

POL - 40.13.1 Student Code of Conduct

Authority: Board of Trustees

Responsible Office: Student Conduct and Community Standards

Office:

Contact: Office of Student Conduct and Community Standards,
[919-530-6311](tel:919-530-6311),
studentconduct@nccu.edu

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2017; September 27, 2017; May 14, 2018; June 27, 2018; Last
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**Related
Links:**

- [UNC Policy Manual 700.4.1 \(Policy on Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings\)](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s457)
(<http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s457>)
- [UNC Policy Manual 700.4.1.1\[R\] \(Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations\)](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=16246&added=1)
(<http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=16246&added=1>)
- [UNC Policy Manual 700.4.2 \(Policy on Student Conduct\)](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s7166)
(<http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s7166>)
- [Family Educational Rights and Privacy Act of 1974](http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html)
(<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>)
- [Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act](https://www.clerycenter.org/the-clery-act) (<https://www.clerycenter.org/the-clery-act>)
- [NCCU POL 01.04.02 \(Sexual Harassment Policy\)](#)

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1. Introduction

The policies and procedures, herein described, govern the conduct of students of North Carolina Central University (NCCU). Included is the code of student conduct, disciplinary procedures, hearing procedures, and judicial actions. Students are responsible for complying with the rules and regulations of the University, as well as with all federal, state, and local laws.

2. Basic Premises

Standards of behavior at North Carolina Central University are intended to enhance and protect the University's general educational process, including research and public service activities, as well as promote personal academic advancement and maturation.

Realization of such goals can only be achieved in a civil atmosphere of mutual respect among individuals, of appreciation and respect of the rights of other individuals, and of recognition of the rights of individuals and groups to express dissent. For any community to be self-governing, the rules under which it operates must be publicized and understood by the community. The Student Code of Conduct is intended to codify and explain the rules for standards of behavior and responsibilities, as well as the rights and remedies accorded to all members of the community.

3. Scope of Student Conduct Process

Upon acceptance of admission to NCCU, each student agrees to abide by the policies of the University, and to conduct him/herself in a manner consistent with its educational mission. Students have a responsibility to review the Student Code of Conduct and other policies, and to seek clarification, if necessary, from the Office of Student Conduct and Community Standards. The Student Code of Conduct and other related policies and procedures may be found in the Undergraduate Catalog, Graduate Catalog, Student Handbook, and other University manuals. In addition, various academic units and administrative departments have policies specific to their area of responsibility. It is the responsibility of each student to be familiar with the University policies and procedures. The Student Code of



Conduct and related policies are available online. Printed copies are available in the Dean of Students Office and Office of Student Conduct and Community Standards.

4. **Campus Rules and Their Applicability to Student Organizations**

As part of the North Carolina Central University community, campus organizations represent and are accountable to the University. All campus organizations, as well as the individuals who compose the student organization, are expected to abide by the Student Code of Conduct and related policies. Each student organization must ensure that its members comply with the Student Code of Conduct and related policies. A student organization may be held responsible for violating the Student Code of Conduct and related policies and any such violations may result in disciplinary action in accordance with the Code. Disciplinary action may be taken against the organization, individual members, or both. *(See Appendix I for Registered Student Organizations (RSO))*

5. **Definitions**

5.1 The term “**Advisor**” means an attorney or non-attorney advocate.

5.2 “**Coercion**” involves unreasonable and unwanted pressure to engage in sexual activity. Engaging in sexual activity should be the result of a freely given choice. An individual should engage in sexual activity because he or she wants to, and not as the result of being pressured by someone else. Threatening, cajoling, and pressuring someone until they finally say, “Okay, just get it over with” is not consent.

5.3 “**Common Space**” refers to areas of a residential living facility that include, but are not limited to, hallways, stairwells, elevators and courtyards.

5.4 A “**Controlled Substance**” is a drug, substance, or immediate precursor included in Schedules I through VI of the North Carolina Controlled Substances Act. *(N.C. General Statute 90-86.)*

http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_90/Article_5.ht

5.5 With respect to sexual behavior, “**Consent**” is an affirmative decision to engage in mutually acceptable sexual activity given by clear actions or words. It is an informed decision made freely, willingly, and actively by all parties. Consent is informed, knowing,

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and voluntary. Consent is active, not passive. Silence or an absence of resistance cannot be interpreted as consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Consent to sexual activity may be withdrawn at any time. If consent is withdrawn, all sexual activity must immediately cease.

5.5.1 In the absence of mutually understandable words or actions (an agreement on what is to be done, where, with whom, and in what way), it is the responsibility of the initiator (the person who wants to engage in the specific sexual activity) to make sure that he or she has consent from the potential partner(s). Coercion, force, or threat of either invalidates consent.

5.5.2 Conduct will be considered “without consent” if no clear consent, verbal or nonverbal, is given. It is important not to make assumptions; if confusion or ambiguity on the issue of consent arises anytime during the sexual interaction, it is essential that each participant stops and clarifies, verbally, willingness to continue. In the State of North Carolina, an individual cannot legally give consent if he or she is incapacitated due to alcohol or legal or illegal drugs, or under the age of 16.

5.5.3 Someone is not giving consent if she or he is: saying “no” or “stop”, crying, moving away, pushing the other(s) away, completely still/unengaged, intoxicated, drugged/high, asleep, unconscious, physically or psychologically pressured or forced, intimidated, coerced, manipulated, mentally or physically impaired, beaten, threatened, confined, or under the age of 16.

5.5.4 Furthermore, a current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Being intoxicated does not diminish one’s responsibility to obtain consent. Silence, previous sexual relationships, and/or a current relationship with the initiator (or anyone else) may not be taken to imply consent.

5.6 "**Day**" Unless otherwise specified, the term "day" refers to business days. The University's normal business operations take place Monday through Friday.

5.7 A "**Dean of Students Hold**" is an administrative action to limit activity on a Student's University records and prevents the Student from completing the following University processes: pre-registration, registration, drop/add, withdrawal, graduation, receiving official transcripts, etc. A Dean of Students Hold may be applied to a Student's account to facilitate participation in the Student conduct process; to facilitate completion of sanctions; when interim action has been taken; or when a Student is suspended/expelled; etc.

5.8 "**Discrimination**" is unequal and unlawful treatment based on race, color, religion, gender, gender identity, age, national origin, disability, veteran status, genetic information, or sexual orientation.

5.9 "**Drug Paraphernalia**" is any legitimate equipment, product, or material that is utilized or is modified for making, using, or concealing illegal drugs and/or other Controlled Substances.

5.10 The term "**Gambling**" means the operation of any "game of chance" or playing at or betting on any game of chance at which any money, property or other thing of value is bet, whether the same be in stake or not. A game of chance is any game or scheme in which receiving something of value depends on chance rather than skill. (NC General Statute § 14-292)

5.11 "**Guest**" is a person who is present on University Premises at the invitation of or who is being hosted by a Student.

5.12 A "**Hate Crime**" is an offense that is motivated by the offender's bias against a victim's race, color, disability, sexual orientation, gender identity, religion, or ethnicity nationality, or country of origin. Conduct that may not rise to the level of a "Hate Crime" may still constitute unlawful Harassment.

5.13 The term "**Hearing Panel**" means any person or persons designated and/or appointed by the Director of SCCS to determine whether a Respondent has violated the Student Code of Conduct and to make decisions about sanctions. A Hearing Panel may include students, faculty members, and staff. A Hearing Panel member who has a conflict with, bias about or interest in the case should recuse

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himself or herself. If the Hearing Panel member refuses to recuse himself or herself, the Director of SCCS shall make the decision about whether to remove that person from the Panel.

5.14 “**Incapacitation**” is defined as being in a state in which a person sufficiently lacks the mental awareness that the situation is of a sexual nature, or cannot appreciate (rationally and reasonably) the nature and/or extent of a situation that may involve sex.

5.15 The terms “**Institution**” and “**University**” refer to North Carolina Central University.

5.16 “**Intimidation**” is the use of threats or promises of a threat to compel and/or deter someone from taking a particular action.

5.17 The term “**member of the University community**” means any person who is a student, employee or volunteer at the University.

5.18 “**Preponderance**” is the standard of proof by which all student conduct decisions are made and means that it is more likely than not that the Respondent violated the Student Code of Conduct.

5.19 The term “**SCCS**” is an abbreviation for the “Office of Student Conduct and Community Standards”.

5.20 The phrase “**record of the hearing**” includes the letter containing the formal charges against a Respondent, the audio recording of the hearing, and all documents offered as information at the hearing by either party and the SCCS; the written opinion of the Hearing Body; and any documentation related to any appeal.

5.21 The term “**Registered Student Organization**” (RSO) means a collection of persons who have complied with the requirements for formal University recognition via the Student Government Association.

5.22 The term “**Respondent**” means a Student, Student Group, or RSO charged with a violation of the Code.

5.23 The term “**separation of the student from the University**” means that, other than contacting SCCS and/or University department(s) approved by SCCS, the Student may not be present on University premises, attend or participate in classes, enter or use any University service or facility, including residence halls, dining facilities, ask a question!



recreation, leisure, library, or computer lab services or facilities, or participate in recognized University clubs or any University-sponsored program, activity, or related event.

5.24 The term "**Student**" means either (i) a person who has applied for admission, been accepted, and is enrolled in a schedule of undergraduate or graduate courses at the University, (ii) a person attending classes at or through the University, or (iii) a person participating in orientation programs on the University Premises. The term "Student" includes a person who is enrolled in courses on a full-time or part-time basis, at any of the University's locations. The term also includes a person enrolled in distance education programs, or who participates in Study Abroad programs or other University-sponsored trips.

