

## Code of Student Conduct

### POL 11.35.1

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**Authority:** Board of Trustees

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**Related Policies::** UNC Policy Manual XIII-N-1 (Expulsion), [Administrative Regulation - Procedures for Reconsideration of Expulsion REG11.35.1](#) , [Student Discipline Procedures REG11.35.2](#)

**Additional Reference:** NC Code: Appendix XII

**Contact Information:** Director of Office of Student Conduct (919) 515-2963.

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#### 1. PREAMBLE

1.1 Universities are unique communities committed to creating and transmitting knowledge. They depend on freedom - individuals' freedom to explore ideas and to explore and further their own capabilities. Those freedoms depend on the good will and responsible behavior of all the members of the community, who must treat each other with tolerance and respect. They must allow each other to develop the full range of their capabilities and take full advantage of the institution's resources.

1.2 In this Code of Student Conduct, North Carolina State University sets out the kind of behavior that disrupts and inhibits the normal functioning of the University, and what actions it will take to protect the community from such disruption. Like civil authorities (such as the federal, state, and county governments, to which the members of the community are also subject), the University has expectations about how its students will behave, and rules to follow when students are accused of violating those expectations. This Code and the accompanying manual of procedures describe those rules, which are designed to protect both the University community and any of its student members who are accused of disrupting it. The Code and Procedures Manual set out both what the University will do if a student is accused of a violation, and what the student's rights are.

**COMMENTARY:** The University must commit its policies and procedures first to protect and promote the academic enterprise. Consequently, it may be necessary to suspend or expel students who have been found responsible for violations of this Code, or who otherwise pose a substantial danger to the campus community.

#### 2. AUTHORITY FOR STUDENT DISCIPLINE

Ultimate authority for student discipline is vested in the Chancellor by action of the Board of Governors.

Disciplinary authority may be delegated to the University administrators, committees, and organizations, as set forth in the Code or in other appropriate policies, rules, or regulations. Students are asked to assume positions of responsibility in the University judicial system in order that they might contribute their skills and insights to the resolution of disciplinary cases.

### 3. INTERPRETATION OF REGULATIONS

Disciplinary regulations at the University are set forth in writing in order to give students general notice of prohibited conduct. They should be read broadly and are not designed to define misconduct in exhaustive terms.

### 4. INHERENT AUTHORITY FOR OFF CAMPUS CONDUCT

4.1 The University reserves the right to take necessary and appropriate action to protect the safety and well being of the campus community and to support the mission of the University. Such action may include taking disciplinary action as outlined in this Code against those students whose behavior off-campus poses a potential danger to others, to self, or would otherwise disrupt the campus environment or adversely affect the University.

COMMENTARY: The University will not routinely invoke the disciplinary process for violations of this Code which occur off-campus, except for academic dishonesty, dangerous misconduct, serious criminal offenses, violations of the NCSU Policy On Illegal Drugs, violations that occur at University sponsored activities or significant community disturbances.

4.2 While a criminal charge does not mean that the student is guilty of an offense, such a charge does mean that civil authorities have determined that there is at least probable cause to believe that an offense was committed, and that the student committed it. Under these circumstances it may be necessary and appropriate to conduct an investigation and/or a disciplinary hearing. It is also important to understand that the interests of the University are not necessarily protected when bail is set before trial. This is so because bail determinations are frequently limited to the issue of the defendant's likely appearance in subsequent criminal proceedings. Those proceedings are often subject to extensive delays, which may require the University to act promptly in order to protect the campus community. See Section 16 - Extraordinary Disciplinary Intervention Procedures.

### 5. JURISDICTION

The NCSU Code of Student Conduct applies to all students from the time they accept admission to NC State through the date of their graduation. This includes but is not limited to: new students at Orientation, persons not currently enrolled but who are still seeking a degree from NC State, and any other person enrolled in a credit earning course offered by NCSU. The Code of Student Conduct also applies to any person who has graduated if the university determines that his/her graduation or receipt of credit may involve misconduct while he/she was working toward a degree (in such cases, degree revocation may be a sanction). In addition, students in certain categories may also be subject to other university conduct codes; for example, students who are enrolled in the Graduate School, the College of Veterinary Medicine, student athletes, or students who live in residence halls. When a student in the Doctor of Veterinary Medicine (DVM) program is charged with misconduct, the Dean of the College of Veterinary Medicine will decide if the charges should be resolved under the College's disciplinary procedures or under the procedures of the Office of Student Conduct. When any other graduate student is charged with misconduct, the Dean of the Graduate School will decide if the charges should be resolved under the Graduate School's disciplinary procedures or under the procedures of the Office of

Student Conduct.

