

Chapter VI: Student Code of Conduct

Policy Statement on Nondiscrimination

UNCSA is committed to equality of educational opportunity and does not discriminate against applicants, students or employees in offering access to its educational programs and activities or with respect to employment terms and conditions based on race, color, national origin, religion, sex, age, sexual orientation, gender identity, gender expression, genetic information, disability, veteran status, or political affiliation.

UNCSA embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right, under appropriate circumstances, to regulate the time, place, and manner of exercising these and other constitutionally protected rights. All students 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. Infractions of policies, rules or regulations, or federal, state, or local laws may also violate the Student Code of Conduct and result in the imposition of student discipline. All students, whether residential or commuter, are expected to conduct themselves in a responsible manner, attend their classes, complete assignments on time, abide by the Student Code of Conduct, and respect the rights and freedoms of others. No one document can include every circumstance; therefore, the institution expects students to exercise good judgment and discretion.

In addition, UNCSA encourages character formation and development by asking students, as members of the University community, to uphold the highest standards of personal behavior and responsibility in all settings. The Student Conduct Procedures at UNCSA are designed to address violations of the Student Code of Conduct in a manner that prioritizes student development and education. While Student Conduct Procedures may result in the imposition of outcomes in appropriate cases, the primary objectives of these procedures are to uphold the highest standards of honor, integrity, and personal responsibility; to encourage responsible choices concerning issues such as alcohol use, the treatment of others, and sexual behavior, among others; and to promote student learning, safety, health, and well-being.

The emphasis upon student education and growth as the primary objectives of the Student Conduct Procedures distinguish these campus-based processes from criminal or civil legal proceedings. The Student Conduct Procedures do not result in an adjudication of whether a crime has occurred; such determinations can be made only by the criminal justice system. Consistent with these student learning and development objectives, the Student Conduct Procedures at UNCSEA remain non-adversarial; reflect community values, University policies, and Board of Governors standards; and provide for the respect and consideration of all participants.

A. Conduct Policy Committee Annual Review: The Conduct Policy Committee (CPC) reviews the high school and college conduct codes at least annually. The CPC's goal is to ensure that the policies and practices are consistent and that outcomes are appropriate for specified behaviors. Students are encouraged to make suggestions concerning the content of the Code. Suggestions should be submitted to the Director for Student Conduct, the Chair of the CPC. All suggestions are welcome.

B. Presumption of Innocence: Any student charged with an infraction of the Student Code of Conduct shall be presumed innocent until proven responsible by a preponderance of evidence ("more likely than not").

C. UNCSEA Student Code of Integrity:

- I will honor and respect my artistic and academic community.
- I will respect the property of others.
- I will care for the environment and my physical surroundings.
- I will be truthful to all students, faculty, and staff.
- I will adhere to the Student Handbook Policies.
- I will adhere to the Academic Integrity Policy.
- I will respect others and show courtesy.

D. Student Rights: Students at the University of North Carolina School of the Arts are guaranteed the following rights in the student conduct process:

- To be afforded due process in a fair and timely manner.
- If formally charged, to be represented, at the student's expense, by a licensed Attorney or Non-Attorney Advocate except for allegations of academic dishonesty
- To receive a written notification of charge.
- To be free from unreasonable search and seizure.

- To have a Case Resolution Meeting when charged with a major or minor infraction.
- To receive in writing the disposition of the case.
- To appeal decisions of a Case Resolution Meeting involving major or minor infractions.
- To have a staff advisor assist them throughout the appeal process.
- To waive any of these rights.

E. Student Self-Reporting of Criminal Charges and/or Major Infractions: Upon applying to the University of North Carolina School of the Arts, a student is required to report any criminal convictions on their application. “Conviction” means a guilty verdict, guilty plea, prayer for judgment continued, Alford plea, or “no contest” plea. **If a prospective or accepted student is charged with a crime equivalent to a major infraction of the Code of Conduct or convicted of any crime or misdemeanor prior to or after matriculation at UNCSA, the student is required to self-report such action to the Vice Provost and Dean of Student Affairs within five business days of the filing of charges (in the case of a Major Infraction) or of the conviction (in the case of another crime).** Failure to do so may result in nullification of acceptance or, if enrolled, a violation of the Student Code of Conduct and disciplinary action.

F. Relationship between the Student Code of Conduct and Violations of State and/or Federal Law: Instances of student misconduct on campus may or may not also constitute offense against the larger community, i.e., the city, the state or the United States. A student who is or has been prosecuted in a civil court for a violation of law may be subject to University jurisdiction for the same offense. The courts have held that being punished by the courts and by the University for the same violation does not constitute double jeopardy. Student conduct infractions may be subject to adjudication whether or not they occur on University premises. The Director of Student Conduct or designee shall determine whether an incident off-campus affects University interests and thus falls within the scope of the Code.

