing a University Incident and Student Complaint Form. The electronic submission must be completed online within five (5) business days of the alleged incident. In extraordinary circumstances, the Director of Student Conduct may extend this deadline. The Respondent will receive written and/or electronic notification, of the report within three (3) business days.

The Complainant will be expected to appear and testify at any proceeding at the request of the Director of Student Conduct.

iii. Information Form. A member of the Office of Residence Life may report misconduct to the Director of Student Conduct by submitting a University Incident and Student Complaint Form. The issuance the electronic form will serve as notification that a complaint against a student has been initiated.

A Complainant who wishes to report an act of sexual misconduct, dating violence, domestic violence, or stalking shall do so in accordance with the University’s Title IX procedures. These procedures can be located at http://www.uncfsu.edu/title-ix.

b. Interim Suspension of Students

i. The Vice Chancellor, in consultation with University Officials and University police, 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 University’s Police Department.

ii. Interim suspensions may be imposed upon:

- Students exhibiting dangerous or disruptive behavior of a threatening nature;
- Students who have been arrested for a serious violation of State or Federal law;
- An alleged violation of the University’s policy on the distributions of illegal drugs;
- An allegation that a student is in the possession of an illegal weapon on University property or at a University sponsored activity/event.

iii. A student shall be notified of a report of misconduct against him or her, by the Director of Student Conduct, when the interim suspension is initially imposed. A formal charge shall be filed as soon thereafter as possible in accordance with Section IV.B.2.d. of this Code.

iv. Within five (5) business days from the effective date of the interim suspension, the student may make a written request that the Vice Chancellor reconsider the interim suspension based upon the following issues only:
• Whether the allegation(s) concerning the student’s conduct is based upon reliable information; and,
• Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University premises poses a substantial threat.

The written request must contain specific and sufficient information to support the student’s contention.

v. If no review of the interim suspension is requested, the student shall remain on interim suspension.

vi. If a review is requested, within five (5) business days of receiving the student’s request, the Vice Chancellor shall consider the information submitted and provide the student, in writing, the Vice Chancellor’s decision.

vii. Interim suspensions shall remain in effect until sanctions are imposed under this Code or a decision of non-responsibility is issued by the University.

c. Conduct Review

i. Scheduling a Conduct Review. A Respondent who receives a written report of misconduct is expected to contact, in writing, the Director of Student Conduct, within three business (3) days, of receiving the report, to schedule a conduct review.

A Respondent who fails to contact the Director of Student Conduct within the three (3) business day time period may be deemed to have forfeited the Respondent’s right to a conduct review and may be notified in writing of a formal charge (if any).

ii. Attending a Conduct Review. A conduct review will normally consist of an informal, non-adversarial meeting between the Respondent and the Director of Student Conduct to determine whether the report of misconduct has merit.

The Director of Student Conduct will also consider whether if proven, the misconduct would constitute a violation under the Code based upon whether, there is reason to believe that such misconduct may have occurred.

iii. Mediation. If the parties agree to avoid formal charges through mediation or other similar means, the Director of Student Conduct shall attempt to mediate any dispute between the parties.

Mediation is a voluntary, confidential process in which the Director of Student Conduct shall assist students in finding a mutually acceptable solution to their problem. Conflicts are resolved without intervention by the hearing body, but with the assistance of the Director of Student Conduct or other University Official.

If the parties involved obtain a mutually acceptable agreement during mediation, the Director of Student Conduct may dismiss the case.

If the parties involved fail to obtain a mutually acceptable agreement during mediation, the Director of Student Conduct may file a formal charge or dismiss the case.

d. Filing of Formal Charges

Within five (5) business days after the date of the conduct review or mediation (whichever is later), the Director of Student Conduct shall provide
written notification of the formal charge (if any) to the Respondent. The formal charge shall include the following information:

i. A brief recitation of the factual allegations supporting the formal charge;

ii. The referral to the appropriate hearing body for a hearing and the time, date and location of the hearing;

iii. Possible sanctions; and

iii. Notice that, within three (3) business days of the notification of the formal charge, the Respondent may:

• Provide written notification that the Respondent will plead not responsible to the formal charges and have the case heard by the Student Conduct Board (SCB).

