

Student Rights, Responsibilities, & Conduct at WSSU

Academic Rights

The Board of Governors of the University of North Carolina, of which Winston-Salem State University is a member institution, supports the right to academic freedom for every student in pursuit of his or her education. This includes the freedom to learn, teach and speak the truth, all of which should be done in an atmosphere of mutual respect.

Freedom of Speech

Winston-Salem State University, consistent with the University Of North Carolina Board Of Governors fully supports the right of a student to assemble peacefully and to express him or herself in a manner in which order is maintained as described in the First Ammendment of the U.S. Constitution and North Carolina Constitution.-

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Freedom to Learn

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

Right of Confidentiality

No information or documentation referring to a student’s academic or personal life is released to any party outside the university without the written permission of the student. Any request from a current student, former student or graduate to release information to a third party must be made in writing and include the student’s signature. Students have the right to inspect and review their own official records, except letters of recommendation.

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Participation in Institutional Governance

The University of North Carolina Board of Governors and Winston-Salem State University encourage students to involve themselves in activities associated with the governance of the university by serving on various committees, councils and taskforces that are charged with making decisions regarding Winston-Salem State University.

Student Grievances

Students who encounter disputes with faculty or staff members should first report any such grievance to the program head. This step should be followed by conferences with persons at progressively higher levels, including deans and the appropriate vice chancellor.

Student Conduct

Students who attend the university are expected to behave in a manner consistent with life at an academic institution. Rules of student conduct, intended to reinforce this policy, are published on-line ~~in the undergraduate catalogues,~~ within the *Student Code of Conduct*, and in other areas on-line. To locate *The Code*, go to the Winston-Salem State University’s homepage website under Campus Life tab and locate Student Conduct.

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Right to be Heard

Students who have been charged with violations of the WSSU Student ~~Handbook~~ *Code of Conduct* are entitled to the right to be heard and the right to consult an advisor about addressing allegations against

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them. Students violating standards of conduct will be subject to disciplinary action either via an Administrative Hearing or WSSU Student Conduct Council Hearing. The student may choose the method in which the hearing is conducted, except in cases of suspension or expulsion where a student must go before the WSSU Student Conduct Council (Except in sexual violence or sexual harassment cases).

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Responsibilities

All students at Winston-Salem State University are considered to be responsible adults. Therefore, each student shall be held accountable for his or her own personal behavior. The university expects all students to learn and obey local, state, and federal laws. In addition, students are expected to observe and adhere to the university's standards of conduct.

Winston-Salem State University students are responsible for reading, knowing, and observing all policies and procedures related to their in-class behavior and their on- and off-campus conduct. Information regarding these policies and procedures can be found ~~in the undergraduate catalog,~~ within the *Student Code of Conduct*, and under -specific handbooks of departments and manuals [available online].

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Although university staff and faculty assist students, following policies and meeting deadlines and academic requirements are the responsibility of the student. **A student's lack of awareness of any WSSU policy or procedure shall not constitute grounds to be absolved from violations of those policies.**

STUDENT CODE of CONDUCT

(The Code)

I. AUTHORITY OVER STUDENT CONDUCT

The university community respects certain principles that govern socially and academically acceptable standards of good conduct and behavior. All community members, including students, are expected to conduct themselves in accordance with the regulations of the university and to comply with municipal, state and federal laws.

In those instances where an individual student's personal code of conduct is inadequate to conform that student's behavior according to approved university codes of social and academic behavior, *The Code* provides the framework for identifying the standards of behavior dictated by matriculation at the university and for adjudicating violations.

II. JURISDICTION OVER STUDENT CONDUCT

The *Student Code of Conduct* and the processes for its administration and enforcement exist for the protection and advancement of the University community's particular institutional interests. The *Code* applies to individual students and University affiliated student organizations and is used to enforce University policies and regulations. The authority to enforce policies, regulations, and sanctioning decisions when pertaining to suspension and expulsions, rest with the Vice-Chancellor of Student Affairs

and the Associate Vice-Chancellor of Student Affairs & Dean of Students. While the day to day operational responsibilities rest with the Director of Student Conduct. In many instances, a violation of federal, state, and local law may also be treated as a violation of University regulations.

III. OFFENSES UNDER THE CODE

Specific offenses are listed as examples only. Students are expected to exercise judgment and discretion in their actions, and are not to:

1. Furnish false or misleading information on University records or forms by commission or omission; knowingly misrepresent the facts pertaining to University procedures; furnish false information to any member of the University community; or misuse documents and keys.
2. Steal, deface or destroy property of the University; possess stolen property; or infringe on the rights or property of members of the University community.
3. Misuse access privileges to University premises including **but not limited to**: violate positions of trust or authority; misuse University or organizational names and images; steal or misuse University computing equipment, facilities, passwords, accounts or information.
4. Possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm on campus, or to a curricular or extracurricular activity sponsored by the University (**Go to Weapons Policy, item #5 in the WSSU Student Code of Conduct and in the Policies section of this handbook**).
5. Possess or use **weapons, included but not limited to: BB guns, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, switchblade knives, blackjack, metallic knuckles, swords, bow and arrows, razors or razorblades (except solely for personal shaving), fireworks or other explosive materials** in any University-owned buildings, grounds, housing units, or student activities. Students with any of these items on campus must register and store them with Campus Police.
6. Start fires, explode fireworks, improperly use chemicals, **and/or** tamper with fire-fighting equipment (including, but not limited to, hoses, sprinklers and fire extinguishers).
7. Gamble on University-owned property including, but not limited to, buildings, streets and parking lots.
8. Engage **or subject another individual, whether intentional or unintentional**, in activity likely to cause physical injury, **mental distress, personal indignities of a highly offensive nature; engage in fighting.**
9. Engage in physical abuse, **sexual harassment, harassment**, non-consensual sexual acts, coerced or forced physical contact via means of intimidation, physical restraint, or violence (refer to the *Policy on Sexual Harassment and Sexual Violence*).
10. Dating violence which is seen as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship (refer to the *Policy on Sexual Harassment and Sexual Violence*).