## 6. CASE REFERRALS

Any person may refer a student or a student group or organization suspected of violating this Code to the Director, Office of Student Conduct. Charges should be filed in as timely a fashion as possible to ensure the opportunity for affecting behavior change. Failure to file charges in a timely fashion may result in the dismissal of the charges. Allegations of violations occurring within residence halls should be referred to the appropriate hall or area staff from University Housing unless there are other aggravating circumstances present. A person who refers a case is normally expected to serve as the complainant, and to present relevant evidence in disciplinary hearings or conferences. Persons wishing to withdraw charges against a student must do so in writing; however, the University reserves the right to pursue those charges that may impact the health, safety, and welfare of the campus community or might otherwise interfere with the educational mission of the institution. In addition, Public Safety may cite students via Campus Appearance Tickets to the Office of Student Conduct.

## 7. ACADEMIC INTEGRITY

7.1 The free exchange of ideas depends on the participants' trust that they will be given credit for their work. Everyone in an academic community must be responsible for acknowledging their use of others' words, research results, and ideas, using the methods accepted by the appropriate academic disciplines. Since intellectual workers' words and ideas constitute a kind of property, plagiarism is like theft.

7.2 Furthermore, as a reader you may want to follow other writers' paths of research in order to make your own judgements about their evidence and arguments. You will depend on those writers' accuracy and honesty in reporting their sources. In turn, your readers will depend on yours.

7.3 The free exchange of ideas also depends on the participants' trust that others' work is their own and that it was done and is being reported honestly. Intellectual progress in all the disciplines demands the truthfulness of all participants.

7.4 Plagiarism and cheating are attacks on the very foundation of academic life, and cannot be tolerated within universities. Section eight (8) of the Code defines academic dishonesty and provides information on potential sanctions for violators of academic integrity.

## 8. DEFINITIONS OF ACADEMIC DISHONESTY

8.1 Academic dishonesty is the giving, taking, or presenting of information or material by a student that unethically or fraudulently aids oneself or another on any work which is to be considered in the determination of a grade or the completion of academic requirements or the enhancement of that student's record or academic career.

8.2 A student shall be guilty of a violation of academic integrity if he or she:

- represents the work of others as his or her own;
- obtains assistance in any academic work from another individual in a situation in which the student is expected to perform independently;
- gives assistance to another individual in a situation in which that individual is expected to perform independently;
- offers false data in support of laboratory or field work.

8.3 The act of submitting work for evaluation or to meet a requirement is regarded as assurance that the work is the result of the student's own thought and study, produced without assistance, and stated in that student's own words, except as quotation marks, references, or footnotes acknowledge the use of other sources. Submission of work used previously must first be approved by the instructor.

8.4 Regulations regarding academic dishonesty are set forth in writing in order to give students general notice of prohibited conduct. They should be read broadly and are not designed to define academic dishonesty in exhaustive terms.

8.5 If a student is in doubt regarding any matter relating to the standards of academic integrity in a given course or on a given assignment, that student shall consult with the faculty member responsible for the course before presenting the work.

## 9. CHEATING

Cheating includes but is not limited to the following actions:

9.1 Copying from someone else's test or examination paper.

9.2 Possessing, buying, selling, removing, receiving, or using, at any time or in any manner not prescribed by the instructor, a copy or copies of any materials (in whole or part) intended to be used as an instrument of academic evaluation .

9.3 Using materials or equipment during a test or other academic evaluation which have not been authorized by the instructor, such as crib notes, calculator, or tape recorder.

9.4 Obtaining or attempting to obtain in a fraudulent manner any material relating to a student's academic work. Such actions include theft of examination through collusion with a university employee.

9.5 Working with another or others in completing a take-home examination or assignment when the instructor has required independent and unaided action.

9.6 Attempting to influence or change an academic evaluation, grade, or record by unfair means. This would include altering academic work which has been returned to the student and which has been resubmitted without indicating that the work has been altered. This also includes changing or altering grades on grade report forms or on transcripts.

9.7 Permitting another student to substitute for one's self in an academic evaluation.

9.8 Marking or submitting an examination or evaluation material in a manner designed to deceive the grading system.

9.9 Willfully damaging the academic work or efforts of another student.

9.10 Failing to comply with a specific condition of academic integrity which has been clearly announced in a particular course.