5.25 The term "**Student Group**" means a number of persons associated with each other for a common purpose, and who have not completed the formal registration requirements to be recognized as a Registered Student Organization.

5.26 The term "**University Official**" means any person employed by the University and authorized to perform administrative or professional duties, including but are not limited to: faculty members, staff members, and student employees.

5.27 The term "**University Premises**" means all buildings, facilities or grounds owned, leased, operated, controlled or supervised by North Carolina Central University, including adjacent streets and sidewalks.

6. Authority and Jurisdiction

6.1 Authority of the University

North Carolina Central University is a constituent institution of the University of North Carolina. Pursuant to The Code of the University of North Carolina, as adopted by the Board of Governors of the University of North Carolina, the Chancellor is solely responsible for all matters of student discipline at North Carolina Central University. The Chancellor may delegate this authority in matters of student discipline to administrative officers, faculty, and staff committees. The Chancellor has delegated her authority through the Vice



Chancellor for Student Affairs to the Office of Student Conduct and Community Standards to implement policies and procedures in the matters of student discipline at North Carolina Central University.

6.1.1 Authority of the Code

6.1.1.1 The Student Code of Conduct (“Code”) is the University’s primary policy governing student behavior. The provisions of the Code are not contractual covenants between the University and the student. The University reserves the right to change the Code at any time during a student’s term of enrollment. Such changes will be communicated to members of the University community through various publications. Each student is responsible for maintaining current knowledge of the Code. Students are subject to the Student Code of Conduct and related policies from the time they accept admission until their graduation from the University. This means that conduct occurring before classes begin or after classes end, during the academic year, and during periods between terms of enrollment is governed by the Code.

6.1.1.2 An operating unit of the University (e.g., academic colleges or departments, University Housing, Athletics) may also establish conduct standards for the student/departmental relationship, so long as those standards are consistent with the provisions of the Code or establish higher standards of conduct set forth in the Code. Disciplinary action pursuant to the Code does not preclude additional action by the operating unit. Sanctions applied under the Code cannot be waived or modified by the operating unit. Sanctions may be imposed by the operating unit in lieu of sanctions applied in proceedings under the Code only when done in consultation with the Director of the SCCS.

6.1.1.3 The Student Code of Conduct also applies to student behavior, which violates University policies, but which was discovered after the student has left the University or has graduated. Depending on the circumstances of the case, degree revocation might be a consequence. The University reserves the right to administratively rescind and void a student’s admission offer prior to their first day of class if the student provided false information or omitted information on their application.

6.1.2 Precedence of the Code

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6.1.2.1 The Code addresses general student conduct. The Code details the fundamental fairness and process requirements for student conduct proceedings. In areas of duplication, wherein a student's conduct violates the Code as well as his/her academic department, the academic department will have final decision making authority regarding resolution of the conduct matter.

6.1.2.2 The Academic Honor Code governs student conduct directly related to the academic life of the University. The Academic Honor Code is applicable to any academically related experience involving NCCU students (or alumni in cases where violations are discovered after graduation) whether occurring on the campus or at host institutions or sites. All alleged violations of the Academic Honor Code (<https://myeol.nccu.edu/sites/default/files/2021-02/Academic-Honor-Code.pdf>) must be resolved in accordance with this Academic Honor Code and under the direct authority of a NCCU faculty member.

6.1.2.3 Graduate or professional schools within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or violations of the Code. Graduate students should note that they are simultaneously accountable to multiple and separate jurisdictions—institutional standards of academic dishonesty and/or general conduct, or a departmental conduct officer in cases of alleged violations of departmental policies.

6.1.2.4 Faculty members of each academic unit may implement classroom rules and regulations that govern student conduct during classroom and instructional times. The primary responsibility for managing the classroom environment rests with the faculty member. However, sanctions applied by the individual faculty member may not exceed those specified in the Code. In addition, no faculty member has the authority to suspend or expel a student from his/her classroom for greater than one class period without invoking the student conduct process set forth in the Code.

6.2 Jurisdiction of the Code

The University has jurisdiction over all behavioral infractions that occur on University Premises. It reserves the right to consider the behavior of students off campus when it is determined that the offense



campus behavior interferes with the University, its educational mission and the safety of the University community. The Director of the Office of Student Conduct and Community Standards in consultation with the Dean of Students and the Vice Chancellor for Student Affairs shall determine if an incident off campus affects University interests and falls within the scope of the Code of Student Conduct. Application of the Code of Student Conduct to off-campus Student conduct will be consistent with the following values:

6.2.1 to prevent and reduce behavior that undermines Student academic success and that negatively detracts from the educational mission of the University;

6.2.2 to improve the health and safety of Students and other community members;

6.2.3 to provide timely intervention, support, and resources for those who may be struggling with substance abuse/addiction and;

6.2.4 to address activities of a Student(s) that clearly conflict with the University's interests and mission.

6.3 Violation of Law

In cases where a student charged with a violation of law that is also a violation of the Student Code of Conduct, the University reserves the right to proceed under the Student Code of Conduct with a hearing and the possible imposition of a sanction, prior to, concurrent with or subsequent to, civil litigation, criminal arrest, and/or criminal prosecution.

6.4 Off-Campus Violations and University Disciplinary Proceedings

The primary types of off-campus violations addressed by the Office of Student Conduct and Community Standards include, but are not limited to, the following:

6.4.1 felony charges;

6.4.2 act of harm charges, including, but not limited to, assault, harassment, sexual misconduct, or threats;

6.4.3 driving while impaired (DWI) charges or charges of driving by individuals less than twenty-one (21) years old after consuming alcohol or drugs;



6.4.4 repeated or high-risk alcohol misdemeanor charges;

6.4.5 repeated or high-risk drug misdemeanor charges; and

6.4.6 activities of a student or group of students that conflict with the University's interests and mission, including, but not limited to, patterns of behavior that put the health and safety of others at risk or show disregard for the policies of the University.

6.5 Freedom of Expression

The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the United States 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. In administering the Code, due care will be exercised in order to preserve freedom of speech and expression, as articulated in current legal standards.

6.6 Standards of Due Process

Any Student charged with a violation of the Code of Conduct is entitled to a hearing before a Hearing Panel appointed by the Director of SCCS, as specified in the Conduct Process (Section 9) of the Code, except where the party and the University agree to settle the charge without a hearing, as provided in Resolution of Disciplinary Actions (Section 9.2). Sections 7 and 9 are consistent with and satisfy the procedural requirements of [UNC Policy Manual 700.4.1. \(http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s457\)](http://www.northcarolina.edu/apps/policy/index.php?pg=vs&id=s457). The focus of inquiry in student conduct proceedings shall be to determine whether the Respondent is or is not responsible for violating the Code of Conduct. Formal rules of evidence shall not be applicable, nor shall deviation from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to the Respondent or the University may result.

7. Rights of Involved Students

Students are guaranteed the following elements of fundamental fairness throughout the Conduct Process.

7.1 Rights of the Respondent:

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- 7.1.1 to be provided a fundamentally fair process;
- 7.1.2 to be presumed not responsible for a violation of the Code until determined otherwise;
- 7.1.3 to be given written notice of any allegation(s) or formal charge(s) of prohibited conduct;
- 7.1.4 the right to have a reasonable amount of time to prepare for a hearing;
- 7.1.5 to review the information that will be presented in any resolution, provided that the information may be given to the student in a redacted format;
- 7.1.6 to present relevant information on their behalf;
- 7.1.7 to be represented by an Advisor throughout the entire Student Conduct Process, provided written Notice of Representation, a signed FERPA authorization, and Certification forms are received within four (4) business of notification of allegations. **Note: The Notice of Representation must include the identity of the Advisor and specification of their status, address, telephone number, and email where they may be reached. The FERPA Authorization and Certification forms will be provided in the notification email.**
- 7.1.8 to have sanction(s) imposed on the basis of the guidelines set forth in the Code;
- 7.1.9 to be informed of the final decision and results of a disciplinary proceeding;
- 7.1.10 to request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the North Carolina Central University Office of Student Disability Services;
- 7.1.11 to know the identity of individuals speaking or providing written information for consideration at any hearing;
- 7.1.12 to confront, in some manner, the allegations and information presented relevant to the formal charge(s) against them, which in all cases will be brought forward by the University;

7.1.13 to request a delay of the hearing for academic or extenuating circumstances;

7.1.14 to admit responsibility for any or all of the charges against them;

7.1.15 to request that a member of a Board be excluded from the hearing on the basis of a conflict of interest or bias;

7.1.16 to not speak or answer any question(s), if such testimony or answers would tend to establish against them a violation of the Code. When a student refuses to speak, therefore avoiding questioning, they relinquish the right to make a written or verbal statement at the end of the findings stage the hearing; however, a summation of the relevant facts of the matter under adjudication may be made by the student's Advisor, provided that the summation is not a substitute for the statement the student declined to provide;

7.1.17 to pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair; except the alleged victim of alleged sexual violence;

7.1.18 to appeal any decision of a Hearing Panel, pursuant to Section 11 of the Code;

7.1.19 to have supervised access to a recording of the hearing proceedings; and

7.1.20 to have any disciplinary records kept confidential, unless an exception is allowed or required by law or regulation.