Student misconduct, which jeopardizes the University, the integrity of the University, or any member of the University community (equivalent to a major infraction) will be subject to the Student Code of Conduct. In addition, misconduct on any officially sponsored University activity, no matter what actions are taken by legal authorities outside of the University, will be subject to the Student Code of Conduct.

G. Student Code of Conduct, University-Sponsored Trips and Touring: The Student Code of Conduct applies to students when they travel and tour, just as it applies when

they are on campus or as a member of the larger Winston-Salem community. On occasion, the rules or policies are modified for specific touring or trip situations. Such changes are to be established in advance by consultation between the Director of High School Life and faculty/staff members involved in the trip/tour.

H. Case Files and Conduct Records: Conduct files, including audio recordings or transcripts of hearings, of students found responsible for any violations will be retained as conduct records for eight years from the date of the letter providing notice of final conduct action, or such other period of time prescribed by the UNC Records Retention and Disposition Schedule. Conduct records may be retained for longer periods of time or permanently, as specified in the outcome, or at the written request of the Vice Provost and Dean of Student Affairs or designee. Conduct records including the outcome of suspension/expulsion shall be retained indefinitely. Conduct records designated as "permanent" shall not be destroyed except under very rare circumstances with unusual and compelling justification.

I. Infractions of the Student Code of Conduct: The University of North Carolina School of the Arts expects students to respect and abide by the tenets and policies of the Student Code of Conduct. Violations of the code fall into two categories:

1. Major Infractions
2. Minor Infractions

At the time a student appears to be in violation of the Student Code of Conduct, any member of the University of North Carolina School of the Arts community is expected to confront the student regarding the behavior and inform the student that the situation will be reported.

Note: Students who have been accused of a violation of the UNCSA Student Code of Conduct may be represented, at the student's expense, by a licensed attorney or non-attorney advocate during any Case Resolution Meeting except for allegations of academic dishonesty. For more information, please see the full definition of **Attorney or Non-Attorney Advocate**.

J. Definitions:

Assistant Director for Student Conduct: The individual responsible for assisting the Director for Student Conduct with administrative matters to ensure effective and

efficient functioning of the student conduct policies and procedures. This individual may also plan Major Case Resolution Meetings, serve as a Case Resolution Officer, or serve as a Restorative Justice Conference Facilitator.

Director of Student Conduct (or designee): The individual responsible for handling administrative matters to ensure effective and efficient functioning of the student conduct policies and procedures. This individual may also plan Major Case Resolution Meetings, serve as a Case Resolution Officer, or serve as a Restorative Justice Conference Facilitator.

Attorney or Non-Attorney Advocate: A licensed Attorney or non-Attorney advocate who, at the student's expense, may provide support and assistance during any student conduct process except for allegations of academic dishonesty. Students who have been accused of a violation of the UNCSA Student Code of Conduct may be represented, at the student's expense, by a licensed attorney or non-attorney advocate during any Case Resolution Meeting except for allegations of academic dishonesty. In order for an Advocate to represent a student or Student Organization in a Disciplinary or Conduct Procedure, the student or Student Organization must provide the Director for Student Conduct the three documents described below. These three documents must be submitted at least five calendar days prior to the scheduled Case Resolution Meeting. If the required documents are not completed and submitted at least five calendar days prior to the scheduled Case Resolution Meeting, the University may, at its discretion, determine an appropriate remedy, up to and including denying the participation of the Advocate in the Student Conduct Procedure:

a. Notice of representation: Students and student organizations that plan to have an Advocate represent them throughout the student conduct process must notify the Director for Student Conduct in writing of the advocate's planned participation throughout the student conduct process. This notice must specify:

- i. The identity of the advocate;
- ii. Whether the individual is a licensed attorney or a non-attorney advocate; and
- iii. An address, telephone number, and email address where the advocate can be reached.

b. FERPA authorization: In order for an advocate to represent a student or student organization during the student conduct process or to speak with an official of the University regarding the student or the members of a student organization, the student(s) must complete and submit a written authorization that meets the

requirements of a valid consent as specified by the Family Educational Rights and Privacy Act (FERPA). Even if a student executes a valid FERPA consent authorizing the Advocate to receive information or documents regarding the student, the University may at all times correspond directly with the student or student organization. It is the student's or student organization's responsibility to communicate and share information with the advocate.

c. Certification by Advocate: Students or student organizations that plan to have a licensed attorney or non-attorney advocate represent them throughout the student conduct process must submit a certification form signed by the advocate stating that the advocate has read in their entirety and understands the following documents:

- i. The applicable UNCSA Student Handbook, college student or high school student, including all rules, policies, and guidelines relating to the student conduct process; and
- ii. Section 700.4.1 of the UNC Policy Manual and 700.4.1.1, Regulation Applicable to Student Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations.*

* Students under the age of 18 may also be accompanied by their parent(s) and/or guardian(s) during any student conduct process in addition to an attorney or non-attorney advocate.