9.11 Submitting, without prior permission of the instructor, any work by a student which has at any time been submitted in identical or similar form by that student in fulfillment of any other academic requirement at any institution.

9.12 Submitting of material in whole or part for academic evaluation that has been prepared by another individual(s).

9.13 Submitting data which have been altered or contrived in such a way as to be deliberately misleading.

## 10. PLAGIARISM

10.1 Submitting written materials without proper acknowledgment of the source.

10.2 Deliberate attribution to, or citation of, a source from which the referenced material was not in fact obtained.

## 11. AIDING AND ABETTING OTHERS TO CHEAT OR PLAGIARIZE

Aiding and abetting others to cheat or plagiarize includes but is not limited to the following:

11.1 Giving unauthorized assistance to another or others during a test or evaluation, including allowing someone to copy from a test or examination, or arranging with others to give or receive answers via signals.

11.2 Substituting for another student in order to meet a course or graduation requirement.

11.3 Providing specific information about a recently given test, examination, or assignment to a student who thereby gains an unfair advantage in an academic evaluation.

11.4 Providing aid to another person, knowing such aid is expressly prohibited by the instructor, in the research, preparation, creation, writing, performing, or publication of work to be submitted for academic evaluation.

11.5 Removing or attempting to remove, without authorization, any material relating to a class that would give another student unfair academic advantage.

11.6 Permitting one's academic work to be represented as the work of another.

11.7 Sharing for distributing academic materials, including class notes, in violation of the UNC Copyright Policy or the NC State University regulation on Copyright Implementation.

## 12. RESPONSIBILITY TO REPORT ACADEMIC DISHONESTY

12.1 Academic Dishonesty is a corrosive force in the academic life of a university. It jeopardizes the quality of education and depreciates the genuine achievements of others. It is, without reservation, a responsibility of all members of the campus community to actively deter it. Apathy or acquiescence in the presence of academic dishonesty is not a neutral act; histories of institutions demonstrate that such responses will reinforce, perpetuate, and enlarge the scope of such misconduct. Institutional reputations for academic dishonesty are regrettable aspects of modern education. These reputations become self-fulfilling and grow, unless vigorously challenged by students and faculty alike.

12.2 Faculty must undertake a threshold responsibility for such traditional safeguards as examination security and proctoring.

12.3 All members of the University community, students, faculty and staff, share the responsibility and authority to challenge and make known to the appropriate authority acts of apparent academic dishonesty.

### 13. SANCTIONS FOR ACADEMIC DISHONESTY

13.1 The student will always be placed on academic integrity probation for the remainder of the student's academic career. In addition, one or more of the sanctions listed immediately below will be imposed.

13.2 A reduction in grade on the assignment on which the violation occurred.

13.3 No credit on the assignment, paper, program, test or exam on which the violation occurred., or

13.4 No credit for the course.

13.5 In addition to any of the other sanctions listed, or in lieu of an additional semester of suspension, an academic community service assignment may be given.

13.6 Participation in the Academic Integrity Seminar Series.

13.7 The student will be suspended (or expelled) if the academic dishonesty is committed while he or she is already on academic integrity probation, or in other aggravated cases. Factors affecting this determination include whether the acts committed involved advance planning, falsification of papers, forms, or documents, collaboration with others, or some actual or potential harm to other students. For example, theft of another student's returned examination will usually merit suspension, even for a first offense. In cases where the student will complete graduation requirements during the current semester, suspension is to take effect immediately. In cases where a student will complete graduation requirements in either summer session I or II, the suspension period will be applied to summer session. Suspension will be noted on the transcript. Where suspension is the mandatory minimum sanction due to academic misconduct while on academic probation, a lesser sanction may be imposed in the Provost's discretion only upon a showing of extraordinary circumstances. Such a showing must be made by evidence and argument at the initial sanctioning (the Provost does not receive new evidence).

13.8 The student will be expelled in the most severe cases of academic dishonesty.

13.9 Additional Sanctions not listed above may be applied, after consultation and approval of the Director, Office of Student Conduct. These include but are not limited to, required counseling, research and reflective writing assignments, as well as other non-academic sanctions already listed in this Code. For graduate students, other sanctions may apply if the Dean of the Graduate School or the Dean of the College of Veterinary Medicine, as applicable, determines that the graduate student is subject to the policies and procedures established for the Graduate School or the College of Veterinary Medicine.

