

REG 11.30.01  
Code of Student Conduct

**Authority:** Vice Chancellor for Student Affairs

**History:**

- First Issued: Prior to 2005
- Revised: May 9, 2016
- Last Revised: August 19, 2024

**Related Policies:**

- [UNC Policy Manual: Chapter 100.1 - \*The Code\*, Section 502\(D\)\(3\) – Relation of the Chancellor to the Constituent Institution](#)
- [UNC Policy Manual 700.4.3\[G\] – Guidelines on Student Disciplinary Proceedings](#)
- [UNC Policy Manual 700.4.2 – Policy on Student Conduct](#)
- [UNC Policy Manual 700.4.1 – Minimum Substantive and Procedural Standards for Student Disciplinary Proceedings](#)
- [UNC Policy Manual 700.4.1.1\[R\] – Regulation Applicable to Student Disciplinary or Conduct Procedures](#)
- [NCGS §14-269.2 – Weapons on campus or other educational property](#)
- [NCGS §14-292 – Gambling](#)
- [UNC Pembroke REG 04.25.04 – Sexual Harassment Regulation](#)
- [UNC Pembroke POL 04.25.05 – Sexual Harassment Policy](#)
- [UNC Pembroke POL 04.25.01 – Drug and Alcohol Policy](#)
- [UNC Pembroke POL 08.00.05 – Acceptable Use Policy](#)

**Additional References:**

- [UNC Pembroke Housing and Residence Life Handbook](#)
- [UNC Pembroke Student Handbook](#)
- [Fraternal Information and Programming Group](#)

**Contact Information:** Director of Student Conduct – 910.521.6851

## 1. EXECUTIVE SUMMARY

1.1 The student conduct process at the University of North Carolina at Pembroke (UNCP) focuses on educating and developing students while addressing violations of rules and policies and maintaining an environment that is safe for all members of the campus community. The main goals are to promote student learning, safety, and wellbeing, and to uphold honor and integrity. The Code of Student Conduct provides policy and procedural guidance to help UNCP to achieve those goals and to support students' right to due process.

## **2. PREFACE**

2.1 All UNCP students are expected to be familiar with University policies and procedures and to conduct themselves accordingly. Failure to abide by University policies, rules or regulations, or federal, state, or local law may result in a violation of the Code of Student Conduct and imposition of student conduct process.

2.2 All Students are subject to being held accountable by the Student Conduct office for any incident that is reported and initiated to the conduct process while a Student at UNCP. If the alleged violation occurred while the student was enrolled, the case may be adjudicated even if the student is not enrolled at the time of the report, including after graduation.

2.3 Violations of the Code of Student Conduct that occur off campus may be adjudicated if the violation impacts the learning environment or the safety or security of any member(s) of the campus community.

2.4 The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the North Carolina Constitution. The University has the right under appropriate circumstances to regulate the time, place, and manner of exercising these and other constitutionally protected rights. For more information, reference the [Free Speech Event Policy \(POL 04.05.01\)](#).

2.5 The Code of Student Conduct ("the Code") fulfills the duty of the Chancellor to regulate matters of student behavior in the University community. All inquiries concerning the Code should be directed to the Student Conduct office and/or the Director of Student Conduct ("Director").

2.6 The [Academic Honor Code \(POL 02.05.05\)](#), governs student behavior relating to academic work. All inquiries concerning the Academic Honor Code should be directed to the Office of the Provost.

2.7 The [Sexual Harassment Policy \(POL 04.25.05\)](#) and the [Sexual Harassment Regulation \(REG 04.25.04\)](#) govern behavior related to discrimination, discriminatory harassment, and sexual or interpersonal misconduct, respectively. All inquiries concerning Title IX matters should be directed to the Office of Title IX and Clery Compliance.

## **3. STUDENT RIGHTS AND RESPONSIBILITIES**

3.1 Students at the University have the same rights and protections under the Constitutions of the United States and the State of North Carolina as other citizens. These rights include freedom of expression, press, religion, and assembly. The University values freedom of expression, which includes voicing unpopular views and dissent. As members of the University community, Students have the right to express their own views, but must also take responsibility for affording the same right to others.

3.2 Students have the right to be treated fairly and with dignity regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, physical or mental disability, veteran status, or genetic information. Accordingly, Students will not be unlawfully discriminated against pursuant to Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs and activities that receive federal financial assistance.

3.3 The [University of North Carolina Policy Manual \(700.4.1\)](#) specifically refers to the important right of a fair hearing and due process. Students have the right to be protected from arbitrary decision-making by the University and to have access to University policies which affect them. The University is committed to providing Students with a balanced and fair system. Accordingly, Students will not be deprived of the appropriate due process protections to which they are entitled. The Code is one of the University's administrative procedures and should not be equated with or substituted for procedures used in civil or criminal court.

3.4 Any Student needing assistance because of a disability may contact the Accessibility Resource Center at 910-521-6695 or by email at [arc@uncp.edu](mailto:arc@uncp.edu).

3.5 Respondents have the following Rights related to the Hearing Process:

3.5.1 to be provided a fair, impartial, and efficient process;

3.5.2 to be presumed not responsible until determined otherwise through the Hearing Process;

3.5.3 to be given advance written notice of any formal Charge(s);

3.5.4 to examine the documentary information that will be presented in any Hearing,

3.5.5 to present relevant information on their behalf, including witnesses and documentary information;

3.5.6 to respond to information presented against them;

3.5.7 to accept responsibility for any or all formal Charge(s);

3.5.8 to decline to make statements;

3.5.9 to be represented, at their own expense, by a licensed attorney or a non-attorney advocate to assist in preparing for the Hearing and//or during the Hearing process, except when the violation:

3.5.9.1 will be addressed by a Student Honor Court, or

3.5.9.2 is an allegation of academic dishonesty, as governed by the Academic Honor Code Policy;

3.5.9.3 to obtain the list of witnesses and/or co-respondents who have been called to present information at the Hearing;

3.5.9.4 to request a delay of the Hearing due to extenuating circumstances, provided that the granting of such request is in the discretion of the Director or designee;

3.5.9.5 to challenge the objectivity of a Conduct Hearing Board member or an Administrative Hearing Officer if they believe that a bias or conflict of interest may exist;

3.5.9.6 to pose relevant questions at the Hearing in a manner consistent with the Code;

3.5.9.7 to be notified in writing of the outcome of the Hearing Process;

3.5.9.8 to appeal the decision of the Conduct Hearing Board or Administrative Hearing Officer within the time limits and conditions specified in the Code; and

3.5.9.9 to have any conduct records kept confidential to the extent permitted under the Code, University Policy, and FERPA.

### 3.6 Responsibilities

3.6.1 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.

3.6.2 Students have the responsibility of checking their University email address on a regular basis and taking action on items related to their academic and conduct standing.

3.6.3 Students are expected to comply with local, state, and federal laws. Students are responsible for their actions and behaviors, the impacts they have on others, and the consequences of their decisions. Persistent prohibited behavior or disregard for personal safety, where other interventions and disciplinary actions have failed to bring about cooperation and behavior aligning with the Code, may result in Outcomes pursuant to the Code up to and including suspension or expulsion.

