

All violations of misconduct prohibited by the university are reported to the office of the Vice Chancellor for Student Affairs who has the authority to delegate to certain persons and bodies of the University community for the purpose of implementing approved policies and procedures. See Section II for guidelines regarding violations of the Academic Dishonesty Policy. By action of the Board of Governors of the University of North Carolina, the Chancellor has the ultimate authority in the regulation of student conduct.

### Student Rights and Responsibilities

Students at the University have certain rights and responsibilities. Included in this objective are guaranteed student rights but also the responsibility of students to be aware of the standards of appropriate behavior and the willingness to exercise the degree of order necessary to promote and preserve higher standards of a learning environment.

#### Students have the right to:

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- Receive accurate and consistent information
- Maintain confidentiality of educational records pursuant to FERPA \*
- Gain access despite any disabilities and fully participate in any chosen university student activity
- Seek counsel and advice
- Be respected, be heard, and receive courteous delivery of services
- Be afforded equality of opportunity and receive the best education
- Receive due process in all disciplinary procedures

\* Family Educational Rights and Privacy Act of 1974 (FERPA)

#### Students have the responsibility to:

- Exercise sound judgment in their choices and assume the consequences of their own actions at all times
- Become acquainted with and fully comply with all university regulations and policies
- Conduct themselves with civility (respect and courtesy) toward all others at all times
- Share in the building and maintaining of a safe and sound campus community
- Maintain high academic, social, moral and civic character

#### **I. Misconduct Prohibited by the University**

The University reserves the right to examine misconduct and make a determination as to whether the misconduct is serious enough to warrant suspension or expulsion. To make this determination the following example guidelines are used:

- (A) Does the conduct present a danger to members of the University community?
- (B) Does the conduct violate community standards of behavior to the degree that it jeopardizes the integrity of the University?
- (C) Does the conduct interfere with the University's educational interests?
- (D) Does the conduct infringe upon the rights of others in pursuit of an education?

**Violations that place the offender in peril of suspension or expulsion include, but are not limited to: Possession of a weapon on University property, assault or threats of violence, the commission of felonies, hazing, disruption of University sponsored activities, falsely reporting a fire or setting off a fire alarm, the sale, delivery or possession of illegal drugs, violating the terms of disciplinary probation and repeated violations of the rules and regulations of the University.**

**Prohibited Misconduct Includes: Any student engaging in behavior that interferes with the safety and well being of any members of the University and/or that interferes with the mission, purposes, functions and processes of the University will be subject to disciplinary action. The following examples of misconduct are inclusive but not limiting.**

1. A first offense of possessing, or carrying, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, powerful explosive as defined in *N.C. General Statute 14-284.1*, bowie knife, dirk, dagger, leaded cane, switchblade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, on any property owned, used or operated by the University.
2. Possession of firearms, ammunition, explosives, fireworks, stun guns, or other dangerous weapons.
3. Threats of violence directed toward an individual or a group.
4. Sexual Assault, molestation or sexual battery - defined as forcing another individual to engage in a sexual act without consent or the capacity of consent.
5. Felonies - the commission of an act that is classified under North Carolina General Statutes as a felony.
6. Hazing, harassment, and/or intimidation - defined as the intentional commission of an act, by an individual or a group, of physically abusing or harassing another person or creating a situation which produces physical hurt or discomfort, severe

