

Student Code of Community Standards

I. PREAMBLE

The University of North Carolina at Asheville, in honor of its rich liberal arts tradition, takes pride in a commitment to learning, creativity, diversity, engaged citizenship, equity, trust and integrity. 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, as integral members of the UNC Asheville community, are responsible for conducting themselves in a manner which enhances an environment of learning in which the rights, dignity, worth and freedom of each member of the academic community are respected and consistently represents the University in a positive light. To that end, responsible citizenship includes an expectation that members actively participate in behavior that complements and upholds the values and mission of UNC Asheville. Members of the University community are expected to engage in conduct that contributes to the culture of integrity and honor upon which University of North Carolina at Asheville is grounded.

II. AUTHORITY

The Code of the University of North Carolina, Section 502 D (3) states:

Subject to any policies or regulations of the Board of Governors or of the board of trustees, it shall be the duty of the chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to matters of student discipline, it shall be the duty of the chancellor to secure to every student the right to due process. Appeals from these student conduct decisions are allowable only on the following grounds:

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

Where the sanction is suspension or expulsion, an appeal may be made to the Board of Trustees. No appeal to the President of the University of North Carolina is permitted. When the sanction is expulsion, the final campus decision is appealable to the Board of Governors.

At UNC Asheville, the Chancellor has designated the Vice Chancellor for Student Affairs as the officer responsible for the policies related to student conduct. The Vice Chancellor for Student Affairs has, in turn, designated the Dean of Students as the person responsible for the administration of this code.

The Dean shall determine the composition of committees/boards and appeal bodies and determine which body shall be authorized to hear each case. The Dean shall develop policies for the administration of the community standards and citizenship education program and procedural rules for the resolution of cases which are consistent with the provisions of this code. The Director of Residential Education and Citizenship Education and the Assistant Director of Residential Education are the persons designated by the dean to be the primary case managers for all violations of this code.

A citizenship education committee may be designated as arbiter of disputes within the student community in cases which do not involve a violation of this code. All parties must agree to arbitration and to be bound by the decision with no right of appeal.

III. SCOPE AND INTERPRETATION OF THE CODE

The Student Code of Community Standards shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that undermines student academic success and that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, before classes begin and after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if relevant conduct is not discovered until after a degree is awarded). The Dean of Students, in consultation with the Vice Chancellor for Student Affairs shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in their sole discretion.

Any question of interpretation or application of the Student Code of Community Standards shall be referred to the Dean of Students or their designee for final determination.

The Student Code shall be reviewed every 2 years under the direction of the Dean of Students.

IV. STANDARDS OF DUE PROCESS

Any student charged with a violation of this Code is entitled to a hearing before a hearing body appointed by the Dean of Students, as noted in III. C. of this Code, except where the party(ies) involved and the University agree to settle the charge without a hearing as noted in III. B. Hearing Procedures III. C-H and Appeals IX are consistent with and satisfy the procedural requirements of [UNC Policy Manual 700.4.1](#).

The focus of the student conduct proceedings shall be to determine whether the respondent is or is not responsible for violating the Code. Formal rules of evidence do not apply. Deviation from prescribed procedures does not necessarily invalidate a decision, finding or proceeding, unless significant prejudice to a respondent or the University may result.

V. VIOLATION OF CRIMINAL OR CIVIL LAW AND THE STUDENT CODE OF COMMUNITY STANDARDS

The University may pursue disciplinary action against a student who is charged with a violation of civil or criminal law. (UNC Policy Manual 700.4.2) Proceedings under this Code may, at the discretion of the Dean of Students, be carried out prior to, simultaneously with, or following civil or criminal proceedings that are conducted off-campus. Determinations made or sanctions imposed under this Code shall not be subject to challenge or change on the grounds that the criminal charges have been dismissed, reduced, deferred, or because of any particular result of civil actions arising from the same incident.

When a student is charged by federal, state, or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of their status as a student. If the alleged offense is also being processed under this Code, the University may advise off-campus authorities of the existence of this Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

VI. DEFINITIONS

A. The term "Appellate Body" means any person or persons authorized by the Dean of Students to consider an appeal from a committee/board determination as to whether a student has violated the Code or from the sanctions imposed by the Citizenship Hearing Board.

B. The term "Citizenship Education Administrator" means any person or persons authorized by the dean to determine whether a student has violated the Student Code and to recommend and/or impose sanctions that may be imposed when a rules violation has been committed. This includes but is not limited to the Director of Residential and Citizenship Education, the Assistant Director of Residential Education, Community Directors, and the Assistant Vice Chancellor for Student Life.