3.6.4 During the student's period of enrollment at UNCP, should the student be subject to any criminal charge and/or any disposition of a criminal charge, on or off campus, the student must within two (2) business days notify the Student Conduct office in writing regarding the nature of the charge/offense and the disposition of the charge if applicable. The student does not have to notify the Student Conduct office regarding traffic-related misdemeanors unless the traffic-related misdemeanor involves alcohol or drugs (e.g. the students are not required to report a speeding ticket but are required to report a Driving Under the Influence (DUI) ticket or Driving While Intoxicated (DWI) ticket). The student's failure to do so will be grounds to deny or withdraw the student's admission, or to dismiss the student after enrollment.

3.6.5 Upon registration, student organizations voluntarily accept the rules and regulations outlined by the university. Student organizations are expected to follow the law as well as the UNCP Code of Student Conduct. In addition to the federal, state, and local laws that pertain to all citizens, a student organization must accept the institutional rules and regulations necessary to accomplish the purposes for which the institution was established.

## **4. DEFINITIONS**

4.1 The terms defined below are applicable to this specific document and supplementary documents referencing the Code of Student Conduct.

4.1.1 Administrative Hearing is a part of the Hearing Process and is a meeting with an Administrative Hearing Officer to discuss allegations of a violation of the Code of Student Conduct.

4.1.2 Administrative Hearing Officer is a representative of the University trained to adjudicate cases pursuant to the Code of Student Conduct and best practices in student development and due process.

4.1.3 Advocate means an individual of a student's choosing identified to participate with the student throughout the student conduct process. An Advocate can be a licensed attorney. (Refer [UNC Policy Manual: Chapter 700 Section 700.4.1.1\[R\]](#) - Regulation Applicable to Student

Disciplinary or Conduct Procedures: Right to an Attorney or Non-Attorney Advocate for Students and Student Organizations).

4.1.4 Appellate Officer is the Dean of Students or his/her designee for appeals cases involving only Minor Violations. For appeals of cases involving Serious Violations, the appellate officer is the Chancellor or his/her designee. The Chancellor has designated the Vice Chancellor for Student Affairs with this responsibility.

4.1.5 Charge means a part of the student conduct proceedings that entails the formal written notification issued after the Student Conduct office has determined sufficient information exists to hold an Administrative Hearing or Conduct Hearing Board to determine whether a student or student organization has violated the Code of Student Conduct.

4.1.6 Complainant means any person who submits a complaint alleging that a student violated the Code of Student Conduct. It is not a requirement that the complainant be the person or persons who were the recipient of the behavior associated with the alleged violation.

4.1.7 Complaint means a part of student conduct proceedings that entails a report, statement, or allegation that describes behavior or actions that may violate the Code of Student Conduct.

4.1.8 Conduct for the purposes of this Code and any references to this Code, the terms "accountability" or "behavior" are synonymous with the term "conduct, where the term "conduct" is used in [UNC System Policy 700.4.1](#).

4.1.9 Conduct Hearing Board is the group of university officials selected, trained, and designated by the chancellor or his/her designee to review charges and information to ascertain whether a violation has occurred and to determine sanctions in accordance with the processes outlined in the Code of Student Conduct. A Conduct Hearing Board (CHB) hearing is initiated for case adjudication when a case is referred by the Student Conduct office.

4.1.10 Finding means the decision of the Administrative Hearing Officer or Conduct Hearing Board of whether or not the Respondent/Organization is either Responsible or Not Responsible for violation(s) of the Code of Student Conduct.

4.1.11 Hearing Process includes the official student accountability proceedings that result in a student having a conduct record with the University and include Administrative Hearings, Conduct Hearing Board Hearings, Findings, Outcomes, and the associated appeal proceedings. Serious Violations must be adjudicated through the Hearing Process.

4.1.12 Hearing means a part of the Hearing Process that entails the presentation of pertinent information, evaluation and assignment of credibility and weight of that information, and determination as to whether the preponderance of the information leads to a finding of responsibility. Fundamental fairness affords the opportunity for the Respondent to appear (or not) and present pertinent information (or not). In cases in which the Respondent is found responsible for a violation(s) of the Code of Student Conduct, Outcomes are applied. There are two types of Hearings: Administrative Hearings and Conduct Hearing Board Hearings.

4.1.13 Investigation means a part of the student conduct proceedings that entails the follow through on a complaint to ascertain associated details and circumstances. Investigations may be formal or informal. An investigation may result in charges or dismissal of the complaint. These determinations are made at the sole discretion of the Student Conduct office. Investigations shall be prompt, timely, and adequate as well as reliable and impartial.

4.1.14 Medical Amnesty applies to students who receive emergency medical attention directly related to the consumption or use of alcohol or drugs who may be eligible to forego punitive Outcomes related to the behavior. Students, even when consuming alcohol or drugs themselves, who seek emergency assistance on behalf of individuals experiencing alcohol or drug-related emergencies or who aid another student who is experiencing an alcohol or drug-related emergency, are eligible to receive amnesty, as long as they remain with the individual needing assistance until emergency medical attention is provided. It is at the discretion of the Director or designee if the student qualifies for medical amnesty.

4.1.15 Not Responsible is defined here in two different ways:

4.1.15.1 A declaration by a Respondent/Organization in a Hearing of not being accountable for violating Policy, or

4.1.15.2 A finding by an Administrative Hearing Officer or Conduct Hearing Board that declares a Respondent not accountable for violating Policy due to the lack of a Preponderance of Evidence or that a particular fact or event was more likely than not to have occurred.

4.1.16 Notice of Hearing is correspondence from the Student Conduct office or other Administrative Hearing Officer to a Respondent that includes written notice of the Charges, their rights, and the date, time, and location of the hearing.

4.1.17 Notice of Outcome means a written notification issued in accordance with the Code that contains the determinations on responsibility and Outcome(s) (if applicable), due date(s) assigned for any Outcome(s), the rationales upon which the determinations are based, and any

available appeal rights, including the permitted grounds for appeal and the time limits within which to appeal.

4.1.18 Outcomes means a part of the student conduct proceedings that entails responses or requirements given by the university to a student or student organization during or following an administrative Hearing or Conduct Hearing Board Hearing in response to a finding of responsibility for violation(s) of the Code of Student Conduct. Outcomes are outlined in the Code of Student Conduct. For the purposes of this Code and any references to this Code, the term "Outcomes" is synonymous with the term "sanctions," where the term "sanctions" is used in [UNC System Policy 700.4.1](#).

4.1.19 Policy means the written regulations of the University as found in, but not limited to, Policies published in the Code of Student Conduct, the Resident Handbook, the University website, the Academic Catalog, and other official documents or notices published or disseminated by University Officials.

4.1.20 Preponderance of Evidence means that it is more likely than not that a reasonable person would conclude that a violation of the Code of Student Conduct has or has not occurred.