7.2 Rights of the Complainant:

7.2.1 to be provided a fundamentally fair process;

7.2.2 to file a complaint with the Office of Student Conduct and Community Standards upon discovery of the violation;

7.2.3 to file criminal charges or pursue civil action in addition to any action taken under the Code;

7.2.4 to have prior disciplinary history excluded from information presented during a Board's hearing and deliberation of findings for any charge(s);



7.2.5 to have sanction(s) imposed on the basis of the guidelines set forth in the Code;

7.2.6 to request reasonable accommodations under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act through the Office of Student Disability Services;

7.2.7 in cases involving an alleged crime(s) of violence or act(s) of sexual misconduct or sex/gender based harassment, to provide an impact statement, provided that such statement shall only be considered during the sanctioning phase of a hearing;

7.2.8 in cases involving an alleged crime(s) of violence or act(s) of sexual misconduct or sex/gender based harassment, to be informed of the final decision and results of a disciplinary proceeding in accordance with FERPA and the Clery Act;

7.2.9 in cases involving an alleged act(s) of sexual misconduct or sex/gender-based harassment, to review the information that will be presented in any resolution, provided that the information may be given to the student in a redacted format;

7.2.10 to present relevant information on their behalf;

7.2.11 to obtain support, advice, or assistance from an Advisor, pursuant to relevant sections in Section 9 of the Code;

7.2.12 to know the identity of individuals speaking or providing written information for consideration at any hearing;

7.2.13 to be provided the same opportunities as the Respondent to address any University official involved with the resolution of the complaint, including being present during the findings stage of the hearing. **Please note: the complainant has the right not to participate in the hearing if he/she so chooses but the University may still move forward in addressing the alleged violation of the student conduct process.**

7.2.14 to request that a member of a Board be excluded from the hearing on the basis of a conflict of interest or bias;

7.2.15 to not speak or answer any question(s), if such testimony or answers would tend to establish against them a violation of the Code. When a student refuses to speak, therefore avoiding



questioning, they relinquish the right to make a written or verbal statement at the end of the findings stage of the hearing; however, a summation of the relevant facts of the matter under adjudication may be made by the student's Advisor, provided that the summation is not a substitute for the statement the student declined to provide;

7.2.16 to pose reasonable questions to any witness appearing at a hearing in a manner determined by the Chair;

7.2.17 to appeal any decision of a Board, pursuant to Section 11 of the Code;

7.2.18 to have supervised access to a recording of the hearing proceedings in which the Complainant had an opportunity to participate; and

7.2.19 to have any disciplinary records kept confidential, unless an exception is allowed or required by law or regulation.

8. Acts of Misconduct

8.1 Prohibited Conduct

Behavior that is subject to disciplinary action under the Code includes: (1) violations of federal, state or local Law, (2) policies of the State of North Carolina, the University of North Carolina, or North Carolina Central University, (3) conduct which presents a clear and present danger to members of the University community, and (4) any other behavior that significantly and unreasonably has an adverse effect on the University or its educational mission. Examples of behavior that will be subject to disciplinary action include, but are not limited to, the following:

8.1.1 Acts of Dishonesty

8.1.1.1 Cheating, Plagiarism or Other Forms of Academic Dishonesty

8.1.1.2 Furnishing False Information to any University Official, Faculty Member or Office

8.1.1.2.1 Knowingly making in public a false oral statement with the intent to deceive and/or mislead or knowingly publishing and/or distributing a false written or printed statement with the intent to deceive and/or mislead or injure the character and/or reputation of another; and/or



8.1.1.2 Knowingly furnishing false information to a judicial board, to a judicial hearing officer or to any other University official in the discharge of their duties.

8.1.1.3 Forgery, Alteration or Misuse of any University Document, Record Instrument of Identification. Includes signing of another student's name, using another student's identification card (Eagle Card), credit card, or other personal documents, affixing the signature of a University official to any document circumventing the procedural process of the University or to gain an unfair advantage.

8.1.1.3.1 University-issued identification may be required to enter the dining hall or other designated facilities and events. This identification must be used by the person to whom it is issued, it is non-transferable and must be used for the purpose it was issued. Students are not allowed to use another student's identification card (Eagle Card) for any reason. If your card is lost or stolen, report it to the North Carolina University Police and the Eagle Card Office immediately. Students are required to present their identification card (Eagle Card) when it is required by any University Official.

8.1.2 Alcohol Violations. Any violation of NCCU's Policy on Alcoholic Beverages, North Carolina Law and/or NCCU's Residential Life Community Living Standards, including, but not limited to: use or personal possession of alcoholic beverages or containers by a person who is under the age of 21; furnishing and/or facilitating the possession and/or consumption of alcoholic beverages by a person who is under the age of 21; consumption of any alcoholic beverages where it is not legally permissible to do so; being intoxicated in public attributable in part or in whole to the use of alcohol; possession or consumption of any alcohol beverage inside any University Athletic facility except on such occasions as designated in the University's Policy on Alcoholic Beverages (<https://www.nccu.edu/policies/retrieve/20>); and conduct that could form the basis of any charge relating to a violation of North Carolina laws regarding alcohol.

8.1.2.1 Consistent with North Carolina law and Section 6.3 of the University's Policy on Alcoholic Beverages, the possession and consumption of alcoholic beverages by those 21 years of age or older is permitted in one's residence hall room, suite or apartment or in another room, suite or apartment with the consent of the resident,

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provided the resident is also 21 years of age or older. The consumption of alcoholic beverages is prohibited in the common spaces of University Housing facilities, including, but not limited to, hallways, stairwells, elevators, and courtyards. Common source containers are prohibited.

8.1.3 Arson. The malicious, voluntary, willful and/or intentional act of setting fire to a building(s) or other structure(s). Also includes activities further defined by North Carolina law.

8.1.4 Breaching Campus Safety or Security. Includes, but is not limited to: Unauthorized access to University facilities or unauthorized possession of, use of or duplication of master keys or access cards to University office or residential facilities; and unauthorized occupancy of or entry into locked or off-limit University buildings. This includes burglary and trespassing. Propping University exterior facility doors open is not allowed.

8.1.4.1 Tampering with fire alarms, extinguishers and emergency safety systems. This includes tampering with any emergency system, pulling alarms, using extinguishers and covering smoke detectors, all of which are prohibited.

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

8.1.5 Bullying/Cyberbullying. Any pattern of gestures or written, electronic or verbal communications, behaviors, or any physical act or any threatening communication that is threatening or intimidating which (1) places a person in actual and reasonable fear of harm to his/her person or damage to his/her property, or (ii) creates a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits, or a University student employee's ability to perform the essential functions of his/her job. Examples include, but are not limited to, spreading rumors, teasing, taunting, and intentionally embarrassing another individual.

8.1.6 Classroom/University Event Disruptions. Acting in a manner that disrupts or interferes with teaching, research, administration, disciplinary proceedings, other University missions, processes or



functions including public-service functions, or other University activities is prohibited. Disruptive activities may include but are not limited to:

8.1.6.1 any act that deliberately interferes with the academic freedom or the freedom of speech of any member or guest of the University community;

8.1.6.2 classroom behavior that seriously interferes with either (a) the instructor's ability to conduct the class or (b) the ability of other students to profit from the instructional program;

8.1.6.3 leading or inciting others to disrupt scheduled or normal activities on University premises; and

8.1.6.4 conduct that is disorderly, lewd or indecent.

8.1.7 **Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. It is based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

8.1.8 **Destruction of Property.** Vandalism, malicious destruction, damage, misuse or abuse of public or private property, including library materials and computer programs and equipment.

8.1.9 **Disorderly Conduct.** For purposes of the Code, disorderly conduct shall include, but is not limited to, the following:

8.1.9.1 Disruptive conduct in game rooms or during intramural play, including the use of profanity, display of violent temper, refusal to leave the building or area when asked to do so by appropriate University officials, as well as conduct which infringes upon the privacy, rights, privileges, health or safety of members of the University community;

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

8.1.10 Domestic Violence. An offense committed by a current or former spouse or intimate partner of the complainant, or by a person who has a child in common with the complainant; cohabitating with OR has cohabitated with the victim as a spouse or is “similarly situation to a spouse” of the complainant; or violence against an adult or youth who would otherwise be protected by domestic or family violence laws in that jurisdiction.

8.1.11 Drugs, Drug Paraphernalia and Other Controlled Substances. Possessing, using, distributing, buying, selling, facilitating a sale, delivering, manufacturing, and/or abusing illicit or illegally obtained substances. Misusing prescription or counterfeit drugs. Consuming, including huffing or sniffing, any substance not intended for such use. Possessing or using drug paraphernalia. This includes anything which otherwise violates NCCU’s Policy on Illegal Drugs and/or North Carolina law.

8.1.12 Endangerment. Any act or conduct that threatens the health and safety, or well-being of one’s self or another person or the NCCU community. Examples of endangerment include, but are not limited to, fighting and operating a vehicle while under the influence of alcohol or drugs.

8.1.13 Failure to Comply. Failure to comply with directives of University officials or law enforcement officers, and/or failure to identify oneself to these persons when requested to do so. This includes, but is not limited to, showing identification, the conduct process, investigations, and sanction completion.

8.1.14 False Alarm/Misuse of Fire or Safety Equipment. Falsely reporting the presence of an unlawful explosive or incendiary device with the intent to mislead, deceive, or disrupt the operation of the University or a scheduled event sponsored or co-sponsored by the University; or falsely reporting a fire or other emergency; falsely setting off a fire alarm or discharging a fire extinguisher.

8.1.15 Gambling. Placing a bet or wager on an uncertain outcome for money or other items of value unless permitted by law. Also includes engaging in activities further defined by North Carolina law.