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11. Domestic violence; includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction (~~refer to the Policy on Sexual Harassment and Sexual Violence~~).
12. Stalking which is considered as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of other or (2) suffer substantial emotional distress (~~refer to the Policy on Sexual Harassment and Sexual Violence~~).
13. Engage or subject another individual, whether intentional or unintentional, in activity likely to cause physical injury, mental distress, or personal indignities of a highly offensive nature, that is in connection with recruitment, initiation, or continued membership in a society, fraternity, or sorority, club, athletic team, or other similar group (refer to the complete Hazing Policy in the Policies section of this handbook).
14. Any activity that deliberately threatens, harasses, intimidates an individual, places an individual in reasonable fear of harm to the individual or damage to the individual's property; or has the effect of substantially disrupting the orderly operation of the ~~individual's~~ individual's daily life via the use of electronic information and communication devices, to include but not be limited to: e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, social media sites, internet chat rooms, internet postings, and defamatory websites (refer to Hazing Policy).
15. Exhibit conduct of a lewd, indecent, obscene, ~~conduct that disturbs the peace~~, or disorderly manner as defined by state statutes on the campus or at any University-sponsored event or public event while identified as a member of the University community.
16. Enter or use University facilities without authorization, ~~trespass, and/or misuse of restricted areas~~; or violate rules governing University residence facilities, including but not limited to the key policy and co-ed visitation policy (refer to Housing and Residence Life Policy in the ~~WSSU Student Handbook, the Guide to On-Campus Living in Housing and Residence Life, and/or Housing and Residence Life Living Agreement~~).
17. Possess, ~~consumption, and/or~~ use alcoholic beverages on University owned property or at a student activity on campus.
18. Possession of alcohol paraphernalia included but not limited to empty alcoholic bottles, alcoholic carton, beer bongs, funnels, kegs.
19. Underage possession or consumption of alcohol.
20. Providing alcohol to a minor.
21. Public intoxication
22. Possess and/or use of controlled and/or illegal substance Exemption: if you are a student who has been prescribed any narcotic by a licensed health care professional, you may possess or use such drugs according to the direction of the health care professional, provided you possess the correct documentation for verification purposes. If you are found to be sharing your prescribed illegal substance with ~~another individual (s)~~, this is a direct violation to the Code and you will be cited for sale or distribution of the illegal substance
23. Possession of drug paraphernalia and/or drug residue, including but not limited to stems, seeds, powder, crystals, and scales. Exemption: if you are a student who has been prescribed

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any narcotic by a licensed health care professional, you may possess or use such drugs according to the direction of the health care professional, provided you possess the correct documentation for verification purposes. If you are found to be sharing your prescribed illegal substance with another individual (s), this is a direct violation to the Code and you will be cited for sale or distribution of the illegal substance

24. Possession with the intent to manufacture, sell and/or deliver any controlled substance or use narcotic drugs, whether controlled or prescribed, on or in University-owned property.
25. Disrupt University operations; obstruct freedom of movement by community members or visitors; abuse, interfere with or fail to comply in University processes including student conduct hearings/ administrative hearings; fail to comply with directions of University officials (including investigation process of Title IX cases);-
26. Aid or abet the violation of *The Code*.
27. Violations of local, state, and/or federal law.

IV. STUDENT CONDUCT PROCEEDINGS

- A. **Student Conduct** proceedings may be instituted against a student charged with violation of a law that is also a violation of *The Code* if both violations result from the same factual situation, without regard to the pendency of civil litigation in court or criminal arrest and prosecution. Proceedings under *The Code* are generally carried out without awaiting civil or criminal proceedings off-campus.
- B. When a student is charged with an off-campus violation of federal, state or local laws, or the laws of another country, but not with any other violation of *The Code*, conduct action may be taken and sanctions imposed for grave misconduct that demonstrates **flagrant** disregard for the University community and poses a **potential** threat to that community.

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V. NOTIFICATION AND HEARING OF CONDUCT ALLEGATIONS

- A. Allegations of *Code* violations will be presented to the Office of Student Conduct, via the Maxient Student Conduct System, from the WSSU Campus Police or **an Incident Report** by residence life staff, students, faculty, and/or staff. To report an incident, use the following link to the Maxient Student Conduct Incident Report: <https://publicdocs.maxient.com/incidentreport.php?WinstonSalemStateUniv>. You can also find the link listed on the Office of Student Conduct **Homepage-homepage** on the WSSU **website-website**. Incidents of violation of *The Code* shall be submitted as soon as possible after the incident takes place and shall provide factual information supporting the charge.
- B. A student shall receive notice of referral of a complaint by written and -via electronic notification from the Director of **Student Conduct** ~~or Housing or University official~~ [working with the case](#) and Residence Life staff (Hall Director or Area Coordinator). This notice will:
 1. Contain the substance of the allegations.
 2. ~~Advise~~ **Advise** the student that a staff advisor/advocate from the University or acting agent of the University is available to assist in all aspects of the student's case and that the advisor/advocate of the student's choosing should be contacted, by the student, upon receipt of the notice of referral of a complaint. ~~OR~~ The student may select a licensed attorney of his or her choice, at their own expense. Once an advisor/advocate/or licensed attorney is chosen by the student, the student must then notify the Director of **Student Conduct** or staff in the Office of

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Student Conduct of the name and contact information for that advisor/advocate/licensed attorney. In all cases with a possible sanction of suspension or expulsion, the student must immediately contact an advisor/advocate/or licensed attorney who shall assist the student in all aspects of the student's case.

3. Advise the student to contact the Director of Student Conduct or a designee.
4. Advise the student that failure to contact the Director of Student Conduct or a designee constitutes a violation of *The Code*.
5. Advise the student whether the victim has requested alternative dispute resolution of the allegations.

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C. Prior to meeting with and formally charging the student, the Director of Student Conduct or University official working with the case or a designee will:

1. When action is either pending or completed against a student in a state or federal court, or court of a foreign country, consult with the Vice-Chancellor of Student Affairs or University Counsel and determine whether University interests are at issue. If it is believed that the University's interests have been affected, the student will be subject to a complaint of violation of *The Code*.
2. Receive and review allegations and determine whether (1) the allegation, if proven, would constitute an offense under *The Code* and (2) based upon the stated allegation, is there reasonable belief that such a violation may have occurred. This screening may involve reading of the case allegations, description of the alleged conduct, or discussion with the individual(s) making the allegation, as appropriate to the situation.
3. Notify the accused student as provided in Section B above, with the scheduled Hearing Conference (for Administrative Hearings) or Pre-Hearing Conference (PHC) (for WSSU Student Conduct Council Hearings) date, time, and location. The Pre-Hearing Conference will be set 48 hours prior to the WSSU Student Conduct Council Hearing, which the student(s) will be notified of within five-seven (5-7) calendar days.
4. Determine if the alleged victim desires alternative dispute resolution of the charges.
5. Review other University policies affecting students and, if applicable, maintain a copy in the case file and provide a copy to any appeal body that later hears the case.