C. The term "Citizenship Education Coordinator" refers to the university official(s) designated with primary case management for the Citizenship Education Process, which includes but is not limited to the Director of Residential Education and Citizenship Education and the Assistant Director of Residential Education or their designee.

D. The term "Committee/Board" refers to the formal administrative hearing proceedings to resolve cases of alleged misconduct, whose compliment may be composed of faculty, staff and students.

E. The term "Code" refers to the University of North Carolina at Asheville Code of Community Standards.

F. The term "Dean" means the Dean of Students or their designee.

G. The term "Guest" is defined as any nonstudent present on University premises at the invitation and/or hosting of the student.

H. The term "Member of the University Community" includes any person who is a student, staff, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Dean of Students.

I. A "Minor Violation" is a violation of this Code where the possible sanctions do not include suspension or expulsion. (However, a sanction of suspension or expulsion can on occasion result for a minor violation in light of a student's previous disciplinary history. When this is a possible outcome, the student will be made aware in advance of the potential for suspension or expulsion.)

J. The term "Organization" means any number of persons who have complied with the formal requirements for University recognition/registration.

K. A "Serious Violation" is a violation of this Code where the possible sanctions include suspension or expulsion.

L. The term "'Respondent" refers to the student who is alleged to have violated the Student Code of Community Standards; can also be referred to as the 'accused student'.

M. The term "Student" includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, non-degree seeking, licensure, graduate, or professional studies. A student who violates the Student Code, who is not officially enrolled for a particular term but has a continuing relationship with the University or has been notified of their acceptance for admission is considered a "student" as are persons who are living in University residence halls, although not enrolled in this institution.

N. The term "University" means the University of North Carolina at Asheville.

O. The term "University Official" includes any person employed by the University, performing assigned administrative or professional responsibilities.

P. The term "University Premises" includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by the University (including adjacent streets and sidewalks).

Q. The term "Vice Chancellor" means the Vice Chancellor for Student Affairs and their designee.

VII. SPECIFIC STUDENT COMMUNITY STANDARDS

Any student found to have committed or to have attempted to commit the following misconduct has violated the Student Code of Community Standards and is subject to the Citizenship Education Process:

A. Acts of dishonesty, including but not limited to the following:

1. Cheating, plagiarism, or other forms of academic dishonesty. (Note: Academic dishonesty cases from faculty are normally processed through the Academic Honesty Policy).
2. Furnishing false information to any University official, faculty member, or office.

3. Forgery, alteration, or misuse of any University document, record, or instrument of identification.

B. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.

C. Physical abuse, domestic/dating violence, threats, intimidation, harassment, stalking, coercion, and/or any other conduct which threatens or endangers the health or safety of any person. Includes but is not limited to:

1. 1. Conduct which threatens, coerces, harasses or intimidates another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University activities based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability or veteran status.
2. Unlawful harassment which leads to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria:
 - a. directed toward a particular person or persons;
 - b. based upon the person's race, color, religion, national origin, gender, sexual orientation, gender-identity, creed, disability or veteran status;
 - c. unwelcome;
 - d. severe or pervasive;
 - e. objectively offensive;
 - f. so unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.

D. Defamation, which is defined to mean the unprivileged oral, written, or electronic publication of a false statement of fact that exposes the person about whom it is made to hatred, contempt, or ridicule, or subjects that person to loss of the good will and confidence of others, or so harms that person's reputation as to deter others from associating with them.

E. Stalking includes, but is not limited to:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for their safety or the safety of others; and/or suffer substantial emotional stress.

F. Damage to or attempts to damage property of the University, member of the University community or other property owned by other persons. This includes but is not limited to:

1. Vandalism
2. Theft
3. Littering

G. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, or any action taken or situation created, intentionally, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization.

H. Failure to comply with directives of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

I. Unauthorized possession, duplication, or use of keys to any University premises or unauthorized entry to or use of University premises.

J. Violation of any University policy, rule, or regulation, including but not limited to:

1. Residential Education and Housing Operations policies (see the Resident's Handbook)
2. University Sexual Harassment Policy
3. University Smoking Policy
4. University Solicitation Policy
5. University Face Covering Policy

K. Violation of any federal, state or local law.

L. Use or possession of marijuana, narcotics or other controlled substances (as set forth in the North Carolina General Statutes); or the illegal or abusive use or possession of any other chemical substance, compound or combination. The term "illegal use or possession" means use or possession that is unlawful under either federal or state laws. The term "abusive use" means use of a chemical substance primarily for the recreational purpose of altering one's mood, emotion, or state of consciousness as opposed to use that has been prescribed for treatment of the user by a licensed health care attendant or that is specified by the manufacturer's labeling. This includes but is not limited to:

1. Possession or use of drug paraphernalia
2. Possession or use of Schedule I or II controlled substance
3. Possession or use of Schedule III – VI controlled substance
4. Possession with intent to manufacture, distribute or sell narcotics or other controlled substances.
5. The illegal or abusive use or possession of any other chemical substance, compound or combination.