### 14. NON-ACADEMIC MISCONDUCT

#### 14.1 Definitions of Non-Academic Misconduct

Behavior that is subject to disciplinary action under this Code includes violations of Federal, State, and local Law, conduct that threatens the safety or well-being of the campus community, and any other behavior that adversely affects the University or its educational mission. Examples of behavior that will

be subject to disciplinary action include:

#### 14.1.1 Underage Alcohol Violation

a. Possession and/or consumption of alcoholic beverages by all persons under the age of 21.

#### 14.1.2 Alcohol Violations

a. Possession or consumption of any alcohol beverage inside any University Athletic facility except on such occasions as designated by the Chancellor or his/her representative.

b. Aiding and abetting the possession and/or consumption of alcoholic beverages by a person who is under the age of 21.

c. Consumption of any alcoholic beverages within the right-of-way of municipal streets, boulevards, alleys and sidewalks, in municipal parks and buildings or other property owned or occupied by the city in violation of City of Raleigh Ordinances.

d. Any other violations of the NCSU Alcohol Policy.

e. Violations of North Carolina laws regarding the purchase, possession, driving while under the influence, manufacture, and consumption of alcoholic beverages.

#### 14.1.3 Contempt

a. Failure to comply with a written directive or order, issued by a University adjudicatory, legislative or regulatory body, without excuse or justification.

b. Knowingly violating the terms of any disciplinary sanction imposed in accordance with this Code, including failure to complete sanctions by the deadlines established in the decision made in accordance with this Code.

#### 14.1.4 Disorderly Conduct

a. Acting in a manner on University premises or at University-sponsored activities that unreasonably disturbs the peace and tranquility of the University, including, but not limited to, throwing objects from balconies and windows and disruptive noise making; or

b. Intentionally and substantially interfering with the freedom of expression of others on University premises or at University-sponsored activities; or

c. Intentionally or recklessly interfering with normal University or University-sponsored activities, including, but not limited to, studying, teaching, research, University administration, or fire, police, or emergency services.

#### 14.1.5 Failure to Submit Identification

Failure to submit identification upon request to duly authorized and properly identified University officials. Students not having identification in their possession will be given adequate opportunity to find and present it.

#### 14.1.6 False Alarm

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.

#### 14.1.7 Fireworks

Possession or unauthorized use of fireworks or any explosive device, including, but not limited to, firecrackers, cherry bombs, dynamite, and homemade explosives on University premises or at University-sponsored activities.

#### 14.1.8 Harassment

Behavior that:

- a. is directed toward a particular person (or persons),
- b. is unwelcome and severe or pervasive, and
- c. violates criminal law, or civil rights law, or the NCSU Administrative Regulation on harassment, or that unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities.

#### 14.1.9 Sexual Harassment

Unwelcome conduct that constitutes harassment on the basis of sex as defined in the University's Unlawful Harassment Policy Statement.

#### 14.1.10 Racial Harassment

Unwelcome conduct that constitutes harassment on the basis of race as defined in the University's Unlawful Harassment Policy Statement.

#### 14.1.11 Hazing

Any act that injures, degrades, harasses, or disgraces any person. A criminal conviction for hazing or aiding and abetting others in the commission of this offense requires expulsion from the University.

#### 14.1.12 Infliction or Threat of Bodily Harm

- a. Intentionally or recklessly causing physical harm to any person while on University premises or at University-sponsored activities, or
- b. Intentionally or recklessly causing other persons on University property or at sponsored activities to believe that you mean to harm them, or
- c. Intentionally or recklessly causing any act that creates a substantial risk of bodily harm to any person who is on University property or at University sponsored activities, including but not limited to, throwing objects from buildings.

#### 14.1.13 Misuse of Fire or Safety Equipment

Intentionally or recklessly misusing or damaging fire safety equipment.

#### 14.1.14 Possession, Distribution, or Sale of Controlled Substances

Any activity and possession, use, sale or manufacture of any substance declared illegal by the North Carolina General Statutes sections 90-86 through 90-113.8 is a violation. For a comprehensive statement regarding illegal drug offenses and sanctions see the NCSU Policy on Illegal Drugs (Board of Trustees policy 31.04).