• Provide written notification that the Respondent may plead not responsible to the formal charge(s), waive rights to a SCB hearing, waive rights to an attorney/non-attorney advocate, and have the case heard by the Associate Vice Chancellor for the purpose of determining responsibility and sanction(s), if any. If the Respondent decides to have the case heard by the Associate Vice Chancellor, a written record indicating such shall be signed by the Respondent and the Director of Student Conduct which shall be made a part of the official record.

• Provide written notification that the Respondent will plead responsible to the formal charges and waive the right to a hearing and accept the sanctioning as levied by the Associate Vice Chancellor. If a hearing has been waived by the Respondent, a written document indicating that the Respondent has waived the Respondent’s right to a hearing must be signed by the Respondent and the Director of Student Conduct and shall be made a part of the official record.

• Provide written notification that the respondent will plead responsible to the charges and request an opportunity to be heard by the SCB for the purpose of recommending a particular sanction.

• Provide written notification that if the student’s written plea is not received by the Office of Student Conduct within three (3) business days, the failure to submit the plea will have the affect of waiving the right to a hearing and accepting the sanctioning as levied by the Associate Vice Chancellor for Student Affairs.

iv. 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.

e. Time Frame for Hearings and Determinations

Hearings must occur within the following time frame:

i. Level 1 conduct hearings must be held no less than ten (10) business days after the Respondent receives notice.

ii. Level 2 conduct hearings must be held no less than five (5) business days after the Respondent receives notice.

Hearings and decisions shall be conducted in accordance with the procedures outlined in Section IV.B.6. of the Code.

f. Appeals

i. All Decisions
A Respondent who has been found responsible of a Code violation and has been sanctioned may appeal a decision in writing. The basis for an appeal shall be as follows:

- demonstration of a violation of due process; or
- demonstration of a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

ii. **Appeal of a Decision Other than Expulsion**

A decision, other than expulsion, may be appealed to the Vice Chancellor. Such an appeal must be submitted within five (5) business days of the notice of the decision from the Associate Vice Chancellor.

A decision by the Vice Chancellor shall be final.

iii. **Decisions of Expulsion**

A student who has been expelled under this Non-Academic Misconduct Policy may appeal, within ten (10) business days of the notice of the Chancellor’s decision, to the Fayetteville State University Board of Trustees.

The expelled student may appeal within ten (10) business days of receipt of the Board of Trustees’ decision to the University of North Carolina Board of Governors. The Board of Governors’ decision shall be final.

3. **Misconduct Committed by Student Organizations**

A student organization’s non-academic misconduct, on or off campus, which is reported to be an infraction of the Code or of the student organization’s own constitution and bylaws or the constitution and bylaws of the affiliated national organization will be subject to disciplinary action. A student organization may be held accountable for the actions of its individual members if the behavior is related to the activities of the group.

The University shall have the right to determine whether to issue a formal charge against a student organization directly, to charge individuals of the student organization as outlined in the Code, or to file formal charges against both the student organization and the offending students.

a. **Interim Suspension**

A student organization may be subject to an interim suspension by the Director of Student Conduct when there is evidence of an incident involving more than one member of the organization engaging in dangerous or disruptive behavior of a threatening nature, being arrested for a serious violation of State of Federal Law, illegally distributing drugs, or in possession of an illegal weapon on University property or at a University sponsored activity/event. During an interim suspension all activities, on or off-campus (to include but not be limited to programs, or social events) are suspended pending the outcome of the student organization’s hearing.

b. **Reporting Misconduct**

A report of misconduct may be brought against a student organization by a student, member of the community, a staff or faculty member, a University police officer or some other University official. Such reports shall be directed to the Director of Student Conduct.