4.1.21 Presiding Officer means either the Administrative Hearing Officer (for Administrative Hearings) or the Conduct Hearing Board Chair (for Conduct Hearing Board Hearings).

4.1.22 Resolution by Agreement is a part of the Informal Process and gives the Alleged the opportunity to voluntarily take responsibility for the violations and accept an action plan that has been prepared by the Director or designee

4.1.23 Respondent is a student or student organization having pending allegations of a violation(s) of the Code of Student Conduct that are being adjudicated through the Hearing Process.

4.1.24 Responsible is defined here in two different ways:

4.1.24.1 A declaration of accountability for violating policy by a Respondent/Organization, or

4.1.24.2 A finding by an Administrative Hearing Officer or Conduct Hearing Board that declares a Respondent/Organization accountable for violating policy due to a preponderance of evidence that a particular fact or event was more likely than not to have occurred.

4.1.25 Student - For the purposes of the Code of Student Conduct applicability, the term "student" includes:



4.1.25.1 All persons registered/enrolled in courses, either full-time, part-time, graduate, guest, or professional studies; and

4.1.25.2 All persons who are admitted and eligible to register for courses; even during breaks in enrollment (i.e. prior to course registration, during orientation, winter break, summer, etc.).

4.1.26 Student Housing means any and all university property in which students reside.

4.1.27 University means the University of North Carolina at Pembroke. Institutional name may be abbreviated as UNCP.

4.1.28 University Official means any person employed by the University, performing assigned administrative or professional responsibilities.

4.1.29 University Property means all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the university (including adjacent streets and sidewalks).

4.1.30 Violations of the Code of Student Conduct are classified as either Minor or Serious.

4.1.30.1 Minor Violation is a violation of Policy in which, based on the Respondent's prior conduct record or facts and circumstances related to the case, the Director or designee determines that the possible Outcomes are less than Suspension or Expulsion for a Student or less than Registration Suspension or Registration Revocation for a Student Organization. Minor violations are typically heard administratively.

4.1.30.2 Serious Violation is a violation of Policy in which, based on the Respondent's prior conduct record or facts and circumstances related to the case, the Director or designee determines that the possible Outcomes include Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization, as those Outcomes are defined in the Code. Serious violations are heard by the Conduct Hearing Board.

## **5. PROHIBITED BEHAVIORS**

5.1 Accessory to Violation: Being present while the offense is committed and advises, instigates, or encourages the act. Facilitating in or assisting with the committing of an offense in any way.

5.2 Alcohol: The illegal and irresponsible use, possession, and distribution of alcohol on University property is prohibited. Reference [POL 04.05.01 Drug and Alcohol Policy](#).

5.2.1 *Possession/Use* - Possession and/or use of alcohol under the age of 21. The illegal or irresponsible use, possession, and/or distribution of alcohol by a student over the age of 21.

5.2.2 *Sale/Distribution* - Sale and/or distribution of alcohol to an individual under the age of 21.  
*Hosting a Social Event with Alcohol* - Hosting a social event with alcohol that involves disruptive behavior, illegal use/possession of alcohol, and/or other violations of University policy.

5.2.3 *Operating a Motor Vehicle* - Operating a motor vehicle while intoxicated or under the influence of alcohol.

5.3 Bicycles, Skates, Skateboard, and Scooters: Improper use or storage of personal transportation equipment, including, but not limited to, electric scooters (hoverboards), scooters, roller skates/blades, skateboards, and bicycles. Reference [REG 04.25.06 Skateboard, Rollerblades, Rollerskates, and Non-Motorized Scooters](#).

5.4 Computer and Network Appropriate Use Policy: Violating the UNCP appropriate use policy for computers, networks and federal copyright law. Reference [POL 08.00.05 Acceptable Use Policy](#).

5.5 Disorderly Conduct: Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups or individuals.

5.6 Disruption of the Classroom Environment: Engaging in behavior that objectively disrupts or interferes with the normal functions of a class, including, but not limited to, failure to conform to the instructor's announced expectations for classroom decorum.

5.7 Disruption of Normal University Activities: Interfering with or inciting others to interfere with normal University activities and services, including, but not limited to, teaching, studying, research, the free expression of ideas, speeches and other public or private events, University administration, and fire, police, or other emergency services. Prohibited acts include, but are not limited to, student action taken with intent to obstruct or disrupt any normal operation or function of the University, as well as conduct at Free Speech Events that disrupts activities at these events on campus.

5.8 Drugs: The illegal and irresponsible use, possession, manufacturing, and distribution of drugs on University property is prohibited. Reference [POL 04.05.01 Drug and Alcohol Policy](#).

5.8.1 *Possession/Use* - Unauthorized possession and/or use of a controlled substance(s).

5.8.2 *Sale/Distribution/Manufacturing* - Selling, distributing, manufacturing, or delivering, of any controlled substance, or attempting to sell, distribute, or deliver any controlled substance.

5.8.3 *Driving Under the Influence* - Operating a motor vehicle while intoxicated or under the influence of drugs.

5.8.4 *Paraphernalia* - Possession of any drug-related paraphernalia, including, but not limited to devices commonly used for smoking marijuana and other drugs devices commonly employed in the use of drugs.

5.8.5 *Hosting a Social Event with Drugs* - Hosting a social event at which controlled substances or drugs are being used and/or distributed.

5.8.6 *Presence of Drugs* - Knowingly being in the presence of others violating the drug policy.

5.8.7 *Public Intoxication* - Being intoxicated or overcome by a controlled substance or drug while in public.

5.9 *Endangerment*: No student shall take any action that creates a danger or perceived fear of harm to any person's health, safety, or personal well-being.

5.10 *Failure to Comply*: Failure to comply with the official and proper order of a clearly identifiable University Official or law enforcement officer acting within the scope of their employment. This includes, but is not limited to, failing to show identification when requested by a University Official or law enforcement officer.

5.11 *Fire Safety Equipment*: Misusing, tampering with, or disturbing without proper cause any fire prevention and control equipment, including, but not limited to, smoke detectors, fire alarms, and fire extinguishers. Activation of fire alarm or smoke detector as a result of malicious or negligent action.

5.12 *Misrepresentation*: No student shall misrepresent himself/herself in, or with regard to, any transaction with the University, whether oral, written, or by other means. Forging, altering, defrauding, or misusing documents, charge cards or money, checks, records, and ID cards of an individual or the University. Furnishing false information to the University with intent to deceive. Withholding, with knowledge, information from the University.

5.13 Gambling: Gambling is prohibited on University property, including within the residence halls, and includes participating in games of chance for money. University sanctioned events and fundraisers may be permitted with prior approval.

5.14 Hazing: Any activity related to membership in a group or team, including a student organization, that may demean, disgrace, or embarrass a person or that risks endangering the mental, physical, or emotional health of a person, regardless of whether such person has agreed to participate in the activity. This includes actions in violation of North Carolina law as established in [North Carolina General Statute §14-35](#).