#### 14.1.15 Providing False Information

- a. Intentionally furnishing oral or written false information to the University, or
- b. Forgery, or deliberate misrepresentation or unauthorized alteration, or unauthorized use of any University document or instrument of identification including but not limited to, Photo I.D.'s, medical excuse, traffic decal, drop/add forms, and other applications, etc., or
- c. Submitting form(s) that one knows or has reason to know have been forged, altered, or modified.

#### 14.1.16 Sexual Misconduct

Rape, other sexual offenses, and sexual assault will result in severe sanctions from the University as well as possible criminal prosecution. These categories include:

- a. Forcing someone to have vaginal intercourse, engage in other sexual acts such as oral or anal intercourse, digital penetration, or penetration by an object.
- b. Sexual contact without full and free consent given by the person (including situations where drugs or alcohol impair a person's ability to give full and free consent); and/or
- c. Sexual contact when the perpetrator knows or should know the behavior is offensive to the person; and/or
- d. Sexual contact when the perpetrator knows the person is unaware of the sexual contact; and/or
- e. Sexual contact when the person is less than the statutory age of consent.

Commentary: If a person is forced to have sexual intercourse or if the person is unable to consent, the behavior of the perpetrator is considered rape. Forcing someone to engage in other sexual acts such as oral, anal, or digital penetration are also felonious offenses. The force necessary is any amount or threat of physical force which places the person in fear of injury or in fear for his or her life. The perpetrator does not need to use a weapon or beat that person to make him or her fearful of injury or for his or her life. The perpetrator may be someone known to the victim. Forced, unwanted sexual intercourse with a person you know, sometimes referred to as acquaintance rape, is still rape under the law. A social or dating relationship which began prior to the rape is not a defense against charges of rape. Sexual contact is defined but not limited to touching an erogenous area such as a breast, thigh, or buttocks with the intent of arousing either person and may also include any of the sexual acts listed in this section. Consent to sexual activity must be explicit either verbally or by overt action. If a person says "no," subsequent sexual contact with that person may constitute both a crime under State law and misconduct under this Code.

#### 14.1.17 Receipt and/or Possession of Stolen Property

Receiving and/or possessing by any means property one knows or has reason to believe is stolen.

#### 14.1.18 Sale or Exchange of Stolen Property

Sale or transfer by any means of property one knows or has reason to believe is stolen.

#### 14.1.19 Theft

Theft includes the unlawful taking or use of University or personal property and of services. "Services" includes but is not limited to telephones, unauthorized use of University computers, illegal copying of software, acts in violation of the copyright laws, theft of University keys or duplication of University keys, and taking someone else's parking sticker.

#### 14.1.20 Trespass

Forcible or unauthorized entry into or unauthorized presence in a University building, office, room or areas to include, but not limited to, basements, roofs, steam tunnels, furnace rooms, crawl spaces, out buildings, and posted lands or grounds.

#### 14.1.21 Vandalism or Defacement of Property

Any act that intentionally or recklessly destroys, damages or defaces University property or property of any person on University premises or at University sponsored activities.

#### 14.1.22 Violations of University Rules, Regulations or Policies

Violation of any written policies, regulations, or rules of the University, adopted pursuant to the "Procedure for Adoption and Publication of North Carolina State University Policies and Regulations", constitutes misconduct.

#### 14.1.23 Weapons

Unauthorized use, possession or storage of any weapon on University premises or at University sponsored activities. The term weapon includes but is not limited to: gun, rifle, pistol, bow, dynamite cartridge, bomb, grenade, mine, bowie knife, dirk, dagger, sword, num-chucks, sling shot, leaded cane, switch-blade knife, black jack, metallic knuckles, stun gun, and knife with a blade five or more inches in length. It also includes chemicals such as "mace," "pepper spray" or tear-gas (if used in an illegal manner).

### 14.2 Standards of Classroom Behavior

14.2.1 The primary responsibility for managing the classroom environment rests with the faculty. Students who engage in any prohibited or unlawful acts which result in disruption of a class may be directed by the faculty member to leave the class for the remainder of the class period. Longer suspensions from a class, or disenrollment on disciplinary grounds, must be preceded by a disciplinary conference or hearing via Extraordinary Disciplinary Intervention procedures.

COMMENTARY: The term "prohibited...acts" would include behavior prohibited by the teacher (e.g. smoking in the classroom, persistently speaking out in a manner which is disruptive, refusing to be seated, leaving and entering the room without authorization, etc.). It must be emphasized that this

provision is not designed to be used as a means to punish differing academic interpretations of course content.

## 15. SANCTIONS

All sanctions in this section include the creation of a disciplinary file.