M. Use, possession, manufacturing, or distribution of alcoholic beverages, except as expressly permitted by law and University regulations, (which includes the Alcohol policy and BYOB policy). Prohibited conduct also includes but is not limited to: public intoxication; possession or use of caffeinated alcohol beverages; and possession or use of prepackaged alcoholic beverages designed for rapid consumption of high alcohol volume content.

N. Illegal or unauthorized possession of harmful or dangerous items on University premises, including but not limited to:

1. Firearms
2. Other weapons (including but not limited to: bows/arrows; swords, spears; assisted or spring opening knives; pocket/folding knives with a blade greater than three inches and an overall length of six inches when open; throwing stars/knives; bb guns; airsoft guns; and nunchucks.)
3. Fireworks
4. Explosives

5. Dangerous chemicals or biological agents

O. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; inciting others to disrupt scheduled and/or normal activities within any campus building or area; or intentional obstruction which interferes with freedom of movement, either pedestrian or vehicular, on campus.

P. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.

Q. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University or members of the academic community.

R. Violation of Fire Safety Policy, including but not limited to:

1. Failure to properly evacuate during a fire alarm.
2. Intentional sounding of a fire alarm without cause.
3. Improper use of fire prevention equipment
4. Unauthorized setting of fires on university premises.

S. Sexual misconduct, including but not limited to:

1. Sexual assault: engaging in vaginal, oral or anal intercourse or penetration with any person without that person's consent*.
2. Non-consensual sexual contact: engaging in the intentional touching of any person's genitalia, groin, breast, buttock or clothing covering them, or forcing a person to touch another's intimate parts as listed above without that person's consent*.
3. Sexual exploitation: taking non-consensual, unjust or abusive sexual advantage of another for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; even if that behavior does not constitute rape, sexual assault or sexual harassment. Examples of Sexual Exploitation include but are not limited to prostituting another person; non-consensual sexually-oriented photographing of another person; video or audio taping of sexual activity without the participant(s)'s effective consent; going beyond the boundaries of consent, such as allowing others to observe sexual activity without the consent of a partner; engaging in voyeurism; and inducing incapacitation with the result of inflicting sexual misconduct on another person or with the result of creating opportunity for a third party to inflict sexual misconduct on another person.
4. Sexual Harassment: Sexual harassment is considered prohibited conduct as stated in Section IV.C. of the Student Code of Community Standards and UNC Asheville Sexual Harassment Policy. Depending upon the nature and severity of the harassment; it may also qualify as sexual misconduct.

Please note: Title IX requires institutions to respond to both sexual violence and sexual harassment. The University's [Sexual Harassment Policy](#) can be found online. The support services, education, prevention, outreach and the rights of the student victim and accused (if a student) are similar to the information noted in the Sexual Misconduct and Interpersonal Violence Policy. Should you experience sexual harassment or sexual misconduct, please contact Dr. Jill Moffitt, Title IX Administrator (828-350-4589).

*An action is "without that person's consent" when it is inflicted upon a person who has not freely and actively given consent. 'Consent' is an understandable exchange of affirmative actions or words which indicate an active, knowing and voluntary agreement to engage in mutually agreed upon sexual activity. Consent is not freely given when it is in response to force or threat of force or when a person is incapacitated by the (voluntary or involuntary) use of drugs or alcohol or when the person is otherwise physically helpless and the person performing the act knows or should reasonably know that the other person is incapacitated or otherwise physically helpless. A person is not required to physically resist sexual conduct in order to show lack of consent. Past consent for sexual activity does not imply ongoing future consent.

T. Any Violation of the Computer Use Policy.

U. Abuse of the Community Standards and Citizenship Education Process, including but not limited to:

1. Failure to obey the notice from a Citizenship Hearing Board or University official to appear for a meeting or hearing as part of the Citizenship Education Process.
2. Falsification, distortion, or misrepresentation of information before a committee or other standards body.
3. Disruption or interference with the orderly conduct of a Community Standards and Citizenship Education proceeding.
4. Institution of a Community Standards complaint without cause.
5. Attempting to discourage an individual's proper participation in, or use of, the Community Standards and Citizenship Education Process.
6. Attempting to improperly influence the Citizenship Education Process, its members, and/or its participants.
7. Harassment (verbal or physical) and/or intimidation of a complainant, witness, respondent or any member of a Hearing Board or part of the Citizenship Education process prior to, during, and/or after a Citizenship Education proceeding.
8. Failure to comply with a directive from the Citizenship Education process.
9. Failure to comply with the sanction(s) imposed under the Code.
10. Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