8.1.16 Harassment. Repeated, persistent, severe, or pervasive actions directed toward specific individual(s) with the intent or effect to harass, harm, or alarm, including attempted or threatened physical

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contact, or acts that create the reasonable apprehension of unwanted contact. Such acts may include but are not limited to face to face interactions, phone calls, text messages, and/or use of social media.

8.1.17 Hazing. Prohibited acts committed for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization or student group. Physically abusing or harassing another person or creating a situation which produces physical hurt or discomfort, severe emotional distress, embarrassment, or ridicule of another person. It includes physical injury, assault or battery, kidnapping or imprisonment, intentionally placing at risk of mental or emotional harm (putting “over the edge”), degradation, humiliation, the compromising of moral or religious values, forced consumption of any liquid or solid, placing an individual in physical danger (at risk) which includes abandonment, and impairment of physical liberties which include curfews or other interference with academic endeavors. Hazing is also a violation of North Carolina law (See [N.C.G.S § 14-35](#)).

(http://www.ncleg.net/enactedlegislation/statutes/html/bysection/chapter_14/gs_14-35.html)

8.1.18 Infliction or Threat of Bodily Harm. The intent, attempt, or assistance with, the infliction of physical injury upon a person, which includes, but is not limited to:

8.1.18.1 Intentionally or recklessly causing physical harm to any person while on University premises or at University-sponsored activities; or

8.1.18.2 Intentionally or recklessly causing other persons on University property or at University-sponsored activities to believe that you mean to harm them; or

8.1.18.3 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.

8.1.19 Improper Use of Elevators. Unauthorized entry into an elevator shaft and/or riding on top of an elevator car.

8.1.20 Misuse of Technology/Communication Systems. Use of technology or communication systems, including, but not limited to, NCCU's telephonic system, internet, intranet or wireless network, in any manner that is prohibited by the Student Code of Conduct, the UNC Policy Manual, The Code of the University of North Carolina, or local, state or federal law.

8.1.21 Non-Consensual Sexual Contact. Entails the touching of any sexual body parts (such as breasts, buttocks, groin, genitals, mouth, and/or clothing covering them); touching an unwilling person with one's own intimate parts; or forcing an unwilling person to touch another's intimate parts.

8.1.22 Non-Consensual Sexual Intercourse. Involves unwilling or non-consensual penetration of any bodily opening with any objects or body part. This includes, but is not limited to, penetration of a bodily opening without consent through the use of coercion.

8.1.23 Retaliation. Intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint or participation in an investigation or proceeding related to sexual violence or other civil rights concerns. Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.

8.1.24 Riotous Behavior. Rioting, inciting to riot, assembling to riot, raiding, inciting to raid, and assembling to raid University units.

8.1.25 Sexual Assault. Sexual Assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program (<https://ucr.fbi.gov/>). Sexual assault also includes engaging in, or attempting to engage in oral, vaginal, or anal penetration through any means (such as penis, tongue, finger, foreign object, etc.) without the consent of the other person.

8.1.26 Sexual Exploitation. Takes place when a student takes non-consensual or abusive advantage of another for his/her own advantage or benefit, and that behavior does not constitute one of the other sexual misconduct offenses. Examples include, but are not limited to: non-consensual video or audio taping of sexual activity, stalking with a sexual component, or voyeurism.



8.1.27 Sexual Harassment. Sexual harassment comes in several forms and includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when: (i) submission to or rejection of such conduct or communication is a term or condition of education/employment benefits, academic/job related evaluations or opportunities; (ii) submission to such conduct or communication has the purpose or effect of substantially interfering with a student's education and/or an employee's job; or (iii) such conduct is sufficiently severe or pervasive as to have the effect of creating an intimidating, hostile or offensive educational/work environment or negatively affects a student's/employee's educational/employment opportunities.

8.1.27.1 *Hostile environment sexual harassment* is a form of sexual harassment that occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening, or abusive educational environment.

8.1.27.2 *Quid pro quo sexual harassment* is a form of sexual harassment that occurs when a school employee causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity. It can also occur when an employee causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.

8.1.28 Sexual Misconduct. Includes but is not limited to sexual harassment (https://www.nccu.edu/policies/retrieve/3#Sexual_harassment), sexual assault (https://www.nccu.edu/policies/retrieve/3#Sexual_assault), domestic violence (https://www.nccu.edu/policies/retrieve/3#Domestic_violence), dating violence (https://www.nccu.edu/policies/retrieve/3#Dating_violence), sexual exploitation (https://www.nccu.edu/policies/retrieve/3#Sexual_exploitation), and stalking (<https://www.nccu.edu/policies/retrieve/3#Stalking>).

8.1.29 Sexual Violence. Any sexual act that is perpetrated against someone's will. SV encompasses a range of offenses, including a completed nonconsensual sex act (i.e., rape), an attempted



nonconsensual sex act, abusive sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threatened sexual violence, exhibitionism, verbal sexual harassment).

8.1.30 Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

8.1.31 Theft. Stealing, larceny, shoplifting, embezzlement, conversion or the unauthorized possession of the property of another.

8.1.32 Trespass. Unauthorized presence in or forcible entry into a University facility or University owned or leased properties.

8.1.33 Unauthorized Sales/Fundraisers. Unauthorized solicitation or activity designed to raise money on behalf of an individual or group.

8.1.34 Violation of Copyright. Unauthorized use of the name of the University, the name of University officials or the likeness, image, logo, or seal of the University, or the names of members of organizations in the University community.

8.1.35 Violation of Residential Life Policies. Violation of any rules or policies published in the Guide to Campus Living or Community Living Standards constitutes misconduct.

8.1.36 Violation of University Policies Regulations or Rules. Violation of any written policies, regulations or rules of the University constitutes misconduct.

8.1.37 Weapons. Unauthorized use or possession of firearms, ammunition, explosives, fireworks, hazardous chemicals, explosives, bows and arrows, knives longer than four inches, swords, stun guns, BB guns, or other dangerous weapons. (While some objects are clearly dangerous, the manner in which an object is used may also subject it to being considered a weapon.)

8.2 Parental Notifications for Alcohol and Drug Violations

The Office of Student Conduct and Community Standards will notify the parent of any student who is less than twenty-one (21) years of age at the time of being charged with violating Section 8.1(2) of the Code regarding alcohol violations and/or the parent of any student.

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who is less than twenty-one (21) years of age at the time of being charged with violating Section 8.1(11) of the Code regarding drugs, drug paraphernalia and other controlled substances, as soon as practically possible following the initiation of charges against the student.

9. Conduct Process

When a student engages in behavior that may violate the Student Code of Conduct, the processes set forth in this section shall be followed. The Office of Student Conduct and Community Standards has been delegated primary responsibility over the judicial process for resolution of student conduct issues. Alleged violations of the NCCU Sexual Misconduct Policy will be handled in coordination with the Title IX Coordinator and the procedures articulated in the Sexual Misconduct Policy.

9.1 Initiation of Charges

9.1.1 Filing of Complaint/Initial Review

9.1.1.1 Any member of the University community may register a complaint with the Office of Student Conduct and Community Standards against a student for an alleged violation of University policy. The complaint must include factual information supporting the allegation. Allegations concerning violations of the Code must be brought in writing to the attention of the Office of Student Conduct and Community Standards.

9.1.1.2 Upon receipt of a complaint, the Office of Student Conduct and Community Standards will conduct a preliminary investigation of the allegations included in the complaint. In the absence of sufficient substantive evidence, a complaint will be dismissed. The Office of Student Conduct and Community Standards shall provide written documentation to the complainant (person who filed the complaint) that there will be no further substantive review of the allegations made in the complaint.

9.1.1.3 Should the Office of Student Conduct and Community Standards determine that sufficient substantive evidence exists to substantiate the allegations made in the complaint; disciplinary proceedings will be initiated.

9.1.2 Notification of Conduct Allegations

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9.1.2.1 Allegations of Code violations will be presented to Respondent(s) by means of a written notice of referral from the University Police or in other cases by written or electronic notification from the Office of Student Conduct and Community Standards or designee. This notice will contain the substance of the allegations refer the Student to the Office of Student Conduct and Community Standards to schedule a Student Conduct Conference.

9.1.2.2 Allegations shall be prepared in writing and directed to the Office of Student Conduct and Community Standards designee. Such allegations shall be submitted as soon as possible after the incident takes place, preferably within thirty (30) days of the discovery of the violation.

9.1.2.3 The Office of Student Conduct and Community Standards will conduct a preliminary screening of the allegations to determine whether (1) the allegations, if proven, would constitute a violation under the Code; and (2) based upon the allegations, there is reasonable belief that such a violation may have occurred. This screening may involve reading of the description of the alleged conduct, or discussion with the individual(s) making the allegations, as appropriate to the situation. The University may decide to proceed with charges without the complainant's consent, if in the professional judgment of the Office of Student Conduct and Community Standards, the University community's interests are best served by proceeding with the conduct process.

9.1.2.4 Following the preliminary screening of the allegations, the Office of Student Conduct and Community Standards designee will schedule a Student Conduct Conference with the Respondent to discuss the allegations.

9.1.3 Notification of Charges

9.1.3.1 The Respondent will be provided written notification of the charges, at least five (5) business days prior to any hearing or administrative review on the charge.

9.1.3.2 The notification will:

9.1.3.2.1 Specify the alleged violation of the Code. If the Respondent is a dependent student, a copy of the written notification shall be sent to the parents/guardians of dependent students.

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9.1.3.2.2 Inform the Student that he/she is presumed not responsible until proven responsible by a preponderance of the evidence.