Except when exempted by the Vice Chancellor, the report must be in writing, signed and dated and should include sufficient detail as to provide an understanding of the issues involved (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). If the complainant
wishes to make an anonymous report of misconduct, the complainant should provide his or her address and telephone number on a document that is not attached to the report.

If possible, the Director of Student Conduct shall make efforts to inform the student organization of the report of misconduct within ten (10) business days following receipt of the written report.

c. **Conduct Review**

The student organization must schedule a conduct review no less than three (3) business days **from the date that the student organization receives written notification of the report of misconduct.** At the conduct review, the student organization shall be informed of the options (if any) available for resolution of the case without requiring that formal charges be filed.

d. **Filing a Formal Charge**

The Director of Student Conduct may formally charge a student organization and then refer the entire case to the SCB for appropriate action.

e. **Hearings and Determinations**

Hearings and decisions shall be conducted in accordance with the procedures outlined in Section IV.B.6. of the Code.

f. **Appeals**

A student organization found responsible for a Code violation and sanctioned under the Code may appeal the decision to the Vice Chancellor for Student Affairs. The appeal will only be considered based upon one or more of the following:

- demonstration of a violation of due process; or
- demonstration of a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

A decision must be appealed within five (5) business days of receipt of the Associate Vice Chancellor’s decision.

The Vice Chancellor’s decision on the appeal shall be final.

4. **Referrals to the Student Conduct Board**

If a formal charge is issued, the Director of Student Conduct will refer the case to the SCB unless the case involves an allegation of sexual misconduct, dating violence, domestic violence, or stalking or unless the Respondent has indicated that the Respondent would prefer the case to be heard by the Associate Vice Chancellor. Any referral to the SCB must be submitted to the Chief Justice of the SCB.

A Complainant who wishes to pursue a conduct decision concerning sexual misconduct, dating violence, domestic violence or stalking shall be able to request such a hearing before the hearing panel designated in the Sexual Misconduct and Interpersonal Violence Policy. The Director of Student Conduct shall make the referral, and the hearing shall be conducted in accordance with the University’s *Sexual Misconduct and Interpersonal Violence Policy.*

Charges against multiple students involved in the same incident may be heard in a single case if the Director of Student Conduct so determines and each Respondent consents to such a proceeding.

Once referred, a hearing will be conducted by the SCB without regard to the conduct review or any mediation conducted previously by the Director of Student Conduct.
5. **Student Conduct Board**

The SCB shall consist of five (5) members who are current full-time undergraduate or graduate students. At the discretion of the Director of Student Conduct, fewer than five (5) students may hear a case.

a. **Selection of Members**

Members of the SCB shall be 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.

b. **Chief Justice and Associate Chief Justice**

Prior to hearing its first case, the Director of Student Conduct shall convene the SCB 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.

c. **Disciplinary Action against a SCB Member**

SCB members found in violation of the Code are not considered to be in good standing and will be removed from the SCB by the Director of Student Conduct. 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.

6. **Hearing Procedures (excludes sexual misconduct, dating violence, domestic Violence, or stalking hearings)**

a. **Pre-hearing**

Prior to a hearing, the Complainant and Respondent must be given the opportunity to review any written evidence that will be used at the hearing and to obtain a list of witnesses.

b. **Continuances**

If the Respondent desires additional time to prepare for the case, a written request must be submitted to the Director of Student Conduct at least forty-eight (48) hours prior to the hearing date. The Director of Student Conduct reserves the right to deny or grant such requests. A decision regarding a continuance will be made within twenty-four (24) hours of receipt of the request. The decision of the Director of Student Conduct is final.

c. **Witnesses**

A witness shall be any person with direct knowledge relevant to a case pending before the SCB.

i. **Duty to Appear.** The Director of Student Conduct, Associate Vice Chancellor and/or the SCB may require the appearance of witnesses. Other witnesses may be allowed by the Complainant and/or the Respondent if approved by the SCB.

