

[Appalachian State University](#)

The Office of Student Conduct

Misconduct: (4.02-t - 4.02-ak)

4.02 Misconduct: That may be Sanctioned by a Range of Educational Outcomes (continued):

t. Sexual misconduct - non-consensual, intentional physical conduct of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks or breasts. Lack of consent may be inferred from the use of force, threat, physical intimidation, or advantage gained by an individual's mental or physical incapacity or impairment of which the perpetrator was aware or should have been aware.

u. Excessive or disruptive noise, or the public use of unapproved amplified sound, or the amplification of sound in a manner that disrupts or disturbs the normal functioning of the University.

v. Unauthorized use of University property or facilities.

w. Unauthorized solicitation or unauthorized fund raising of any type.

x. Possession or use of alcoholic beverages by any student under the age of 21; or the abuse of alcohol privileges, including driving under the influence; or providing alcoholic beverages to any student under the age of 21; or possession of alcohol without liquid devices, kegs, beer balls, party balls, or similar alcohol containers.

y. Unattended or unleashed pets on property owned or controlled by the University, except as specified in Section 4.03e.

z. Commission of an act, or an attempt to commit an act, that would be in violation of the General Statutes of the State of North Carolina or of any federal law.

aa. Violating general probation or specific probation, e.g. not completing required sanctions or a positive result on a drug screen.

ab. Attempting to commit, or being an accessory to the commission of, any misconduct specified in this Code, including being in the presence of a Code violation in a campus residential area.

ac. Sexual harassment - unwelcome sexual advances, requests for sexual favors, or other gender-oriented conduct or conduct that emphasizes sexual-orientation that is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the complainant's educational or other University-related experience, that the complainant is effectively denied equal access to the University's resources and opportunities.

ad. Racial harassment - a threat of personal injury or property damage that is racially based, or other racially-oriented conduct (whether or not accompanied by verbal communication) that is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the complainant's educational or other

University-related experience, that the complainant is effectively denied equal access to the University's resources and opportunities.

ae. Misuse or abuse of computers, computer systems, computer networks, programs, computer resources and data or violation of any state or federal law or University policy on the use of computers, computer systems, or computer networks. Misuse or abuse of computers includes but is not limited to:

1. Any attempt to breach or the actual breach of network or computer security;
2. Unauthorized entry into a file, to use, read, delete, or change the contents, or for any other purpose;
3. Unauthorized copying or distribution of copyrighted computer software or other materials;
4. Unauthorized transfer of a file;
5. Use, or attempted use, of another person's identification and/or password or assisting another to misuse any identification or password;
6. Use of computing facilities to interfere with the work of another student, faculty member, university official, or any other member of the University community;
7. Use of computing facilities to send obscene or abusive messages;
8. Use of computing facilities to send unauthorized mass e-mailings or chain mail;
9. Use of web cams or any computer video recording devices without the verbal consent or knowledge of those being recorded;
10. Use of computer facilities to interfere with normal operation of any University computing system network.

af. Public intoxication - defined as substantial impaired behavior evidenced by poor motor skill coordination, slurred speech, or similar observable signs, that is attributable in part or in whole to the ingestion of alcohol or drugs.

ag. Unauthorized disclosure of confidential records, tapes, information, or documents provided ancillary to any part of the student conduct process.

ah. Use of skateboards, in-line skates, or similar devices on University property.

ai. Possession of drug paraphernalia (included but not limited to pipe, scales, bong, blow tube, and roach holder) or alcohol paraphernalia (including but not limited to beer bongs and funnels).

aj. To play at any game of chance or skill for money or other stakes; to stake or risk money or anything of value on the outcome of a game or event involving chance; the pledge of a forfeit risked on some uncertain outcome, including, but not limited to, card games and athletic events, except as permitted by law.

ak. Throwing of snowballs on University premises, throwing objects out of residence hall or other university windows, or throwing of any object at any unwilling participant.

al. Behavior or activities that endanger or may endanger the safety of oneself or others, including but not limited to driving under the influence, self-harm, and gestures of self-harm.

am. Participating in hazing - 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 harm or discomfort, severe emotional distress, embarrassment, or ridicule of another person.

an. Stalking - any behaviors or activities occurring on more than one occasion that place another person in reasonable fear or threaten his or her mental health and/or cause, or intend to cause, emotional distress. Such behaviors or activities may include, but are not limited to, unwelcome communication of any type, including face-to-face, telephone calls, voice messages, electronic mail, written letters or notes; unwanted gifts, etc.; pursuing or following, or observing or surveillance.



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