9.1.3.2.3 Inform the Student that he/she has the right to be represented by an attorney/non-attorney Advisor from the moment of notice of an allegation.

9.1.4 **Student Conduct Conference**

The purpose of the Student Conduct Conference is to ensure that the Respondent understands his or her rights and responsibilities within the student conduct process. The Student Conduct Conference shall be held within five (5) days of the student's receipt of the notification of alleged charges. The Student Conduct Conference shall be held with a conduct officer from the Office of Student Conduct and Community Standards.

9.1.4.1 At the Student Conduct Conference, the Respondent will be:

9.1.4.1.1 Given the opportunity to discuss the allegations and provide information.

9.1.4.1.2 Afforded the opportunity to review the Fundamental Fairness Guarantees.

9.1.4.1.3 Notified of the possible charges which may result from the allegation(s).

9.1.4.1.4 Given notice of the student conduct process to resolve charges in the Code.

9.1.4.1.5 Provided a copy of the Student Code of Conduct and any other appropriate written material.

9.1.4.1.6 Advised to consult further with the conduct officer handling their case concerning any questions or interpretation of procedure.

9.1.4.1.2 Following this conference, the conduct officer will inform the accused as to whether a formal conduct charge will be pursued to resolve the allegations.

9.1.4.1.3 If the accused is formally charged with a conduct violation, the conduct officer will inform the student of his/her rights, options available for resolution, and procedures in cases of failure to respond or withdrawal from the University in the face of conduct charges.

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9.2 Resolution of Disciplinary Actions

9.2.1 Students who have disciplinary charges pending against them may choose one or more of the following means of resolution:

9.2.1.1 Request a hearing.

9.2.1.2 Plead responsible for the charges, waive a hearing on the charges and accept the sanctions to be levied after an administrative review by the Director of SCCS, or his/her designee. The Director of SCCS, or his/her designee, may consult with appropriate officials, inclusive of the Dean of Students, and other parties involved when determining the appropriate sanction(s). A written document stating that the accused waives his/her right to a hearing and will accept the sanctions levied by the Director, or his/her designee, must be signed and witnessed by the accused and made a part of the record.

9.2.1.3 Request that an interim sanction be imposed so that the student may resolve any pending criminal charges prior to proceeding with the campus disciplinary process.

9.3 Hearing Procedures

9.3.1 **Administrative Hearings** (for Respondents who elect to resolve their disciplinary actions before the Director or his/her designee)
The following Administrative Hearing procedures apply in cases where the alleged charges do not rise to the level of warranting a suspension or expulsion from the University, as determined by the Office Student Conduct and Community Standards. In addition, these procedures also apply when a student desires to resolve a charge(s) that could result in his/her suspension or expulsion from the University if SCCS determines that resolution of the issues via the Administrative Hearing process is appropriate.

9.3.1.1 A student who is charged with an alleged violation of the Student Code of Conduct will be provided an opportunity to meet with a conduct officer selected by the Director of SCCS. During this meeting, a student may accept responsibility for Student Code of Conduct violations and waive his/her right to a hearing before a judicial panel. A student who fails to attend the meeting with the conduct officer will forfeit his/her right to respond on his/her behalf regarding the alleged violation, unless the student can demonstrate



that an extraordinary circumstance prevented his/her appearance as determined by Office of Student Conduct and Community Standards.

9.3.1.2 During the Administrative Hearing, the student will be provided with the following:

9.3.1.2.1 An explanation of the charges;

9.3.1.2.2 A summary of the information gathered in support of the charges;

9.3.1.2.3 A reasonable opportunity for the student to reflect upon and respond on his/her own behalf to the charges; and

9.3.1.2.4 An explanation of the applicable disciplinary procedures.

9.3.1.3 The Administrative Hearing Officer will determine whether he/she finds the Respondent responsible or not for a violation of the Student Code of Conduct and, if so, the appropriate disciplinary sanction to apply. In determining the sanction, the conduct officer will consider any aggravating or mitigating factors, including any prior violations of the Student Code of Conduct.

9.3.1.4 The conduct officer will inform the student of the decision in writing within three (3) days of the conclusion of the hearing.

9.3.1.5 The written decision will include a statement of the charges, the determination, and the sanction to be imposed, if any. This decision is considered to be in full force and effect, unless a notice of appeal is received by the Dean of Students (non-suspendable/expellable cases) or the Vice Chancellor for Student Affairs (suspendable/expellable cases) within three (3) days after the conduct officer/Administrative Hearing Officer pronounces his/her decision in writing.

9.3.2 Hearing Panels (University Committee on Student Conduct, Student Judicial Board)

9.3.2.1 University Committee on Student Conduct -When a student is suspected to have engaged in behavior, which violates the Code, and which could result in expulsion or suspension, the Director, or his/her designee, will assemble a three to five-member hearing panel from the University Committee on Student Conduct.



9.3.2.1.1 The Committee shall hold a hearing, consistent with Section 9.3(3) of the Code, ten (10) days after formal notification of charges to the Respondent.

9.3.2.1.2 Members of the Committee will serve a one-year term but may be reappointed at the discretion of the Director. Any vacancies that occur during the course of the year will be filled by the Director.

9.3.2.1.3 The Committee shall also serve in an advisory capacity to the Director in the revision and promulgation of regulations and procedures related to matters of student conduct. Suggestions regarding potential revisions to the Code from members of the University Committee may be addressed to the Director.

9.3.2.2 Student Judicial Board- the Student Judicial Board shall be composed of fifteen (15) members. Ten (10) members will be selected by an application and interview process. The interviews will be conducted by a member of the Office of Student Conduct and Community Standards staff, and the Student Government Association President, or designee, whenever possible. Five members shall be appointed by the Director and Student Government Association President to serve in Judicial Board leadership positions. The Student Judicial Board shall hear, try and decide cases involving student conduct as determined by SCCS. The Board shall not have the authority to hear cases, which involve sexual misconduct or may result in suspension or expulsion.

9.3.3 Hearing Procedures:

9.3.3.1 The chair of the Hearing Panel will state that the hearing is closed to the public. The chair will also remind everyone present that the hearing proceedings are confidential.

9.3.3.2 The chair will facilitate the introductions of those present and will explain the hearing procedures to the parties.

9.3.3.3 The chair will state the charge(s) against the Respondent, advise the student of his/her rights and ask the Respondent whether or not he/she agrees or disagrees to the charges.

9.3.3.4 The conduct officer from SCCS will present the University's case in the form of documentary evidence and witnesses. The Hearing Panel and the Respondent will be provided with copies of any documentary evidence introduced during the hearing.



9.3.3.5 The Respondent may respond to the charges and may also present evidence in the form of documents and witnesses. The Hearing Panel and the conduct officer from SCCS will be provided with copies of any documentary evidence introduced during the hearing.

9.3.3.6 The conduct officer from SCCS will be permitted to question the Respondent's witnesses and the Respondent will be permitted to question the conduct officer or his/her designee's witnesses except the alleged victim of alleged sexual violence (See Section 7.2).

9.3.3.7 The conduct officer from SCCS and the Respondent will be permitted to present rebuttal evidence following the conclusion of the other party's presentation of evidence.

9.3.3.8 The Hearing Panel will be permitted to question the conduct officer from SCCS, the Respondent and witnesses for both parties. The Hearing Panel will normally endeavor to question the witnesses following questioning by the opposing party, and will question the parties at the conclusion of their presentations. Nevertheless, panelists are permitted to question witnesses and the parties at any time during the hearing.

9.3.3.9 The conduct officer from SCCS will be provided with the opportunity to make a closing statement.

9.3.3.10 The Respondent will be provided with the opportunity to make a closing statement.

9.3.3.11 The Chair will conclude the evidentiary portion of the hearing and set up a time for deliberations to begin at the earliest possible time.

9.3.3.12 During panel hearings, deliberations about responsibility are conducted by the Hearing Panel in a closed session.

9.3.3.13 The decision of the Hearing Panel shall be determined by majority vote.

9.3.3.14 If the Hearing Panel finds that the Respondent is responsible, the conduct officer from SCCS and the Respondent may present evidence and argument regarding the appropriate sanction. Written statements by either party are permissible.

9.3.3.15 If the Hearing Panel finds the Respondent responsible, the conduct officer from SCCS will indicate whether the student has any prior findings of responsibility for academic or non-academic conduct violations.

9.3.3.16 The Hearing Panel will then deliberate and determine an appropriate sanction. All sanctions imposed shall be pursuant to and in accordance with the sanctions in Section 10. These deliberations shall be conducted in closed session.

9.3.3.17 The Hearing Panel shall render a written decision as to whether they find the Respondent responsible or not responsible for the charges within three (3) business days of the conclusion of the hearing. The decision shall state the sanction(s), if any, and the procedures for an appeal.

9.3.3.18 Decisions of a Hearing Panel and sanctions rendered by a Hearing Panel, except in cases involving expulsion (See Section 10.7), are considered to be in full force and effect unless a notice of appeal is received by the Vice Chancellor for Student Affairs (suspendable cases) or the Dean of Students (non-suspendable cases) within three (3) business days of the date of the outcome letter from the Office of Student Conduct and Community Standards.

9.4 In Absentia Consideration of Charges

9.4.1 If the Respondent has been notified pursuant to the Code and fails to respond within five (5) days of the initial notice, the case may be resolved in their absence. If the case is resolved in absentia, the Respondent shall have waived their right to a hearing. The Conduct Officer will, in their professional judgment, determine findings for any alleged violation(s) and may specify any sanction(s) described in the Code.