ii. **Notice.** The Complainant and/or the Respondent must deliver in writing the names, addresses and telephone numbers of their witnesses at least five (5) business days before the hearing to the Director of Student Conduct. The Director of Student Conduct will notify such witness(es) in writing of the time, place, location and the purpose of their appearance.
iii. **Contempt.** Willful and deliberate failure and/or refusal of any student witness to honor a written request to appear may result in contempt charges being filed.

d. **Observer**

The Complainant and Respondent each may have an observer accompany him or her to the hearing. Observers shall not be allowed to participate in the hearing.

e. **Failure to Appear**

If the Respondent fails to appear at the Respondent’s scheduled hearing, after receiving proper notice and without submitting a valid written excuse to the Director of Student Conduct, the Respondent will be deemed to have pled guilty to the formal charges against the Respondent. The SCB shall conduct the hearing in the charged student’s absence and make a finding of responsibility and issue a recommendation for sanctions to the Associate Vice Chancellor.

f. **Conduct of the Hearing**

The hearing shall be conducted as follows:

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 SCB members, and any other persons called by the Chief Justice of the SCB or the Director of Student Conduct; and
   - the Director of Student Conduct.

ii. The hearing shall be recorded. A record of the proceedings, including documentary evidence, will be accessible only in accordance with the Family Educational Rights and Privacy Act.

iii. The hearing shall begin with the Complainant who shall state his or her contentions and offer such proof as desired. When the Complainant has concluded the presentation, the Respondent shall 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. Prospective witnesses, other than the Complainant and the Respondent, shall be excluded from the hearing during the testimony of other witnesses.

v. The SCB may ask the Complainant and/or Respondent and their witnesses’ questions, or direct that they develop a particular line of inquiry. The SCB may also seek such additional material or the attendance of such other persons as they deem necessary to obtain 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 SCB may request that each party present a final statement. Once the final statements have been made, the Chief Justice shall conclude the hearing.

vii. In cases involving multiple students charged, information provided at one hearing may be used as evidence in a related case(s).

viii. All decisions by the SCB shall be based solely upon evidence presented
at the hearing. However, Respondents who have been found responsible for prior offenses may be subject to increasingly progressive sanctions.

ix. Should new reports of misconduct surface as a result of, or during a conduct process, a separate formal charge and hearing may occur.

**g. Determination of Responsibility and Recommendations for Sanctions**

Following the conclusion of a hearing, the SCB shall meet in closed session to discuss the case. Prior records of disciplinary actions may be considered by the SCB.

The standard of proof that should be used by the SCB is the preponderance of the evidence standard. In finding a Respondent responsible under this standard of proof, a member of the SCB 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 SCB finds that the evidence presented was insufficient to sustain the formal charge(s), it shall notify the Respondent and Complainant of its decision through the Director of Student Conduct within ten (10) business days following the conclusion of the hearing. The Board’s determination shall be final.

If the SCB finds the Respondent responsible, it shall determine the level of the offense and recommend to the Associate Vice Chancellor one or a combination of sanctions that corresponds with that particular offense. The Board shall notify the Respondent of its decision through the Director of Student Conduct within ten (10) business days following the conclusion of the hearing.

**h. Determination of Sanctions**

i. **Decisions Other than Expulsion**

The Associate Vice Chancellor shall issue his or her written decision, on the sanctions, within ten (10) business days of receiving the SCB’s recommendation or receiving the Respondent’s written waiver of the hearing. The Associate Vice Chancellor’s decision must contain a brief summary of evidence upon which the determination on the sanctions is based. The Associate Vice Chancellor’s letter shall specify the appeal rights, the time limits in which to appeal, and the permitted grounds for appeal.