Case Resolution Board: The body which hears testimony, reviews evidence, and issues a recommendation of responsibility and outcome when a student contests a charge. Case Resolution Board processes differ in cases involving Title IX allegations (e.g. allegations of sexual harassment, sexual misconduct, or other sex/gender-based discrimination).

The Case Resolution Board is composed of five voting members empaneled by the Director of Student Conduct from a pool of trained individuals (the "Case Resolution Board Pool"). Case Resolution Board Pool members will participate in mandatory training every two years and on an as needed basis. The five voting members will include:

- One member from Student Affairs;
- One member from the High School Academic Program or the Division of Liberal Arts;
- One member from any of the Arts Schools other than the Respondent's;

- One at-large member randomly selected from the Case Resolution Board Pool of faculty and staff; and
- One undergraduate or graduate student representative selected by the Director for Student Conduct (or designee) who does not attend the same arts school as the Respondent. If a student member is unavailable to serve, the fifth voting member will be selected at-large from the Case Resolution Board Pool.

The Case Resolution Board Pool, from which the above board members are selected, will include:

- At least four representatives from Student Affairs staff;
- At least three representatives from the High School Academic Program and the Division of Liberal Arts faculty and staff;
- At least three faculty members from each of the Arts schools (Dance, Design & Production, Drama, Filmmaking, Music); and
- Student representatives identified by the Student Government Association and approved by the Director for Student Conduct.

In cases involving Title IX allegations, the Case Resolution Board is composed of three individuals, selected from the Case Resolution Board pool. A student may not serve as a board member in a Sexual Misconduct Case. These board members will participate in additional training regarding Title IX policy, procedure, and best practices.

The Vice Provost and Dean of Student Affairs is responsible for the oversight of the Case Resolution Board Pool. The Dean in each respective area (Dance, Design and Production, Drama, Filmmaking, Music, Division of Liberal Arts, High School Academic Program, and Student Affairs) will appoint members to serve in the Case Resolution Board pool. These individuals will serve a three-year term. The respective dean may reappoint board members to serve a subsequent term.

Each year, the Student Government Association will assist in identifying appropriate student candidates to serve in the Case Resolution Board pool. Those candidates will submit an application which will be reviewed by the Director of Student Conduct. At minimum, these students must be in good standing with the University and have no active student conduct record.

Each Case Resolution Board member must maintain a high level of confidentiality regarding student conduct cases. Additionally, Case Resolution Board members must

comply with University policies.

Case Resolution Meeting: The official meeting to determine whether a student charged with one or more major or minor infraction(s) is responsible for the alleged infraction(s).

Note: See [Appendix B](#) for more information regarding the minor charge Case Resolution Meeting process. See [Appendix C](#) for more information regarding the major charge Case Resolution Meeting process, including cases involving sexual misconduct infractions.

Case Resolution Officer: The Case Resolution Officer may hear cases involving alleged infractions of Student Conduct policies. Case Resolution Officers have the authority to assign outcomes. In addition, Case Resolution Officers may facilitate cases that result in Restorative Justice Conferences.

Charge: A written summons issued to a student for any Student Code of Conduct infraction(s).

Complainant or Reporting Party: The victim/survivor of or witness to an alleged infraction of the Student Code of Conduct. The complainant or reporting party is responsible for submitting proof of an allegation of disciplinary misconduct to the Director for Student Conduct. Students, university officials, faculty members, or staff members may all serve the role of the complainant or reporting party. The allegation must be in writing and must include factual information supporting the infraction.

Confidential Resources: Professionals obligated by law to maintain confidentiality. Confidential resources generally include medical providers, mental health providers, clergy, and rape crisis counselors. See the Appendix D for a list of available confidential resources. Exceptions to confidentiality include mandatory child abuse reporting and imminent risk of harm to self or others.

Consent: Means informed, freely and actively given, mutually understandable words or actions indicating willingness to participate in a mutually agreed upon activity. Activity that violates North Carolina criminal law is not considered consensual under this policy. (See N.C.G.S. 14- 27.2, 14-27.2A, 14-27.25, 14-27.3(a) 14-27.7A,14-202.2, 14-27.5, 14-27.5(A) (a)(1), 14-43.13).

- Silence or lack of resistance does not imply consent.

- A previous relationship or prior participation in an activity does not indicate current consent.
- Consent to one activity does not imply consent to other activities.
- Consent may expire after a reasonable time, depending on the circumstances.
- Consent may be withdrawn at any time, as long as the withdrawal is clearly communicated prior to completion of the activity.
- Consent cannot be obtained under coercion or incapacitation
- Consent has not been obtained in situations where someone is forced, threatened, pressured, intimidated, manipulated, or has reasonable fear that he/she or another will be injured if he/she does not submit to or engage in the activity; is unable to give consent or is prevented from resisting due to sleep, involuntary physical restraint, unconsciousness, or the influence of drugs or alcohol.