5.15 Intimidation, Harassment, or Bullying: No student shall threaten, coerce, harass or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid university policy, while on university premises or at university-sponsored activities based in whole or in part upon the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment if the conduct is: (1) Directed toward a particular person or persons; (2) Based in whole or in part upon the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, or veteran status; (3) Unwelcome; (4) Severe or pervasive; (5) Objectively offensive; and (6) 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. This does not include Sex- or Gender-Based Harassment, which are prohibited under the [Sexual Harassment Policy \(POL 04.25.05\)](#) and the [Sexual Harassment Regulation \(REG 04.25.04\)](#).

5.16 Physical Assault: No student shall commit an act of physical harm or threaten to cause physical harm to another person. This includes, but is not limited to, any unwanted touching or attempted unwanted touching that causes physical injury or pain to another person.

5.17 Setting of Fire and Fire Hazards: No student shall start a fire or create a fire hazard on University-owned or operated property or properties off campus (willful damage to property by fire shall be prosecuted as arson when appropriate).

5.18 Stealing or Attempting to Steal: Stealing or attempting to steal, aiding or abetting, receiving stolen property, selling stolen property, or embezzling the property of another person, business, or the University.

5.19 Student Organization Behavior: Any student organization found to have violated the Code of Student Conduct or any Greek letter organization found to have violated the Code of Student

Conduct or the Fraternity and Sorority Life Risk Management Guidelines will be subject to student conduct action.

5.20 Threatening Behavior: Threatening another individual physically, verbally or by any other means in a manner to make that individual reasonably believe that the threat or threats are likely to be carried out.

5.21 Unauthorized Recording: Making an audio, photographic, or video record of any individual without their knowledge or without their effective permission in a place where they have a reasonable expectation of privacy, when such a recording is objectively likely to cause injury, embarrassment, or distress.

5.22 Unauthorized Entry/Trespassing: Unauthorized entry or presence in or upon or use of any University premises or property (including but not limited to roofs, storage facilities, crawl spaces, mechanical rooms and out buildings) or student property (i.e., automobiles, lockers, or residences) or unauthorized possession, duplication, loan, or use of keys to any university premises or property, pursuant to the Trespassing on University Property Policy (POL 04.10.03).

5.23 Vandalism and Damage to Property: Vandalizing, destroying maliciously, damaging or misusing public or private properties, including library materials.

5.24 Violation of Federal, State, or Local Law: Any act committed by a student on or off campus that is a violation of federal, state or local law.

5.25 Violation of Residence Life Policy or Regulation: Violation of policies, rules, and regulations outlined in the Housing Agreement or the Resident Handbook.

5.26 Violation of University Policies, Regulations, or Directives: No student shall take any action that violates any published University policy, regulation, or directive. Directives include, but are not limited to, the Resident Handbook, the University website, the Academic Catalog, and other official documents or notices published or disseminated by University Officials.

5.27 Weapons: No student shall possess or use firearms, explosive devices, or weapons of any kind on University property or at an event sponsored or supervised by the university or any recognized university organization. (Such weapons may include, but are not limited to, guns, BB guns, air pistols, rifles, knives, martial art devices, and bows). No student shall use instruments to simulate weapons in acts, which endanger or threaten any person.

## **6. PROCEDURES**

### **6.1 Overview and Preliminary Considerations**

6.1.1 Purpose: This section outlines the general process for managing cases involving alleged violations. The Student Conduct office will use the following hearing process to respond to behavior which is alleged to have violated this code. These procedures are different from legal proceedings, prioritizing education over punishment. They follow university policies and standards, and all participants are treated with respect. Unlike formal legal proceedings, they do not strictly adhere to federal rules of evidence or civil procedure, allowing consideration of information that might be excluded in a legal setting.

6.1.2 Accommodations: UNCP is committed to ensuring an inclusive, accessible, and equitable process for all participants. Students who have a disability and believe they require reasonable accommodation to participate in any part of the student conduct process should contact the Accessibility Resource Center (ARC). Requests should be made as soon as possible to ensure the University has sufficient time to review and process the accommodation request. Any accommodations deemed necessary and approved by ARC will be incorporated into the resolution process to every extent possible.

## 6.2 Reporting and Initial Review

6.2.1 Reporting Possible Violations: Any individual may file a report or complaint of an alleged violation of the code by submitting the electronic reporting form hosted online at [uncp.edu/conduct](http://uncp.edu/conduct) or via email directly to [studentconduct@uncp.edu](mailto:studentconduct@uncp.edu). Information obtained by the Student Conduct office by other means may be used to create a complaint that initiates the hearing process. Individuals may report possible crimes, complaints, or incidents involving imminent threat of harm to Police and Public Safety at 910-521-6235.

## 6.3 Initial Review of Complaints

6.3.1 When a complaint is received, the director or designee will consider the following:

6.3.1.1 Whether the report contains information that indicates that a student's actions may have violated the code;

6.3.1.2 Whether the University has jurisdiction over the underlying allegations; and

6.3.1.3 Whether the report should be created into a case to be addressed through either administrative outreach or the hearing process.

6.3.2 While action on a report of a possible violation is pending, the status of the student shall not be altered, except for reasons related to an interim suspension.

6.3.3 Administrative Outreach: When a student who does not have a prior violation is alleged to have violated the code, the Director or designee may choose to send a letter to a student indicating their alleged behavior is inappropriate and may be in violation of the Code of Student Conduct, and stating that future violations may result in adjudication through the Hearing Process.

#### 6.4 Interim Actions

6.4.1 Mutual No Contact Order: Following the initial review of a report, a Mutual No Contact Order between two or more parties may be issued by the Director or designee by request and approval when the Director or designee determines the directive is necessary to mitigate the risk of escalation of violence or for the safety and security of one or more parties. Contact includes all direct, indirect, formal, or casual contact or communication, be it physical, verbal, written, or electronic (which includes, but is not limited to, telephone, social networking sites, and e-mail). Contact also includes contact made via third party to deliver or convey any message or sentiment on behalf of the other party via any of the aforementioned types of communication. Failure to comply with a Mutual No Contact Order may result in an immediate interim suspension and/or the imposition of more severe sanctions than would otherwise normally be appropriate without the failure to comply with the directive.

#### 6.4.2 Interim Suspension

6.4.2.1 Following the initial review of a report, the Director or designee may impose an Interim Suspension when a student or student organization who has allegedly violated the Code:

6.4.2.1.1 is potentially threatening, harmful, or dangerous to others or the University community;

6.4.2.1.2 poses a threat of significant property damage;

6.4.2.1.3 impacts the stability and continuity of normal University activities; and/or

6.4.2.1.4 directly and substantially impedes the lawful activities of others.

6.4.2.2 While on Interim Suspension, the student is no longer able to participate in classes and may be banned from part or all of campus, and/or may be prohibited from participating in a particular program, event, or activity.