ii. **Decisions Resulting in Expulsion**

If expulsion is recommended by the Associate Vice Chancellor, the Associate Vice Chancellor shall forward the recommendation to the Vice Chancellor within five (5) calendar days of the completion of the hearing. If the Vice Chancellor agrees with the recommended sanction of expulsion, the Vice Chancellor shall forward the recommendation to the Chancellor within five (5) calendar days of the receipt of the Associate Vice Chancellor’s recommendation. The Chancellor shall issue a decision, within forty-five (45) calendar days of completion of the hearing. If the Vice Chancellor does not agree with the recommended sanction of expulsion, the Vice Chancellor shall determine the appropriate sanction and in such a case, the Vice Chancellor’s decision shall be final.

7. **Classification of Offenses/Violations**

Violations of the Code are categorized into two (2) classifications: **Level 1 Offenses** and **Level 2 Offenses**.

a. **Level 1 Offenses**
Such offenses are considered the most serious violations of the Code. A person found guilty may receive one or a combination of sanctions. A student found responsible of a Level 1 infraction may be suspended from the University for a minimum of one academic semester. Expulsion may also result from the commission of a Level 1 offense. Level 1 Offenses are as follows:

i. **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.

ii. **Computer Violations** shall include the following:

Theft, misuse or other abuse of any computer, electronic device, computer system, network, program, resource, electronic data or violation of state or federal law including but not limited to:

- Unauthorized entry into a file to use, read or change the contents, or for any other purpose;
- Unauthorized transfer of file;
- Unauthorized use of another individual’s identification and/or password;
- Use of computers to interfere with the normal work of another student, faculty member, University official, or University police;
- Sending/viewing illegal obscene, pornographic, abusive or other illegal messages;
- Interfering with the normal operation of the University computing system (ex. Sending viruses);
- Unauthorized use of copyrighted material; or
- Use of an electronic device in violation of the Universities computer use policy.

iii. **Contempt** shall include the following:

- A failure to appear before a hearing body as required without proper excuse or justification;
- A failure to comply with a decision, order, or sanction issued by a judicial hearing body or a university official or university police while acting in the performance of their duties;
- Any willful disobedience or disrespect of a hearing body;
- Falsification, distortion, or misrepresentation before the hearing body, hearing officer, university police, or university official;
- Disruption or interference with the orderly conduct of a Code proceeding (including the behavior of advisors or witnesses);
- Attempting to discourage an individual’s participation or use of the student judicial process;
- Attempting to influence the impartiality of a member of a conduct proceeding;
- Harassment (verbal or physical and/or intimidation) of a member of a conduct body/hearing officer, university police, or university official;
- Failure to comply with or complete the sanctions imposed under the Code;
• Influencing or attempting to influence another person to commit an abuse of the Code.
• Unauthorized disclosure of confidential records, tapes, information, or documents provided as part of the student Code process.

iv. **Domestic Violence** shall mean a crime of violence committed by a current or former spouse, by an intimate partner of the victim, by a person who the victim shares a child in common, by a person who is cohabiting with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under North Carolina domestic or family violence laws, or by any other person against an adult or youth victim who is protected from the person’s acts under the domestic or family violence laws of North Carolina. Student-on-student domestic violence complaints shall be handled under the University’s Prohibited Sexual Conduct Policy. All other complaints against a student shall be handled under this Code. Such complaints should also be reported to the Title IX Coordinator.

v. **Dating Violence** shall mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim or where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; or (iii) The frequency of interaction between the persons involved in the relationship. Student-on-student dating violence complaints shall be handled under the University’s Prohibited Sexual Conduct Policy. All other complaints against a student shall be handled under this Code. Such complaints should also be reported to the Title IX Coordinator.

vi. **Endangerment** shall mean conducting oneself in a manner that, intentionally or accidentally, endangers, or threatens to endanger, the health or safety of oneself (excluding threats of suicide that do not endanger other people), other members or visitors within the University community or at University-sponsored or related events.

vii. **Embezzlement** shall mean fraudulent conversion of another’s property by one to whom the owner entrusted it.