### 15.1 Written Warning

A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

### 15.2 Restitution, Service Hours, Administrative Room Change, Special Programs

- a. Reimbursement for damage to, or destruction of, University property or property of any person.
- b. Appropriate community service. A service project may be substituted for individual community service hours. Consultation with the Director, Office of Student Conduct may be appropriate.
- c. Relocation to another room or residence with coordination of the appropriate University staff.
- d. Special program attendance as deemed appropriate by the Director, Office of Student Conduct.

### 15.3 Restriction of Privileges

A student given this sanction may not attend University events that require presentation of the All Campus Card. This sanction may not exceed ninety days.

The following privileges may be restricted:

Attendance at and the ability to purchase or receive free tickets for athletic events.  
 Use of Carmichael Gymnasium (outside of classroom hours).  
 Visitation in Residence Hall(s)  
 Participation in intercollegiate athletic events.  
 Loans from the Student Government.

The following privileges will not be restricted: (unless a trespass order is in effect for these areas)

Use of the library  
 Use of the Student Health Services  
 Use of the Dining Hall  
 Membership in Talley Student Center  
 Use of NCSU Bookstore  
 Use of Student Bank

### 15.4 Disciplinary Probation

A student may be placed on Disciplinary Probation for a definite period of time.

Disciplinary Probation constitutes a pre-suspension status, and therefore if a student is found guilty of or admits guilt for an offense while on disciplinary probation, more severe sanctions will be levied and

suspension or expulsion will be considered.

### 15.5 Disciplinary Eviction

A student may be removed from University housing on disciplinary grounds. Eviction may be for a specified period of time or permanent. All costs incidental to eviction as specified in the Housing Agreement are the responsibility of the evicted student. Students subject to eviction may be banned from the residence halls.

### 15.6 Suspension

A student may be separated from the University for a specified period of time. The student while suspended shall not participate in any University-sponsored activity and will be barred from University premises. Exceptions to this may be granted by the Vice Chancellor for Student Affairs or designee based on the written petition of the student and for good cause. Permanent transcript notations of suspension are optional and may be utilized on a case by case basis by the Judicial Boards or Appeal designee based on whether the student is a repeat offender or might pose a danger at another institution, or other similar circumstances. A disciplinary file will be maintained on a permanent basis.

### 15.7 Expulsion

Permanent separation of the student from the University, unless at a later date the Chancellor concludes on the basis of the former student's petition and any supportive documentation that he or she should be given a new opportunity to pursue higher education. The student will be barred from University premises. Expulsion will result in a permanent transcript notation.

### 15.8 Additional Sanctions

Additional sanctions not listed above may be applied, after consultation and approval of the Director, Office of Student Conduct. Such sanctions, where appropriate, may include but are not limited to, restrictions or denials of parking privileges, service or research projects, required counseling, behavioral contracts, trespass orders, etc. For graduate students, other sanctions may apply if the Dean of the Graduate School or, the Dean of the College of Veterinary Medicine, as applicable, determines that the graduate student is subject to the policies and procedures established for the Graduate School or the College of Veterinary Medicine.

### 15.9 Circumstances Affecting Sanctions

15.9.1 Violations of this Code that involve drugs, substantial theft or fraud, burglary, physical damage to persons or property, or actions that create a substantial risk of bodily harm will usually result in suspension or expulsion from the University, unless significant mitigating factors are present. (Note that the NCSU Policy on Illegal Drugs does not recognize mitigating factors and that Policy will control as to sanctions.) Factors to be considered in mitigation or aggravation, shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury or harm resulting from it. The Director, Office of Student Conduct may upon initial investigation of the charges determine whether if proved, they could result in suspension or expulsion and schedule a hearing accordingly.

15.9.2 Repeated or aggravated violations of any section of this Code may also result in expulsion or suspension or in the imposition of such lesser penalties as may be appropriate.

15.9.3 Attempts to commit acts prohibited by this Code may also be punished.

## 16. EXTRAORDINARY DISCIPLINARY INTERVENTION

16.1 This section shall be applicable but not limited to the following:

- a. Dangerous or disruptive student behavior, including danger to self or others.
- b. Students charged with a serious crime(s), including weapons violations.
- c. Students charged with a violation of University Drug Policies.

