



WINSTON-SALEM
STATE UNIVERSITY

**STUDENTS' CODE OF
CONDUCT
2022**

The information in this document applies to the 2022 Fall Semester and is accurate and current, to the extent possible, as of January 2020. Winston-Salem State University (“WSSU” or “university”) reserves the right to change programs of study, academic requirements, teaching staff, the calendar, and other matters described herein without prior notice, in accordance with established procedures.

It is the policy of the State of North Carolina to provide equal opportunity in education and employment to all qualified persons, and to prohibit discrimination based on race, color, national origin, creed, religion, sex, sexual orientation, age, veteran status, disability, genetic information or political affiliation. This university also prohibits sexual harassment, including sexual violence. The Director of EEO/AA and Diversity Officer has been designated to handle inquiries regarding non-discrimination policies and to serve as the overall campus Title IX Coordinator, EEO/AA and Diversity Officer. For further information on nondiscrimination and/or sexual harassment, contact the EEO/AA & Diversity Officer and Title IX Coordinator, Dr. Kayla Rudisel, by telephone at 336-750-8760, by email at wardas@wssu.edu, or in person by visiting 115 Blair Hall. Alternatively, individuals may contact the Office of Civil Rights, U.S. Dept. of Education by visiting: <https://ocrcas.ed.gov/contact-ocr>

Questions or comments about domestic violence, dating violence, and stalking can be directed to the EEO/AA & Diversity Officer and Title IX Coordinator, Dr. Kayla Rudisel by telephone at 336-750-8760, by email at wardas@wssu.edu, or in person by visiting 115 Blair Hall. If you suspect a crime has been committed, please contact university Police at (336) 750-2900 for emergencies, for non-emergencies contact (336)-750-2911.

This university is prepared to make reasonable academic adjustments and accommodations to allow students with disabilities full participation in the same programs and activities available to students without disabilities. In order to receive consideration for reasonable accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA), a student must have a physical or mental impairment that substantially limits one or more major life activities such as, but not limited to, hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, and learning. Substantially limiting refers to an impairment that prevents an individual from performing a major life activity or significantly restricts the condition, manner, or duration under which an individual can perform a major life activity.

Students requesting accommodations under the provisions of Section 504 or the ADA (e.g., academic, housing, etc.) must consult Ms. Myra Waddell with the Department of Disabilities Services at (336) 750-8658 or by email at dds@wssu.edu. WSSU recognizes and utilizes electronic mail as a medium for official communications. The university provides all students with e-mail accounts as well as access to e-mail services from public places if students do not have personal computers of their own. All students are expected to access their e-mail accounts on a regular basis to check for and respond as necessary to such communications.

Allegations of Students’ Code of Conduct violations may be presented to the Office of Community Standards & Civility, via the Maxient Conduct System, from WSSU Campus Police or through an Incident Report filed by residence life staff, students, faculty, and/or staff. To report an incident, use the following link to the Maxient Conduct Incident Report Form. You can also find the link listed on the Office of Community Standards & Civility Homepage, which is located on WSSU’s website.

Incidents that violate the Students’ Code of Conduct shall be submitted as soon as possible after it takes place and factual information should be provided to support the charge.

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Letter to Students

Dear WSSU Students:

Please utilize this Handbook and Students' Code of Conduct ("the Code") and all information contained within it as a resource guide. Familiarize yourself with all policies, services, rights and responsibilities, and any other information that you deem pertinent to your needs.

Our university is growing and continually evolving. In such an environment it is essential to maintain order, provide safety and meet the needs of each student. This handbook has been prepared to inform you about the many opportunities and services available to you while matriculating here. It is my sincere hope and expectation that you will take the time to read it, place it in a safe place and refer to it whenever necessary.

May your time here be fruitful, enlightening, and enjoyable. We look forward to serving you. On behalf of Chancellor Elwood L. Robinson, I welcome you to Ram Country. Go Rams!

Any modifications or updates to the Code shall be posted on the university website in the Online Student Handbook on the university website.

Sincerely,

Mel C. Norwood, II

Associate Provost/ Vice Chancellor for Student Development and Engagement

How to Get Help

ON-CAMPUS RESOURCES:

To get help in case of an emergency, or to report suspected criminal activity (including criminal sexual misconduct), please contact:

WSSU Police Department
Emergency Telephone: (336) 750-2911
Non-Emergency Telephone: (336) 750-2900
Email: campussafety@wssu.edu
Old Maintenance Building
601 S. Martin L. King Jr. Dr.
Winston-Salem, NC 27110

To report suspected incidents of sexual misconduct, including sexual violence or sexual harassment, to WSSU on a non-emergency basis, please contact:

WSSU Title IX Coordinator
Dr. Kayla Rudisel
Telephone: 336-750-8760
Email:
rudiselka@wssu.edu
115 Blair Hall
601 Martin Luther King, Jr. Drive
Winston-Salem, NC 27110

-or-

**Office of Interpersonal Violence
Prevention**
Ms. LaKrista Page, Director
Telephone: (336) 750-3356
Email: pagell@wssu.edu
300 Thompson Student Center
601 Martin Luther King Jr. Dr. Suite 300
Winston-Salem, NC 27110

To speak with someone confidentially on campus, including related to matters of drug or alcohol abuse/addiction, mental health, suicidality, sexual misconduct, or similar concerns, please contact:

The WSSU Counseling Center
Telephone (8am-5pm): (336) 750-3270
After Hours Call Dept. of Public Safety
at (336) 750-2911
A.H. Ray Student Health Services
601 Martin Luther King Jr. Dr. Suite 244

Winston-Salem, NC 27110

[WSSU Counseling Center](#)

OFF-CAMPUS RESOURCES:

To get help in case of an emergency, or to report suspected criminal activity (including criminal sexual misconduct), please contact:

Winston-Salem Police Department

Dial 911 (within city limits)

Telephone: (336) 727-8000

For off-campus healthcare options and support, including information on seeking treatment for injury, contraception and the treatment of STIs, individuals may contact:

Forsyth County Health Department Telephone: (336) 703-3100 799 North Highland Avenue Winston-Salem, NC 27101	Guildford County Public Health Telephone: (336) 641-7777 1100 Wendover Ave. E Greensboro, NC 27405
Novant Health Forsyth Medical Center Telephone: (336) 718-5000 3333 Silas Creek Pkwy Winston-Salem, NC (SANE Exams Offered)	Wake Forest Baptist Medical Center Telephone: (336) 716-2011 1 Medical Center Blvd. Winston-Salem, NC 27157 (SANE Exams Offered)

For information on local rape crisis centers, please see below:

Family Services of Forsyth County Telephone: (336) 722-8173 200 S. Broad St. Winston-Salem, NC	Family Services of the Piedmont Telephone: (336) 387-6161 315 E. Washington St. Greensboro, NC 27401
Davie Domestic Violence Services & Rape Crisis Center Telephone: (336) 751-4357 172 S. Clement St. #2 Mocksville, NC 27023	Family Services of Davidson County Inc. Telephone: (336) 249-0237 1303 Greensboro St. Extension Lexington, NC 27295

Mission and University Values

WSSU is a bold and energetic institution that fosters the creative thinking, analytical problem-solving, and depth of character needed to transform yourself and your world. Rooted in a liberal education, WSSU's curriculum prepares students to be thought leaders who have the skills and knowledge needed to develop innovative solutions to complex problems.

Our Mission

WSSU is a comprehensive, historically Black university offering innovative undergraduate programs and exceptional graduate programs grounded in the tradition of liberal education. Students engage in active and experiential learning offered through flexible delivery modes. The university is dedicated to the holistic development of students by faculty dedicated to excellence in teaching, research, and service. As a constituent institution of the University of North Carolina, WSSU contributes to the social, cultural, intellectual and economic growth of North Carolina, the region, and beyond.