6.4.2.3 As a general rule, the status of a student or student organization accused of violation of these regulations should not be altered until a final determination has been made in regard to the charges. However, Interim Suspension, pending the completion of student conduct procedures, may be imposed upon a finding by the director that the continued presence of the accused on campus meets the grounds for the Interim Suspension as described above. In any case of Interim

Suspension, the student or student organization shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the suspension.

6.4.2.4 The decision to issue an Interim Suspension can be informed by information gathered as a part of the threat assessment process as outlined in [POL 04.25.04 Person of Concern and Behavioral Threat Assessment Policy](#).

## 6.5 Hearing Process

6.5.1 Overview: The Hearing Process includes the official student accountability proceedings that result in a student having a conduct record with the University and include Administrative Hearings, Conduct Hearing Board Hearings, Findings, Outcomes, and appeal proceedings.

6.5.2 Types of Hearings: The Hearing Process includes two (2) options for case adjudication: an Administrative Hearing or a Conduct Hearing Board Hearing. Unless otherwise stated, the term “Hearing” will be used to refer to both hearing types in this document, and the term “Presiding Officer” will refer to the Administrative Hearing Officer (for Administrative Hearings) or the Conduct Hearing Board Chair (for Conduct Hearing Board Hearings).

6.5.3 Assumption of Not Responsible: The Respondent is presumed Not Responsible until decided otherwise by a preponderance of evidence by the Administrative Hearing Officer or the Conduct Hearing Board.

### 6.5.4 Notice of Hearing:

6.5.4.1 The Administrative Hearing Officer or the Student Conduct office will provide written notice of the date, time, and location of the hearing at least five (5) business days before the hearing. For cases involving Serious Violations, the Notice of Hearing will be sent at least ten (10) business days before the hearing.

6.5.4.2 Students can choose to waive the minimum advance notice requirement and request that the hearing be scheduled sooner by submitting this request in writing to the Administrative Hearing Officer or the Student Conduct office.

6.5.4.3 The Notice of Hearing will include the following:

6.5.4.3.1 notice of the formal Charge(s), citing the alleged behavior prohibited by the Code;

6.5.4.3.2 the date, time, and location of the Hearing;

6.5.4.3.3 the type of Hearing (Administrative or Conduct Hearing Board);

6.5.4.3.4 the names of any witnesses being called to provide testimony;



6.5.4.3.5 a statement indicating that the Respondent may seek assistance from a licensed attorney or a non-attorney advocate in the preparation of their case for the Hearing;

6.5.4.3.6 if a Serious Violation, notice that possible outcomes include Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization.

6.5.4.4 Notice is sufficient if sent via email to the Respondent's University email address.

#### 6.5.5 Witnesses

6.5.5.1 The Respondent must submit the names of any witnesses who he or she wishes to participate in the Hearing no later than three (3) business days in advance of the Hearing.

6.5.5.2 Witnesses that the Presiding Officer determines to be irrelevant or repetitive will not be permitted to participate in the hearing. Proposed witnesses who intend to provide information solely about the character of the Respondent will not be permitted to participate. The Presiding Officer cannot compel a witness to answer any questions.

6.5.5.3 Witnesses are not permitted to observe the Administrative Hearing.

6.5.6 Hearing Participation and Attendance: The individuals who may attend are the Respondent, one licensed attorney or a non-attorney advocate of the Respondent, the Presiding Officer, CHB members, and other individuals that the Presiding Officer deems necessary. If the Respondent receives notice of the Hearing and does not attend, the Hearing will proceed in absentia. An advocate may not appear on behalf of the Respondent. The opportunity to attend a Hearing is satisfied by the opportunity to appear virtually.

6.5.7 Multiple Respondents: Pursuant to FERPA, a formal Charge(s) against multiple Respondents involved in the same incident may be heard in a single Hearing only if each Respondent consents to such a proceeding. Respondents who do not consent to have their case heard collectively in a single hearing may have their case heard individually.

#### 6.5.8 Representation During Conduct Procedures

6.5.8.1 Under [North Carolina General Statute §116-40.11\[1\]](#), students and student organizations at UNCP who have been accused of a violation of disciplinary or conduct rules may be represented, at the student's expense, by a licensed attorney or a non-attorney advocate during any disciplinary procedure. The student is limited to only one attorney or non-attorney advocate to be present at the hearing.

6.5.8.2 UNCP will try to accommodate the schedules of the attorney or non-attorney advocate to a reasonable extent, but the availability of students, witnesses, administrators, and/or board members may take priority.

6.5.8.3 Nothing in this policy shall be construed to create a right to be represented during a disciplinary procedure at public expense.

6.5.8.4 For a licensed attorney or non-attorney advocate to represent a student or student organization in a disciplinary procedure, the student or student organization must notify and provide the Student Conduct office with the three (3) documents described below. These three (3) documents must be submitted at least three (3) business days before the scheduled hearing.

#### 6.5.8.4.1 Notice of Representation

6.5.8.4.1.1 The identity of the licensed attorney or not attorney advocate;

6.5.8.4.1.2 Identifying if the individual is a licensed attorney or a non-attorney advocate;

6.5.8.4.1.3 and address, contact number, and email address where the licensed attorney or non-attorney advocate can be reached.

#### 6.5.8.4.2 FERPA Authorization

6.5.8.4.2.1 For a licensed attorney or a non-attorney advocate to represent a student or student organization during a disciplinary procedure or to speak with an official of the Student Conduct office regarding the student or the members of a student organization, the student 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).

6.5.8.4.2.2 Even if a student executes a valid FERPA consent authorizing the licensed attorney or non-attorney advocate to receive information or documents regarding the student, UNCP shall 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 a licensed attorney or non-attorney advocate.

6.5.8.4.3 Certification by Licensed Attorney or Non-Attorney Advocate: Students or student organizations that plan to have a licensed attorney or non-attorney advocate represent them during a disciplinary procedure must submit a certification form signed by the licensed attorney or non-attorney advocate stating that the licensed attorney or non-attorney advocate has read in their entirety and understood the following documents:

6.5.8.4.3.1 [Section 700.4.1](#) of the UNC Policy Manual.

6.5.8.4.3.2 Licensed attorneys or non-attorney advocates may fully participate in student conduct procedures only to the extent afforded to the student or student organization they represent. Additionally, licensed attorneys and non-attorney advocates may not delay, disrupt, or otherwise interfere with a student conduct procedure.

6.5.8.4.3.3 An attorney or other individual representing UNCP may participate in student conduct procedures in which a licensed attorney or non-attorney advocate represents a student or a student organization.

6.5.9 Advocate/Employee Conflict of Interest: In some cases, it may be appropriate for a University employee to serve as an attorney or non-attorney advocate for students. To maintain integrity and avoid conflicts of interest, employees must ensure their advocacy does not interfere with their primary university duties and that they do not represent themselves as a university employee during the proceedings. Employees must avoid serving as an advocate in situations where a conflict of interest could arise. Conflicts may include personal, financial, or professional interests that affect impartiality. If a potential conflict of interest may exist, the Student Conduct office or the employee may consult with the Office of General Counsel for guidance.