9.4.2 The resolution must be delivered in writing to the Respondent within five (5) days.

9.4.3 If the Conduct Officer determines that the student's failure to appear was not for the purpose of circumventing the Conduct process, the Director may rescind the disciplinary action and alter the sanction imposed, or refer a student to the appropriate Hearing Panel to have the allegation heard on its merits.



9.4.4 A student who fails to attend his or her scheduled hearing shall have the case adjudicated by the appropriate hearing panel or administrative officer in the student's absence. Note: An Advisor without the presence of the student in question cannot fulfill the student's attendance obligation.

10. Sanctions for Misconduct

The Office of Student Conduct and Community Standards may impose the following sanctions or combination of sanctions upon any Respondent found "Responsible" for violations of the Student Code of Conduct. Conduct sanctions are implemented to educate and inform students on the behavior that led to the violation. It is the intent of the Office of Student Conduct and Community Standards to educate students on their behavior in regards to the Student Code of Conduct so they are better able to make informed decisions. In light of the facts and circumstances of each case, a Dean of Students hold may be placed (if not already in place) on a student's account upon the student receiving sanctions or upon the student's failure to comply with the imposed sanctions. In assigning appropriate sanctions, the hearing panel/conduct officer may consider relevant conduct case precedents and the conduct history of the Respondent. Consideration may also be given to aggravating or mitigating circumstances. Aggravating circumstances include but are not limited to: prior violations or related behavior; how the conduct violation impacted, or potentially impacted, or still has the potential to impact, others; and intent to violate the policy or regulation described. Mitigating circumstances include but are not limited to: lack of intent to act in the manner described; aiding in the investigation; and other personal circumstances that might have affected the Respondent at the time of the violation. Repeated violations of the Code may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances. Potential sanctions are outlined below:

10.1 Disciplinary Warning. Disciplinary Warning involves written notice to the Respondent indicating that specific behavior or activity is in violation of the Code and that repetition of similar or other unsatisfactory behavior would likely result in more serious disciplinary action. A copy of the warning becomes a part of the Respondent's conduct record.



10.2 Disciplinary Probation. Disciplinary Probation permits continuation of the relationship between the Respondent and the University. The probationary period is to provide a time of reflection for the Respondent to consider the offense and his/her future responsibilities as a member of the University community. Subsequent violations of university rules, regulations, or policies could result in more severe sanction(s) (even after a particular probationary period expires). Probation is a status in which the Respondent is deemed not to be in good conduct standing with the University for a defined period of time. Probation is imposed for a specified period of time, the terminal date of which shall coincide with the official ending of an academic semester, summer session, or academic school year. The status of Disciplinary Probation may involve restrictions, conditions, or terms imposed for a definite period of time. Restrictions, conditions, or terms of probation may include, but are not limited to, ineligibility to participate in university activities or events; periodic contact with a designated member of the University community; and restrictions on accessibility to University facilities and/or housing areas;

10.3 Residence Hall Separation. Residence Hall Separation involves the removal from the University residence hall community for conduct, which clearly demonstrates an inability to function appropriately in the residence hall living situation. Such separation may be permanent or for a fixed period of time (but not less than the remainder of the semester. Such separation prohibits accessibility to all or designated residence halls. Visitations will not be permitted without securing prior approval from the hearing officer or panel.

10.4 Restitution. Restitution is reimbursement for actual damage or destruction of, or misappropriation of University property or property of any person which results from conduct in violation of the Code. The hearing officer or hearing panel will investigate and determine the appropriate reimbursement.

10.5 Deferred Suspension. Deferred Suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred Suspension is a designated period of time during which a Respondent is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code of Conduct. During



a Deferred Suspension, the Respondent will be officially suspended from the University, but the suspension will be deferred, meaning that the Respondent may continue to attend classes at this time, however, the suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline and/or for any subsequent violations while on the open sanction, unless the Dean of Students and/or Vice-Chancellor for Student Affairs determines otherwise in exceptional circumstances. Respondents on Deferred Suspension may be limited in their abilities to represent the University on any athletic team other than intramurals, hold an office in any registered student organization, represent the University in any extracurricular activity or official function, or participate in any study abroad program. Deferred Suspension may also include the denial of specific University privileges, including but not limited to, attendance at athletic functions and residence hall visitation for a designated period of time. The duration of any Deferred Suspension period and the specific restrictions imposed will be determined by the resolution body on a case-by-case basis.

10.6 Suspension. Suspension severs the Respondent's relationship with the University for no less than the remainder of the semester or summer session in which the sanction is imposed or no more than one year. It is imposed for a specified period of time, the terminal date of which shall coincide with the official ending of an academic semester, summer session, or academic school year. Conditions for readmission may include, but are not limited to, disciplinary probation for a specified length of time; no on-campus housing; restricted visitation to specified University facilities; and a written statement from an accredited mental health professional or medical doctor verifying the capability of the Respondent to function successfully at the University.

Respondents separated from the University by suspension may not enter University premises or university-related premises without securing prior approval from the Office of Student Conduct and Community Standards. If a Respondent is suspended as a result of a disciplinary hearing, any credit earned at another institution during the time of suspension will not be accepted for transfer credit.

10.7 Expulsion. Expulsion severs the relationship of the Respondent with the University. It may be recommended by the appropriate Hearing Panel but can be imposed or rescinded only by the



Chancellor. Expulsion is warranted in cases that include, but are not limited to, falsified admission applications, possession of a firearm or any weapon of mass destruction, and the illegal manufacture, sale, delivery, or possession with the intent to manufacture, sell or deliver any controlled and/or illegal substance, or in cases where the severity of the violation to the Student Code of Conduct threatens the safety of the campus community. This penalty implies permanent separation from North Carolina Central University and any institution within the University of North Carolina System, and will likely prevent admission to any other institution of higher education. Respondents separated from the University by expulsion for reasons, which represent a threat to persons, or property may not enter University premises or university-related premises without securing prior approval from the Office of Student Conduct and Community Standards.

10.8 Interim Sanction. When a Respondent is charged with violating a federal, state or local law, the University will normally choose to proceed with the campus disciplinary process pursuant to Section 9 of the Code. However, a Respondent who faces criminal charges may choose to submit to an interim sanction, such as an interim suspension and/or eviction from University housing, pending the criminal proceeding, provided that such suspension is done in compliance with existing policies. The interim suspension will be imposed by the Office of Student Conduct and Community Standards, after consult with the Dean of Students, without a hearing or a ruling on the behavior in question so as to protect the campus community while also protecting the Respondent 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), the campus disciplinary process may proceed. The Respondent has the responsibility for timely notifying the University upon the conclusion of the criminal proceeding.

If a Respondent chooses to submit to an interim sanction, the Respondent shall be administratively withdrawn from his/her classes, and the Respondent shall only be responsible for fees incurred up to and including the date of the administrative withdrawal. However, the Respondent must complete an Official Administrative Withdrawal Form in order to be withdrawn from his/her classes.

Ask a question! ▶



10.8.1 Interim Suspension.

10.8.1.1 *Purpose of Interim Suspension*

In special circumstances, Office of Student Conduct and Community Standards, after consult with the Dean of Students, may suspend a Respondent charged with violating the Code for an interim period until the outcome of a full disciplinary hearing based on the merits of the charge.

10.8.1.2 *Circumstances Where Interim Suspension May Apply*

Interim suspension shall be exercised only in those situations in which there is reasonable cause to believe that the Respondent's alleged act of misconduct is of such a serious nature that his or her continued presence at the University is potentially dangerous to the health and safety of the student or to the University community, its property, or its educational mission. Such acts of misconduct include, but are not limited to, all acts of assault and/or battery with any type of weapon or instrument; gross sexual misconduct; rape; hazing; possession of weapons; false bomb threats or community threats against University officials, staff or faculty; armed robbery; arson; the manufacture, distribution, and/or possession of any incendiary or explosive device; and other acts which might endanger persons or property. This list is not exhaustive or conclusive.

10.8.1.3 *Procedure for Interim Suspension*

To invoke interim suspension, the Director, or his/her designee, will conduct a preliminary investigation and hearing with the Respondent, if possible. The Respondent will be informed of the alleged violation(s) and the name of the person(s) bringing the charge(s). The Respondent will be given an opportunity to explain the circumstances of the alleged behavior that has become the source of the alleged misconduct.

10.8.1.3.1 A judicial board hearing or administrative decision as provided under the Code shall be initiated within seven business (7) days of the date of the interim suspension, except in cases where the Respondent chooses to resolve his or her conduct case after a criminal judgment has been rendered. The Respondent's interim suspension shall not be used as evidence in any hearing or administrative decision.

10.8.1.3.2 A Respondent who fails to attend his or her scheduled hearing will be heard in absentia as specified in Section 9.4.

10.8.1.3.3 Should a judicial hearing panel find that the Respondent did not commit the act(s) for which he or she was suspended, the suspension will be revoked and the Respondent immediately reinstated without penalty.

10.8.1.4 *Terms of Interim Suspension*

Interim suspension is to begin immediately after the preliminary investigation and hearing. The Respondent is to physically remove himself or herself from the property of the University until the initiation of a full hearing and shall be informed that he/she may not trespass. Presence on the campus by the Respondent during the interim suspension shall be considered a violation of the Code, and the Respondent may also be charged with criminal trespass under the state law.

10.9 Administrative Mediation. This method of resolving a dispute utilizes a third party to consult with those involved and recommends a solution, which is binding on the parties. The parties involved will be held to the agreement. Should parties violate the agreement, they will be charged with: Failure to comply with University process, in the Code of Conduct, plus any additional violations.