V. Aiding or abetting any prohibited conduct listed above.

W. 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.

VIII. CITIZENSHIP EDUCATION PROCESS

The goal of Community Standards is to create an environment which promotes the living and learning environment of the University in support of its mission, vision and values. The Citizenship Education Process exists to address issues of misconduct in an educational and value based format which addresses the behavior and provides for sanctions

designed to hold offending students responsible for their conduct, to prevent future recurrence, to provide resources for support of modified behavior, to assist the student(s) in reflective learning, and to restore the community impacted by the misconduct.

A. Any member of the University community may file, with the Citizenship Education Coordinator, a written complaint alleging a violation of this Code; the complaint should include factual information supporting the allegation. A complaint should be submitted as soon as possible after the event takes place, preferably within 30 days of the alleged violation and no more than 120 days. The Dean of Students has the discretion to consider a complaint beyond said timeline.

B. The Citizenship Education Coordinator may conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively, such as by mutual consent of the parties involved on a basis acceptable to the Citizenship Education Administrator. (Note: alleged violations of the Sexual Misconduct and Sexual Harassment Policy will follow similar adjudication procedures unless otherwise noted. Trained Title IX investigators will conduct investigations regarding acts of sexual misconduct. In cases of sexual misconduct certain interim actions and accommodations may be implemented as stated in the policy.). This determination should be made within thirty (30) calendar days after the filing of the complaint. Such disposition shall be final and there shall be no subsequent proceedings. The charged student will receive written confirmation of the administrative disposition of the case and a copy of the correspondence will become part of the student(s) disciplinary file. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Citizenship Education Administrator may later serve in the same matter as a Committee/Board or a member thereof. If the student admits violating the Code, but does not agree to the sanctions proposed, then the case will be forwarded to a board, where the board will consider sanctioning).

a. Parties involved in Citizenship Education cases have the right to have an attorney or other advocate of their choosing, represent them during the process for resolving alleged violations. Specific guidelines for attorney involvement can be found at this link, <https://housing.unca.edu/guidelines-attorneys-and-advocates>. Please read these guidelines carefully and have their attorney complete the appropriate paperwork prior to their involvement.

C. If there is not mutual consent to resolve the charges administratively; the Citizenship Education Coordinator will discuss the citizenship education process in further detail; inform the student as to the nature of the incident report and the alleged misconduct, and provide time for the accused to review copies of the relevant documentation. The Citizenship Education Coordinator will determine, based on the charges, if the case should be forwarded to a Citizenship Hearing Board. A board can be comprised of a single member or a panel. *For alleged sexual misconduct and other acts of violence cases, both the respondent and the alleged victim retain the same rights as stated in the Citizenship Education process, which includes but is not limited to: the ability to review documentation to be presented, to be present for the hearing, to present information, to pose questions to the board to be asked of witnesses, to have an advisor present and to appeal the hearing decision. Additional rights for the parties in sexual misconduct proceedings also apply: Title IX Rights and Resources.

D. No student is permitted to withdraw from enrollment after being charged with a Serious Violation of the Code prior to imposition of a sanction(s) or a finding of not responsible.

E. No less than five days prior to the hearing (unless noted otherwise in previous communication), the respondent will receive in writing* (via hard copy letter or e-mail to the respondent's UNC Asheville e-mail address), the notice of the charges, which shall (a) set out the rule or rules which have been allegedly violated; (b) state the alleged action or behavior; (c) list the names of any persons who have been identified as having pertinent information and will be notified to attend the hearing as witnesses; (d) state the format of the citizenship education proceeding; (e) the date, time and location of the hearing and membership of the board; advise the student of his or her rights and of the hearing procedure (this can be done with a reference to the Student Code) including the right to request the removal of any board member who is actually biased against a respondent or the alleged victim of an respondent's actions; (f) inform the student if suspension or expulsion is a possible sanction in the case. A request to remove a board member must be made in writing no less than 3 days prior to the hearing and must include the basis for the claim of bias. The Citizenship Education Coordinator shall evaluate the removal request and render a decision within 24 hours of the removal request (when possible) The Dean of Students and/or the Citizenship Education Coordinator may postpone the hearing until a determination on the removal request has been made. * For cases where the potential sanction is less than University suspension or expulsion, the respondent can waive receiving the information in writing and receive the information verbally (via phone) or in person.