- emotional distress, embarrassment, or ridicule.
7. Obstruction or disruption of any University sponsored or co-sponsored athletic event, either on or off campus or at any other authorized University activity.
  8. Obstruction, disruption, or interference with teaching, research, or the general operation of University business.
  9. Falsely reporting the presence of an unlawful explosive or incendiary device.
  10. Falsely reporting a fire or other emergency; falsely setting off a fire alarm.
  11. The illegal manufacture, sale or delivery, or possession with the intent to manufacture, sell or deliver any controlled substance identified in *Schedule I, N.C. General Statutes 90-90 or Schedules III through VI, General Statutes 90-94*. These include but are not limited to heroin, mescaline, opium, cocaine, amphetamines, methaqualone, marijuana, and phenobarbital codeine.
  12. Possession of any controlled substance identified in Schedules I through VI, General Statutes chapters 90-94, (including but not limited to marijuana, phenobarbital, codeine, etc.)
  13. Use of marijuana and/or possession of marijuana paraphernalia.
  14. Assault with a deadly weapon - defined as the intentional infliction of injury to another with the use of a weapon or dangerous object intentionally used as a weapon.
  15. Assault and/or battery - defined as the use of physical force against another person that places the person in danger of or in apprehension of bodily harm.
  16. Fighting
  17. Any act of arson.
  18. Lewd, indecent, or obscene conduct.
  19. Trespassing - defined as the unlawful or unwarranted entrance to any University building or any University property or facilities.
  20. Unauthorized use of University property or facilities.
  21. Rioting, inciting to riot, assembling to riot, raiding, inciting to raid and assembling to raid University units.
  22. Vandalism, malicious destruction, damage, misuse or abuse of public or private property, including library materials.
  23. Forgery, alteration, or misuse of University documents, records or identification cards; furnishing false information to the University with intent to deceive or mislead.
  24. Theft, larceny, shoplifting, embezzlement, or the unauthorized possession of the property of another.
  25. Failure to comply with the official regulation or order of a duly designated authority, agency or agent of the University.
  26. Knowingly furnishing false information to a judicial board or to a judicial hearing officer, or to any other University official.
  27. Knowingly making in public a false oral statement with the intent to deceive and/or mislead or knowingly publishing and/or distributing a false written or printed statement with the intent to deceive and/or mislead.
  28. Disorderly or disruptive conduct - defined as the intentional creation of a disturbance on University property or at University sponsored events including but not limited to fighting, committing a nuisance, endangering one's own physical well being, disrupting, disturbing, or interfering with the academic atmosphere of a living or learning environment or social activity.
  29. Possession or misuse of alcoholic beverages or intoxicating liquors containing more than one-half of one percent (.05%) alcohol by volume by any student under the age of 21, or providing alcoholic beverages to any student under the age of 21 (*sees also Policy on Alcohol Use*).
  30. Excessive or disruptive noise, or the use of unapproved amplified sound that disrupts or disturbs the normal functioning of the University including residence life.
  31. Unauthorized solicitation or unauthorized fund raising of any type.
  32. Commission of an act or an attempt to commit an act, at the University that would be in violation of the General Statutes of the State of North Carolina or any federal law.
  33. Tampering with, or removing from its proper location, any fire extinguisher, hose, or other fire or emergency equipment, except when done with a reasonable belief of real need for such equipment.
  34. Intentionally delaying, obstructing, or resisting a person who identifies herself or himself as a member of the faculty, University administrator, campus police person, or other law enforcement officer, fire person, or other University employee in the performance of her or his duty.
  35. Violating the terms of probation, or failure to comply with University imposed sanctions, or failure to present him or herself for adjudication of a charge.
  36. Engaging in behavior on or off the campus which jeopardizes the integrity of the University.
  37. Use of the One Card by anyone other than the person to whom it was issued is illegal.
  38. Being an accessory to the commission of misconduct.
  39. Disruption of a residence hall, campus or classroom building, through vandalism, excessive noise, practical jokes, and/or the flagrant violation of other rules and regulations established by that Department or building representative.
  40. Violating residence hall visitation policies by a member of the opposite sex, remaining in a residence hall room after visitation, or unauthorized occupancy of a residence hall room by a member of the opposite sex, or to be present in unauthorized areas within residence halls.
  41. The use of open flames or combustible materials (e.g., candles, incense or any other open flame apparatus) or the possession or use of combustible materials in a residence hall.
  42. Possession and use of appliances prohibited in the residence halls in violation of University and/or North Carolina State fire code regulations.

43. Possession of pets of any kind in any University Hall or property with the exception of fish maintained in a ten gallon or less fish tank.
44. Failure to control the conduct of one's non-N.C.A.&T.S.U. guest(s) whose behavior violates provisions of the conduct regulations, abusive language.
45. Disruptive and destructive behavior in the dining facility such as fighting, throwing food, damaging property, vandalism, abusive language, breaking in line, and leaving trays on tables and floors.
46. Theft or removal of equipment, utensils, or trays from the dining facility and/or flagrant violations of rules and regulations established by the food service administration.
47. Spamming, i.e., sending unauthorized mass mailings through University computers or any violation of the university computer usage policies.
48. Engaging in criminal behavior on another campus.
49. Possession of/or giving a person any drug, narcotic, pill or drink which would render them helpless.
50. Violating residence hall policies by allowing an unauthorized person to "room in."
51. Sexual Exploitation - including but not limited to, prostituting another student, non-consensual video or audio taping of sexual activity, going beyond the boundaries of consent (such as allowing others to surreptitiously watch you having consensual sex), engaging in voyeurism, knowingly transmitting an STD or HIV to another student, or plotting to engage others in sex acts without their knowledge or consent.

**In addition, see The Zero Tolerance Policies on Drugs and Aggressive Behavior in the section "University Policy and Excerpts".**

## II. ACADEMIC DISHONESTY POLICY

**Academic dishonesty - includes but is not limited to the following:**

- a) Cheating, or knowingly assisting another student in committing an act of cheating or other academic dishonesty.
- b) Plagiarism (unauthorized use of another person's words or ideas as one's own) which includes but is not necessarily limited to submitting examinations, theses, reports, drawings, laboratory notes or other materials as one's own work when such work has been prepared by another person or copied from another person.
- c) Unauthorized possession of examinations or reserve library materials, destruction or hiding of source materials, library materials, or laboratory materials or experiments or any other similar actions.
- d) Unauthorized changing of grades or marking on an examination or in an instructor's grade book or such change of any grade record.
- e) Aiding or abetting in the infraction of any of the provisions anticipated under the general standards of student conduct.
- f) Assisting another student in violating any of the above rules.

A student who has committed an act of academic dishonesty has failed to meet a basic requirement of satisfactory academic performance. Thus, academic dishonesty is not only a basis for disciplinary action but may also affect the evaluation of the student's level of performance. Any student who commits an act of academic dishonesty is subject to disciplinary action as defined below.

