
Student Rights and Responsibilities in the Student Conduct Process

Outlined in this document are the main rights and responsibilities provided to University of North Carolina at Pembroke (UNCP) student during the Student Conduct Process. This list is not exhaustive; therefore, a student has the sole responsibility to review the UNCP Student Handbook for all rights and responsibilities provided under the Student Conduct process.

Student Rights and Responsibilities

1. Every student is bound by the Student Code of Conduct. Upon enrollment, a student receives no sanctuary from obedience to the law. In addition to the federal, state, and local laws that pertain to all citizens, a UNCP student must accept the institutional rules and regulations (1.2).
2. Any student charged with an alleged violation of the Student Code of Conduct shall be presumed innocent until proven responsible by a “preponderance of evidence” standard. The “preponderance of evidence” standard is interpreted as a person being held responsible based upon evidence (that evidence which is more likely than not) presented from which any reasonable person would conclude that a violation of the Code of Conduct had occurred (1.1).
3. A student has the right to review all available information, documents, exhibits, right to appear in person, hear all testimony, present any relevant information regarding his/her behalf, call witnesses directly related to the incident at hand, and to ask questions of any person present at the hearing (6.6.b & 13.2.b.vi.)
4. A student has the responsibility to communicate with the Office of Student Conduct regarding their attendance and scheduling of pre-hearing meeting.
5. The student has the responsibility to select the type of hearing they choose outlined in the Student Code of Conduct.
5a. Per regulation 11.30.03, Section 6.1, "The director of Student Conduct or his/her designee may elect not to hear the case. The case would then be heard by the CHB".
6. A student has the right to elect not to appear at the hearing selected by the student. The selected hearing then shall be conducted in the absence of the student (13.2.b.ii).
7. A student has the right to enter a plea of responsible or not responsible for the alleged violations that were charged against them in the pre-hearing notification letter.
8. A student has the right to refuse to answer any questions or make a statement during a hearing; however the hearing authority then shall make its decisions based solely on the basis of information introduced at the hearing (13.2.b.iii).
9. A student has the right to know the identity of witnesses who will testify against him/her (13.2.b).
10. A student has the right to question each witness who will testify against him/her for the purpose of clarification (13.2.b.v).
11. A student has the right to have all statements, information, or comments given during the hearing held in strictest confidence by members of the board before, during, and after deliberation. Only those faculty and staff with an educational need to know will be informed of the outcome (13.2.b.vi)

12. A student has the responsibility to provide the Office of Student Conduct with a completed “Consent for the Release of Personal Information /Education Records” form. If this form is not completed, the Office of Student Conduct cannot and will not discuss any Student Conduct information with parents/guardians/other persons.
 13. A student has a right to have hearings conducted in an informal manner where technical rules of evidence will not be applied. The taking of statements of witnesses may be done by discussion, though each witness shall be subject to cross-examination. Witnesses (except for the accused) shall be present during the hearing only during the time they are testifying. While written statements are admissible, no one shall be found responsible who has not had the opportunity to testify, to present evidence and witnesses, and to hear and question adverse witnesses (13.2.b.vii).
 14. A student has the right to have a summary of the hearing record. A student has the responsibility to request a summary of the hearing record in writing by emailing the request to studentconduct@uncp.edu (13.2.b.viii).
 15. A student has the right to appeal (as outlined in the Student Code of Conduct). The student has the responsibility to complete the appeal process as outlined in the Student Code of Conduct. All requests for appeal must be sent in writing to studentconduct@uncp.edu within 48 hours after notification of an outcome and sanctioning decision (13.2.b.ix & 17.1).
 16. If a student selects or is required to go before a Student Conduct Hearing Board (CHB) the student has a right to receive the following information:
 - a. The name of the person appointed to act as the chairperson for the CHB;
 - b. The listing of the names of witnesses who will testify against the student and a description of evidence and alleged violations that be offered against him/her;
 - c. A copy of the complaint. **See section 12 of Student Code for further instruction of rights.**
 17. The student has the right to an attorney/non-attorney advocate throughout the entirety of the Student Conduct process. The student has the responsibility to notify the Office of Student Conduct if they plan to bring an attorney/non-attorney advocate with them during the Student Conduct process. The student must provide the following information:
 - a. The complete identity of the advocate;
 - b. Whether the individual is a licensed attorney or a non-attorney advocate;
 - c. An address, telephone number, and email address where the advocate can be reached.
 18. The student has the responsibility to explain the role and the expectations of the advocate during the Student Conduct process to their advocate. If an attorney/non-attorney advocate does not comply with the requests and expectations of the student, the Director of Student Conduct, or the Student Conduct Hearing Board chair, the student understands and accepts that the attorney/non-attorney advocate could be asked to leave and the hearing will proceed. **See Student Code for further information regarding attorney/non-attorney advocate policy.**
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