Our Vision

WSSU develops graduates who thrive in a dynamic and global society. Committed to the transformative power of liberal education, WSSU integrates diverse learning environments, student development opportunities, and campus and community life to build knowledge, cultivate talent and mold character. Guided by the motto "Enter to Learn, Depart to Serve," WSSU develops leaders who advance social justice by serving the world with compassion and commitment.

Our Values

Student-Centeredness – WSSU is committed to ensuring that all students achieve academic, personal, and professional development through their education. The university takes responsibility for creating and sustaining an environment that values students' unique backgrounds and learning abilities, providing a nurturing culture that supports student success.

Excellence – WSSU is committed to an uncompromised standard of quality and distinction in teaching, learning, scholarship, service, and operations. The university advances a dynamic, responsive, and accountable academic community where a desire to achieve the highest standards is evident both among individuals and across the institution.

Stewardship - WSSU understands the unique mission of the university and the value it provides through the knowledge produced and the graduates it educates. To ensure the highest levels of public trust and confidence, the university is committed to structuring institutional policies, processes, and incentives to ensure highly efficient and reliable operations; professional competence and knowledge; and careful management of resources.

Integrity – WSSU holds a deep commitment to personal and institutional fairness and honesty to ensure that the welfare of students and the university is placed foremost in all affairs and transactions.

Social Justice – WSSU believes in a deep individual and institutional responsibility to creatively respond to injustice and work toward the establishment of just, equitable, and sustainable cultural, economic, political and social principles and practices that affirm the worth, value, and dignity of all people.

Trust – WSSU is committed to building and reinforcing enduring bonds of goodwill among all members of our community based on an ethic of accountability, fairness, openness and transparency.

Student Rights & Responsibilities

Academic Rights

WSSU is a constituent institution of The University of North Carolina that supports the right to academic freedom for every student. In accordance with UNC Policies, the rights of students to engage in the responsible pursuit of knowledge or their right to the fair and impartial evaluation of academic performance shall not be abridged.

First Amendment

WSSU embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution, as they may be amended from time to time. WSSU has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. WSSU fully supports the right of a student to assemble peacefully and to express him or herself in a manner in which order is maintained. The university has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights in a manner consistent with applicable laws and policies, as they may be amended from time to time.

Freedom to Learn

The UNC Board of Governors has prescribed that all students shall be responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community is respected.

Right of Confidentiality (FERPA)

WSSU will comply with The Family Educational Rights and Privacy Act (FERPA) as it may be amended from time to time. No information or documentation referring to a student's academic or personal life may be released to any party outside the university without the expressed written consent of the student. Any request from a current student, former student or graduate to release information to a third party must be made in writing and include the student's signature. Students also have the right to inspect and review their own official records, except letters of recommendation.

Participation in Institutional Governance

Students are encouraged to participate in activities associated with the governance of the university by serving on various committees, councils and taskforces charged with making decisions.

Student Grievances

Students who believe that their rights under the law or university policy have been violated by an employee, agent or member of the university community should refer to the WSSU Student Grievance and Appeals Procedure: <https://www.wssu.edu/academics/distance-learning/student-grievance-and-appeals-procedures.html>

Student Conduct

Students who attend the university are expected to behave in a manner consistent with life at an academic institution. The Code is intended to reinforce this expectation and governs the behaviors and

disciplinary process for violations.

Right to be Heard

Students who have been charged with violations of the Code are entitled to due process. Students accused of violating standards of conduct will be subject to disciplinary action in accordance with this document.

Responsibilities

All students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, worth, and freedom of each member of the academic community are respected. WSSU expects all students and their guest to behave in a manner consistent with campus policies and applicable state and federal laws. Students are expected to observe and adhere to the university's standards of conduct outlined within the Code in the classroom, on-campus and off-campus.

Students' Code of Conduct

The university community respects certain principles that govern socially and academically acceptable standards of good conduct and behavior. All community members, including students, are expected to conduct themselves in accordance with the regulations of the university and to comply with municipal, state and federal laws. Violations of campus or university policies, rules or regulations, or federal, state, or local law may result in a violation of Code and the imposition of student discipline. The Code provides a framework for identifying the standards of behavior and minimum due process requirements for addressing or adjudicating violations. Disciplinary measures and/or penalties shall be in accordance with procedural and substantive due process safeguards applicable to disciplinary actions as required by Section 502D(3) of The Code of The UNC Board of Governors, UNC Policy 700.4.1, and other applicable campus policies, as they may be amended from time to time. Where there is a conflict between The Code of The UNC Board of Governors and this *Code of Conduct*, then The Code of The UNC Board of Governors will control.

I. Jurisdiction of Student Conduct

The Code and the processes for its administration and enforcement exist for the protection and advancement of the university community's institutional interests. The Code applies to enrolled students and university affiliated student organizations and it is used to enforce university policies and regulations. The Code applies to conduct that occurs on university premises, at university-sponsored activities, and to off-campus conduct (whether in NC, another state or a foreign country) that adversely affects the university community, its mission, programs, the pursuit of its objectives, or poses a serious risk of danger to, or disruption or interference with, a member of the University community. The Director of Community Standards & Civility with other university officials shall determine whether the Code applies to off-campus conduct.

Under applicable UNC Policy, it is the duty of the Chancellor to exercise full authority in the regulation of student affairs and student's conduct. The authority of the Chancellor to regulate student's conduct and discipline, and the authority to enforce policies, regulations, and sanctioning decisions has been delegated to the Associate Provost /Vice Chancellor for Student Development and Engagement, who may delegate this authority to additional designees from time to time.

II. Violations of Law and Disciplinary Action

Students may be accountable to the university and/or to criminal or civil authorities for acts that constitute violations of law and of this Code. The university has the right to proceed with its disciplinary procedures regardless of whether a criminal investigation/charges are pending, and regardless of whether criminal charges involving the same incident have been dismissed, resolved, or reduced.

III. Offenses Under the Code

- a. **Academic Misconduct**¹ – Definitions regarding academic misconduct are set forth in writing in order to give students general notice of prohibited conduct. They should be read broadly and are not designed to define academic misconduct in exhaustive terms. Attempts to commit acts prohibited by the Code may also be addressed through the conduct process. If a student is in doubt regarding any matter relating to the standards of academic integrity in each course or on a given assignment, that student must consult with the faculty member responsible for the course before presenting the work.
 1. **Cheating.** Intentionally and knowingly using unauthorized materials, information, or study aids in any academic exercise or matter.
 2. **Plagiarism.** Intentionally and knowingly representing in any academic exercise or matter the words or ideas of another as one’s own.
 3. **Fabrication.** Intentionally and knowingly falsifying or inventing information or citations in an academic exercise.
 4. **Facilitating Academic Dishonesty.** Intentionally and knowingly helping or attempting to help another to commit an act of cheating, plagiarism, or fabrication.
- b. **Alcohol Violation.**
 1. Possessing, consuming, and/or using alcoholic beverages in an unauthorized manner at locations on university owned property or at a student activity on campus;
 2. Possessing or using alcohol paraphernalia including but not limited to empty alcoholic bottles, alcoholic carton, beer bongs, funnels, kegs;
 3. Consuming alcohol while under the statutory legal age, as it may be amended from time to time;
 4. Providing alcohol to a minor or any person not of the statutory legal age to consume alcoholic beverages;
 5. Being publicly intoxicated; or
 6. Other conduct that could form the basis of any charge relating to a violation of North Carolina laws regarding the purchase, possession, manufacture, and consumption of alcoholic beverages or driving while under the influence.
- c. **Computer and Network Abuse.** Means the theft or misuse of university computing resources,

¹ WSSU Policy 301.1 “Academic Integrity” exclusively addresses prohibited conduct, the complaint process, the resolution process, and other matters pertaining to **Academic Misconduct**.