In instances where a student has clearly been identified as having committed an academic act of dishonesty, the instructor may take appropriate punitive action including a loss of credit for an assignment, an examination or project, or awarding a grade of "F" for the course subject to review and endorsement of the chairperson and the dean. Repeated offenses can even lead to dismissal from the university.

### Student Appeals on Academic Dishonesty

A student who feels unfairly treated as a result of an academic dishonesty matter may appeal the action in writing to the **University Judicial Tribunal**. The written notice of appeal must be submitted within one week (seven calendar days) of the date of the decision to the Chairperson of the University Tribunal. For the current chairperson, contact the Office of the Dean of Students.

## UNIVERSITY JUDICIAL PROCEDURES

### Allegations of Misconduct and Filing of Charges

If a student observes another student committing a violation of the **Student Conduct Regulations**, or is the victim of a crime, he or she may inform a faculty member, staff member or University police officer who will make a written report to the Vice Chancellor for Student Affairs for violations of the Student Code or in cases of Academic Dishonesty, the Provost/Vice Chancellor for Academic Affairs, or their designee. The student reporting the violation would be expected to appear and testify at any resulting judicial proceedings. This requirement may be waived in exceptional cases where the identity of the person reporting the violation needs to be protected.

**Review by the Vice Chancellor for Student Affairs (in cases of Misconduct Prohibited by the University)\*\***

All misconduct is reported to the Vice Chancellor for Student Affairs who will review the charges. There are several options for the resolution of disciplinary matters and it is the prerogative of the Vice Chancellor for Student Affairs and/or his/her designee to

determine which judicial board will consider the charges based on the type of violation(s), the caseload of the judicial boards and other factors.

1. The Vice Chancellor for Student Affairs may refer the reported violation to the Office of the Dean of Students to conduct a preliminary investigation and bring closure to the matter or to determine if the evidence of the offense warrants further action.
2. In instances of minor offenses in either Student Affairs or residential jurisdictions, sanctions will be assigned at the discretion of the Dean of Students without resorting to a hearing. In some instances the student will be notified in writing (warning letter) that an infraction has been reported and his or her behavior is being monitored for a specific period of time.
3. The Vice Chancellor for Student Affairs or the Dean of Students may assign the case to an Administrative Hearing or to the Student Judicial Council. The University Tribunal hears all cases referred to it by the Chancellor, Vice Chancellor for Student Affairs, or Office of the Dean of Students concerning action against students or charges of violation of University Rules and Regulations.
4. In special circumstances, the Vice Chancellor for Student Affairs may suspend a student charged with violating Student Conduct Regulations for an interim period prior to the outcome of a full disciplinary hearing based on the merits of the charge.

\*\* (See the section on Academic Dishonesty for violations of academic dishonesty.)

#### Rights of the Accused

**Students accused of violating the Student Conduct Regulations at North Carolina Agricultural and Technical State University are guaranteed the following rights:**

1. To be afforded due process including a fair and timely hearing.
2. To secure full knowledge of the accusations, review any written evidence, and obtain witnesses prior to the hearing, and to confront accusers, except in exceptional cases where the accuser may be justifiably unable to appear for a hearing.
3. To be notified at least five (5) days prior to the hearing in order to prepare a defense.
4. To offer in defense evidence and witnesses and to question witnesses or evidence presented.
5. To seek counsel and have an adviser of the student's choice present at the hearing. Note: (Advisors are not allowed to address the hearing body directly.
6. To receive in writing the disposition of the case.
7. To appeal.
8. To waive any of these rights. A "guilty" plea represents a waiver of all hearing rights of the accused.

#### Rights of Persons Bringing Charges

1. The right to file criminal charges or seek civil action in a court in addition to any action taken through the judicial system at North Carolina Agricultural and Technical State University.

#### Waiver of Rights to a Hearing

In the case of Student Conduct Regulations after being informed of the charges and his or her rights, including the right to a hearing, a student may decide to voluntarily waive this right and request that a resolution of the charges be made by the Dean of Students.

In the cases of Misconduct Prohibited by the University, to request that charges be settled without a formal hearing before a judicial committee, the student shall do the following:

1. Meet with the Dean of Students to discuss the charges.
2. Present a guilty plea to the charge(s) of misconduct under the Regulations.
3. Agree to accept the sanction to be imposed.
4. Agree to a waiver of right to a hearing.

The Dean of Students may decline the student's request for a waiver of hearing. If the student's request is declined, the student shall be referred to a judicial board.

If the Dean of Students agrees to the request for a waiver of hearing, any sanction or sanctions imposed will be governed by the principle of "like sanction for like violation."

#### Records

1. Records shall be created for all reported cases of student misconduct.
2. Disciplinary records are confidential and shall not be released without the student's consent; except to such persons functioning in their official University capacity on a need-to-know basis.
3. All disciplinary records are the property of the University. Violations of Misconduct Prohibited by the University are maintained in the office of the Dean of Students whereas violations of the Academic Dishonesty Policy are maintained in the