Evidence: Formal rules of evidence do not apply to the student conduct process. The Case Resolution Member/Board will determine the admissibility of any information.

Final Administrative Decision: As the result of a Minor Case Resolution Meeting or Restorative Justice Conference, the Case Resolution Officer's formal letter based on one of the following: the result of the Case Resolution Meeting, the result of the Restorative Justice Conference, or resulting from the student's plea of "responsible." The decision is effective immediately upon issuance and remains in effect pending the outcome of any subsequent appeal process, if any.

As the result of a Major Case Resolution Meeting, the Vice Provost and Dean of Student Affairs' formal decision based on of the following: the findings and recommendations from the Case Resolution Board or resulting from the student's plea of "responsible." The decision is effective immediately upon issuance and remains in effect pending the outcome of any subsequent appeal process, if any.

Good Conduct Standing: Good Conduct Standing is a student's status when there are no pending student conduct allegations or active conduct outcomes.

Interim or Emergency Suspension: The Chancellor or his designee may remove a student from campus until a Case Resolution Meeting can be held if (assuming the truth of the charge) emergency suspension is justified by policy. When such an action is taken, an appropriate Case Resolution Meeting of the charges against the suspended student shall be held as promptly as possible thereafter. The suspended student will have full notification of the Case Resolution Meeting.

Major Infractions: Major infractions are the most serious infractions and may result in the outcome of suspension or dismissal. Most are violations of state and/or federal laws. In appropriate cases, interim or emergency suspension may also be imposed.

Minor Infractions: Minor infractions are comprised of low risk behaviors. Minors may result in the status outcome of probation and other educational outcomes

Outcome: The Student Conduct Process at the University of North Carolina School of the Arts applies two types of outcomes, status outcomes and educational outcomes.

Status Outcomes: Outcomes that describe the student's relationship with the University, but do not require any action on the part of the student (for example, probation removes the student from good standing at the University, but does not in itself require any sort of action from the student).

Educational Outcomes: Outcome that generally require some sort of action from the student, such as writing a paper or completing community service, but do not affect the student's relationship with the University.

Respondent: The student who has been charged with an alleged violation of the Student Code of Conduct.

Restorative Justice Conference: A Restorative Justice Conference is an alternative dispute resolution process, and will only be considered when the student Respondent(s) have taken responsibility for violating the applicable Student Conduct Policies and have an interest in repairing the harm done by their actions. A facilitated dialogue among student respondent(s), involved/impacted parties, complainant(s), and/or UNCSA community members. Trained facilitators guide the process. Each Restorative Justice Conference participant is invited to share their perspective and discuss the impact caused by the student's actions. After discussion of impact, the Restorative Justice Conference participants engage in a collaborative decision-making process to identify appropriate educational outcomes that the student will need to complete in order to resolve the conduct case. The purpose of the agreed-upon outcome(s) is to help meet the needs of the community, help the student address the impact caused by their actions, and raise the awareness and participation level of all participants.

Restorative Justice Facilitator: The Restorative Justice Facilitator plans Restorative Justice Conferences by contacting the student respondent(s), involved/impacted parties,

complainant(s), and/or UNCSA community members affected by the case then scheduling the date, time, and place of the Restorative Justice Conference. During the Restorative Justice Conference, the Restorative Justice Facilitator will assist all in attendance as they attempt to repair harm and develop appropriate outcomes for the student respondent(s). In addition, Restorative Justice Officers may hear cases involving alleged infractions of Student Conduct Policies.

Student Conduct Advisor: The individual available to explain the student conduct process to the respondent or complainant and answer any questions the respondent or complainant may have about the UNCSA Student Conduct processes as they are presented in the Student Handbooks. A member of the UNCSA community who has been trained in understanding the UNCSA Student Conduct processes as they are presented in the Student Handbooks serves in this capacity. The Student Conduct Advisor shall not act as the respondent's nor the complainant's attorney or non-attorney advocate. The Student Conduct advisor is required to report violations to the Policy on Prohibited Harassment, Including Sexual Misconduct and Discrimination. See the Director for Student Conduct to receive a list of Student Conduct advisors.

University: The University of North Carolina School of the Arts (UNCSA).

Note: If the alleged infraction is a possible violation of the UNCSA Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination see Appendix C and [Appendix D](#) for more information. All disciplinary correspondence will be sent to the student's UNCSA email account and may be sent to other locations if appropriate.

J. Major Infractions:

Post-Enrollment and Post-Graduation Outcomes: In the event that a violation of the Student Code of Conduct becomes known after a student has graduated or withdrawals from the University, or the student leaves the University after a charge has been issued, the student is required to participate in the student conduct process. The student will be barred from re-enrolling at UNCSA until their student conduct case is resolved and is subject to (a) revocation of degree awarded, (b) withholding of the diploma or transcript for any degree, or (c) having outcomes(s) imposed as a condition of re-enrollment at the University (d) student account holds.