viii. **Hate Acts** include threatening, coercing, harassing, intimidating, or committing a crime against another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutional policy based upon the person’s race, sex, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability, or veteran status. In determining whether 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. Hate acts which involve student-on-student sexual misconduct, domestic violence, dating violence, or sexually related stalking shall be handled under the University’s Prohibited Sexual Conduct Policy. All other hate acts committed by a student shall be handled under this Code. All hate acts involving sex, gender, sexual orientation, or gender-identity should be reported to the Title IX Coordinator.

ix. **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.

x. **Infliction or Threat of Bodily Harm** shall include the following:
   - Intentionally or recklessly causing physical harm to any person;
   - Intentionally or recklessly threatening a substantial risk of bodily harm to any person; or
   - Intentionally or recklessly placing a person in fear of imminent physical injury or danger.

xi. **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 illegal pornography.

xii. **Possession, Distribution or Sale of Controlled Substances** shall mean any act which amounts to the possession, use, sale or manufacture of or intent to sell or manufacture any substance declared illegal by federal or state law. For a comprehensive statement regarding illegal drug offenses and required sanctions see the University’s policy on *Illegal Drugs and Alcohol*.

xiii. **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

xiv. **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 requests.

xv. **Sexual Harassment** shall mean unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
   - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic or student status, or
   - submission to or rejection of such conduct by an individual is used as the basis for employment, academic or other institutional decisions affecting such individual, or
• such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, academic activities or student experience, or creating an intimidating, hostile or offensive working, academic or student life environment.

All sexually harassing behavior committed by a student should be reported to the Title IX Coordinator. Student-on-student sexual harassment which appears to be sexual misconduct, dating violence, domestic violence or sexual stalking, all as described above, shall be handled under the Prohibited Sexual Conduct Policy. All other sexually harassing behavior by a student shall be handled under this Code.

xvi. **Sexual Misconduct** shall mean any act of a sexual nature perpetrated against an individual without effective consent or when an individual is unable to freely give consent. Sexual misconduct includes, but is not limited to the following:

• Attempted or completed intercourse or penetration (anal, oral or vaginal);
• Sexual touching (including disrobing or exposure);
• Sexual exploitation; or
• Sexual intimidation.

a. Student on student sexual misconduct complaints shall be handled under the University’s Prohibited Sexual Conduct Policy.

b. Student on non-student sexual misconduct shall be handled under this Code. Such complaints should also be reported to the Title IX coordinator.

xvii. **Stalking** shall mean engaging in a course of conduct that is directed toward another person if that conduct would cause a reasonable person to:

• suffer substantial emotional distress or
• fear for their safety or the safety of others.

a. Student-on-student stalking complaints of a sexual nature shall be handled under the University’s Prohibited Sexual Conduct Policy.

b. All other stalking offenses by students shall be handled under this Code.

xviii. **Violation of Law** shall mean any violation of or attempt to violate federal, state or local laws on or off University premises.

xix. **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;
• admission’s office policy on disclosing criminal or military charges occurring after admission or during enrollment;
• any policies listed in the Student Handbook or on the policy website at www.uncfsu.edu/policy; or
• any violation of the Code by one’s non-university guest. “Guest” is defined as any nonstudent present on University premises at the invitation and/or hosting of the student.
xx. **Weapons, Explosives and Hazardous Materials Violations** shall mean the following:

- the unauthorized use or possession,
- threat of unauthorized use or possession, or
- unauthorized storage of any weapon on University premises or at University-sponsored activities.

xxi. **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.

b. **Level 2 Offenses**

Such offenses are considered the lesser violations of the Code. A student found guilty may receive one or a combination of sanctions.

i. **Alcohol Violations** shall include the following:

- Aiding and abetting another in the possession, consumption or selling of any type and any amount of alcoholic beverages; or
- The possession, consumption or selling of any type and any amount of alcoholic beverages on University premises.