D. At the PHC, the Director of Student Conduct or University official working with the case or a designee shall provide the student with:

1. Opportunity to review allegations.
2. Opportunity to review student conduct code procedures.
3. Notice of formal charges resulting from allegations.
4. Notice of restrictions to be imposed, if any, to protect the alleged victim.
5. Notice of means of resolving formal charges through written acceptance or denial of responsibility.
6. Notice of alternative dispute resolution of the charges if the accuser consents.
7. Opportunity for advisor/advocate/licensed attorney to ask questions for clarification to give the accused student ample time to formally prepare for the WSSU Student Conduct Council hearing.

6. E. Acceptance of responsibility.

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~~Opportunity for advisor/advocate/licensed attorney to ask questions for clarification to give the accused student ample time to formally prepare for the WSSU SCCHE.—Acceptance of responsibility—~~1. AA student who accepts responsibility shall be advised:

- ~~1~~a) That he/she has the right, but is not required, to provide additional information regarding the allegations.
- ~~2~~b) The Director of **Student Conduct** or **University official working with the case a designee** shall make the determination of sanctions unless the offense is a major offense for which suspension or expulsion may be imposed.
- ~~3~~c) That the student waives his or her right to have the matter heard by a **student conduct** body except as set out in **Section E, 2**, above.
- ~~4~~d) That any sanctions imposed may be appealed to the **Vice-Chancellor** of Student Affairs, the Chancellor, the Board of Trustees, and the Board of Governors, for suspension and expulsion cases, in that order, depending on if the allegations are a violation to *The Code* or to the *Policy on Sexual Harassment and Sexual Violence*. If the allegations are a violation to the Sexual Harassment and Sexual Violence policy, then the appeal order would be to the Appeal Board, Chancellor, Board of Trustees, and Board of Governors, depending on the severity.
- ~~5~~e) That the student's acceptance of responsibility must be in writing on a form provided by the Director of **Student Conduct** or **University official working with the case**, which must contain the provisions of 1-4 above and must be signed and dated by the student, Director of Student Conduct, or designee.

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~~F.~~—2. **Denial of responsibility.** A student who denies responsibility or prefers to have the charges heard by the WSSU Student Conduct Council shall be advised:

- ~~a) 1~~—That he/she need not provide any additional information regarding the alleged violation to the Director of **Student Conduct** or **University official working with the case a designee** during the PHC.
- ~~1~~b) The date, time, and location of the WSSU Student Conduct Council shall be submitted to the student at least seven ~~5~~7) calendar days prior to such a hearing if one has not been scheduled. No hearing will be held unless the student has been given at least seven (7) calendar days' notice or unless the student has given written approval to have hearing sooner.
- ~~2~~c) That the student must provide an address (permanent and local) and his or her WSSU email address, to receive notice of proceedings. The ~~office ask~~office asks for this information during this time so that all updated information is on file.
- ~~3~~d) That the student has a right to an advisor/advocate/licensed attorney of the student's choice and is advised to have said advisor/advocate/licensed attorney. In cases of suspension or expulsion a student is required to have an advisor/advocate/licensed attorney.
- ~~4~~e) Student's denial of responsibility shall be in writing on a form provided by the Director of **Student Conduct**, which shall contain the provisions of this Section (1-4 above) and shall be signed and dated by the student and Director of Student Conduct.

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~~F.G.~~ Following the **PHC hearing**, the accused student will receive written and electronic notice to the contact address provided by the student. This notice will advise the student concerning resolution of formal charges through the Director of **Student Conduct** or **University official working with the case a designee**.

1. A student who accepts responsibility for formal charges will be advised of the sanctions imposed and the student's right of appeal, unless the Director of **Student Conduct** or University official working with the case a designee determines that an administrative hearing is necessary to determine sanctions. If the Director of **Student Conduct** or University official working with the case a designee determines that a hearing on sanctions is required, the student will be given notice of the date, time and location of the hearing. The student shall be given no less than seven (7) calendar days' notice of the hearing unless the student gives written approval to have hearing sooner.
2. For any offense where a sanction of suspension or expulsion is possible and for any student who denies responsibility or who requests a hearing with the WSSU Student Conduct ~~Council~~**Council**, a hearing will be scheduled with the **Student Conduct** Council. The notice shall contain the date, time and location of the hearing and shall advise the student of the student's right and requirement to have an advisor/advocate/licensed attorney attend the hearing.. The student shall be given no less than seven (7) calendar days to prepare for a hearing before the hearing panel unless the accused student has given a written approval to have hearing sooner.

VI. ALTERNATE DISPUTE RESOLUTION

Upon mutual request of the accused student and the accuser, and with the consent of the Director of **Student Conduct** or a designee, alternative dispute resolution, including negotiated settlements between the parties, mediation or similar forums may be scheduled in lieu of formal charges.

The Director of **Student Conduct** is authorized to establish alternative dispute mechanisms for resolution of any alleged violation of *The Code*, which does not carry a possible sanction of expulsion or suspension.

VII. SANCTIONS

The primary purpose of sanctions in *The Code* is to protect the University community from behavior which is disruptive, threatening or dangerous to others, or which is lewd, indecent and obscene, or which impairs the primary function of the University to educate students provide students with learning opportunities that lead to self-actualization by holding students accountable for their actions and how their behavior can impact their future and the learning environment of the university. Sanctions under *The Code* ~~may be~~ tailored to suit the circumstances of each offense. Though maximum ~~penalties sanctions~~ are identified by *The Code*, lesser ~~penalties sanctions requirements~~ may be selected, depending on the circumstances and based upon the Policy Violations List and Sanctions Levels attached to *The Code*.. Sanctions are considered to be either punitive or educational. Punitive sanctions can include a warning to correct a behavior, restitution, restrict student involvement in campus life, or suspend for a period of time or permanently a student's enrollment at the university. Lesser requirements are educational and are intended to help the student understand the negative effect of their behavior on the university's learning environment and learn from their experience. In cases where alcohol and/or drug usage are known or where the accused student exhibits extreme violent or abusive behavior, ~~sanctions imposed may be suspended pending drug and alcohol abuse assessment and counseling~~. Drug or alcohol assessment or counseling may be provided via campus based or community based resources as determined by the Director of Student Conduct and/or University official working with the case.

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Sanctions of expulsion and suspension affect the student's academic enrollment at the University. In order that students under expulsion, suspension or limited participation in daily campus life do not contravene the terms of the sanctions, the **Vice-Chancellor** for Student Affairs shall, in writing, notify the Vice - Chancellor for Academic Affairs, Financial Aid office, Registrar, Director(s) of Residence Life, University Police, and such other offices as are necessary to insure that the sanction is enforced. **The Vice-Chancellor for Student Affairs may also impose a "No Trespassing" sanction on a student, verbally and in writing, informing the student of specific guidelines to adhere to related to visiting the campus.** Other offices may be notified based upon a determined "need to know" as defined in applicable law and policy. Upon termination of such sanctions, the offices will again be notified. Information about suspension or expulsion is maintained permanently in the student's **student** conduct record.