F. A time shall be set for the hearing no less than ten (10) class days after the student has been notified of the alleged charges. The respondent may request an earlier hearing date, should they want to expedite their hearing. The waiver must be in writing and directed to the Citizenship Education Coordinator. In cases where there is an alleged student victim who will be participating in the hearing, the same rights for scheduling a hearing apply. Hearings will solely be scheduled around class/exam schedules.*Maximum time limits for scheduling of hearings may be extended at the discretion of the Dean of Students.

G. Written communication and efforts to contact the respondent and witnesses (and for appropriate cases, the alleged victim) shall be through their official university email account, through our database "Maxient". Students are expected to open and respond to these emails. If a student does not open or respond to communication from the Citizenship Education process staff, cases will continue to move forward and will be resolved in absentia. An attempt to contact via telephone may be made, but our primary, official form of communication for documentation purposes is via university email.

H. The respondent may review, in advance of the hearing, any written documentation that will be used at the Citizenship Education Hearing. This documentation review is provided to help the student prepare for the hearing. The review does not allow for copies to be made including photographs. The information shared during the review is FERPA protected and cannot be released to or shared with a third party except as permitted by FERPA.

I. Citizenship Hearings shall be conducted by a Citizenship Education Board according to the following guidelines as provided below:

1. Citizenship Hearings are considered closed to the public.
2. The University serves as Complainant, and may be present at the hearing to present the case to the board. The University, as complainant may choose to simply submit the documentation which outlines the alleged violation and supporting information to the board in lieu of appearing in person as the complainant. The respondent has the right to be assisted by a single advisor of their choice, at their own expense. In cases of sexual misconduct the alleged victim,

has the right to be assisted by an advisor of their choosing as well. The selected advisor may be an attorney or non-attorney advocate and may fully participate in the process but only to the extent afforded to the student(s) they represent. Specific guidelines for attorney and non-attorney advocate involvement can be found at this link, <https://housing.unca.edu/guidelines-attorneys-and-advocates>. Students are advised to read these guidelines carefully and have their attorney complete the appropriate paperwork prior to their involvement. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the Citizenship Hearing as delays will not normally be allowed due to the scheduling conflicts of an advisor. Advisors may not, in the sole discretion of the individual facilitating the meeting, delay, disrupt, or otherwise interfere with the proceeding.

3. The complainant, respondent, (and the alleged student victim in cases of sexual misconduct), and their advisors, if any, shall be allowed to attend the entire portion of the Citizenship Hearing at which information is received, but will not be allowed to attend deliberations of the board. Admission of any other person to the Citizenship Hearing shall be at the discretion of the Citizenship Education Coordinator and/or Dean. Should the respondent, and/or any witnesses (or the alleged victim in cases of sexual misconduct) do not attend the hearing, the process will continue in their absence.

4. In Citizenship Hearings involving more than one respondent, the case may be heard by a single board, with more than one respondent present, provided all the respondents consent to the single hearing. In an alleged sexual misconduct case (or other act of violence) the alleged victim must consent as well.

5. The complainant, the respondent and the Citizenship Hearing Board may arrange for witnesses to present pertinent information to the case at hand. (In cases of alleged sexual misconduct and other acts of violence the alleged victim may present witnesses as well) The University will try to arrange the attendance of possible witnesses who are members of the UNC Asheville community, if reasonably possible, and who are identified by the complainant, respondent, (and alleged victim for cases of sexual misconduct and other acts of violence) at least three weekdays prior to the Citizenship Hearing. Efforts will be made through university email, local phone if on record and through residential education staff, if the student lives on campus. Efforts should be equally made by participating students to help secure their witnesses for any hearing. Witnesses will provide information to and answer questions from the Citizenship Hearing Questions may be suggested by the respondent and/or complainant (as well as the alleged victim in cases of sexual misconduct and other acts of violence) to be answered by each other or by other witnesses. This questioning will be conducted by the Citizenship Hearing Board, by directing questions to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received or whether certain questions are relevant shall be resolved at the discretion of the chairperson of the Citizenship Education Hearing Board.

6. Pertinent records, materials, and written statements may be accepted as information for consideration by a Citizenship Hearing Board at the discretion of the chairperson. The board may determine that no additional witnesses are needed, or may request a witness to return for further questions. The decision to limit additional witnesses or presentation of information is at the discretion of the Chair. A Victim impact statement can be presented to the Chairperson but will not be considered until the sanctioning phase of the hearing process.