#### 6.5.10 Hearing Administration

6.5.10.1 Formal rules of evidence do not apply. The Presiding Officer will determine the admissibility of any information.

6.5.10.2 The Presiding Officer will exercise control over the proceedings in order to maintain a fair, impartial, and efficient Hearing. The Presiding Officer may exclude or remove any individual who unreasonably delays, disrupts, or otherwise interferes with the Hearing, including the Respondent or their licensed attorney or a non-attorney advocate.

6.5.10.3 For CHB Hearings, the Director or designee will attend the Hearing and may comment on questions of procedure and admissibility of information. This representative will be present during deliberations of the CHB and will serve as a resource and board advisor but may not actively participate in the deliberations or vote.

#### 6.5.11 Closed Hearing

6.5.11.1 Hearings are closed to the public.

#### 6.5.12 Opportunity to Challenge Bias

6.5.12.1 The Respondent may challenge a CHB member or the Administrative Hearing Officer on grounds of bias or a personal relationship that might affect impartial consideration of the case.

6.5.12.2 In the case of a CHB, if after hearing the student's grounds for bias, the CHB Chair determines possible bias exists, they will excuse the CHB member and appoint a replacement. The Hearing may be rescheduled at the discretion of the CHB Chair or Student Conduct representative in order to appoint an available replacement.

#### 6.5.13 Questioning and Information Sharing During the Hearing

6.5.13.1 The Presiding Officer or designee shall present the case on behalf of the University, including witnesses and/or documentary information to establish the Formal Charge(s).

6.5.13.2 The Presiding Officer may submit as documentary information any notes from the Hearing Process (if applicable).

6.5.13.3 The Investigator (if applicable) will present information regarding the investigation to the Administrative Hearing Officer or the CHB.

6.5.13.4 The Respondent is expected to give truthful testimony. Furnishing untruthful testimony may subject the Respondent to additional Charge(s).

6.5.13.5 The Respondent shall be given the opportunity to present any witnesses or documentary information that they wish to offer, provided that, at the discretion of the Presiding Officer, the information is (a) relevant to the Charge(s) or other information presented, (b) does not otherwise infringe upon the rights of other Students, and (c) was submitted within the proper advance notice timeframe, if applicable [i.e., three (3) business days in advance for witnesses].

6.5.13.6 If the Respondent has a question for a witness during the Hearing, they must present the question to the Presiding Officer, who may then ask the question or a rephrased question in their discretion on behalf of the Respondent.

6.5.13.7 The Respondent will be afforded the opportunity to examine any documents offered as information.

6.5.13.8 All witnesses are required to give truthful testimony. Furnishing untruthful testimony may subject a University student or employee to appropriate disciplinary action. All witnesses are expected to attend the Hearing. University students or employees called as witnesses must attend the Hearing unless compliance would result in significant and unavoidable personal hardships or substantial interference with normal University activities. A desire to avoid questioning may not be used to demonstrate "personal hardships." Failing to appear after an

appropriate request may subject a University student or employee to appropriate disciplinary action.

6.5.13.9 Subject to other provisions in the Code related to the admissibility of information, written witness statements in lieu of appearance and testimony at the Hearing may be admitted as information only if the witness's attendance would result in significant and unavoidable personal hardships or substantial interference with normal University activities. To be eligible for admission as information, such written statements must be signed by the individual writing the statement and verified by the Student Conduct office.

#### 6.5.14 Determination of Responsibility

6.5.14.1 Determination of Responsible or Not Responsible for each Charge is based solely on the information presented at the Hearing. The determination of responsibility shall not be made in consideration of any prior conduct record. The determination of responsibility must be made prior to making a recommendation on Outcome(s). The determination on responsibility must contain a brief rationale upon which the determination is based.

6.5.14.2 In the case of an Administrative Hearing, the determination of responsibility for all Charges may be made during or after the Hearing, either in the presence of the student or in private after reviewing the totality of information and shared with the student following private consideration.

6.5.14.3 In the case of a CHB, the determination on responsibility for all Charges shall be made in private without video or audio recording. The determination shall be by majority vote with the CHB Chair only voting to break a tie.

#### 6.5.15 Determination of Not Responsible

6.5.15.1 If the determination of the Administrative Hearing Officer or CHB is that the Respondent is Not Responsible for all Charge(s), no Outcome(s) can be issued, and the prior conduct record will not be referenced.

6.5.15.2 A summary of the Hearing will be drafted and sent to the Director or designee to be retained as part of the file held by the Student Conduct office. The case is then closed.

#### 6.5.16 Determination of Responsible

If the determination by the Administrative Hearing Officer or CHB is that the Respondent is Responsible for one or more of the Charge(s), the Hearing moves into the Outcome phase to determine a recommendation on Outcome(s).

#### 6.5.17 Issuance of Outcome(s)

6.5.17.1 If a Student is found Responsible for at least one Charge following a Hearing, Outcomes may be imposed. Outcomes are intended to educate students on the effects of their behavior and encourage change in future decision making.

6.5.17.2 A determination by the Administrative Hearing Officer or CHB that a Respondent is Responsible for any Charge(s) shall be followed by issuance of an appropriate Outcome(s). The prior conduct record of the Respondent shall be considered in determining an appropriate Outcome(s).

6.5.17.3 The Administrative Hearing Officer's or CHB's determination on responsibility and imposed Outcome(s) (if applicable) shall be transmitted to the Director or designee in the form of a brief written summary noting the rationales upon which the determination and Outcome(s) are based.

6.5.17.4 The Director or designee shall deliver a written Notice of Outcome to the Respondent and the Complainant (if under Sexual Harassment Policy) no later than ten (10) business days after the Hearing.

#### 6.5.18 Recording

6.5.18.1 The University may create an audio or audiovisual recording and/or transcript of the Hearing and if so, will make it available to the Respondent for inspection and review upon request. Such recording or transcript will be maintained in the case file. No Student, Witness, Advocate, or other individual may record the hearing.

### **7. OUTCOMES**

7.1 If a Respondent is found Responsible for a violation of the Code through the Hearing Process, Outcomes may be imposed. Outcomes are intended to educate Students on the impacts of their behavior and encourage positive change in future decision-making.

7.2 Compelling Factors: Mitigating or aggravating factors or circumstances affecting Outcomes will be considered prior to imposing an Outcome. Factors to be considered may include, but are not limited to:

7.2.1 the Respondent's demonstrated understanding of their responsibility and level of accountability;

7.2.2 the prior conduct record of the Respondent;

7.2.3 the nature of the incident and the facts and circumstances related to the case;

7.2.4 the severity of any damage, injury, or harm resulting from the incident;

7.2.5 the level of disruption to normal University activities and services;

7.2.6 whether the incident was motivated by bias based upon an individual's actual or perceived race, color, religion, sex, sexual orientation, gender identity, age, national origin, physical or mental disability, veteran status, or genetic information; and

7.2.7 guidance from applicable governing policies and regulations of the UNC Board of Governors.