including violations of applicable WSSU policies that related to computer usage [See WSSU Acceptable Use of Computing and Information Resources Policies, Chapter 400.6. Violations include:

1. Misusing university or organizational names and images;
 2. The unauthorized entry into or transfer of electronic files;
 3. Using another person's computing identification and/or password without authorization or permission;
 4. Using university IT resources to interfere with the work of another student, faculty member, or other University employee;
 5. Using university IT resources to send obscene or harassing messages that would constitute unlawful discrimination or sexual harassment as defined;
 6. Using university IT resources to interfere with normal operations of the university computing system.
- d. **Creating a Safety Hazard.** Any act that intentionally or recklessly creates a safety hazard, including but not limited to:
1. Starting or attempting to start a fire or failing to exit a building when a fire alarm is sounded;
 2. Tampering with or misusing fire and/or other safety equipment, including fire alarms, closed circuit televisions, or elevators;
 3. Failing to comply with campus traffic laws while on a pedestrian conveyance (bicycle, skateboard, scooter, etc.);
 4. Throwing objects from an elevated position in the direction of persons below;
 5. Leaving loose paper, cans, bottles, trash, etc. or littering as defined by state statutes, in common/public areas (internally and externally) of residence hall or university building;
 6. Assisting another person in the commission or attempted commission of a crime, infraction, or act that violates the Code; or
 7. Hosting a non-student who commits a violation to the university's Code.
- e. **Damage to Property.** Engaging in an act that intentionally or recklessly damages, destroys, or defaces property of the university or another.

f. Disorderly Conduct.

1. Engaging in conduct that disrupts class including, but not limited to, the use of cell phones or other electronic devices for voice or text communication, unless permitted by the faculty member;
2. Conduct that disrupts, interrupts or attempts to force the cancellation of any university-sponsored activity or authorized non-university activity, including educational activities, meetings, ceremonies, scheduled events, essential university processes, and authorized solicitation activities;
3. Obstruction that unreasonably interferes with freedom of movement or safe passage, either pedestrian or vehicular, on university premises;
4. Any unauthorized use of electronic or other devices to make an audio or video record of any person without his/her prior knowledge, or without his/her consent when such a recording is likely to cause injury or distress; or
5. Engaging in any activity that deliberately threatens, harasses, intimidates another individual, or places an individual in reasonable fear of harm to the individual or damage to the individual's property that has the effect of substantially disrupting the orderly operation of the individual's daily life.

g. Disruption of the Student Conduct Process.

1. Attempting to discourage an individual's proper participation in, or use of, the conduct system;
2. Attempting to influence the impartiality of the Hearing Officer, conduct board member, or appeal administrator;
3. Harassment and/or intimidation of a Hearing Officer, conduct board member, or appeal administrator prior to, during, and/or after a student conduct proceeding; or
4. Influencing or attempting to encourage another person to commit an abuse of the conduct system; or

h. Drug Violations.

1. Illegal possession or use of controlled substances as defined by the North Carolina General Statutes § 90-86 through § 90-113.8;
2. Manufacturing, selling, or delivering any controlled substance or possession with intent to manufacture, sell or deliver any controlled substance;
3. Misusing any legal pharmaceutical drugs; (If you are a student who has been

prescribed any narcotic by a licensed health care professional, you may possess or use such drugs in the manner as directed by the health care professional and must possess, and provide upon request, written documentation for verification purposes).

4. Knowingly breathing, inhaling, or ingesting any substance for the unlawful purpose of inducing a condition of intoxication;
 5. Possessing drug-related paraphernalia. Drug-related paraphernalia may include drug residue, stems, "Dutch guts," cigarillo shavings, cigarillo wrappers, "roaches," roach clips, grinders seeds, powder, crystals, scales, products containing CBD, and CBD vaping devices; or
 6. Attempting to purchase or obtain any controlled and/or illegal substance on, around, or in university- controlled property, including prescription medicine.
- i. **Failure to Comply.**
1. Failing to comply with the directions of university employees, including university Police in performance of their duties;
 2. Failing to submit identification upon request to duly authorized and properly identified university officials; or
 3. Failing to comply with the sanctions imposed under this Code.
- j. **Gambling.** Gambling on university-owned property including, but not limited to, buildings, streets and parking lots.
- k. **Hazing.** Any activity related to organizational membership or potential membership that involves pressuring or coercing a student into violating state or federal law; any brutality of a physical nature, such as striking in any manner, whipping, beating, branding, exposure to the elements, forced consumption of food, liquor, drugs, or other substances, or other forced physical activities that would adversely affect the health or safety of the student. Hazing also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct that would be extremely demeaning, or would result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the student. Additionally, any activity as described above, or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes, including, but not limited to, recruitment, initiation, acceptance or admission into or affiliation with a university sanctioned organization, shall be presumed to be hazing and a "forced" activity, the willingness or consent of an individual to participate in such activity notwithstanding.
- l. **Hostile Environment Harassment.** No student shall engage in unlawful harassment leading to a hostile environment. A hostile environment is created when the behavior is: a) directed toward a particular person or persons; b) based in whole or in part upon any of the protected statuses included in Section 103 of The Code of The UNC Board of Governors; c) unwelcome;

d) severe or pervasive; e) objectively offensive; and f) so unreasonably interferes with the target person's employment, academic pursuits, or participation in university-sponsored activities as to effectively deny equal access to the university's resources and opportunities.

In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Advice should be sought from campus attorneys, as appropriate.

m. Infliction or Threat or Bodily Harm.

1. Inflicting physical injury upon another;
2. Placing another in fear of, or at risk of, physical injury or danger;
3. Intentionally or recklessly acting in a manner that creates a substantial risk of bodily harm to another;
4. Communicating threats, either verbally or written, to members of the university community;
5. Subjecting another individual, whether intentionally or unintentionally, in activity likely to cause physical injury; or
6. Engaging in fighting. Consent to fighting is not a defense to this charge.

n. Providing False Information.

1. Furnishing false or misleading information on university records or forms by commission or omission;
2. Knowingly misrepresenting facts pertaining to university procedures;
3. Fraudulently misusing university or organizational names and images;
4. Furnishing false information to any member of the university community; or
5. Misusing documents, keys, or keycards.

o. Relationship or Interpersonal Violence. Relationship or interpersonal violence includes Dating Violence, Domestic Violence, and Stalking. Relationship or Interpersonal Violence occurs when one person in a social relationship of a romantic or an intimate nature uses abuse to maintain power over a partner. Abusive behaviors can be physical or emotional, including but not limited to, threats of self-harm or harm to others, pervasive and derogatory name calling, belittling,

isolation, engaging in sexual acts while in a dating or domestic relationship when one of the individuals does not consent.

1. **Dating Violence.** Conduct arising out of a social, personal, romantic or intimate relationship or a dating relationship that: inflicts physical injury upon another person; or is a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.
 2. **Domestic Violence.** Conduct that arises out of a personal, romantic or intimate relationship where the parties are current or former spouses, persons who live together or have lived together, persons who have one or more children in common, or are current or former household members, and inflicts physical injury upon a party to the relationship or shows a pattern of coercive behavior that is used by one person to gain power and control over another. It may include the use of physical and sexual violence, verbal and emotional abuse, or any conduct that places another in fear of, or at risk of, physical injury or danger.
 3. **Stalking.** Engaging in a course of conduct directed at a specific person, whether in the context of a social or intimate relationship or otherwise, that would cause a reasonable person to feel fear for their safety or safety of others or suffer substantial emotional distress. Stalking, including cyber stalking, may include, for example, non-consensual communication, including in-person communication or contact, surveillance, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts or any other communications that are undesired and/or place another person in fear of, or at risk of, physical injury or danger.
- p. **Residence Hall Infraction.** Students who reside in, visit, or occupy residence halls are required abide by the rules enumerated in the *Guide to On-Campus Living*.
- q. **Retaliation.** Mistreatment or any act of reprisal, interference, restraint, coercion, penalty, discrimination, harassment - overtly or covertly - against any individual within the university's control when the person engages in a protected activity. A protected activity includes opposing discrimination or participating in the investigatory process under the Code or other university policy or process. Examples of other protected activities include, filing or being a witness to a complaint under the Code or a formal grievance, communicating with a supervisor or manager about unlawful discrimination, answering questions during an investigation, refusing to follow orders that would result in Hostile Environment Harassment or Sexual Misconduct, requesting a disability accommodation, or availing oneself of rights protected under the Family and Medical Leave Act ("FMLA").