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If an appeal is filed, it is **to-at** the discretion of the Vice-Chancellor of Student Affairs to allow the sanction to be held in abeyance until the appeal is resolved. In circumstances where the **Vice-Chancellor** for Student Affairs and the Chancellor determine that the continued presence of a student on campus is a danger to University property, or that the student is a danger to self or others, an interim suspension may be imposed immediately and shall remain in effect pending the outcome of a hearing and any appeal.

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Sanctions that may be imposed are:

Punitive

- **Expulsion** - Permanent separation from the University that can only be removed by written petition to the Chancellor and accompanied by supporting documentation for reinstatement. No petition for reinstatement made earlier than two (2) years from the date of the expulsion shall be considered. **Expulsion is warranted** in cases of falsified admission applications, possession of a firearm or any weapon of mass destruction and the illegal manufacture, sale, delivery, or possession with the intent to manufacture, sell or deliver any controlled and/or illegal substance, or in cases where the severity of the violation to *The Code* is deemed offensive to the community standards and the safety of the campus community.

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- **Suspension** – Separation from the University for a definite period of time, which coincides with the official ending of an academic semester or summer session. Suspension is required for possession or use of any weapon not referenced in expulsion above and for which permission to possess has not been granted by the Chancellor, registered with the WSSU Campus Police Department and stored according to specific directions from the Vice-Chancellor for Student Affairs. A second weapons offense shall result in expulsion. A first offense for simple possession of a controlled and/or illegal substance will result in suspension. Suspension is also required in cases where the severity of the violation to *The Code* is offensive to the community standards and safety of the campus community.

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- **Interim Suspension** - Temporary separation of a student from the campus when the **Vice-Chancellor** for Student Affairs believes such separation is necessary or from a classroom when requested by a faculty member under the University's Classroom Disruption Policy:

- a. To ensure the safety and well-being of members of the University community or preservation of University property;
- b. To ensure the student's own physical or emotional safety and well-being;
- c. If the student poses a definite threat to, disruption of, or interference with the normal operations of the University or its members, or one or more classes as determined by the Classroom Disruption Policy.
- d. When a student possesses a gun on campus in violation of [N.C.G.S. Sec. 14-269.2\(b\)](#)

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Any student subject to interim suspension shall have an expedited (within 24 hours) right of appeal as provided in the appeal section of *The Code*.

- ~~**Expulsion**—Permanent separation from the University that can only be removed by written petition to the Chancellor and accompanied by supporting documentation for reinstatement. No petition for reinstatement made earlier than two (2) years from the date of the expulsion shall be considered. [Expulsion is warranted.](#) Expulsion is required in cases of falsified admission applications, possession of a firearm or any weapon of mass destruction and the illegal manufacture, sale, delivery, or possession with the intent to manufacture, sell or deliver any controlled and/or illegal substance, or in cases where the severity of the violation to *The Code* is deemed offensive to the community standards and the safety of the campus community.~~
- ~~**Suspension**—Separation from the University for a definite period of time, which coincides with the official ending of an academic semester or summer session. Suspension is required for possession or use of any weapon not referenced in expulsion above and for which permission to possess has not been granted by the Chancellor, registered with the WSSU Campus Police Department and stored according to specific directions from the Vice Chancellor for Student Affairs. A second weapons offense shall result in expulsion. A first offense for simple possession of a controlled and/or illegal substance will result in suspension. Suspension is also required in cases where the severity of the violation to *The Code* is offensive to the community standards and safety of the campus community.~~
- **Disciplinary Probation-** The loss, for a specified period of time, of designated social privileges which included, but are not limited to:
 - a. Varsity sports
 - b. Intramural sports
 - c. Band(s) and choir(s)
 - d. Cheerleading squad
 - e. Fraternities and Sororities
 - f. Participation in student organizations
 - g. Serving in a leadership capacity in any student organization
 - h. The right to represent the University in any specific activity
 - i. Residency in University housing
- **Disciplinary Warning:** An official reprimand provided in writing that advises of a student's need to conform the student's behavior to *The Code* and further advises that any subsequent violation of the same nature by the student within a two (2) year period will automatically result in disciplinary probation.

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- **Restitution:** Reimbursement of any cost incurred as a direct or indirect consequence of the student's violation of *The Code*.

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Educational Requirements

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- **Community Service:** Volunteer service to an on-campus or off-campus department, division, faculty or staff member for a specific number of hours within a specified period of time. Community Service could be sanctioned through the Office of Career Services or the Office of Interpersonal Violence Prevention

- **Educational Counseling Referrals:** Includes referrals to the University Counseling Center, ~~essay papers, or participation in educational programming that addresses the violation. The referral to the University Counseling Center can be for an~~ for an assessment and/or counseling for substance abuse, anger management, or psychological assessment. ~~If a student has been found in violation of alcohol or illegal substance usage, they will be sanctioned with having to complete an educational session via the AlcoholEDU program.~~

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- **Essays:** Includes writing a reflective essay where the student addresses their behavior, impact to the university's living and/or learning environment, and a plan of action for the future.

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- **Educational Programming:** Includes participation in educational programming related to the violation, or if found in violation of alcohol or illegal substance usage the student must complete an online educational program like AlcoholEdu for Sanctions, Innerview, or e-choke/e-toke. Most of the online educational programs will require the student to follow-up with the counseling center for a session or group sessions.

VIII. FILING AN APPEAL

A. Authority for Appeal

The State of North Carolina and the Board of Governors of the University of North Carolina System vest the authority for governance of student conduct in the Chancellor. All decisions rendered under *The Code* are subject to review and alteration by the Chancellor of the University or the Chancellor's designated representative. This policy provides appeal to the Board of Trustees from a decision by the Chancellor in the case of a suspension or expulsion. Under BOG CODE Section 502D(3) as it is now constituted, "In the discharge of the Chancellor's duty with respect to matters of student discipline, it shall be the duty of the Chancellor to secure for every student the right of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to such advice and assistance in the individual's defense as may be allowable under the regulations of the institution as approved by the Chancellor. Any individual in need of a reasonable accommodation on the basis of a disability to obtain an extension to the appeal timeframe due to that disability, should submit a request to Myra Waddell, Associate Director of Disability Services at dds@wssu.edu, (336) 750-8658, or <http://www.wssu.edu/administration/eo-aa/dept-of-disability-services/default.aspx>. The request must be submitted with at least 72-hour notice in order to allow time to secure resources appropriately and have all parties notified of the needed extension before appeal deadline. In those instances where the denial of any of these rights is

alleged, it shall be the duty of the **President** to review the proceedings”, or may be amended in the future.