If the student withdraws or graduates and fails to participate in the Student Conduct Process, without good cause, the University may proceed with the student conduct process in absentia and any decision and outcome will be binding.

No respondent is permitted to withdraw from enrollment at UNCSCA after being charged with a major violation until determinations on responsibility and outcome(s) (if applicable) are made. This applies to interim suspension cases.

Note: When allegations are brought forth involving a graduating student within the final 20 calendar days of school, the Director for Student Conduct may remove the student from social and/or residential privileges, such as the privilege of living on campus, participating UNCSCA events, and the Commencement Ceremony until a Case Resolution Meeting can be held. When such an action is taken, an appropriate Case Resolution Meeting of the charges against a suspended student shall be held as promptly as possible thereafter.

Alcohol or other drug infractions (for the complete Alcohol and Drug Policy, including outcome information, see [Appendix A](#))

- Illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, of any controlled substance (Schedules I - VI). (See [Alcohol and Other Drug Policy, Appendix A](#), for details).
- Illegal possession and/or consumption of any controlled substance identified in Schedule I or II (See [Alcohol and Other Drug Policy, Appendix A](#), for details).
- Possession and/or consumption of any Schedule I or II prescription drug (e.g. Adderall, Ritalin, and Vyvanse) not prescribed to the student.
- Second infraction, while on conduct probation, for illegal possession and/or consumption of any controlled substance identified in Schedules III - VI (See [Alcohol and Other Drug Policy, Appendix A](#), for details).
- Second charge for supplying alcohol to a person under the age of twenty-one (21).
- Third infraction of the alcohol policy (See [Alcohol and Other Drug Policy, Appendix A](#), for details).

Prohibited Harassment Infractions, Including Sexual Misconduct and Discrimination

Please reference [Appendix D: Title IX/Sexual Harassment/Sexual Assault Policy and Procedures](#).

Miscellaneous Infractions

- Possession of a weapon (including knives not commonly used for cooking, maintenance, or instruction/ approved by faculty for class use only), ammunition, explosives, or any other possession of weapons prohibited by [NC statute 14-269.2](#), (subsection (b) and (b1)).
- The commission or conviction of any criminal act of violence against another.
- Violent or threatening behavior including intimidation, or hazing which endangers the health or safety of oneself or another student. This constitutes a major infraction regardless of whether the threat is delivered in person or via technology (phone, email, online social network, etc.).

Note: Hazing means to subject another student to physical and/or emotional injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group.

- Secretly or surreptitiously using or installing any photographic or video device to capture the image of another in a manner that violates the North Carolina law against secret peeping.
- Forging or altering official school documents including, but not limited to, official transcripts and the Student Handbook.
- Repeatedly violating the Academic Integrity Policy. (See [Appendix E](#) for a full overview of the University Academic Integrity Policy.)
- Accumulating multiple minor infractions may constitute a major infraction at the discretion of the Director for Student Conduct.
- Violating conduct probation. This may constitute a major infraction at the discretion of the Director of Student Conduct.
- Engaging in conduct that puts the safety of the campus in jeopardy.
- Violating the Student Self-Reporting of Criminal Charges Policy.

Major Infraction Case Resolution Meeting

Anyone preparing for or involved in the student conduct process (which is not a violation(s) of the Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination) should consult [Appendix C](#).

Anyone preparing for or involved in the student conduct process for violations of the Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination should consult Appendix C and [Appendix D](#).

Note: Prohibition on Ex Parte Contact: No member of the University Community (or person acquainted with the case, including parents) should initiate any contact with any member of the Case Resolution Board, the Case Resolution Board pool, the Vice Provost and Dean of Student Affairs, the Chancellor, or members of the Board of Trustees concerning the case. Any student or employee who so communicates or attempts to so communicate will be subject to discipline for that conduct. Further, if the respondent engages in that behavior or requests, encourages, or otherwise facilitates such communication, that student forfeits their right to a Case Resolution Meeting.

Possible Major Infraction Outcomes

The outcomes listed below are examples of possible outcomes for major infractions.

Status Outcomes:

1. **Expulsion:** This is a permanent separation from UNCSCA and the UNC system. The student's reapplication will not be considered, and the student may not enroll in another UNC system school at a later date. A student who is expelled is not entitled to any refunds and will be banned from the UNCSCA campus. Staff will work with the student and family on the process of the student moving off campus. Typically, students move out of the residential areas within 48 hours.
2. **Indefinite Suspension:** This is a permanent separation from UNCSCA. The student's application would not be considered at a future date. However, unlike the provision involving expulsion, the student is not barred from enrolling in another UNC system school at a later date. A student who is suspended indefinitely is not entitled to any refunds and will be banned from the UNCSCA campus. Staff will work with the student and family on the process of the student moving off campus. Typically, students move out of the residential areas within 48 hours.
3. **Suspension:** Separation from the University for no less than the remainder of the current semester. A suspended student will be withdrawn from UNCSCA and will not receive credit for work completed unless the student completed the semester in which they were enrolled. There will be no refunds of monies for any fees or tuition. During the time of suspension the student will be banned from campus. Staff will work with the student and family on the process of the student moving off campus. Typically, students move out of the residential areas within 48 hours.
 - **Delayed Suspension:** Delayed suspension allows for postponing the start of suspension until the end of the current semester and will only be considered when compelling factors (defined below) are present.