- r. **Sexual Misconduct.** Sexual Misconduct includes **Sexual Harassment** and **Sexual Violence**, as defined in WSSU Policy 900.2 “Sexual Misconduct and Gender-Based Harassment.”

Sexual Harassment and Prohibited Conduct is conduct on the basis of sex that satisfies one or more of the following:

- An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct, or
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C 12291(a)(30).

s. **Theft.**

1. Stealing or attempting to steal another’s property, money or services;
2. Knowingly possessing, purchasing, or exchanging stolen or embezzled property, money or services;
3. Unauthorized use or access to private or confidential information in any medium;
4. Possession and/or use of another WSSU student’s identification (Ram Card) for the purpose of defrauding university officials and/or to gain entry/access to university property; or
5. Unauthorized possession, duplication, or use of keys or card access to any university premises.

t. **Trespass.**

1. Entering into or using university facilities without authorization;
2. Misusing restricted areas; or
3. Violating rules governing university residence facilities, including but not limited to the key policy and co-ed visitation policy.

u. **Unauthorized Use of Property.** Attempted or actual use of property of the university, property

of a university community member, or other personal or public property without proper authorization, or in a manner for which the property was not intended.

- v. **Violation of any University Policies, Regulations, or Rules.** Violation of any written policies, regulations, or rules of the university, as adopted by the university and as may be amended from time to time.
- w. **Violation of Law.** Violating local, state, and/or federal laws, as they may be amended from time to time.
- x. **Weapons.**
 - 1. Possessing or carrying, whether openly or concealed, any gun, rifle, pistol, or other firearm on campus, or to a curricular or extracurricular activity sponsored by the university; or
 - 2. Possessing or using weapons, included but not limited to: BB guns, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, switchblade knives, blackjack, metallic knuckles, swords, bow and arrows, razors or razorblades (except solely for personal shaving), fireworks or other explosive materials in any university-owned buildings, grounds, housing units, or student activities. Students with any of these items on campus must register and store them with Campus Police;
 - 3. Possession of any firearm paraphernalia while residing within university property or university associated property. Firearm paraphernalia includes, but not limited to magazine clips, gun clips, bullets, scopes, lasers; or
 - 4. The use of any allowed substance and/or weapon (mace, pepper spray, knife that is under 4 inches, etc.) in a manner that is intended to provoke fear or create physical harm.

IV. Disciplinary Process

There are two (2) broad categories for the resolution of allegations of misconduct under the Code.²

- **General Code Infractions;** and
- **Equal Opportunity** which includes allegations related to **Hostile Environment Harassment, Sexual Misconduct,** and **Relationship Violence.**

These distinctions will be referenced occasionally below.

² WSSU Policy 301.1 "Academic Integrity" address prohibited conduct, the complaint process, the resolution process, and other matters pertaining to Academic Misconduct.

a. General Provisions.

Allegations of Code of Conduct violations will be presented to the Office of Community Standards & Civility, via the Maxient Student Conduct System, from the WSSU Campus Police, the WSSU Title IX Coordinator, or through an Incident Report completed by residence life staff, students, faculty, general staff, or the public at large. To report an incident through an Incident Report, any individual may use the following Maxient Student Conduct Incident Reporting Form. You can also find the link listed on the Office of Community Standards & Civility homepage, which is located on WSSU's website. Incidents that violate the Code of Conduct should be submitted as soon as possible after it takes place and factual information should be provided to support the charge. Any individual who has notice of a possible violation of the Code should contact the Office of Community Standards & Civility. The above and below provisions apply to all current WSSU students and registered student organizations.

b. Notification of Charge.

A student or organization may be accused of a violation only with a formal *Notification of Allegation(s)* from Director of Community Standards & Civility, designated members of the Department of Housing & Residence Life, the Title IX Coordinator, or their respective designees. The *Notice of Allegation(s)* will be sent to the student by electronic notification. A student's university-assigned email shall be the method of official communication.

Student or organization's conduct proceedings may be instituted against a student/organization charged with violation of a law that is also a violation of the Code, without regard to criminal arrest, criminal charges, prosecution, or civil litigation. Proceedings under the Code are generally carried out without awaiting the conclusion of civil or criminal proceedings off-campus as such proceedings have no bearing on student conduct proceedings.

c. Attorney or Non-Attorney Advisor, Civility Advisors and Observers.

1. Definitions

"Civility Advisor" means a faculty, staff, or student member who has been trained by the Office of Community Standards & Civility to have a solid knowledge of the conduct process. The Civility Advisor gives advice or consultation to a student who is charged with a violation under the Code or student bringing forth information. The Civility Advisor is a student, faculty or staff member who is not an Attorney. While the Respondent and Complainant are responsible to explain their version of the events in question, the Civility Advisor acts merely in the capacity of advisement and cannot take the place of the Complainant or Respondent.

"Attorney" means any person licensed to practice law in the state of North Carolina. Consistent with the Students' Code of Conduct and Student Discipline Procedures, an Attorney must complete specific documents prior to representing a student.

"Non-Attorney Advisor" means any person, who is not a licensed attorney in North Carolina, a student selects to assist them in the student conduct process. Consistent with the Code, this person must complete specific documents prior to assisting the student.

“Observer” means any person, other than an Attorney, who the student selects to play this role. The Observer is a non-speaking role and may not participate as a Non-Attorney Advocate or witness in the process.

2. Scope of Participation

Respondents charged with or under investigation for misconduct under the Code may be represented by an Attorney or Non-Attorney Advisor as prescribed in UNC Policy 700.4.1[R]. Otherwise, representation is not permitted in any university disciplinary proceeding. Representation is at the party’s own expense. If a party is represented, the Attorney or Non-Attorney Advisor may not interfere with the hearing, disrupt or delay it. Full responsibility for understanding the procedures remain with the Respondent and Complainant even where an Attorney or Non-Attorney Advisor provides representation.

Respondents who will be represented by an Attorney or Non-Attorney Advisor in the conduct process must, at least three (3) calendar days prior to any proceeding in which the Attorney or Non-Attorney Advisor intends to participate, notify the Director of Community Standards & Civility in writing of: 1) the name of the Attorney or Non-Attorney Advisor; 2) whether the Attorney or Non-Attorney Advisor is a licensed attorney or Non-Attorney Advisor; and 3) an address, telephone number and email address where the Attorney or Non-Attorney Advisor may be reached. At least two (2) calendar days prior to the proceeding, Respondents being represented by an Attorney or Non-Attorney Advisor must submit a *Notice of Attorney or Non-Attorney/Advocate Representation Form* signed by the Attorney or Non-Attorney Advisor verifying that the Attorney or Non-Attorney Advisor has read and understood the Code, as well as Section 700.4.1 of the UNC Policy Manual. Respondents being represented in a conduct process must also complete and submit a signed FERPA release consenting to the Attorney or Non-Attorney Advisor to receive information and documents regarding the Respondent. The Attorney or Non-Attorney Advisor will not be allowed to participate in the hearing if the required forms are not executed prior to the Pre-Hearing Conference.

Nothing in the Code shall be construed to create a right for any student to be represented during a disciplinary or conduct procedure at the university’s or the public’s expense.