Commented [GL12]: Is it the Chancellor?

B. Appeal Procedures

1. INTERIM SUSPENSION

Any student subject to interim suspension will be notified by the **Vice-Chancellor** for Student Affairs, in writing via hard copy and electronically, to the permanent/local address and the WSSU email address most recently made available to the University by the student.

a. The notice shall state the charge, the intent to suspend effective immediately, and the opportunity to respond in writing or by personal interview within twenty-four (24) hours of delivery of the notice to the student. Notice shall be made by hand delivery or certified mail.

b. An accused student wishing to contest an interim suspension must provide a written response or request a personal interview within twenty-four hours of receipt of notice of intended suspension or actual suspension from a classroom.

c. After such appeal has been reviewed and/or the twenty-four hour period has passed, the **Vice-Chancellor** for Student Affairs will notify the student within twenty-four (24) hours of action on the suspension by certified or hand-delivered letter.

d. If the suspension is not reversed, a student may request a hearing before **the WSSU Student Conduct Council** to resolve all matters related to the interim suspension. Said hearing will be in compliance with the standard hearing processes but will be held within 48 hours of the decision to continue the suspension, or as soon as possible. The time frame of the incident within the academic year has to be taken into consideration. For example: exam week, right before Christmas break, etc. The only exception to this process is in Title IX cases because the process requires an investigation.

During the interim suspension, the student shall be denied access to residence halls and the campus (including classes), and all other activities or privileges for which the student might otherwise be eligible. In the case of a classroom disruption charge, the student shall be denied access to the class that is the subject of the charge. Following the expedited hearing, the student may appeal a final decision on the merits of the case as set out below.

C. ~~C.2~~ Appeal from Student Conduct Council Hearing Body

A student found responsible for an offense under *The Code* may appeal the recommendation of a **student conduct** body and/or the imposition of sanctions recommended by the **student conduct body** by submitting a written request for a review within ten (10) calendar days of the finding. **The student conduct council hearing bodies** include:

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- The Director of **Student Conduct** or a designee
- The **WSSU Student Conduct Council**
- The **Vice-Chancellor** for Student Affairs

D. Grounds for Appeal

1. The decision of a **student conduct council** body may be appealed upon any the following grounds:
 - Procedural error sufficient to have altered the outcome of the hearing
 - Discrimination based on the student’s membership in a protected class (race, creed, color, sex, national origin, physical disability or age over 40)
 - New, or newly discovered evidence previously unavailable
 - Excessive or inappropriate sanctions
 - Decision or judgment not supported or justified by the evidence
 - Denial of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to advice and assistance in the individual’s defense as allowed under the regulations of the institution as approved by the **Chancellor**.

The student must write the notice of appeal which must state at least one of the above grounds or it shall be dismissed without further action. The notice of appeal shall state the facts that support the request and the outcome desired. The student will receive, along with his or her decision letter, an appeal form that must be completed, and submitted to the Office of Student Conduct, in a sealed envelope within the designated timeframe.

2. An appeal to the Board of Trustees [in the case of a suspension or expulsion] or an appeal to the Board of Governors[in the case of an expulsion] is allowable only on the following grounds:
 - i. a violation of due process, or
 - ii. a material deviation from Substantive and Procedural Standards adopted by the Board of Governors.
3. Notice of appeal to the Board of Trustees or the **President** must be given within ten (10) calendar days of receipt of the decision leading to the appeal.

Commented [GL13]: Is this supposed to be the Chancellor?

Please note that in cases where a Title IX investigation has been undertaken, the grounds for appeal will differ and are outlined below and in the *Resolution Procedures for Student Complaints of Sexual Harassment Sexual Violence* (available online) in the Student Policies section of the Student Conduct webpage. The Title IX Appeals process is the following:

The respondent and/or complainant can appeal the given sanction based on evidence of any of the following grounds:

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- ~~Discrimination based on the student's membership in a protected class (race, creed, color, sex, national origin, physical disability or age over 40)~~
- ~~New or newly discovered evidence previously unavailable~~
- ~~Decision or judgment not supported or justified by the evidence~~
- ~~Denial of due process and fair hearing, the presumption of innocence until found guilty, the right to know the evidence and to face witnesses testifying against the student, and the right to be~~
 - ~~advised and assistance in the individual's defense as allowed under the regulations of the~~
 - ~~institution as approved by the chancellor.~~

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E. Lines of Appeal

To appeal sanctions imposed from the Director of **Student Conduct** or **University official working with the case-a designee**, the appeal shall be directed to the Associate **Vice-Chancellor for Student Affairs/Dean of Students** or a designee.

If the appeal is not granted, the next and final line of appeal is to the Vice-Chancellor for Student Affairs. This is the line of appeal only for sanctions up to Disciplinary Probation and Housing Revocation.

~~In pertaining to s~~Sanctions recommended from the WSSU Student Conduct Council [in cases of suspension or expulsion], ~~if the appeal is not granted, the next line of appeal should be directed to the Chancellor~~ shall be appealed to the Chancellor. ~~In cases of suspension, if that appeal is not granted, the next and final line of appeal [for cases of suspension] would then be directed to the Board of Trustees through the Office of the Chancellor.~~

~~In cases of expulsion, if~~ the appeal is not granted from the Board of Trustees, ~~in cases of expulsion,~~ the next and final line of appeal should be directed to the Board of Governors through the Office of the President of the UNC-System.

~~In cases of appeals to sanctions after a Title IX (including dating violence, domestic violence, and stalking) case, the R~~ respondent and/or complainant have ten (10) business days to submit an appeal. All appeals (appeal #1 or #2) ~~are addressed to the Vice-Chancellor of Student Affairs and~~ must be submitted ~~to through~~ the Office of Student Conduct, which is located in the Thompson Center, suite 303. ~~Appeals are based on any of the following grounds as indicated above at the end of section D.~~

~~Once an appeal has been filed through the Office of Student Conduct, there~~ are two appeal processes for sexual harassment and/or sexual violence (Title IX) sanctions. ~~They are the following: as follows:~~

Appeal Process #1: Appeals of sanctions of Suspension or Expulsion:

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1. Respondent and/or complainant appeals are submitted to the Sexual Offenses Appeal Board (SOAB) which is comprised of a three committee member board (faculty and staff).

2. The SOAB will review the case file and give a recommendation to the Vice-Chancellor for Student Affairs (VCSA).

3. The VCSA can then accept the recommendation or decline. The VCSA has ten (10) calendar days to respond to the appeal.

4. Respondent and/or complainant may appeal the VCSA's decision based on the appeal grounds stated ~~above in section D~~; respondent and/or complainant appeals to Chancellor for suspension or expulsion cases only. The Chancellor has thirty (30) calendar days to respond to the appeal.