Suspension is otherwise immediate. It is the responsibility of the Respondent to offer compelling factors for a potential lesser outcome to be imposed.

- **Compelling Factors:** To maintain fairness and consistency, absent any compelling factors, the minimum outcome will be imposed. Compelling factors may warrant an outcome less than or greater than the minimum, but are not limited to:
 1. demonstration of reflective insight about their behavior
 2. conduct history
 3. the degree of individual and/or community injury and/or harm resulting from the behavior(s)
 4. the professional judgment of a Case Resolution Officer or Board.
- **Deferred Suspension:** A status in which the Respondent is deemed not to be in good conduct standing with the University for a definite period of time not less than the remainder of the semester in which the Deferred Conduct Suspension is imposed or for an indefinite period of time. Deferred Suspension does not affect the Respondent's academic standing. In the event the Respondent is subsequently found responsible for a violation(s) of the Code while on Deferred Suspension, more severe outcomes, including Conduct Suspension or Expulsion, could result, with Suspension being considered as a most likely possibility. Conditions restricting the Respondent's participation in University activities may also be imposed. If the Deferred Conduct Suspension is for an indefinite period, the Respondent may appeal to the Director for Student Conduct in writing for reinstatement to good standing, but not earlier than 18 months from the effective date of the Deferred Suspension.
Note: The UNCSA Academic Withdrawal date will be used as guidance for considering deferment but not as a definitive factor.
- **Return Following Suspension:** Students must reapply to UNCSA through the Admissions Office if they wish to return after a suspension. However, there is no institutional commitment to re-accept the student at a later date. Re-acceptance will be based on the criteria that each art school uses for admission to the school, and students will be in competition with the current applicant pool. Furthermore, due to the sequential nature of some of the UNCSA arts curricula, the student might not be granted an audition for any semester prior to the first Fall Semester after their suspension has been served.

Educational Outcomes

1. Substance Use Assessment or Wellness Meeting
2. Drug Screening
3. Completing campus or community service
4. Making written or verbal apologies
5. Completing reflection assignments, such as:
 - a. Reading a related article and writing a paper on the topic
 - b. Speaking with local police (or other resources) and then writing a reflection assignment
 - c. Watching a video and writing a paper
 - d. Creating a survey for floor or hall, determining the effect of noise on the floor/hall community, and writing a report of the results
 - e. Making presentations at floor/area meetings
6. Creating bulletin boards
7. Preparing fliers, posters, top 10 lists (e.g., top 10 things to use instead of candles)
8. Making a 5 minute video that outlines the policy in question and makes it clear to the residents in an entertaining manner
9. Coordinating an “alcohol alternative” program, such as a dance
10. Entering into a behavioral contract
11. Volunteering at community agencies
12. Mediation

Outcome Deferral: At the discretion of the Director (or designee), the imposition of an outcome normally will be deferred until after a decision on a first-level appeal, but may be imposed immediately after the Case Resolution Meeting if:

1. the Respondent has committed an additional violation of the Code or has violated the terms of a previous outcome(s).
2. The Respondent’s actions were threatening, harmful, or dangerous to others or the University community;
3. The Respondent caused significant property damage;
4. The Respondent impacted the stability and continuance of normal University functions; or
5. The Respondent directly and substantially impeded the lawful activities of others.

Minor Infractions:

Post-Enrollment and Post-Graduation Outcomes: A student who violates the Student Code of Conduct or whose case is pending, but who graduates, withdrawals from the

University, or leaves the university before completing assigned outcomes, is subject to (a) revocation of degree awarded, (b) withholding of the diploma or transcript for any degree, or (c) having outcomes(s) imposed as a condition of re-enrollment at the University (d) student account holds.

Note: When allegations are brought forth involving a graduating student within the final 20 calendar days of school, the Director for Student Conduct may remove the student from social and/or residential privileges, such as the privilege of living on campus, participating UNCSA events, and the Commencement Ceremony until a Case Resolution Meeting can be held. When such an action is taken, an appropriate Case Resolution Meeting of the charges against a suspended student shall be held as promptly as possible thereafter.