In addition to an Attorney or Non-Attorney Advocate (when allowed) or Advisor, Respondents (and Complainants in cases involving Equal Opportunity), may bring a single Observer to the hearing. An Observer may be a parent, friend, or other person of the Respondent’s choice. During the hearing, Observers may not confer with the Respondent, provide representation, actively participate, or disrupt or delay the hearing.

d. Interim Suspension.

Interim Suspension is a temporary separation of a student from the campus when university officials believe such separation is necessary:

- To ensure the safety and well-being of members of the university community or preservation of university property;
- To ensure the student's own physical or emotional safety and well-being;

- Because the student poses a reasonably definite threat of interference with the normal operations of the university; or
- When a student possesses a gun on campus in violation of N.C.G.S. Sec. 14-269.2(b).

Any student subject to interim suspension will receive a *Notice of Interim Suspension*, in writing through a means by which delivery can be verified. The notice shall contain information on the charge(s) and scope of the suspension.

The *Notice of Interim Suspension* will also include instructions on how to contest and appeal the interim suspension via the electronic appeal form which will be listed at the bottom of the interim suspension letter. Persons subject to interim suspension must provide their appeal in writing within twenty-four (24) hours of delivery of the *Notice of Interim Suspension* to the student. Additional time will be allotted pertaining to mitigating circumstances.

To obtain additional information or clarification, the Assistant Dean of Students does have the ability to contact the student to obtain said new information. When reviewing an interim suspension appeal, it will be limited to the following issues: 1) the reliability of the information concerning the student's behavior; or 2) whether the conduct and surrounding circumstances reasonably indicates that the continued presence of the student on the university campus poses a threat.

A written decision shall be rendered by the Assistant Dean of Students or designee no later than five (5) calendar days after the submission and completion of the interim suspension appeal. The written decision will contain a statement of reasons for any determination to continue interim suspension. The decision regarding interim suspension shall be final and not subject to appeal.

e. Failure to Respond or Participate.

In cases where a student fails to respond to a *Notice of Allegation(s)*, does not attend the Pre-Hearing Conference, or otherwise fails to respond to notifications regarding the disciplinary process, or participate in the disciplinary process, the university, will proceed with the disciplinary process (including hearings) whether or not the student is present. Likewise, individuals who refuse to abide by the hearing procedures may be removed from the hearing and unable to participate.

f. Transcript Holds & Notations.

A temporary hold may be placed on a student's record while disciplinary proceedings or a suspension/expulsion is pending. While on hold, a student may not, at the discretion of university personnel, register for classes or receive an official copy of his or her transcript. At the discretion of university personnel, students may not graduate while a disciplinary action is pending.

Students who have been suspended or expelled will have their names entered into the UNC System database for suspended/expelled students. Students who have been expelled from WSSU will not be admitted to another UNC System constituent institution.

g. Minor Violations.

Minor Violations are those in which the possible sanctions are not suspension and/or expulsion. When a matter is referred to an official, students accused of a Minor Violation will receive a *Notice of Allegation(s)* with information regarding:

- Each charge with a brief recitation of the factual allegations supporting each charge;
- The right to be advised or assisted by an Attorney or Non-Attorney Advisor, with appropriate forms;
- Instructions to contact the Director of Community Standards & Civility, residential living staff, or the Title IX Coordinator in matters related to Equal Opportunity, or their respective designee regarding the allegation, and that the failure to do so may constitute a violation of the Code;
- Alternative dispute resolution in appropriate circumstances; and
- The hearing date if scheduled.

The hearing date shall not be scheduled for at least five (5) calendar days after the student receives the notice unless the student agrees to an earlier hearing date in writing.

1. Administrative Hearings

The Director of Community Standards & Civility, residential living staff, or their designee shall schedule an Administrative Hearing with the Respondent. The Administrative Hearing shall not be scheduled for at least five (5) calendar days after the student receives the *Notice of Allegation(s)*, unless the student agrees to an earlier hearing date in writing. During this time, the Respondent shall provide an address (permanent and local) and his/her WSSU email address for notice of proceedings. A student's university- assigned email shall be the method of official communication. The Respondent will also be provided the following:

- An opportunity to review allegations and their case file. The case file consists of written materials received or generated by the Office of Community Standards & Civility that are considered relevant to the misconduct charge;
- Opportunity to review procedures under the Code;
- An opportunity to explain their version of the events in question;
- An opportunity for an Attorney or Non-Attorney Advisor to ask questions for clarification; and
- An opportunity to submit additional information regarding the allegations.

A student/organization wishing to accept responsibility and the proposed sanction(s) must do so by a signed writing. This writing shall: 1) memorialize the charges, alleged facts supporting the charges, and

sanctions; 2) contain the dated signature of the Respondent. In cases of Minor Violations, Respondent shall have their case heard as part of an Administrative Hearing.

2. Conduct of the Administrative Hearing

The Director of Community Standards & Civility shall preside over all Administrative Hearings, except in matters related to residential living, in which case a designee of the Director of Community Standards & Civility shall preside. The Administrative Hearing shall not be scheduled for at least five (5) calendar days after the student/organization receives the *Notice of Allegation(s)* unless the student/organization agrees to an earlier hearing date in writing. Attorney and Non-Attorney advocates may participate in the proceedings as provided above.

A hearing official who has a conflict with, bias about or interest in the case should recuse himself or herself. If the committee member or the hearing official refuses to recuse himself of herself, the Assistant Dean of Students or designee shall make the recusal decision.

Respondents may present testimonial and documentary evidence, provided that such evidence is relevant to the charge or other evidence presented and does not otherwise infringe the rights of other students/organizations. Likewise, university personnel may present testimonial and documentary evidence.

At the conclusion of the presentation of evidence, the presiding official shall determine based on a preponderance of the evidence whether the alleged code violation occurred. This determination must be made within 10 calendar days after the date of the Administrative Hearing. The decision must be transmitted to the student in writing within 10 calendar days of the date the decision is made, and it must contain a brief summary of the evidence upon which the decision is based.

3. Appeals from Administrative Hearings

The decision letter transmitted to the student will contain information on appeals. Appeals from matters related to housing and residential living will be heard by the Assistant Director of Housing & Residence Life. Appeals from the Director of Community Standards & Civility will be heard by the Assistant Dean of Students or designee. Additional information on appeals may be found in section V. below.

h. Serious Violations

Serious Violations are those in which the possible sanctions include suspension and/or expulsion. When a matter is referred to a hearing body or official, students accused of a Serious Violations will receive a *Notice of Allegation(s)* with information on:

- Each charge with a brief recitation of the factual allegations supporting each charge;
- The possible sanctions;
- The right to be advised or assisted by an Attorney or Non-Attorney Advisor as provided in section IV.c. above, with appropriate forms;

- Instructions to contact the Director of Community Standards & Civility or the Title IX Coordinator in matters related to Equal Opportunity, or their respective designee regarding the allegation, and that the failure to do so may constitute a violation of the Code;
- Notice of which charges could result in expulsion and that expulsion precludes matriculation to any UNC constituent institution;
- Notice that the matter has been referred to a hearing body and the hearing date if scheduled.

The council hearing date should not be scheduled for at least two (2) calendar days after the student concludes the Pre-Hearing Conference unless the student agrees to an earlier hearing date. Reasonable extensions of time for either party to prepare for the hearing should be allowed.

1. Pre-Hearing Conference

The Director of Community Standards & Civility or designee shall schedule a Pre-Hearing Conference with the Respondent prior to the council hearing. The Pre-Hearing Conference shall not be scheduled for at least five (5) calendar days after the student receives the *Notice of Allegation(s)* unless the student agrees to an earlier hearing date in writing. The notice will include the date, time, and location of the Pre-Hearing Conference and the Community Standards & Civility Council hearing. The notification will be sent to the Respondent's university email address, and/or the contact information provided by the student/organization, through a means in which receipt can be verified.