7. The general order of a hearing is as follows, however the Chair has the discretion to adjust format:

- a. Board introductions/identification of students/advisors present
- b. Presentation of charge(s) (by Complainant, if present, or by Chair)
- c. Presentation of case, witnesses and documentation by the complainant (if complainant is present, or Chair can call for complainant's witnesses in their absence)
- d. Opportunity for the respondent to pose questions to the complainant/witnesses through the board.
- e. Opportunity for the board to ask questions of the complainant/witnesses
- f. Presentation of case, witnesses and documentation by the respondent (if the respondent is present, or Chair can call for the respondent's witnesses in their absence).
- g. Opportunity for complainant (and/or alleged victim in cases of sexual misconduct or other act of violence) to pose questions to the respondent/witnesses through the board.
- h. Opportunity for the board to ask questions of the respondent/witnesses
- i. Board closes case presentations and goes into closed deliberations to determine responsible or not responsible for the alleged violation(s) based on a preponderance of the information; whether it is more likely than not that the respondent violated the Code.
- j. Board reconvenes to deliver findings.
- k. If the respondent is found not responsible, the hearing concludes.
- l. If the respondent is found responsible, presentation of victim impact statement(s), character statement(s) are presented to board.
- m. Board returns to closed deliberations to determine sanction(s).
- n. Board reconvenes to deliver sanctions and the hearing concludes.

8. All procedural questions are subject to the final decision of the chairperson of the Citizenship Hearing Board.

9. At the conclusion of the portion of the Citizenship Hearing in which all pertinent information has been received, the Board will go into closed deliberations, and all individuals who are not part of the board will be excused. The Board shall then determine (by majority vote if the Hearing Board consists of more than one person) whether the respondent has violated each section of the Student Code of Community Standards which the student is charged with violating.

10. The Citizenship Hearing Board's determination shall be made on the basis of whether it is more likely than not that the respondent violated the Student Code.

11. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Citizenship Education proceedings.

12. There shall be a single verbatim record, such as a tape recording, of all Citizenship Hearings excluding the period of the Board's deliberations. The record shall be the property of the University.

13. The Citizenship Hearing Board (through the Citizenship Education Coordinator and/or the Dean of Students) may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, alleged victim and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, internet (such as Skype) video tape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Dean of Students to be appropriate. Utilization of alternative technology (such as Skype) may be used at the discretion of the Dean should there be a need to accommodate a student participant due to extenuating circumstances which prevent physical attendance at the hearing.

14. The findings of the Citizenship Hearing Board are verbally presented to the respondent and complainant (and if present, the alleged victim) upon the close of the hearing, after board deliberations. If there is a finding of responsibility, and there is an alleged victim, they may present a victim impact statement (either in person or in writing) to the Board for their consideration in the sanctioning process. The respondent may present a character statement, either in person or in writing for the Board to consider in the sanctioning process. The board will return to closed deliberations to

consider sanctioning. If a respondent has a previous disciplinary history, the board will consider that as well in the sanctioning process. When the board completes their deliberations, the parties may return and assigned/recommended sanctions are verbally presented to the respondent and complainant (and if present, the alleged victim). The findings will be provided to the respondent in writing within ten (10) business days of the decision and shall include the final administrative decision, as well as the assigned sanctions (if any) and the process for appeal (may be done with a reference to the appropriate section in the Citizenship Education process). In cases of sexual misconduct or other acts of violence, the alleged victim will receive the findings, assigned sanctions, and the process for appeal in writing within the same timeline.

15. If the Citizenship Education Board or Citizenship Education Administrator/Coordinator should determine that suspension is the appropriate sanction, that finding is in the form of a recommendation to the Dean of Students, who will make the final administrative decision in all suspension cases. The final administrative decision must be made within forty-five (45) calendar days and transmitted in writing to the student within ten (10) calendar days of the decision. If the Citizenship Education Board or Citizenship Education Administrator/Coordinator should determine that expulsion is the appropriate sanction, that finding must be in the form of a written recommendation to the Vice Chancellor for Student Affairs, who makes the final administrative decision in all expulsion cases. The final administrative decision must be made within forty-five (45) calendar days, and transmitted in writing to the student within ten (10) calendar days of the decision.

16. Pursuant to FERPA, victims of a crime of violence (an act of violence in the Code) will be notified of the results of the proceeding of the alleged assailant. The release, which will be done in writing, will include the name of the student assailant, the violation of the Code, the essential findings which support the finding or responsible/not responsible, and the sanction imposed. If the alleged victim is actively participating in the hearing (such as an alleged sexual misconduct case), the alleged victim can be present for the findings and sanctioning portion of the hearing, and will also receive the information in writing.