ii. **Disorderly Conduct** shall include the following:

- 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;
- Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored events; or
- Failing to leave the scene of a fight, riot, or group disruption when asked by University police or University officials.

iii. **Causing a 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.

iv. **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.

v. **Harassment and/or Retaliation** shall mean any act which leads to a hostile environment including conduct that is

- directed toward a particular person or persons,
- unwelcomed,
- based upon the person’s race, color, religion, national origin, sex, gender, sexual orientation, gender-identity, creed, disability, veteran status, political affiliation or student organization affiliation,
- severe or pervasive, and
- 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.
The prohibition against harassment also includes a prohibition against retaliation. “Retaliation” is defined as adverse treatment of a person because that person filed a complaint about or otherwise opposed harassment or other forms of impermissible discrimination, or provided information relative to a harassment or discrimination complaint, or was involved in such a complaint in any way.

Harassment or retaliation which involves student-on-student sexual misconduct, dating violence, domestic violence, or stalking of a sexual nature shall be handled under the University’s Prohibited Sexual Conduct Policy. All other harassing or retaliatory acts committed by a student shall be handled under this Code.

All harassment or retaliation related to sex, gender, sexual orientation, or gender identity should be reported to the Title IX Coordinator.

vi. Identification Misuse shall include the following:
- Intentionally failing to provide the student’s own name and/or show an appropriate University identification card to a University Official or university police upon request;
- Falsely identifying or failure to identify oneself or guests;
- Possession, production, or distribution of false identification cards; or
- Unauthorized use of the name of the university, the name of university officials, or university police, or the likeness, image, logo, or seal of the university, or the names of members of organizations in the university community.

vii. Keys (Unauthorized Use) and Unauthorized Entry shall include the following:
- Unauthorized/improper possession, duplication or use of keys to any University premises or unauthorized/improper entry to or use of University premises;
- Tampering with any locking device on campus.

viii. Misuse of Fire or Safety Equipment shall include the following:
- 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.); or
- Failure to evacuate a University building during fire and/or emergency alarms.

ix. Providing False Information shall include the following:
- Intentionally furnishing oral or written false information to the University; or
- 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.

x. 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.
xi. **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.

xii. **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.

xiii. **Soliciting** shall mean the unauthorized commercial solicitation on campus without prior approval from the Vice Chancellor of Business & Finance.

xiv. **Theft** shall mean the unlawful taking or use of University or personal property. It shall also mean the possession or purchasing of stolen property if the possessor/buyer did in fact know that the item was stolen.

xv. **Trespassing** 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.

xvi. **Vandalism, Defacement or Arson of Property** shall mean any act that intentionally or maliciously destroys, damages, defaces, misuses, or sets fire to University property or property of any person on University premises or at University-sponsored activities.

xvii. **Violations of University Regulations or Policies** shall mean, violations of such regulations and policies adopted by the University.

xviii. **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.

8. **Types of 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 SCB.

   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 University 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 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. A trespass citation will be issued by a University police officer to an expelled student who enters University premises or attends University-sponsored off-campus activities.

viii. **No Contact Order.** A student may be issued a written “no contact” order by the hearing body, after a hearing, or by the Director of Student Conduct when necessary. A no contact ban may prohibit the student from having contact with or being within certain proximity of a designated individual. Verbal, written, and physical contact or third party contact is prohibited.

ix. **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.

x. **Restriction of Privileges.** A student may be restricted from participating in University-sponsored activities/events/classes/programs such as intercollegiate athletics, recreational activities and residence hall visitation.

xi. **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.

xii. **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.

b. **Organizational Sanctions**

Possible sanctions for student organization offenses include but are not limited to the following:

i. **Educational Activities.** The University may require 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 Director of Student Conduct, 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.