7.3 Individual Student Outcomes: One or more of the following Outcomes may be imposed if a Respondent is found responsible for a violation(s) of the Code.

7.3.1 Warning – Formal written warning indicating that the Respondent's behavior was unacceptable and that if the Respondent is subsequently found responsible for a violation(s) of the Code, more severe Outcomes could result.

7.3.2 Conduct Probation – 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 Conduct Probation is imposed for a period of time. Conduct Probation does not affect the Respondent's academic standing, is not shared with faculty members, and is not notated on the Respondent's academic transcript. In the event the Respondent is subsequently found responsible for a violation(s) of the Code while on Conduct Probation, more severe Outcomes, including Suspension or Expulsion, could result. Conditions restricting the Respondent's participation in University activities may also be imposed.

7.3.3 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 Outcome is imposed. Deferred Suspension does not affect the Respondent's academic standing, is not shared with faculty members, and is not notated on the Respondent's academic transcript. In the event the Respondent is subsequently found responsible for a violation(s) of the Code, more severe Outcomes, including 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.

7.3.4 Suspension – Separation of the Respondent from the University for a definite period of time not less than the remainder of the semester in which the Suspension is imposed. During the Suspension period, the Respondent is trespassed from the University and may not be present on

University Premises; attend or participate in classes; access various University electronic systems, including, but not limited to, email services; or participate in Student Organizations or any University-sponsored program, activity, or related event. The Respondent will be automatically withdrawn from registered courses based upon the effective date of the Suspension. The Respondent will be responsible for any financial obligations to the University but may be eligible for a reduction of tuition and fees based upon the effective date of the Suspension and the University's Tuition and Fees Schedule. The Respondent's name will be added to the UNC System Suspension/Expulsion Database, where it will remain indefinitely. In order to re-enroll at the University at the conclusion of the Suspension period, the Respondent must reapply for admission to the University, but no Respondent may re-enroll at the University until after the Suspension period has ended. Re-enrollment following the Suspension period is by approval only pursuant to conditions set forth in POL 04.25.04 Threat Assessment Policy.

7.3.5 Expulsion – Permanent separation of the Respondent from the University. The Respondent is trespassed from the University and may not be present on University Premises; attend or participate in classes; access various University electronic systems, including, but not limited to, email services; or participate in Student Organizations or any University-sponsored program, activity, or related event. Violation of the terms of Expulsion may subject the Respondent to arrest. The Respondent will be automatically withdrawn from registered courses based upon the effective date of the Expulsion. The Respondent will be responsible for any financial obligations to the University but may be eligible for a reduction of tuition and fees based upon the effective date of the Expulsion and the University's Tuition and Fees Schedule. A Respondent who has been expelled from one constituent institution of The University of North Carolina system may not be admitted to another UNC System institution until the Expulsion has been rescinded by the institution that imposed the Outcome. Notification of the Expulsion will appear on the Respondent's academic transcript until the date the Expulsion is rescinded, if it is rescinded. The Respondent's name will be added to the UNC System Suspension/Expulsion Database, where it will remain indefinitely. The Respondent may petition the Chancellor in writing for the Expulsion to be rescinded, but not earlier than two (2) calendar years from the effective date of the Expulsion.

7.3.6 Removal from University Housing – Loss of the privilege of living in University housing. Removal may be for a definite period of time not less than the remainder of the semester in which the Removal is imposed. Any cancellation fee, pro-rata refund, or return of deposit will be assessed as described in the housing contract between the University and the Respondent.

7.3.7 Post-Enrollment and Post-Graduation Outcomes – A Respondent who is found responsible for a violation(s) of the Code, but who graduates from the University before imposition of an Outcome, is subject to revocation of any degree awarded and/or having Outcome(s) imposed as a condition of re-enrollment at the University.



7.3.8 Additional Outcomes – Outcomes, including but not limited to the following, may be imposed in addition to those listed above:

7.3.8.1 restitution for loss incurred by an individual or the University as a result of the Respondent's violation(s);

7.3.8.2 exclusion and/or trespass from all or a portion of any University Premises or any University-sponsored program, activity, or related event, as specified in the Outcome;

7.3.8.3 an administrative no contact order with an individual(s);

7.3.8.4 loss of driving and/or parking privileges on University Premises;

7.3.8.5 completion of online modules, educational training, or conflict coaching;

7.3.8.6 successful participation in educational development opportunities;

7.3.8.7 restitution for expenses incurred by individuals or the University as a result of providing educational programs or other educational experiences related to the violation(s);

7.3.8.8 parental/guardian notification; or

7.3.8.9 any other appropriate Outcome as determined by the Director or designee.

## **8. APPEALS**

### **8.1 Eligibility for Appeal**

8.1.1 Grounds for appeal are limited to:

8.1.1.1 A violation of the rights of the Respondent has occurred as a result of significant deviation from procedures outlined in the Code of Student Conduct.

8.1.1.2 The sanctions and/or conditions of sanctions are extraordinarily disproportionate to the violation(s).

8.1.1.3 The discovery of new and significant information that would have affected the Outcome of the hearing and that was not known, or could not reasonably have been discovered and/or presented at the time of the hearing.

8.1.2 Appeals not meeting these grounds will not be considered. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level.

## 8.2 Submission of Appeal

8.2.1 A Respondent who wishes to appeal must submit an appeal form in support of the appeal within three (3) business days after receiving Notice of Outcome.

8.2.2 The appeal should separately state each ground upon which the Respondent believes that the Hearing committed an error and should include all information the Respondent feels pertinent to support their claims.

8.2.3 Failure to submit an appeal within the set timeframe or failure to meet the grounds will render the decision of the Hearing final and conclusive.

8.2.4 Upon request, the University will provide access to the case file to the Respondent for the purpose of preparing an appeal. The University will redact any such copy to exclude confidential records regarding other Student(s), as appropriate.

## 8.3 Appeal Decision

8.3.1 The Director or designee will promptly forward appeals meeting the grounds, along with the record of appeal, to the Appellate Officer.

8.3.2 The Appellate Officer will decide on appeals based upon the information provided in the appeal form and in the case file. The decision may:

8.3.2.1 Affirm and/or modify the determinations on responsibility and the Outcome(s) (if applicable);

8.3.2.2 Remand the case to the same or a new Hearing.

8.3.3 The Respondent will be notified within ten (10) business days in writing of the decision on appeal. The decision of the Appellate Officer will be final and conclusive, and the Outcome(s) will be imposed as directed. If the case is remanded to a Hearing, the Hearing Process described in the Code will apply.

## 8.4 Deferral of Outcome(s)

8.4.1 At the discretion of the Director, the imposition of an Outcome normally will be deferred until after a decision on an initial level of appeal, but may be imposed immediately after the Hearing if:

8.4.2 the Respondent has been found responsible for an act which resulted or foreseeably could have resulted in personal injury to another;

8.4.3 the Respondent has been found to be in possession of a Weapon;

8.4.4 the Respondent has been found responsible for the forgery or falsification of a University document; or

8.4.5 the Respondent has committed an additional violation of the Code or has violated the terms of a previous Outcome(s).