The Pre-Hearing Conference is an informal process designed to provide the Respondent with critical information about the student conduct process. During the Pre-Hearing Conference, the Director of Community Standards & Civility or designee shall provide to the Respondent the following:

- An opportunity to review allegations and their case file. The case file consists of written materials received or generated by the Office of Student Conduct that are considered relevant to the misconduct charge;
- Opportunity to review procedures under the Code;
- Notice of means of resolving formal charges through written acceptance of responsibility and proposed sanctions;
- An opportunity for an Attorney or Non-Attorney Advisor to ask questions for clarification; and
- An opportunity to submit additional information regarding the allegations.

At the Pre-Hearing Conference, or before as directed by a university official, the student must provide an address (permanent and local) and his/her WSSU email address for notice of proceedings. A student/organization's university-assigned email shall be the method of official communication.

2. Student Conduct Council Hearings

In matters involving serious sanctions, hearings shall be conducted by the Community Standards & Civility Council.

i. Composition of Conduct Council

The Community Standards & Civility Council shall be composed of the SGA Attorney General, the Director of Community Standards & Civility or a designee who shall serve as Chairperson. The Chairperson is a nonvoting member of the Council. The hearing panelists shall consist of a minimum of three voting members, consisting of faculty, staff, or students. (In cases of **Equal Opportunity**, the Director of Community Standards & Civility shall serve as Chairperson, and the hearing panelists will be selected from faculty and staff only and no student shall be appointed to sit on the Council).

ii. Scheduling of Hearing

Hearings may be postponed once for a good cause, including but not limited to illness, unavailability of witnesses or evidence, upon request of either the Respondent or the Complainant party. This postponement will not exceed ten (10) calendar days unless there exist an extraordinary circumstance. The Chairperson of the hearing body shall determine whether good cause exists to postpone a hearing.

iii. Steps to Take Prior to Hearing

The Respondent shall be afforded reasonable access to the case file, including the list of potential witnesses. The case file will be retained in the Office of Community Standards & Civility. At a reasonable time prior to the hearing, the Respondent must be given the opportunity to review any written evidence that will be used at the hearing and to review a list of witnesses.

The names of the Council panelists will be provided to each party prior to the hearing, if possible. Any party may challenge Council member for cause. However, the Respondent and Complainant, or anyone acting on their behalf, may not speak to or contact a Council member prior to the hearing. Decisions as to whether a Council member should be removed for cause will be made by the Director of Community Standards & Civility. Council members who have information that may affect their ability to remain neutral must recuse themselves from the hearing.

iv. Conduct Council Hearings

The following procedures will be followed for Community Standards & Civility Council hearings:

- A. The Respondent will have the ability to review the case file, including a list of potential witnesses. The case file will be retained in the Office of Community Standards & Civility prior to that time.
- B. A university representative shall present the information supporting the charge(s) to the Council on behalf of the university. The university representative may be a university Police Officer, the Complainant, a university administrator, or the Chairperson.
- C. Although it is responsibility of the Complainants and Respondents to secure the presence

of their witnesses, university officials may request attendance of witnesses. Witness attendance notices must be approved by the Director of Community Standards & Civility and be delivered by a delivery method that can verify receipt of the notice.

- D. If a Respondent fails to appear at the hearing after proper notice, the university Representative will proceed with presenting the information regarding the alleged violation. The case will be decided based on the information in the record.
- E. Hearings will be closed to the public. The Respondent may bring an Attorney or Non-Attorney Advisor, Civility Advisor or Observer.
- F. The Chairperson shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. The Chairperson may recess the hearing if the Council determines that the presence of additional information or witness testimony is needed to decide (with consultation of university personnel). Any person, including but not limited to the Respondent, Complainant, Attorney, Advisor, Civility Advisor, and/or Observer, who disrupts a hearing may be excluded by the Chairperson.
- G. Hearings, but not deliberations, shall be recorded. No other recordings or broadcasts shall be permitted. The recording will be maintained with the Respondent's case file and will be available to the student as part of his/her student record, with appropriate redaction of information related to other students unless such information is a necessary part of an appeal.
- H. Witnesses shall be asked to affirm or swear that their testimony is truthful. Witnesses who intentionally provide false information may be subject to university disciplinary action.
- I. Prospective witnesses, other than the Complainant and Respondent, will be sequestered at the beginning of the hearing and excluded from the hearing during the testimony of other witnesses. In addition, all parties and witnesses shall be excluded during Council deliberations. The Chairperson will observe deliberations, and may inform Council members of applicable university policies, regulations and rules, as well as the range of sanctions that can be implemented, but will not participate in discussions or attempt to influence the outcome of the hearing.
- J. The Council's determination shall be made based on the preponderance of the evidence, that is, whether the information presented has shown that it is "more likely than not" that the Respondent violated the Code. The Respondent's past disciplinary record will be available during the sanctions portion of the hearing only.
- K. Formal rules of evidence or civil procedure shall not apply in student disciplinary proceedings. Unduly repetitious or irrelevant information or witnesses may be excluded by the Chairperson. Hearsay information may be presented unless the Chairperson determines it is unreliable. The opposing party shall have an opportunity to rebut any hearsay information.

- L. Written witness statements are the student disciplinary equivalent of affidavits, but without the formalities. They shall not be admitted into evidence unless signed by the witnesses as observed by a staff member in the Office of Community Standards & Civility. Exceptions to the observed requirement may be approved by the Office of Community Standards & Civility staff for good cause. Written statements from others regarding insight into the Respondent's decision-making and character introduced at the sanctioning portion of the hearing need not be witnessed.
- M. Upon timely request by a party or a witness and for good cause, the Chairperson may allow for testimony to be presented through closed-circuit or web-based technology (particularly where a party or witness would otherwise be unable to participate in the hearing). Testimony through this mode is at the sole discretion of the Chairperson.
- N. Charges against multiple students involved in the same incident may be heard in a single hearing only if each Respondent consents to such a proceeding.
- O. The sequence of a Conduct Council Hearing shall be as follows:
- The Chairperson shall read statements regarding the expectations for truthfulness and confidentiality, then sequester the witnesses in the case, except as provided in the Code.
 - The Chairperson shall read the charge(s) and record whether the Respondent accepts or denies responsibility for the charge(s).
 - The university representative shall present the case, including any witnesses. The Council and Respondent may question the university representative and witnesses after the presentation.
 - The Respondent shall present his or her case including any witnesses. The Council, university representative and Complainant may question the Respondent and witnesses after the presentation.
 - Questions from the parties shall be directed through the Council. The Chairperson may limit questioning that is redundant, irrelevant, or abusive.
 - The university representative, Complainant and Respondent may make a closing statement. A closing statement is a short summary of the information previously presented, and conclusions the speaker wishes the Council to draw from the information. Either party may submit information, including written statements from character witnesses, or make statements concerning the appropriate sanction to be imposed. The past disciplinary record of the Respondent shall not be supplied to the Council prior to this portion of the hearing, except in cases where the charge includes failure to follow through on previous sanctions, recommendations, directives or violations of behavioral contracts. In those instances, the allegations of the complaint would already reflect the past disciplinary record of the Respondent.
 - The Council will enter a period of deliberation. A decision will be made by majority vote. Only the Council members and the Chairperson may be present at deliberations. Deliberations are not recorded.

- The Council will determine its finding on each charge. Decisions of the Conduct Council may be “responsible” or “not responsible,” and sanctions will be recommended. A decision will be made by majority vote. Procedures for this deliberation are the same as for deliberation of responsibility on the charge(s).
- P. As the designee for the Assistant Dean of Students, if the Council determines that suspension or expulsion is the appropriate sanction, the Council will forward a recommendation of the Respondent’s suspension or expulsion to the Assistant Dean of Students or designee, who will then issue a final decision on the sanction of suspension or expulsion.
- Q. A written decision that includes an explanation of the findings and reasoning supporting the Council’s decision will be sent to the student within five (5) calendar days of the decision through a means where delivery can be verified. An extended timeframe of submission will be allotted under mitigating circumstances. The time limit for filing an appeal begins upon delivery or attempted delivery of the written notification of the decision to the student.