5. Respondent and/or complainant may appeal the Chancellor's decision based on the appeal grounds stated ~~in section D above~~; respondent and/or complainant appeals to the Board of Trustees (BOT) for suspension or expulsion cases only. ~~The Line~~ of appeal for suspension cases stops here. BOT does not have a time frame to respond to the appeal.

6. Respondent and/or complainant may appeal the BOT decision based on the appeal grounds stated ~~above in section D~~; respondent and/or complainant appeals to the BOG ~~is~~ for expulsion cases only. ~~The Line~~ of appeal for expulsion stops here. BOG does not have a time frame to respond to the appeal.

Appeal Process #2: Appeals of sanction of less than Suspension:

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1. Respondent and/or complainant appeals are submitted to the Vice-Chancellor for Student Affairs. The VCSA has ten (10) calendar days to review and make a recommendation to the Chancellor.

2. The Chancellor will then render a decision on the appeal. ~~The Line-line~~ of appeal stops here.

F. Authority Of Appeal Body

The body hearing an appeal may:

- Render a decision on the record, upholding the previous decision, referring the matter back to the lower body for further proceedings, or deciding the outcome of the case.
- Hear the case ~~de novo~~ again.
- Go outside the existing record and secure additional evidence.

G. Response Time

Appeals to the ~~Vice-Chancellor~~ for Student Affairs or the Chancellor shall be responded to within thirty (30) calendar days. The thirty (30) calendar days begins once the Vice-Chancellor for Student Affairs or the Chancellor ~~have~~ has received the appeal.

In ~~pertaining to~~ Title IX cases, where suspension and expulsion are warranted, the VCSA has ten (10) calendar days to respond to the appeal. The Chancellor, however, has thirty (30) calendar days to respond to the appeal on suspension and/or expulsion cases only. In appeals less than suspension the VCSA has ten (10) calendar days to review and make a recommendation to the Chancellor.

IX. COMPOSITION AND ~~JURISDICTION~~ AUTHORITY OF STUDENT CONDUCT BODIES

A. **WSSU Student Conduct Council**

The **WSSU Student Conduct** Council shall hear all cases where a student denies responsibility for an alleged violation of *The Code* or request that the case be heard by the **WSSU Student Conduct** Council.

The **WSSU Student Conduct** Council shall be composed of:

- The SGA **Attorney General** who shall serve as chairperson of the **WSSU Student Conduct** Council from year to year so long as he/she serves as SGA Attorney General
- **Students who meet the specific grade point average for that academic year and have completed at least one semester of school at the collegiate level.**

Commented [GL14]: In practice we have also used staff and faculty but I don't see them here—this is another point in Camille's questions about our policies and practices.

X. HEARING PROCEDURE

An accused and enrolled student who fails to respond to a charge letter, does not attend the Pre-Hearing Conference or at any time fails to respond to notification regarding the hearing process or refuses to abide by the hearing procedures, will forfeit the option of a **student conduct council** hearing, except in cases of suspension or expulsion. The Director of **Student Conduct** or a designee, without further notice, will instead hear the case. This review will proceed, whether or not the accused student is present. If the student is found responsible, an appropriate sanction will be determined by the Director of **Student Conduct** or a designee based on information available at that date. The student will be notified by mail and email within ten (10) calendar days of the outcome of this review and of the student's right to appeal. **A good cause reason for failing to appear or respond must be articulated before an appeal will be heard.**

Commented [GL15]: This is vague and appears subjective.

Students who are not enrolled at the time of the conduct proceeding or who choose not to proceed will not be allowed to register at WSSU until resolution of the complaint of violation of *The Code*. The Director of **Student Conduct** shall notify the Office of Registrar of the pending conduct complaints. The conduct records of students attempting to transfer to another institution while conduct charges are pending at WSSU are subject to disclosure of those records to the transfer institution.

A. **Hearing Officers and Bodies**

Student conduct that contradicts basic interests and policies of the University community will be addressed under hearing procedures designed to facilitate fair and impartial resolution. Hearings, whether held before a hearing officer or full hearing panel, are unlike courts. These conduct processes engage in a full discussion of charges and circumstances. Rules of evidence and procedures differ from proceedings before criminal or civil authorities. The Office of Student

Conduct shall designate the University Official to present testimonial and documentary evidence on behalf of the university at all hearings.

1. Student Affairs Administrative Hearings

All cases that may result in separation or interim suspension from the University shall be referred to the Vice-Chancellor for Student Affairs. The Director of Student Conduct or University official working with the case a designee may hear cases that don't carry a penalty-sanction of suspension or expulsion from the University and which have not been referred to a student conduct council.

1. Title IX Hearing

All sexual harassment and/or sexual violence complaints against a WSSU student should be filed directly with the Division of Student Affairs' (DSA) Deputy Title IX Coordinator, Ms. Natasha Jeter, Suite 307, Thompson Center, (336) 750-8663 or with the Title IX University Coordinator for the Office of EEO/AA and Diversity, Ms. Silvia Ramos, Suite 203, Blair Hall (336) 750-8760. For cases of domestic violence, dating violence, and stalking the investigation process will follow procedures established for Title IX.

The complainant should complete an incident report via the Maxient student conduct system or complete the Harassment/ Discrimination Complaint Form (which can be found on the Office of Student Conduct and EEO/AA Office website on from the University's web page website), detailing when the incident occurred, the nature of the grievance, against whom the grievance is directed to, and any witnesses to the incident. Incidents of dating violence, domestic violence, and stalking must be submitted through the Maxient student conduct system accessible online via the Office of Student Conduct webpage under "Incident Reporting Form".

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3. Hearing Panels

In cases referred to conduct hearing panels, the Director of Student Conduct or a designee will appoint the panel that will hear the case rotating student, faculty and staff members on the Council. The WSSU Student Conduct Council shall consist of the SGA Attorney General who shall serve as chairperson, three (3) students, ~~and,~~ and two (2) members of the faculty and/or staff. A committee member or the hearing official who has a conflict with, bias about or interest in the case should recuse him/herself. If the committee member or the hearing official refuses to recuse him or herself, the Vice-Chancellor for Student Affairs shall make the recusal decision.

Commented [GL16]: This information should be added to a third bullet under Hearing panel/student conduct council membership above.

B. Scheduling of Hearings

1. Student Conduct Council

Hearings before the WSSU **Student Conduct Councils** will be held 48 hours after the PHC which will be scheduled no less than seven (7) calendar days after notice of infraction has been submitted to the accused student. A one-time postponement for cause in a scheduled hearing date may be granted upon request of either the accused or the accusing party. This postponement will not exceed ten (10) calendar days in the absence of extraordinary circumstances. Any postponement shall be for cause including, but not limited to illness, unavailability of witnesses or evidence. The Chair of the panel hearing the case shall decide whether good cause exists to postpone a case.