10.10 **Post-Enrollment and Post-Graduation Sanctions.** A

Respondent who commits a violation of the Code or is found responsible for violating the Code, but who graduates from NCCU before imposition of a sanction, is subject to (1) revocation of any degree awarded, (2) temporary or permanent withholding of the transcript for any degree earned, regardless of whether the degree has been awarded, and/or (3) having sanctions imposed as a condition of re-enrollment at the University.

10.11 Psychological Evaluation. A psychological evaluation may be required of a Respondent found responsible of an offense by the hearing panel when in the Hearing Panel's judgment, the Respondent might benefit from some form of treatment as part of the hearing panel's overall plan of sanctions. Such an evaluation, provided by the appropriate staff in the Student Health and Counseling Services area or other bona fide agency would focus on recommending an appropriate way to assist the student in understanding and

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correcting the behavior that led to the Respondent's difficulties. The results of the evaluation will be shared with the Respondent and the Director, or his/her designee who will maintain the confidentiality of the evaluative record. The Director, or his/her designee, has the discretion to either determine an appropriate sanction for the Respondent, or refer the matter back to the Hearing Panel for final resolution, based on the nature of the information contained in the evaluative record.

10.12 Additional Sanctions. In addition to the above individual sanctions, any one or a combination of the following may be concurrently imposed for an offense provided that such additional sanctions shall be imposed for a definite period of time. Such sanctions are examples only and do not limit the type of additional sanctions which may be imposed:

10.12.1. Loss of on campus parking privileges;

10.12.2 Exclusion from practice or membership in organized groups or activities sponsored by the University;

10.12.3 Requirement to perform additional community service or work sanction;

10.12.4 Trespass from the University or any University-sponsored event;

10.12.5 Requirement to enter into a behavioral contract with the University as a condition of readmission;

10.12.6. Required counseling, substance abuse assessment, or similar evaluations; and/or

10.12.7 Required participation in a program of education as determined by the Director or his/her designee.

11. Appeals

11.1 Purpose of an Appeal

An appeal is not a new hearing, but a review of the record of the original hearing. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level. The Respondent and his/her Advisor have the right to review the Respondent's disciplinary file, including any verbatim record (audio

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recording) of the hearing. In cases involving sexual violence/harassment, the complainant and/or the Respondent has the right to appeal the conduct decision.

11.2 Appellate Process

11.2.1 A written petition for appeal of suspendable offenses shall be submitted online (https://publicdocs.maxient.com/reportingform.php?NCCentralUniv&layout_id=3) to the Vice Chancellor for Student Affairs.

11.2.2 A written petition for the appeal of non-suspendable offenses shall be submitted online (https://publicdocs.maxient.com/reportingform.php?NCCentralUniv&layout_id=3) to the Dean of Students.

11.2.3 All petitions for appeals must be filed by 5 p.m. of the third (3rd) day after the decision was rendered.

11.3 Appeal Forum

11.3.1 Decisions resulting from a hearing before the Student Judicial Board or an Administrative Hearing that do not involve suspension or expulsion are limited to an appeal to be heard by the Dean of Students or his/her designee. This is the final appeal that can be requested in these cases.

11.3.2 Decisions from the University Committee on Student Conduct that involve the imposition of a sanction of suspension are limited to an appeal to be heard by the Vice Chancellor for Student Affairs.

11.3.3 Decisions from the University Committee on Student Conduct that involve the recommendation or imposition of a sanction of expulsion are addressed in 10.7 of this Code.

11.4 Grounds for Appeal

11.4.1 An appeal may be sought on two grounds:

11.4.1.1 On a claim of error in the hearing procedure;

11.4.1.2 On a claim of new evidence or information material to the case which was not available at the time of hearing.

11.4.2 The petitioner must specify in writing the grounds which form the basis of his/her appeal. The petitioner has the burden of proving the stated grounds for appeal in the petition. The petitioner must

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provide factual information to support his/her claim and explain the outcome that he/she is seeking. *The appeal should include the following:*

11.4.2.1 A statement of the grounds for appeal, which at a minimum should contain a list of alleged errors in the decision or procedure and statement of why the decision or sanctions are in error;

11.4.2.2 Documentation which supports the grounds for appeal, to include specific dates if newly available information is the grounds for appeal; and

11.4.2.3 A requested remedy.

11.5 The Appeal

11.5.1 If a Respondent timely submits a written petition for appeal that meets the requirements of Section 11.4, his/her appeal shall be heard by the appropriate person as set forth in Section 11.3. An official summary of previous action in the case being appealed must be prepared by the Office of Student Conduct and Community Standards and submitted to the individual hearing the appeal. The official summary shall contain a statement of the charges brought against the petitioner, a summary of the evidence, and a statement of the sanction imposed. When appropriate, the summary shall also contain a statement of procedural rulings made and of interpretations of the rules and regulations given during the proceedings. A transcript of the hearing or verbatim record of the hearing (but not the deliberations) shall also be submitted to the individual hearing the appeal.

11.5.2 Decision on Appeal

After the appeal has been received, a decision to take one of the following actions must be made by the individual hearing the appeal:

11.5.2.1 Uphold the prior decision;

11.5.2.2 Uphold the prior decision, but modify the sanction imposed;

11.5.2.3 Remand the case to the initial decision-maker with suggestions for a supplemental hearing to receive additional evidence, or for a new hearing;

11.5.2.4 Reverse or modify the prior decision; or



11.5.2.5 Dismiss the entire case.

11.5.3 **Notice of Decision on Appeal**

The individual reviewing/hearing the appeal shall make a decision within ten (10) business days of the submission of the appeal. Notice of the decision must be delivered in writing to the Respondent within five (5) days of the decision. A copy of the decision shall be maintained in the Respondent's disciplinary file in SCCS.

11.5.4 **Appeal to Board of Trustees**

A Respondent may appeal the decision of the Vice Chancellor for Student Affairs to the Board of Trustees (BOT) of North Carolina Central University by filing a written petition for appeal with the Chancellor by 5 p.m. of the third (3rd) day after notice of the decision has been received by the Respondent. A Respondent may communicate with the BOT only by transmitting the communication to the BOT through the Chancellor. That is, a Respondent should write to the Chancellor and request that the Chancellor transmit specific information to the Board of Trustees. Appeals to the Board of Trustees are limited to a claim that the decision violated University policy.

12. **Confidentiality and Records**

Disciplinary files are retained by the department which conducted the disciplinary hearing in compliance with the Family Educational Rights and Privacy Act of 1974 (FERPA). A Respondent's disciplinary file is not released outside the University without the written and dated consent of the Respondent identified in the record and a record shall be maintained of each request for a Respondent's disciplinary file. Disciplinary information will be provided within the University to individuals who are determined to have a legitimate, educational interest in obtaining this information. Disciplinary records may also be shared with third parties to the extent allowed under FERPA. Victims of violence will be notified of the final disposition of the case to include the name of the accused, the written notification of the charges filed against the accused, the decision of the administrative hearing office or hearing panel, the sanctions imposed (if any), the date the sanctions were imposed and the duration for which the sanctions shall be imposed.



Disciplinary files for non-expulsion and non-academic cases, as well as files for expulsion cases, shall be maintained in accordance with the University Records Retention and Disposition Schedule Regulation and the University General Records Retention and Disposition Schedule.

13. Review and Revision

13.1 Annual Review

Subject to the authority of the Vice Chancellor for Student Affairs, the Code shall be reviewed annually by a committee developed by the Office of Student Conduct and Community Standards, after consultation with the Dean of Students, to determine appropriate revisions that are in the best interest of the University. These revisions shall be considered recommendations to the Chancellor.

13.2 Changes Beyond the Annual Review

The Chancellor reserves the right to review and amend the Code at any time.

Appendix I

Registered Student Organizations Code of Conduct

1. Introduction

This Appendix establishes specific guidelines and procedures for the handling of disputes and violations of the university policies, rules, regulations, and procedures by Registered Student Organizations (RSOs).

All RSOs have considerable freedom to accomplish their goals. However, these organizations must comply with the federal, state, local laws, as well as University rules, policies, and procedures. In addition, individual members (students and non-students) representing a student organization and the University are expected to abide by federal, state, local laws, as well as University rules, policies, and procedures on and off campus.

2. Registered Student Organizations:

2.1 Must comply with the Student Code of Conduct;



2.2 May be subject to disciplinary action as a result of violations of federal, state or local laws not otherwise addressed in this Policy;

2.3 May be subject to disciplinary action as a result of actions of individual members of the organization undertaken while representing the organization;

2.4 Shall be responsible for all activities and/or damages resulting from its events. An RSO must exercise reasonable caution to ensure that its events, and agents acting on its behalf, do not cause damage to the property of students, University employees, other organizations, or the University; do not harm or constitute a serious danger to the personal safety of a member of the University community (students and University employees) or guests and do not obstruct or seriously impair University-run or University-authorized activities;

2.5 Shall be responsible for compliance with all University policies, including, but not limited to, the use of University facilities and grounds, fleet vehicles, electronic information technology and facility reservation contracts;

2.6 May not knowingly organize, sponsor, co-sponsor or in any way coordinate an event with any student organization that has been prohibited from participating in that type of event or has had its RSO status terminated. If an RSO is suspended or on probation, the RSO shall not participate in any activities which would violate the conditions of the suspension or probation;

2.7 Are accountable, through their primary contact, officers and other designated representatives, to the University. When an organization's primary contact, officers, or other designated representatives make a knowingly false statement, either orally or in writing, to any University employee, committee, or agent, on a matter relating to the activities of the organization or its members, the organization shall be subject to discipline. Organizations must also submit any updated contacts to the Student Engagement and Leadership (SEAL) if/when contacts or the contact information for contacts change;

2.8 An RSO shall not conduct or condone any activity expected of

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someone joining the RSO or to maintain full status in the RSO that humiliates, degrades, abuses, endangers, sexually violates, causes emotional and/or physical harm or requires a person to give up personal liberty regardless of the person's willingness to participate. Examples may include but are not limited to use of alcohol, servitude, taking away cell phones, not allowing class attendance, requiring apparel that would normally be considered poor taste, scavenger hunts for questionable materials, engaging in activities designed to create excessive fatigue, smearing of substances on skin or consumption of vile substances.