V. Appeals

Each student who has received a disciplinary sanction shall be notified in writing of his or her appeal rights. This notice must be given no later than the date the written decision is delivered to the student/organization (or the date delivery is properly attempted, in the event delivery is not successful). Students/Organizations who have been found responsible for a conduct violation may appeal. Complainants involving Equal Opportunity infractions have the same appeal rights as the Respondent, and appropriate notice of these rights shall be delivered to Complainants.

a. Grounds for Appeal

During a Conduct appeal, the appealing party has the burden of showing either (1) a violation of due process; or (2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.

- i. **Violation of Due Process.** Due Process requires notice and an opportunity to be heard. A violation of due process means that the appealing party was not provided the required notice or an opportunity to be heard due to specified procedural errors, or errors in interpretation of university policies or regulations, that were so substantial as to effectively deny the Respondent a fair hearing. Reasonable deviations from the procedures set out in this Regulation will not invalidate a decision or proceeding unless the Respondent can show that, but for the deviation or error, there likely would have been a different outcome in the case.
- ii. **Material Deviation from Substantive and Procedural Standards.** Material Deviation from Substantive and Procedural Standards require that the decision reached be neither arbitrary nor capricious. A material deviation from substantive standards means that there is a lack of information in the record that could support the decision or sanction(s). This does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires a

showing that no reasonable person could have determined the Respondent was responsible or could have imposed the sanction that was issued, based on the information in the record. A material deviation from procedural standards means that a lack of information in the record that could support the decision is due to a procedural error that resulted in the proffered evidence or testimony being excluded.

b. Record on Appeal

In all cases resulting in an appeal, the decision, the complete record of the proceeding (including documentary evidence and any recording or transcript of testimony), the appeal materials filed by the student/organization, and any other relevant information, will be compiled by the Director of Community Standards & Civility and delivered to the person designated to review the appeal.

During the timeframe to appeal, the Respondent shall be afforded reasonable access to the case file.

c. Appeals from Minor Violations

Any disciplinary decision, other than where the Respondent has waived his or her right to appeal, may be appealed. Appeals from matters related to housing and residential living will be heard by the Assistant Director of Housing & Residence Life. Appeals from the Director of Community Standards & Civility will be reviewed by the Assistant Dean of Students or designee.

d. Appeals for the Sanction of Suspension

Except where the Respondent has waived his or her right to appeal, appeals for a sanction of suspension may be made to the 1) Assistant Dean of Students, then to the 2) Associate Vice Chancellor/Dean of Students and end with the Associate Provost/Vice Chancellor for Student Development and Engagement.

e. Appeals for the Sanction of Expulsion

Except where the Respondent has waived his or her right to appeal, appeals for a sanction of expulsion may be made to the 1) Assistant Dean of Students, then to the 2) Associate Vice Chancellor/Dean of Students, then the 3) the Associate Provost/Vice Chancellor for Student Development and Engagement, and end with 4) the Chancellor.

f. Deadline and Place for Delivery of Notice of Appeal

Student appeals must be received within ten (10) calendar days from the date that the written decision or sanctions is provided, or attempted to be delivered, to the student through any delivery method where receipt can be verified. Failure to submit the appeal within this time limit will render the original decision final and conclusive. An extension of time may be requested in writing within the ten-day limit, but it is within the discretion of the person deciding the appeal to grant or deny such requests.

The appeal must contain the following:

- i. State the sanction being appealed;

- ii. A detailed written statement specifying the grounds for appeal, a list of alleged errors in the decision or procedure, an explanation for why those decisions are in error, and the complete factual basis for the appeal;
- iii. A requested remedy; and

For appeals of cases concerning Equal Opportunity, within ten (10) calendar days of receipt of an appellant's appeal, the non-appealing party may submit for consideration a response to the appeal.

g. Appeal Review

The imposition of punitive sanctions may be deferred during the pendency of appellate proceedings, at the discretion of the person(s) reviewing the appeal, and upon written request of the Respondent. However, the educational sanctions are still required for completion. Where sanctions are deferred during the pendency of the appellate proceedings and the student's appeal is ultimately unsuccessful, students may fail to receive grades or credit for courses or assignments already completed while awaiting a decision, or, in cases resulting in the sanction of suspension or expulsion, cause a student to pay back previously received financial aid for the semester completed. Students are encouraged to consult with Office of Community Standards & Civility regarding the ramifications of any delay in the enforcement of sanctions before submitting a written request for such deferral.

Appeals will be decided on the record of the original proceedings. New hearings will not be conducted on appeal. However, the person(s) reviewing the appeal may choose to ask the parties to submit written statements of their positions on appeal, beyond the information in the appeal notice. If the hearing body is alleged to have violated these procedures, a written response may be solicited from the hearing body or the Office of Community Standards & Civility on its behalf. Any such written statements from the parties or the Office of Community Standards & Civility must be drawn on information in the record; they cannot include new information or facts bearing on responsibility that were not presented at the hearing. These written statements become part of the record. Any decision to allow new information in the appeals process will be made by the person(s) reviewing the appeal.

h. Appeal Decisions

Following their review, the person(s) reviewing the appeal may decide:

- i. To affirm the findings and sanction(s) imposed by the original Council/staff member.
- ii. To reverse or modify the decision and/or sanction(s) of the Council/staff member. Such reversal or modification shall take place only upon a showing of clear and material error on the part of the Council/staff member and which error affected the outcome of the case.
- iii. To remand the case to the Council/staff member. Cases will only be remanded based on:
 - A. Specified procedural errors or errors in interpretation of university policies or regulations that were so substantial as to effectively deny a fair hearing; or
 - B. New and significant material information that has become available and was not

available previously to a person exercising reasonable diligence, which information could have affected the outcome of the proceeding.

- iv. To dismiss the entire case. Dismissal will occur only if there is insufficient information to support a finding of responsibility.

VI. Disciplinary files, Records & Transcript Notations

a. Record Retention

All conduct records related to a case will be kept in a conduct file in the name of the Respondent. Conduct records will be retained in the Office of Community Standards & Civility consistent with the university Records Retention and Disposition Schedule.

Consistent with the Records Retention and Disposition Schedule, student files with sanctions resulting in suspension or expulsion will be retained in the Office of Community Standards & Civility on a permanent basis. After eight (8) years, only those items which are necessary to understand the factual allegations involved will be retained.

b. Disclosure of Records

Disciplinary records for Respondents who were found responsible may be reported to third parties, in accordance with university regulations and applicable laws, including but not limited to FERPA.

c. Transcript Holds and Notations

A temporary hold may be placed on a student's record while disciplinary proceedings or a suspension/expulsion is pending. While on hold, a student may not, at the discretion of university personnel, register for classes or receive an official copy of his or her transcript. At the discretion of university personnel, students may not graduate while a disciplinary action is pending.

Students who have been suspended or expelled will have their names entered into the UNC System database for suspended/expelled students. Students who have been expelled from WSSU will not be admitted to another UNC System constituent institution.