9. **No Contact Order:** A student may be issued a written “no contact” order
by the hearing body, after a hearing, or by the Director of Student Conduct when necessary. A no contact ban may prohibit the student from having contact with or being within certain proximity of a designated individual. Verbal, written, and physical contact or third party contact is prohibited.

V. OTHER CODE RELATED PROVISIONS

A. Confidentiality of Proceedings and Student Records

1) In General: Individual student information generated during the course of a Code procedure shall be confidential in accordance with the Family Educational Rights and Privacy Act (FERPA). Student disciplinary records are specifically protected under FERPA. Any person who, without authorization, reveals such information may be subject to disciplinary action.

2) Victim Identifying Information: In cases involving sexual misconduct, domestic violence, dating violence, and stalking note that under NCGS § 132-1.4., University police shall temporarily withhold the name or address of a complaining witness from reports and public records if release of the information is reasonably likely to pose a threat to the mental health, physical health, or personal safety of the complaining witness or materially compromise a continuing or future criminal investigation or criminal intelligence operation. In addition, if a victim reports an offense to a university official, the victim’s personally identifiable information remains confidential in accordance with the Family Educational Rights and Privacy Act, and the North Carolina Public Records Law does not require FSU to disclose such information.

3) Underage Drinking: 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.

4) Maintenance of Records: Records of all non-academic disciplinary cases will be maintained in the Division of Student Affairs. Records of academic dishonesty will be maintained in the Office of the Provost. Records in which less severe sanctions are imposed shall be removed seven (7) 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 (5) 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.

B. Victims of Crimes of Violence

Pursuant to FERPA, victims of crimes of violence may be notified of the outcome of the disciplinary proceeding of the alleged assailant. “Outcome” 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. In sexual misconduct, domestic violence, dating violence, or stalking cases, both the accuser and the accused shall be simultaneously informed in writing of 1) the outcome of the disciplinary proceeding, 2) the institution’s procedures for the accused and the victim to appeal the outcome, 3) any change to the outcome that occurs
prior to the time that the results become final, and 4) when the results become final.

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

D. Freedoms of Expression and Speech
The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights.

All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected.

E. 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 for a hearing, the University may allow the case to be heard when the next semester begins.

F. Attorney/Advisor Attendance or Participation
The University allows attorneys or non-attorney advocates (advocates) to attend any academic or non-academic conduct proceeding when the charge is also the subject of a pending criminal charge or when the case involves sexual misconduct, domestic violence, dating violence, or stalking. When advocate presence is allowed, both the accuser and the accused may, at their own expense, have an advocate of their choice present. If one party chooses to have an advocate present, the other party also may have an advocate present.

In cases not involving sexual misconduct, domestic violence, dating violence, or stalking, when advocates are allowed to attend proceedings, the advocate may confer with their client during the proceeding so long as the advocate does not address the hearing body or other parties or witnesses and does not delay or disrupt the proceeding. See the Sexual Misconduct and Interpersonal Violence Policy for information about advocate attendance or participation in sexual misconduct, domestic violence, dating violence, and stalking cases.

G. Prior 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.

H. Notice
Whenever this Code requires giving notice, students or student organizations will receive written notice. Unless otherwise noted in this Code, recipients receive notice to the official Bronco or campus email address. Accused students or organizations must also pick up notification from the Director of Student Conduct Office, Rudolph Jones Student Center, Room 211 (non-academic misconduct) and the Division of Academic Affairs (academic integrity violations), Barber Building, Suite 212. If a student fails to pick up notification, documents may be:
• submitted through electronic notification to the Bronco or campus email address;
• delivered and/or mailed to the local address or residence hall most recently provided by the student to the Registrar or the organization to the Director of Student Conduct; 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.

I. Final Interpretation of Code

*The final interpretation of the non-academic misconduct provisions of the Code shall rest with the Vice Chancellor for Student Affairs. The final interpretation of the academic dishonesty provisions of the Code shall rest with the Provost and Senior Vice Chancellor for Academic Affairs.*

*Revised 11/15/16*