Under GA Rule 700, a licensed attorney/advocate/advisor now has the authority to speak on the student's behalf. However, the licensed attorney/advocate/advisor has to remain in compliance with the University's rules and regulations pertaining to how to conduct one's self during the hearing process. Even though the licensed attorney/advocate/advisor has the authority to speak on the student's behalf, a student conduct hearing is not a court of law and therefore, the licensed attorney/advocate/advisor must remain in accordance to the University's standards and procedures.

2. Title IX Hearing

Once the DSA Deputy Title IX Coordinator receives the written complaint, a Preliminary Administrative Review shall be used to determine if the allegations within the complaint are in violation of WSSU's Policy on Sexual Harassment and Sexual Violence. If the preliminary review indicates a potential violation of the Policy, an impartial investigation into the allegations will begin. If the preliminary administrative review indicates that the allegations within the complaint are not in violation of the aforementioned Policy, the investigator shall terminate the resolution complaint process. Termination of the complaint resolution process following a preliminary administrative review bars the issue from other university complaint/grievance resolution processes.

If the DSA Deputy Title IX Coordinator reviews the complaint and it indicates potential violation of the Policy, the DSA Deputy Title IX Coordinator will contact all members associated with the possible infraction within a forty-eight hour (48 hour) time frame to begin a formal investigation.

When an allegation of sexual harassment or sexual assault is brought forth to a University official, the DSA Deputy Title IX Coordinator must investigate all allegations and collect information. He or she has the authority to contact and forward said complaint to the respondent, witnesses, or others parties involved.

Upon initial contact by the DSA Deputy Title IX Coordinator, all individuals involved, including the complainant, respondent, and witnesses must respond within ten (10) calendar days. If any party is given a supplemental information request for additional information, he or she must comply within the allotted time frame. If the respondent and/or witnesses do not respond without notice, it is a violation of the Student Code of Conduct. This is a violation to Section III, Item [2325](#): Failure to Comply with University processes and sanctions will be applied if parties involved violate this policy.

The DSA Deputy Title IX Coordinator has five (5) calendar days, after completion of all parties' interviews to refer all information to the Dean of Students, who will then adjudicate the case. The Dean of Students has five (5) calendar days to review and if necessary, will contact students for clarification.

In cases of dating violence, domestic violence, and stalking the procedures for resolution follow the procedures of Title IX cases.

C. Attendance

Hearings shall be closed except for the accused, an advisor/advocate/licensed attorney for the accused, the accuser, the University Official presenting the case, the WSSU Student Conduct Council and witnesses or persons who have been asked to testify by either the accused or accuser. Such witnesses or persons asked to testify should be present only for the portion of the hearing that involves their testimony and questions arising from that testimony. The SGA Secretary of Student Conduct will preside over the hearing. The Vice-Chancellor for Student Affairs or designee shall be available for consultation if required by the hearing panel.

D. Evidence

Evidence will be allowed if, in the judgment of the hearing panel chairperson, it bears on the facts of the case. ~~No w~~ritten statements by witnesses or others having with knowledge of the allegations may be not allowed in the absence of a personal appearance by the writer, unless said witness has dialogued with the Director of Student Conduct prior to the hearing.

E. Swearing of Witnesses (Alternative Provisions)

1. In all cases, witnesses will be sworn before the WSSU Student Conduct Council Hearing begins or before a witness testifies.

F. Witnesses

The testimony of witnesses will be heard if the Chair of the hearing panel determines that the testimony is relevant to the matter being heard and the witness has ~~first hand~~ firsthand knowledge of the facts of the case. Character witnesses may be allowed to testify only at the end of the hearing ~~before~~ before a determination of responsibility for the violation of *The Code* has been rendered.

The accused and the accuser shall, five (5) calendar days before any scheduled hearing, provide in writing to the Director of Student Conduct or a designee the names of all witnesses they expect to call and the expected testimony of the witnesses. The Director of Student Conduct or a designee shall provide said information to the Chair of the WSSU Student Conduct Council, the accused, and the accuser, for review prior to the scheduled hearing.

If, at the time of the hearing, either the accuser or the accused calls a witness who was not previously been identified, the accuser or accused may challenge the witness or his/her testimony at the hearing. Such challenges will be reviewed by the Chair of the Student Conduct Council and affirmed or denied. A hearing may be continued to a later time or later day to allow either the accused or the accuser the opportunity to prepare rebuttal.

In some cases, the Chair of the Student Conduct Council may, upon the request of either party, issue an internal subpoena whenever it is determined that the presence of a witness is required to determine the facts of a case and the witness refuses to appear voluntarily at a hearing.

Subpoenas must be personally delivered or sent by certified mail, return receipt requested, to the addresses most recently made available to the University by those parties.

University students are expected to comply with subpoenas issued pursuant to this procedure. University students who fail to respond to such subpoenas are subject to charges of conduct violations such as *failure to comply with direction of University official*.

G. Confidentiality of Hearing

Conduct actions are subject to the provisions of the open meeting laws of the State of North Carolina. However, under the terms of the federal Family Educational Rights and Privacy Act (FERPA) of 1974, conduct hearings and reviews will be closed in order to protect information made confidential under this act. All testimony in a closed hearing is considered confidential and, therefore, is not to be divulged outside the hearing, subject to applicable policy and law.

H. Conduct Proceedings

1. In all cases involving suspension or expulsion, the proceedings shall be conducted before a certified court reporter.
2. The Chair of the hearing panel will introduce those present and will explain the hearing procedures to the parties.
3. The Chair will state the charge and state that the hearing will be recorded.
4. A designated University Official shall present the evidence in support of the charge for the accuser.
5. The accused and the advisor for the accused will be provided access to copies of all documentary evidence submitted by the accuser and will have the right to question the accuser and the accuser's witnesses.
6. Those hearing allegations may directly question the accuser and the accuser's witnesses.
7. The accused and the advisor/advocate/licensed attorney for the accused may respond to the charge and may present evidence in the form of documents and witnesses. The accused may testify or may elect to remain silent. No inference may be drawn from the failure of the accused to offer testimony.
8. If the accused presents evidence, the accuser and the designated University Official will be provided access to copies of all documents submitted and may question the witnesses, including the accused if the accused has elected to testify. Those hearing the allegations may then question the witnesses presented by the accused and may also question the accused if the accused has elected to testify.
9. The accuser and the designated University Official may submit evidence, including testimony, to rebut evidence presented by the accused. The accused and those hearing the allegations may question rebuttal witnesses.