Alcohol or Other Drug Infractions (for complete Alcohol and Drug Policy, including outcome information, [see Appendix A](#))

- Illegal possession and/or consumption of any Schedule III - VI controlled substance (marijuana, etc.).
- Possession and/or consumption of any Schedule III - VI prescription drug not prescribed to the student (first or second offense).
- Misuse of medically prescribed drugs.
- Misuse of over-the-counter drugs.
- Possession and/or consumption of any “mood altering” substances or any illegal synthetic drug.
- Driving while under the influence of illegal drugs. Such conduct may constitute a major infraction at the discretion of the Director for Student Conduct.
- Possession and/or consumption of alcoholic beverages under the age of 21 (first or second offense).
- Supplying alcohol to a person under the age of 21 (first offense)
Note: Supplying alcohol to a UNCSA high school student may result in increased outcomes.
- Driving while under the influence of alcohol.
- Falsifying identification in order to obtain alcoholic beverages.
- Having an open alcohol container outside of room or apartment.
- Failing to abide by state law or campus policy regarding the consumption and advertisement of alcoholic beverages.
- Possession of drug paraphernalia (first or second offense).
- Possession of alcohol paraphernalia – Underage possession of alcohol paraphernalia on University premises, including but not limited to, beer bongs and

funnels, alcohol-without-liquid devices, kegs, and similar alcohol containers.

- Being in the presence of what one knows or reasonably should know is alcohol, an illegal drug, or paraphernalia. For example, those in a room where a controlled or prohibited substance is present are presumed to be in possession of the substance absent compelling evidence to the contrary.

Dishonesty Infractions

- Forging, altering, destroying or misusing school documents or records. Violations include but are not limited to forgery of applications for admission, applications for financial aid, health forms, course changes and course credit, or student identification cards or school specific forms.
- Using another person's One Card.
- Intentionally furnishing false information to a member of the faculty, staff, or a student acting in an official capacity either verbally or in writing including falsification by omission of information.
- Misusing a school computer or computer access in violation of rules and regulations set by the Information Technologies department.
- Violating the Student Self-Reporting of Criminal Charges Policy. This may constitute a major violation depending on severity.

Property Infractions

- Theft or unauthorized use/possession of property of any member of the University community or any University property; damaging, destroying, defacing or misusing University property or the property of any member of the University community. Such conduct may constitute a major infraction at the discretion of the Director for Student Conduct.
- Starting or setting a fire in or on school property. Such conduct may constitute a major infraction at the discretion of the Director for Student Conduct.
- Falsely pulling a fire alarm or tampering with or removing a fire extinguisher from its proper location. Any person damaging or emptying a fire extinguisher will be charged with the cost of replacing or refilling the extinguisher. They may also be subject to other penalties.
- Tampering with heat sensors, smoke detectors, and/or fire alarm system. Any person disabling a heat sensor or smoke detector may be subject to a \$100 fine and/or other penalties. A repeat infraction may constitute a Major Infraction at the discretion of the Director for Student Conduct.

- Unauthorized use of any school property and/or unauthorized entry to any school building, room or apartment, and/or unauthorized possession of keys to school buildings. The duplication of a key issued to a student by the school is prohibited.
- Unauthorized or inappropriate use of college facilities (i.e., housing or organizing a gathering, meeting, recreational activity or party in the college residential community or in the Hanes Student Commons without appropriate scheduling or clearance).
- Manufacturing and/or falsification of official ID/debit cards.
- Unauthorized use of personal property (i.e., hacking, downloading inappropriate material, pirating and spamming).
- Unauthorized use/possession of property of any member of the University community or any University property including, but not limited to food/dishes/implements from the dining hall or snack bar and books or other materials from the library.
- Failing to comply with any and all emergency evacuation procedures

Acts of Harm

- Bullying/Cyberbullying: Engaging in repeated or aggressive behaviors meant to intimidate, intentionally harm, control, or seek to control another person or persons physically, mentally, or emotionally. Examples include, but are not limited to: spreading rumors, teasing, playing trick/pranks, intentionally embarrassing or frightening another person(s). An isolated incident, unless sufficiently severe, does not constitute a violation
- Threats Towards a University-Sponsored Activity: Directing threats of violence in order to disrupt a University-sponsored activity
- Physical Violence – Engaging in any form of violence against another person including but not limited to pushing, shoving, kicking, hitting, or other physical actions.
- Retaliation: Treating or directing another to treat an individual adversely because that individual filed, reported information, or witnessed a complaint or concern. Retaliatory acts are in furtherance of threats, intimidation, sabotage, coercion, or harassment will be addressed separately from the underlying alleged violation(s) of the Code.

Miscellaneous Infractions

- Possession of a weapon (including knives not commonly used for cooking, maintenance, or instruction/approved by faculty for class use only) or any

other possession of weapons prohibited by [NC statute 14-269.2 \(subsection \(d\)\)](#).