16.2 The Director, Office of Student Conduct, in conjunction with appropriate University administrators may suspend or effect a change in residence of a student for an interim period pending disciplinary proceedings or medical evaluation, such interim suspension to become immediately effective without prior notice whenever there is evidence that the continued presence of the student on the University campus and/or in University Housing poses a substantial threat:

- a. to self or others, or
- b. of causing significant property damage, or
- c. to the stability and continuance of normal University functions, or
- d. of directly and substantially impeding the lawful activities of others.

16.3 A student suspended on an interim basis shall be given an opportunity to appear personally before the Vice Chancellor for Student Affairs, or in the case of graduate students enrolled in the DVM program before the Dean of the college of Veterinary Medicine, or in the case of other graduate students before the Dean of the Graduate School, within five business days from the effective date of the interim suspension, in order to review the following issues only:

- a. The reliability of the information concerning the student's behavior;
- b. Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus and/or in the Residence Halls poses a substantial threat:

to self or others, or  
 -of causing significant property damage, or  
 -to the stability and continuance of normal University functions, or  
 -of directly and substantially impeding the lawful activities of others and

- c. Whether or not the student has completed as directed by the Director, Office of Student Conduct, an evaluation by a psychiatrist of his or her choice or by a psychiatrist in the NCSU Counseling Center.

16.4 A student subject to interim suspension will follow the procedures outlined in the Extraordinary Disciplinary Intervention section of the Procedures Manual for this Code.

16.5 A student accused of violating University disciplinary regulations may be diverted from the regular disciplinary process and suspended on an interim basis, if the student, as a result of mental disorder:

- a. lacks the capacity to respond to pending disciplinary charges, or
- b. did not know the nature or wrongfulness of the conduct at the time of the offense or
- c. poses a danger to self or others.

16.6 The Director, Office of Student Conduct may require a student to be evaluated by a licensed psychiatrist if the Director reasonably believes that the student may meet the criteria set forth in section 16.5 above, if a student subject to disciplinary charges wishes to introduce relevant evidence of any mental disorder, or if there is reason to believe the student may be a danger to themselves or others. Students referred for evaluation in accordance with this section shall be so informed in writing, either by personal delivery or by certified mail. The evaluation must be completed within five business days from the date of the referral letter, unless an extension is granted by the Director in writing. Any pending disciplinary action may be withheld until the evaluation is completed, in the discretion of the Director, Office of Student Conduct. A student who fails to complete the evaluation may be suspended on an interim basis, or referred for disciplinary action, or both.

## 17. STUDENT GROUPS AND ORGANIZATIONS

### 17.1 Commentary

A position of leadership in a student group or organization entails responsibility. Student officers cannot knowingly permit, condone or acquiesce in any violation of this Code by the group or organization. For example, officers of a campus club who organize or supervise an activity such as a "scavenger hunt" must take reasonable precautions before, during, and after the event to prevent the misappropriation of property belonging to others. Failure to do so may result in a finding that the officers consented to any act of theft that may have occurred.

This part of the Code is also designed to hold a group or organization and its officers accountable for any act of hazing. For example, requiring, expecting, or encouraging a "pledge" to consume any drug (including alcohol) as a condition or prelude to membership, or further participation in the organization, would constitute a violation. Likewise requiring, expecting, or encouraging a "pledge" to participate in acts, or activities that would put that individual in fear of bodily injury or harm as a condition or prelude to membership, or further participation in the organization would constitute a violation. This is so because such an activity may cause "apprehension of harm" from the standpoint of a reasonable observer, and constitutes an interference with normal University activities. The express or implied "consent" of the victim or participant is not a defense.

17.2 Student groups and organizations may be charged with violations of this Code without regard to whether members of such groups or organizations are individually charged with violations arising from the same incidents.

17.3 A student group or organization and its officers may be held collectively or individually responsible when violations of this Code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

17.4 The officers or leaders or any identifiable representative for a student group or organization may be directed by the Director, Office of Student Conduct to take appropriate action designed to prevent or end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the Director's directive shall be considered a violation of this Code, both by the officers, leaders or representatives for the group or organization and by the group or organization itself.

17.5 Sanctions for group or organization misconduct may include revocation or denial of registration, as well as other appropriate sanctions, pursuant to this Code.

## 18. STANDARDS OF DUE PROCESS

18.1 Advance written notice of charges will be provided prior to the conference or hearing in all cases unless waived by the student in writing.

18.2 Students subject to suspension or expulsion will be entitled to the appropriate judicial board hearing unless they waive that right in writing or unless the Extraordinary Disciplinary Proceedings would take precedence. Students subject to any other sanction will be entitled to an informal disciplinary conference.