10. The accuser or the designated University Official will be provided the opportunity to make a final statement.
11. The Chair of the hearing panel will conclude the evidentiary portion of the hearing and set a time for deliberations to begin. In this conclusion, the conduct hearing officer will advise all hearing participants of the obligation of confidentiality and necessity of avoiding discussions among themselves except in regularly convened meetings. Breach of this directive by any University student will constitute a separate violation of *The Code*.
12. Once begun, the deliberations normally will continue until a decision as to whether the accused student committed the offense charged has been reached. The hearing panel must decide, based solely on the evidence presented at the hearing, whether the designated University Official has shown, by a preponderance of the evidence, that the accused student committed the offense. Recesses or continuation of the deliberations to a later time or a later day will be granted at the discretion of the conduct hearing office. Deliberations by the hearing panel shall not be recorded or heard before the court reporter.
13. In the event of a finding that the accused committed the offense, testimony may be heard from interested parties, including character witnesses concerning imposition of sanctions. The court reporter shall be present for testimony from interested parties and character witnesses. Deliberations shall then be continued as to sanctions.
14. The hearing panel will determine appropriate sanctions within the ranges specified in the definitions in **Section IV**, above.

I. Confidentiality of Deliberations

Conduct actions are subject to the provisions of the open meeting laws of the State of North Carolina. Under the provisions of that law, conduct hearings, pre-hearings and meetings will be closed in order to protect information made confidential under the federal FERPA of 1974. Information generated in the course of conduct proceedings will be given the full extent of confidentiality afforded by law to student educational records. Student conduct records are specifically protected under the FERPA of 1974. Any person who, without authorization, reveals such information will be subject to conduct action.

J. Standard of Proof

Decisions by the hearing panel shall be based on a *preponderance of the evidence* (whether it is more likely than not that the alleged violations have occurred and that the accused student was responsible for the violation).

K. Decision

1. Student Conduct Council

Conduct hearing panels shall decide whether the student committed the offense charged by simple majority vote of the panelists present.

2. Title IX Hearing

The Dean of Students will ~~then~~ reach a decision and sanction according to the Student Code of Conduct. Notifications will be sent to respondent(s) and complainant(s).

The entire resolution process will be completed within sixty (60) calendar days from the University's receipt of written complaint, barring extenuating circumstances. If these circumstances occur, the respondent will be notified.

The respondent and/or complainant may appeal the sanction based on the appeal grounds as indicated on the Appeals Process for Sexual Harassment/Sexual Violence document.

L. Sanction Assignment

After determining that the accused student committed the offense charged, those hearing the allegations will assign a sanction. In assigning an appropriate sanction, the prior student conduct history of the ~~accused, as found in the records of the Office of Student Conduct~~ accused at the University, if any exist, shall be considered. The testimony of character witnesses may be considered. Consideration may also be given to aggravating or mitigating circumstances including, but not limited to:

- Intent to act in the manner described
- Intent to violate the policy or regulation described
- Prior violations or related behavior
- Other personal circumstances that might have affected the student at the time of the infraction.

The decision of the hearing panel will be in writing and include a brief statement of the evidence that supports the finding of violation of each provision of *The Code* and a brief statement of the evidence that supports the sanctions it determines should be imposed.

The decision of the hearing panel will be in the form of a recommendation to the Vice-Chancellor of Student Affairs in all suspension and expulsion cases.

The Vice-Chancellor of Student Affairs or his/her delegate must make the conduct determination in all suspension and expulsion cases.

The Chancellor must make the final agency decision in all suspension and expulsion cases.

If an appeal follows a review or hearing, all sanctions resulting from the review or hearing are held in abeyance pending the outcome of the appeal to the discretion of the Vice-Chancellor of Student Affairs, Chancellor, and /or designee.

Commented [GL17]: This too will need to be revised if we have changes to what is in abeyance during the appeals process.

M. Notice of Decision

The final hearing decision must be transmitted to the student in writing and electronically via email within ten (10) calendar days of the date the decision is made, and it must contain a brief summary of the evidence upon which the decision is based.

Appeal rights must be specified in the decision letter as provided in ~~Section VIII, Article E~~ of *The Code*. Appeal rights include the name and address of the body or person to whom an appeal shall be directed and the time period in which the appeal shall be made.

XI. MAINTENANCE OF VERBATIM RECORD

A transcript or other verbatim record shall be made of each hearing before a panel and shall be preserved so long as the possibility of appeal remains open. Following this period, the verbatim record shall be destroyed. The verbatim record and any written record remains the property of the University and may be reviewed by the accused, by appointment, for the purposes of appeal or by the appeal body reviewing the decision and imposition of sanctions. A request for review of the verbatim record shall be made to the Director of **Student Conduct** who shall be responsible for the maintenance of the verbatim record and all other hearing records.

XII. STUDENT CONDUCT PROCEEDING RECORDS

All records concerning *Code* violation hearings under this procedure shall be held in the **Office of Student Conduct**. Medical, psychological, or other assessment related records and materials shall remain in the files of the agency professional responsible for assessment or counseling procedures and shall not be considered a part of the student's educational record. All student records shall be protected according to the provisions of the FERPA of 1974.

XIII. REQUEST TO REVIEW EDUCATIONAL RECORDS

Students who wish to contest information contained in the **student conduct** proceeding records, including a request for removal of information from the record, must address such requests in writing to the **Vice-Chancellor** of Student Affairs, who shall review the request and notify the student of any actions related to the contention or request.

XIV. ~~SPECIAL CASES~~ ADDITIONAL GUIDELINES

- Charges against multiple students involved in the same incident may be heard in a single case only if each student defendant consents to such a proceeding by completing the appropriate form in the Office of Student Conduct or other office assigned to the case.
- Pursuant to the Campus Security Act and Title IX, in cases of alleged sexual assault, the complainant and the respondent are entitled to have the same opportunities to have others present during a disciplinary proceeding.
- Pursuant to the FERPA of 1974, victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. Results mean the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction, if any, imposed, the duration of the sanction, and the date the sanction was imposed.
- When a student with a disability is charged with an offense, the University shall assure that all requirements of Section 504 of the Rehabilitation Act and the American with Disabilities Act are met.

XV. INTERPRETATIONS AND REVISION:

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Any question of interpretation regarding *The Code* shall be referred to the Vice-Chancellor for Student Affairs or University Counsel for final determination.

The Code shall be reviewed annually under the direction of the Vice-Chancellor for Student Affairs and University Counsel.

This policy becomes effective on date adopted by BOT.

Modified the ~~25th~~^{4th} day of ~~July~~^{February}, 201~~5~~⁴ subject to BOT approval.