- Gambling for money or other items of value including, but not limited to, playing cards or other games of chance or skills.
- Being present during the planning or commission of any violation of the Student Code of Conduct in such a way as to condone, support, or encourage that violation.
- Engaging in any illegal activity or depicting illegal activity or violation of the Student Code of Conduct via the internet and social media.
- Engaging in disorderly conduct on University premises or at University-sponsored activities so as to interfere with the activities of others, including (but not limited to) studying, teaching, research, and functioning of the University.
- Failing to comply with federal, state, and municipal laws, including shoplifting or other crimes.
- Failing to comply with orders or directives of school officials, school Case Resolution Meeting bodies, UNCSA Police, or any other law enforcement officers acting in performance of their duties.
- Three violations of the Policy on Skateboarding, Rollerblading, Bicycling, and Other Modes of Non-motored Transportation.
- Violating the UNCSA computer policy including distribution of mass emails to the campus.
- Leaving buildings via emergency exits during non-emergencies.
- Soliciting sales, services, memberships, or gifts on campus without permission.
- Smoking within 50 feet of any entrance to, or air intake duct of, any building on campus.
- Failing to report being charged with a crime equivalent to a major infraction or the conviction of a crime or misdemeanor to the Vice Provost and Dean of Student Affairs within five days of the filing of the charge (major infraction) or the conviction (misdemeanor or other crime).
- Violating or failing to comply with an active conduct outcome.
- Accumulation of three (3) or more Residential and Community Standards and/or Housing Infractions within one academic year may constitute a minor infraction at the discretion of the Director for Student Conduct.
 - Accumulation of two (2) or more Residential and Community Standards/Housing infractions, after receiving a Minor Infraction from a previous accrual infraction in the same academic year, will constitute an additional minor or major infraction.
 - Accumulation tracking restarts each academic year.

Minor Infraction Case Resolution Meeting

Anyone preparing for or involved in the student conduct process regarding (which is not

a violation(s) of the Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination) should consult [Appendix B](#).

Anyone preparing for or involved in the student conduct process for violations of the Policy on Prohibited Harassment, Including Sexual Misconduct, and Discrimination should consult [Appendix D](#).

Note: Prohibition on Ex Parte Contact: No member of the University Community (or person acquainted with the case, including parents) should initiate any contact with the Case Resolution Officer, the Assistant Dean of Student Affairs and Director of Residence Life Programs & Housing, the Vice Provost and Dean of Student Affairs, the Chancellor, or members of the Board of Trustees concerning the case. Any student or employee who so communicates or attempts to so communicate will be subject to discipline for that conduct. Further, if the respondent engages in that behavior or requests, encourages, or otherwise facilitates such communication, that student forfeits their right to a Case Resolution Meeting.

Outcomes for Minor Infractions

The outcomes listed below are examples of possible outcomes for minor infractions.

Status Outcomes:

1. **Oral Reprimand/Warning:** An oral statement of disapproval, with a formal notation in the student's social discipline file.
2. **Written Reprimand/Warning:** Notice that a student has violated school expectations and that future misconduct of any nature will be dealt with more stringently. With the written warning comes a warning status for a designated period.
3. **Conduct Probation:** Involves a status of probation during a set period of time which terminates automatically when the imposed period expires. In the event of a further violation while on conduct probation, the University may seek the penalty of suspension.
4. **Fee/Restitution/Remuneration:** Payment to the University or to other persons, groups or organizations for damages incurred as a result of misconduct by the student.
5. **Loss of Privileges:** Removal of certain student privileges, including, but not limited to, visitation privileges, use of campus facilities, having stereo equipment in the room, and the privilege to live in campus housing (which will be recommended to

the Assistant Dean of Student Affairs and Director of Residence Life Programs & Housing).

Educational Outcomes

1. Substance Use Assessment or Wellness Meeting
2. Drug Screening
3. Completing campus or community service
4. Making written or verbal apologies
5. Completing reflection assignments, such as:
 - a. Reading a related article and writing a paper on the topic
 - b. Speaking with local police (or other resources) and then writing a reflection assignment
 - c. Watching a video and writing a paper
 - d. Creating a survey for floor or hall, determining the effect of noise on the floor/hall community, and writing a report of the results
 - e. Making presentations at floor/area meetings
6. Creating bulletin boards
7. Preparing educational fliers or posters
8. Making a 5 minute video that outlines the policy in question and makes it clear to the residents in an entertaining manner
9. Coordinating an “alcohol alternative” program, such as a dance
10. Entering into a behavioral contract
11. Volunteering at community agencies
12. Mediation

Outcome Deferral: At the discretion of the Director (or designee), the imposition of an outcome normally will be deferred until after a decision on a first-level appeal, but may be imposed immediately after the Case Resolution Meeting if:

1. the Respondent has committed an additional violation of the Code or has violated the terms of a previous outcome(s).
2. The Respondent’s actions were threatening, harmful, or dangerous to others or the University community;
3. The Respondent caused significant property damage;
4. The Respondent impacted the stability and continuance of normal University functions; or
5. The Respondent directly and substantially impeded the lawful activities of others.