VII. RECONSIDERATION OF EXPULSION

a. Timing of Petition

After an expulsion has become final, the former student may submit a written petition to the Chancellor requesting approval for reinstatement. A petition for approval of reinstatement will not be considered prior to the expiration of two (2) calendar years after the effective date of the expulsion. In addition, repeat petitions will not be considered until at least one (1) calendar year has passed since the filing of the previous petition.

b. Contents of Petition

A petition for approval of reinstatement should list reasons why the former student deserves to be readmitted to the university. The reasons should focus primarily on the former student's activities and behavior after the expulsion and why the student believes that he or she should be given a new opportunity to pursue higher education. Re-argument of the merits of the expulsion is inappropriate unless exonerating information has become available that could not have been discovered at the time of expulsion.

c. Procedure for Review

The Chancellor will forward the petition for approval of reinstatement to the Associate Provost / Vice Chancellor for Student Development and Engagement. The Associate Provost / Vice Chancellor for Student Development and Engagement will coordinate the gathering of the information and disciplinary record for review. The Associate Provost / Vice Chancellor for Student Development and Engagement may request additional information from the former student and/or the Office of Community Standards & Civility when necessary.

The Associate Provost / Vice Chancellor for Student Development and Engagement along with the Office of Community Standards & Civility will form a committee to review the petition. The committee may interview the former student and/or ask for additional information from the appropriate resources pertinent to the petition and in evaluating the petition.

The committee will make a recommendation regarding the petition to the Chancellor, who will render a decision and notify the petitioner. The decision whether to approve the petition for reinstatement shall be entirely at the Chancellor's discretion.

Any student who successfully petitions for approval of reinstatement and returns to the university will be placed on disciplinary or academic integrity probation for the remainder of his or her academic career. In addition, the student must comply with any additional requirements the Chancellor may impose for readmission. The transcript of a student who is successful in petitioning for approval for reinstatement will retain the expulsion notation and the phrase "Approved for Reinstatement" will be added to the transcript.

No institutional appeal is available. However, the former student may re-petition provided that one (1) year has elapsed from the denial of any previous petition.

VIII. Special Provisions for Equal Opportunity Allegations (Hostile Environment Harassment, Sexual Misconduct & Relationship Violence)

a. General Provisions

Generally, matters related to student conduct and the complaint resolution process for Equal Opportunity allegations will be governed by the same processes as described above for General

Infractions, including both Minor Violations and Serious Violations. What follows are special provisions which may modify the sections above.

For further information on Equal Opportunity, individuals may consult for all parties Policy 900.2, "Sexual Misconduct and Gender Based Harassment" which details procedures of EEO cases and updated federal mandated regulations.

b. Reporting

Conduct proceedings may be instituted against a student charged with violation of a law that is also a violation of the Code, without regard to criminal arrest, criminal charges, prosecution or civil litigation. Proceedings under the Code are generally carried out without awaiting the conclusion of civil or criminal proceedings off-campus as such proceedings have no bearing on student conduct proceedings.

Individuals may report suspected incidents of criminal sexual misconduct or other suspected criminal activity to university personnel by contacting:

WSSU Police Department

Emergency Telephone: (336) 750-2911
Non-Emergency Telephone: (336) 750-2900
Email: campussafety@wssu.edu
Old Maintenance Building
601 S. Martin L. King Jr. Dr.
Winston-Salem, NC 27110

To report suspected incidents of sexual misconduct or other **Equal Opportunity** concerns to WSSU on a non-emergency bases, please contact:

WSSU Title IX Coordinator

Dr. Kayla Rudisel
Telephone: 336-750-8760
Email: rudiselka@wssu.edu
115 Blair Hall
601 Martin Luther King, Jr.
Drive Winston-Salem, NC 27110

Office of Interpersonal Violence Prevention

Ms. LaKrista Page, Director
Telephone: (336) 750-3356
Email: pagell@wssu.edu 300
Thompson Student Center 601
Martin Luther King Jr. Drive
Winston-Salem, NC 27110

-or-

c. How to Make a Report

Any student, faculty, staff, third-party contractor or members of the general public may make a report of suspected Equal Opportunity violations as follows:

- i. By making a report to a Title IX Officer in person, by the Incident Reporting Form, by telephone, or by email.

- ii. If on campus, by contacting the WSSU Campus Police Department or Winston-Salem Police Department for assistance in filing a criminal complaint and preserving physical evidence;

Under the WSSU Policy 900.2, "Sexual Misconduct and Gender Based Harassment," all university employees, with the exception of those designated as Confidential Employees, are considered to be "Responsible Employees." As such, all reports that are brought to the attention of a Responsible Employee must be promptly submitted to the Title IX Coordinator by the Responsible Employee.

Students may make a report to the Title IX Coordinator, to law enforcement, to neither, or to both. The campus Title IX process and law enforcement investigations operate independently of one another, although the university will coordinate information with the WSSU Police Department and/ or local law enforcement when both an administrative proceeding and criminal investigation are on- going. University community members are encouraged to consult with the Title IX Coordinator if they have any questions regarding this policy or reporting prohibited conduct.

University community members may raise concerns about the university's application of Equal Opportunity with the United States Department of Education Office for Civil Rights ("OCR"). The address and telephone number of the appropriate OCR District are as follows:

U. S. Department of Education
Office for Civil Rights
District of Columbia Office
400 Maryland Avenue, S.W.
Washington, D.C. 20202-1475
Telephone: (202) 453-6020
FAX: (202) 453-6021

d. Timeframe for Reporting

There is no time limit for reporting prohibited conduct. University community members are urged to make a report as soon as possible after the conduct has occurred to maximize the university's ability to respond promptly and effectively. Reports under this policy may be made at any time without regard to how much time has elapsed since the incident(s) in question.

If the responding party is no longer a student or employee at the time of the report, the university may be limited in its ability to take disciplinary action against the Respondent. The university will still seek to meet its Title IX obligations by providing support for the Complainant and taking steps to end the prohibited behavior, prevent its recurrence, implement supportive measures to the parties, and address its effects. The university may assist the Complainant in identifying and contacting law enforcement and other external enforcement agencies.

e. Supportive Measures

Both the Complainant and Respondent may request supportive measures during the disciplinary investigation. Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve access to the university's education program or activity without unreasonably burdening the other party; protect the safety of all parties and the institution's educational environment; and deter sexual harassment. The university will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include one or more of the following:

- i. Access to counseling and medical services;
- ii. Assistance in obtaining a sexual assault forensic examination;
- iii. Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- iv. Academic support;
- v. Assistance in requesting long-term academic accommodations through the Office of Student Services, if the Complainant qualifies as an individual with a disability;
- vi. Change in the Complainant's campus housing;
- vii. Assistance navigating off campus housing concerns;
- viii. Imposition of a "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- ix. Referral to resources which can assist in obtaining a protective order, or other legal remedy;
- x. Referral to resources which can assist with financial aid other administrative concerns; or
- xi. Any other remedial measure that can be used to achieve the goals of this policy.

Requests for supportive measures may be made to the Title IX Office. The Title IX Office has the discretion to impose and/or modify any supportive measures based on all available information and is available to meet with a Complainant or Respondent to address any concerns about the provision of supportive measures. All individuals are encouraged to report to the Title IX Office any concerns about the failure of another to abide by any restrictions imposed through an interim protective measure.

f. Sanctioning

The university will take reasonable steps to end Equal Opportunity violations; to prevent recurrence; and to remedy the effects. Any person who is found to have violated this Policy shall be subject to disciplinary action, up to and including expulsion from educational programs. The specific penalties imposed on violators will be commensurate with the level of offense and in accordance with applicable laws and university regulations, policies, and procedures. The university recognizes that some offenses are so serious that suspension or expulsion may be warranted on the first occurrence. Factors that will

be considered in determining the appropriate level of discipline include:

- i. Seriousness of offense (e.g., effect of the misconduct on the university's mission, isolated or repeated offense, deliberate or inadvertent misconduct, etc.);
- ii. Prior misconduct (e.g., disciplinary record, similarity of past offenses to current misconduct);
- iii. Consistency of Penalty (e.g., is the disciplinary action consistent with treatment of similar misconduct in other cases);
- iv. Potential for rehabilitation (e.g., self-disclosure prior to investigation, seeking assistance with problem); Effectiveness of a lesser sanction; and
- v. Other aggravating and mitigating circumstances.