## **9. STUDENT ORGANIZATIONS**

9.1 A Student Organization shall follow within the same scope of Code of Student Conduct Process as outlined in the Hearing Process. A Student Organization may be held to the same scope with a Complaint and/or violation of the Code regardless of whether a member of the Organization is individually accused of a violation arising from the same incident(s).

9.2 A Student Organization and its officers, leaders, or any identifiable spokespersons may be held collectively or individually responsible when prohibited behavior by those associated with the Organization have received the implicit or overt consent or encouragement of the Organization or of the Organization's leaders, officers, or spokespersons.

9.3 Student Organizations are expected to comply with reasonable requests from University officials to take appropriate action designed to prevent or end prohibited behavior by the Organization or by any individuals associated with the Organization. Failure to make reasonable efforts to comply with staff directives will be considered a violation.

9.4 A Student Organization may be held responsible if any of the following situations regarding an alleged violation(s) of the Code apply:

9.4.1 it was committed by one or more members of the Organization;

9.4.2 it was committed by one or more members of the Organization, and Organization funds were used to finance the function;

9.4.3 it occurred in the context of an Organization-sponsored function; or

9.4.4 it occurred in the context of an Organization-sponsored activity that was advertised via Organization-controlled mediums (e.g., social media).

9.5 The president or equivalent officer of a Student Organization will represent the Organization unless they request the Director or designee to substitute another Student to represent the Organization.

## 9.6 Investigation

9.6.1 In their discretion, the Director or designee may pursue a Charge(s) following a preliminary investigation. The Director or designee may meet with the Charged Organization and utilize information gathered in that meeting to make a decision on whether to offer a resolution or assign an investigator.

9.6.2 In some instances, an investigator may be appointed by the Director to investigate an alleged violation(s) of the Code. The investigator will submit a written report to the Director or designee summarizing their findings from their investigation which may include information from interviews and any other information relevant to the alleged violation(s). Formal Charge(s) may be modified at the conclusion of the investigation.

## 9.7 Interim Measures for Student Organizations

9.7.1 The Director or designee may, on an interim basis, suspend the activities of the Organization pending the Outcome of any Hearing Process when the University determines that the continued activities of a Student Organization:

9.7.1.1 are potentially threatening, harmful, or dangerous to others or the University community;

9.7.1.2 pose a threat of significant property damage;

9.7.1.3 impact the stability and continuity of normal University activities; and/or

9.7.1.4 directly and substantially impede the lawful activities of others.

9.7.2 The Interim Suspension may require the Organization to cease activities both on campus and off campus until the Hearing Process have been conducted.

9.7.3 Within five (5) business days of the effective date of the Interim Suspension, the Organization may submit an Interim Suspension appeal, requesting termination or modification. In reviewing the request, the Director or designee will consider the following issues only:

9.7.3.1 the reliability of the information concerning the Organization's behavior, including an assertion of mistaken identity; and

9.7.3.2 whether the behavior in the surrounding circumstances reasonably indicates that the continued activities of the Organization are threatening, harmful, or dangerous to others or the University community; pose a threat of significant property damage; impact the stability and continuity of normal University activities; and/or directly and substantially impede the lawful activities of others.

9.7.4 The Director or designee may, in their discretion, meet with the Student Organization and utilize information gathered in that meeting to make a decision on whether to dismiss or modify the Interim Suspension. The Student Organization may be represented in that meeting, at its own expense, by a Representative. The Hearing Process will be initiated as soon as practicable.

9.8 Student Organization Outcomes: One or more of the following Outcomes may be imposed on a Student Organization found responsible for a violation(s) of the Code.

9.8.1 Disciplinary Warning – Formal written warning indicating that the Respondent's behavior was unacceptable and that if the Respondent is subsequently found responsible for a violation(s) of the Code, more severe Outcomes could result.

9.8.2 Registration Probation – 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 Registration Probation is imposed. In the event the Respondent is subsequently found responsible for a violation(s) of the Code while on Registration Probation, more severe Outcomes, including Registration Suspension or Registration Revocation, could result. The Respondent may seek and add members during this probationary period and may host other activities unless otherwise specified.

9.8.3 Deferred Registration 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 Registration Suspension is imposed. In the event the Respondent is subsequently found responsible for a violation(s) of the Code while on Deferred Registration Suspension, more severe Outcomes, including Registration Suspension or Registration Revocation, could result, with Registration Suspension being considered as a most

likely possibility. The Respondent may seek and add members during this probationary period and may host other activities unless otherwise specified.

9.8.4 Registration Suspension – Removal of University recognition of the organization for a definite period of time. During the period of Suspension, the organization is deemed not to be in good Conduct Standing with the University. In the event that a student organization is suspended from the University, the organization may not, during the term of the suspension, engage in or sponsor any activity or program, and may not hold meetings nor recruit members; engage in social functions of any type; use university buildings, facilities, property, and equipment; use university resources, services, or funds; participate or attempt to participate as an organization in any University event; or co-sponsor or participate as an organization in another registered/recognized organization's activities. Suspension may be accompanied by special conditions for readmission or recognition.

9.8.5 Registration Revocation – Permanent removal of University recognition of the Respondent. The Respondent may not function at the University; utilize University facilities or services; or participate in any University-sponsored program, activity, or related event. The Respondent may petition the Vice Chancellor for Student Affairs in writing for the Registration Revocation to be rescinded, but not earlier than two (2) calendar years from the effective date of the Registration Revocation.

9.8.6 Additional Outcomes – Outcomes, including but not limited to the following, may be imposed in addition to those listed above:

9.8.6.1 exclusion from intramural competition;

9.8.6.2 restitution for loss incurred by an individual or the University as a result of the Respondent's violation(s).

9.8.6.3 denial of use of University Premises for meetings or activities;

9.8.6.4 exclusion and/or trespass from all or a portion of any University Premises or any University-sponsored program, activity, or related event, as specified in the Outcome;

9.8.6.5 suspension of rushing, recruiting, or intake processes;

9.8.6.6 loss of social privileges where the Respondent may not sponsor any activity, party, or function that is social in nature during the established period of time;

9.8.6.7 completion of online modules, educational training, or conflict coaching;

9.8.6.8 successful participation in educational development opportunities;

9.8.6.9 restitution for expenses incurred by individuals or the University as a result of providing educational programs or other educational experiences related to the violation(s); or

9.8.6.10 any other appropriate Outcome as determined by the Director or designee.

## **10. RECORDKEEPING**

10.1 The Hearing record, including the Notice of Hearing, a summary of the hearing, the decisions of the CHB or Administrative Hearing Officer, and other materials considered, is kept confidential.

10.2 When a Respondent is found Responsible for any Charge through the Hearing Process, the Student Conduct office will maintain a record for ten (10) years as a part of the student's official conduct record. Cases involving Suspension, Expulsion, or Sex-Based Harassment will be kept on file indefinitely.