3. Rights of the Accused Student Organization

Throughout the Conduct process, the Accused RSO is guaranteed the following elements of fundamental fairness:

3.1 Be advised in writing of all charges as initiated in a charge letter;

3.2 Decline to make any statements concerning the charges;

3.3 Be advised of the evidence that will be presented during the hearing and the identity of individuals who will be present at the hearing;

3.4 Submit a written account relating to the alleged charges;

3.5 Be represented by an Advisor throughout the entire Student Conduct Process, provided written Notice of Representation, signed FERPA authorization and Certification forms are received within two (2) business days after notification of allegations. **Note:** The Notice of Representation must include the identity of the Advisor, specification of their status, address, telephone number, and email where the Advisor may be reached. The FERPA Authorization and Certification forms will be provided in the notification email;

3.6 Have a reasonable amount of time to prepare for a hearing;

3.7 Request a delay of the hearing for academic or extenuating circumstances;

3.8 Admit responsibility for any or all of the charges;

3.9 Hear and question witnesses when a formal hearing is held and present relevant evidence and witnesses;



3.10 Present character references at the sanctioning phase of the hearing;

3.11 Request an alternate hearing officer with the same disciplinary authority as the initial officer if it is felt that the officer has an interest in the case or is biased;

3.12 Be free from being charged by the University twice for the same instance of misconduct;

3.13 Be presumed not responsible until proven otherwise; and

3.14 Appeal a decision by a Hearing Panel or a conduct officer within the time limits specified in the Code.

4. Procedures for Filing Student Organization Conduct Complaints

4.1 Any member of the University or member of the public may file a complaint against a RSO with the Assistant Director of SEAL. Complaints must include the following information:

4.1.1 Date, time, and place of the alleged violation;

4.1.2 Name(s) of the student organization(s) involved in the alleged violation;

4.1.3 Name(s), if possible, of the individual(s) involved in the alleged violation;

4.1.4 Name(s), if possible, of witnesses;

4.1.5 Name(s) and address(s) of the complaint(s); and

4.1.6 Detailed description of the alleged violation.

4.2 Allegations should be submitted in writing as soon as possible after the incident takes place, preferably within thirty (30) days of the discovery of the violation.

4.3 The Assistant Director of SEAL reserves the right to determine the immediate status of the RSO based on the alleged violations (being investigated) until the meeting with the student organization can occur.

5. Disciplinary Procedures for Violations of the Student Code of Conduct by Registered Student Organizations

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5.1 All RSOs shall be afforded due process. The following guidelines will be followed upon receipt of a written complaint:

5.1.1 Within five (5) days, the Assistant Director of SEAL will determine:

5.1.1.1 Whether the complaint is timely;

5.1.1.2 Whether the complaint sets forth a possible violation of the Code of Conduct.

5.1.2 If the complaint is not timely or no potential violation of the Code of Conduct is determined by the Assistant Director of SEAL, no formal action will be taken. The reporter and RSO will be informed of this decision in writing.

5.1.3 If the complaint is timely or reflects a potential violation of the Code of Conduct, the Assistant Director of SEAL will proceed with the Conduct Process as detailed below.

5.2 Notification

Within five (5) business days of determining merit to the complaint the accused RSO will receive written notification. The notification shall:

5.2.1 Specify the alleged violation of the Code. The RSO's advisor shall also receive a copy of the written notification;

5.2.2 Inform the RSO that it is presumed not responsible until proven responsible by a preponderance of the evidence;

5.2.3 Inform the RSO that it has the right to be represented by an Advisor from the moment of notice of an allegation; and

5.2.4 Request a meeting to be scheduled with the Assistant Director of Student Leadership & Engagement or his/her respective designee to occur within five (5) calendar days.

5.3 Meeting with Registered Student Organization

The Current chapter president and the advisor of the RSO are required to attend the meeting specified in by Section 5.2.4 of this Appendix. The RSO may also invite up to two additional members.

5.3.1 The purpose of this meeting is:

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5.3.1.1 to explain the conduct process;

5.3.1.2 to review alleged violations; and

5.3.1.3 to allow the RSO to have an opportunity to speak and participate in a question and answer discussion.

5.4 Investigation

5.4.1 Following this meeting, the Assistant Director of SEAL or his/her designee will:

5.4.1.1 review the submitted complaint;

5.4.1.2 information provided by the RSO; and

5.4.1.3 collect any additional information necessary for resolving the complaint.

5.4.2 The Assistant Director of SEAL or his/her designee will inform the RSO as to whether a formal conduct charge will be pursued to resolve the allegations.

5.4.3 If there is not enough information to support a Code violation, no formal action will be taken. The reporter and RSO will be informed of this decision in writing.

5.5 Resolution of Disciplinary Action

5.5.1 Registered Student Organizations who have disciplinary charges pending against them may choose one or more of the following means of resolution:

5.5.1.1 The RSO can plead responsible for the charges, waive a hearing on the charges and accept the sanctions to be levied after an administrative review by the Assistant Director of SEAL or his/her designee;

5.5.1.2 The RSO can request a hearing before the Organizational Review Board (ORB); and/or

5.5.1.3 The RSO can request that an interim sanction be imposed so that the organization may resolve any pending criminal charges prior to proceeding with the campus disciplinary process.

6. Hearing Procedures



6.1 The Organizational Review Board will hear all cases that involve student organizational misconduct.

6.1.1 During this Hearing, the student organization will be provided with the following:

6.1.1.1 An explanation of the charges;

6.1.1.2 A summary of the information gathered in support of the charges;

6.1.1.3 A reasonable opportunity for the student organization to reflect upon and respond on their own behalf to the charges; and

6.1.1.4 An explanation of the disciplinary procedures.

6.2 Should a RSO president or advisor fail to attend the scheduled hearing, the case will be adjudicated by the Organizational Review Board in their absence.

7. Sanctions for Student Organizational Misconduct

7.1 The following sanctions or combination of sanctions may be imposed upon any RSO found “Responsible” for violations of the Student Code of Conduct. Conduct sanctions are implemented to educate and inform student organizations on the behavior that led to the violation. It is the intent of Student Engagement & Leadership to educate students on their behavior in regards to the Student Code of Conduct so they are better able to make informed decisions.

Potential sanctions are outlined below:

7.1.1 Disciplinary Warning - documented warning which will remain in the organization’s file and be taken into consideration during the annual review or request for recognition.

7.1.2 Social Probation - the organization will not be allowed to host, sponsor, or conduct any social activities acting alone or in conjunction with another organization or entity (including but not limited to parties, social gatherings, events with social components, etc.) The organization will be allowed to host educational and awareness events and activities.

7.1.3 Probation - place the organization on probation for one to five calendar years. The organization will ONLY be able to operate under prescribed circumstances. Deviations from the probationary limits

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will cause for an additional review by the ORB and a new sanction.

7.1.4 Suspension - suspend the organization temporarily for the period of one to five calendar years. During the suspension period, the organization may not meet, host any events and activities, nor represent the entity in any shape or form.

7.1.5 Ban - permanently revoke organization's recognition with the Vice Chancellor of Student Affairs approval.

7.1.6 Other - other penalties as deemed appropriate including but not limited to community service hours and restitution for any damage to University policy.

8. Appeals

8.1 An appeal is not a new hearing; it is a review of the record of the original hearing. Appeals must be submitting in writing. The RSO must follow the following steps to submit an appeal:

8.1.1 Time for filing: an appeal must be submitted online to the Executive Director of SEAL by 5:00pm of the third (3rd) day after the decision was rendered.

8.1.2 Grounds for an appeal include

8.1.2.1 claim of error in hearing procedure; or

8.1.2.2 new evidence or information material to the case which was not available at the time of the hearing.

8.2 If the RSO submits an appeal that meets the requirements of an appeal process, their appeal shall be heard by the Executive Director of SEAL or his/her designee and notice of decision on the appeal shall be provided in writing to the RSO within ten (10) business days. A copy of the decision shall be maintained in the SROs disciplinary file with Student Engagement & Leadership.

8.3 After an appeal has been received, a decision to take one of the following actions must be made by the Executive Director of Student Leadership & Engagement or his/her designee:

8.3.1 Uphold the prior decision;

8.3.2 Modify the sanction imposed in the prior decision;

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8.3.3 Remand the case to the initial decision maker with suggestions for a supplemental hearing to receive additional evidence, or for a new hearing;

8.3.4 Reverse or modify the prior decision; or

8.3.5 Dismiss the entire case.

8.4 Appeals Beyond Student Engagement and Leadership

RSO's may appeal the decision of the Director of Student Engagement and Leadership to the Director of Student Conduct and Community Standards by filing a written petition for appeal by 5 p.m. of the third (3rd) day after notice of the decision has been received by the RSO. RSO appeals will be handled in the same manner as appeals from cases heard by the University Committee on Student Conduct as outlined in Section 11 of the Code.

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