J. Sanctions

1. The severity of sanctions imposed can be impacted by factors such as the current demeanor and past conduct records of the student, the nature of the incident, the severity of any injury, harm or damage resulting from the incident and whether the incident was motivated by bias based on actual or perceived race, gender, religion, age, sexual orientation disability or ethnicity. One or more of the following sanctions may be imposed upon any student found to have violated the Student Code of Community Standards:

- a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
- b. Probation—A written reprimand for violation of specified regulations, along with a designated period of time during which more severe disciplinary sanctions are possible if the student is found to violate any institutional regulation(s).
- c. Loss of Privileges—Denial of specified privileges for a designated period of time.
- d. Educational Outreach Assessments—previously established and published financial sanctions which may be imposed (i.e.: \$50 for first-time alcohol violation or first-time drug paraphernalia possession violation; \$100 for first time drug violation; \$100 for subsequent alcohol/drug/paraphernalia violations)
- e. Administrative Cost: The working cost associated with resolving or addressing the alleged violation, such as the relocation of lobby furniture to its proper location, etc.
- f. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- g. Educational Activity Sanctions—Work assignments, essays, service to the University, or other related discretionary assignments.
- h. Other sanctions – other sanctions can consist of community service, assessments, counseling or other activity deemed necessary or beneficial.
- i. Residence Hall Relocation – Relocation of the student from his or her current assigned residential space to a new assignment to be determined by the Citizenship Education Coordinator.
- j. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for re-admission may be specified.
- k. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
- l. University Suspension – Separation of the student from The University of North Carolina Asheville, for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. All University Suspensions shall be added to The University of North Carolina Suspension and Expulsion Database. A student may not earn credit for transfer to the University of North Carolina at Asheville during their period of suspension.
- m. University Dismissal – Separation of the student from The University of North Carolina, and each of the UNC constituent institutions, for an indefinite period of time. Conditions for readmission may be specified. All University Suspensions shall be added to The University of North Carolina Suspension and Expulsion Database. A student may not earn credit for transfer to the University of North Carolina at Asheville during the period of dismissal.
- n. University Expulsion – Permanent separation of the student from The University of North Carolina and each of the UNC constituent institutions. All University Expulsions shall be added to The University of North Carolina Suspension and Expulsion Database.
- o. Revocation of Admission and/or Degree.

2. More than one of the sanctions listed above may be imposed for any single violation, in addition to sanctions that may be imposed upon individual students for taking part in a group's misconduct.

3. The following sanctions may be imposed upon groups or organizations:

- a. Those sanctions listed above.
- b. Loss of selected rights and privileges for a specified period of time.
- c. Deactivation. Loss of all privileges, including University recognition, for a specified period of time.

IX. APPEALS

An appeal is not a new hearing; rather it is a review of the verbatim record and the decision of the hearing body to determine if the decision was appropriately reached. Only the respondent may appeal the finding of a hearing body, except as allowed in cases of sexual misconduct, where both the respondent and the alleged victim have the same appellate rights and should follow the procedure for 'Appeals for Serious Violations'.

A. Appeals for minor violations:

1. A decision reached by the Citizenship Hearing Board may be appealed by the respondent to the Dean of Students within five (5) school days of the respondent's receipt of notice of the decision. Such appeals shall be in writing, signed by the student and shall include specific, detailed information regarding the perceived grounds for appeal and the information the respondent feels supports their appeal. The appeal will be delivered to the Dean of Students or their designee.
2. An appeal shall be limited to a review of the verbatim record of the Citizenship Hearing and supporting documents for one or more of the following purposes:
 - a. To determine a violation of due process
 - b. To determine whether there was a material deviation from Substantive and Procedural Standards adopted by the Board of Governors. (Can be found at: <http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=457&added=1>)
3. The Dean of Students will respond in writing to the appeal within ten (10) days of receipt. If an appeal is granted by the Dean of Students, the matter may be addressed in one of the following ways: modification of the sanctions; remand of the case to the Citizenship Hearing Board (only if specified procedural errors were so substantial as effectively to deny the party a fair hearing or if new and significant evidence became available which could not have been discovered by a properly diligent party before or during the original hearing). If the appeal is denied, the sanctions are active and the respondent must abide by their terms.
4. Should the respondent wish to appeal the Dean's decision, the appeal must be made in writing to the Vice Chancellor for Student Affairs, and must be received by the Vice Chancellor within five (5) days of the student's receipt of the Dean's decision. If an appeal is granted by the Vice Chancellor, the matter may be addressed in one of the following ways: modification of the sanctions; remand of the case to the original Citizenship Hearing Board for re-opening of the case to allow reconsideration of the original determination and/or sanction(s); return of the case to the Citizenship Education Coordinator for a new hearing. The Vice Chancellor is the final level of appeal.
5. If an appeal is denied, the student must comply with the original sanctions. If the imposed deadlines for sanctions need modifications in light of the duration of the appeal process, the student must make the request for an extension in writing to the Citizenship Education Coordinator within two (2) business days of the appeal findings.