18.3 The focus of inquiry in disciplinary proceedings shall be the guilt or innocence of those accused of violating disciplinary regulations. Formal rules of evidence shall not be applicable, nor shall deviations from the prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent or the University may result.

18.4 The Director, Office of Student Conduct, shall prepare and make available to all students, a Procedures Manual for use in student disciplinary cases. The Procedures Manual is subject to approval by the Vice Chancellor for Student Affairs and the Chancellor.

### 18.5 Violations of Law and Disciplinary Regulations

Students may be accountable to both civil authorities and to the University for acts that constitute violations of law and of this Code. Disciplinary action at the University will normally proceed while awaiting criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced. However, a student who faces criminal charges may choose to submit to interim sanctions, such as suspension and/or eviction, pending the criminal proceeding. The interim sanctions will be imposed by the Director, Office of Student Conduct, without a hearing or ruling on the behavior in question, so as to protect the campus community while protecting the accused from creating a record that may be used against him or her in criminal court. Once a criminal judgment has been rendered (including prayer for judgment continued), campus disciplinary action may proceed.

## 19. GLOSSARY

When used in the Code and Procedures Manual:

19.1 The term "advisor" means an individual who gives advice or consultation to a student who is charged under the Code. The advisor may be a Student Judicial Assistant, another student, or a faculty or staff member who is not an attorney. Advisors do not act as representatives or advocates for a student respondent. A student respondent is solely responsible for presenting his or her case in a disciplinary hearing or conference, even when an advisor has been provided.

19.2 The term "campus appearance ticket (CAT)" refers to a document written by the Public Safety Department and given to a respondent that notifies them of the charges against them. The CAT may be amended to reflect additional charges or a more accurate description of charges by Public Safety or the Director, Office of Student Conduct, providing the respondent is notified in writing. The CAT should state that the respondent shall call or report to the Office of Student Conduct within the next two University business days or face contempt charges.

19.3 The term "chief justice" means the chief administrative student officer who is elected on an annual

basis. The Chief Justice serves as presiding officer for hearings before the Student-Faculty Board and the Academic Integrity Board.

19.4 The term "complainant" means an individual or individuals making a complaint or a formal accusation against an individual or a group. It may include a victim of misconduct, a witness, a Public Safety Officer who investigated misconduct, or a University official who will call witnesses and offer evidence to present a case of misconduct.

19.5 The term "distribution" means sale, exchange or transfer of any kind.

19.6 The term "group" means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.

19.7 The term "institution" and "University" mean the North Carolina State University and all of its undergraduate, graduate and professional schools and colleges, and administrative units.

19.8 The term "organization" means a number of persons who have complied with University requirements for registration.

19.9 The term "reckless" means conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal University or University sponsored activities.

19.10 The term "respondent" means an individual or individuals who must answer or respond to a complaint or formal accusation against them.

19.11 The term "student" means any person from the time they accept admission to NC State through the date of their graduation. This includes but is not limited to: new students at Orientation, persons not currently enrolled but who are still seeking a degree from NC State, and any other person enrolled in a credit earning course offered by NC State University. For purposes of exercising jurisdiction for university discipline, it also includes any person who has graduated if the university determines that his/her graduation or receipt of credit may involve misconduct while he/she was working toward a degree.

19.12 The term "faculty member" means any person with a University designation of Professor, Associate Professor, Assistant Professor, Lecturer, Instructor, or other employees of N.C. State whose credentials have been reviewed and accepted by the Faculty Senate for inclusion in the general constituency of the faculty. For the purposes of this Code and Procedures Manual, graduate teaching assistants will also be included in this category.

19.13 The term "student in good standing" means a student who is not presently under sanction such as Academic Warning or Academic Probation or disciplinary or academic integrity probation, suspension or expulsion.

19.14 The term "University premises" means buildings or grounds owned, leased, operated, controlled or supervised by the University.

19.15 For purposes of this Code, the term "University-sponsored activity" means any activity on or off campus which is initiated, aided, authorized, or supervised by the University.

19.16 The terms, Chancellor, Vice Chancellor for Student Affairs, Provost, Dean of the Graduate School, Dean of Undergraduate Studies, Director of University Housing, Director, Office of Student Conduct, Associate Director, Office of Student Conduct, Assistant Director, Office of Student Conduct, and Student Chief Justice include their designees or appointees.