B. Appeals for serious violations or where the sanctions of suspension, dismissal or expulsion were imposed

1. A decision reached by the Citizenship Hearing Board or a sanction imposed by the Citizenship Education Coordinator may be appealed by the respondent(s) to the Dean of Students within five (5) school days of the decision. Such appeals shall be in writing and shall be delivered to the Dean of Students or his or her designee. Also, the respondent MUST deliver to the Dean of Students a written intent to appeal within forty-eight hours of receipt of the Board's decision.
2. In the case of a serious offense, imposed sanctions are in place and active through the appeal process completion pursuant to an interim suspension and all rights therein.
3. Appeals shall be limited to a review of the verbatim record of the citizenship education hearing and supporting documents. The appellate body may call for the submission of new and/or additional oral or written evidence as necessary to reach a fully informed decision. The party making appeal shall be provided fair opportunity to respond to such additional evidence before the appeal is decided, and the evidence shall be added to the record of the hearing. Appeals are limited to the following grounds, as per University of North Carolina Code Section 502 D(3), (see Section II):
 - a. To determine a violation of due process
 - b. To determine whether there was a material deviation from Substantive and Procedural Standards adopted by the Board of Governors. (Can be found at: <http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=457&added=1>).
4. The Dean of Students will respond in writing to the appeal within ten (10) days of receipt of the written appeal. If an appeal is granted by the Dean of Students, the matter may be addressed in one of the following ways: remand of the case to the original Citizenship Hearing Board for re-opening of the case or return of the case to the Citizenship Education Coordinator for a new hearing.
5. Should the respondent wish to appeal the Dean's decision, the appeal must be made in writing to the Vice Chancellor for Student Affairs, and must be received by the Vice Chancellor within five (5) days of the student's receipt of the Dean's decision. If an appeal is granted by the Vice Chancellor, the matter may be addressed in one of the following ways: modification of the sanctions; remand of the case to the original Citizenship Hearing Board for re-opening of the case or to return of the case to the Citizenship Education Coordinator for a new hearing.
6. Should the respondent wish to appeal the Vice Chancellor's decision, the appeal must be in writing to the UNC Asheville Board of Trustees, and must be received by the Board within five (5) days of the student's receipt of the Vice Chancellor's decision. If an appeal is granted by the UNC Asheville Board of Trustees, the matter may be addressed in one of the following ways: remand of the case to the original Citizenship Hearing Board for re-opening of the case or return of the case to the Citizenship Education Coordinator for a new hearing. The final level of appeal for a sanction of suspension or expulsion is with the UNC Asheville Board of Trustees.
7. No appeal to the President of the University of North Carolina is permitted.
8. If an appeal is denied, the student must comply with the original sanctions. If the imposed deadlines for sanctions need modifications in light of the duration of the appeal process, the student must make the request for an extension in writing to the Citizenship Education Coordinator within two (2) business days of the appeal findings.

X. INTERIM SUSPENSION

In certain circumstances, the Dean of Students, or a designee, may impose a University or residence hall suspension prior to the Citizenship Hearing.

A. Interim suspension may be imposed only:

1. to ensure the safety and well-being of members of the University community or preservation of University property;
2. to ensure the student's own physical or emotional safety and well-being; or
3. if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the University.

B. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other University activities or privileges for which the student might otherwise be eligible, as the Dean of Students, or a designee may determine to be appropriate.

C. The interim suspension does not replace the regular process, which shall proceed on the normal schedule, up to and through a Citizenship Hearing, if required. Depending upon the nature of an alleged violation, other interim actions can be imposed, such as interim relocation in the residence halls that, in the opinion of the Dean of Students, are necessary to protect the safety of the University community or any of its members or to prevent interference with University operations.

XI. CITIZENSHIP EDUCATION PROCESS RECORDS

Citizenship Education records are considered education records and protected by FERPA. The records, including audio recordings or transcripts of hearings will be retained as conduct records for a period of 8 years or such other period of time prescribed by the UNC Records and Retention and Disposition Schedule. Conduct records may be retained for longer periods of time or permanently, as specified in the sanction. In situations involving both a respondent(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the respondent(s) and the alleged student victim(s) because the educational career and chances of success in the academic community of each may be impacted. Conduct records of suspension, expulsion or revocation/withholding of a degree shall be retained permanently.

Students may inspect their conduct files in accordance with our [FERPA records request policy](#).

North Carolina State Law Regarding Hazing

- [§14-35. Hazing; definition and punishment.](#)
- [§14-38: Witnesses in hazing trials; no indictment to be founded on self-criminating testimony.](#)

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