

# Student Code of Conduct

UNC Greensboro

(Last Revised by the Office of Student Rights and Responsibilities, December 3, 2018)

*This policy may be updated from time to time to reflect changes in departmental practices and/or required mandates. The revised date will be updated and a notice will be placed on the site notifying you of such modification.*

## **Section 1: Purpose**

Members of the University community embrace fundamental principles to ensure a campus environment conducive to peaceful and productive living and study. These principles include five values: honesty, trust, fairness, respect, and responsibility. Members of the community who adopt these principles will seldom have need of the Student Code of Conduct (the Code). When members of the University community fail to observe these principles, the Code is used to affirm these values through adjudication of allegations involving violations of these values. Allegations made against individual students or student groups/organizations include reference to the general principle that is at risk as well as the specific conduct alleged to be a violation of the Code.

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.

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.

Violations of University policies, rules or regulations, or federal state, or local law may result in a violation of the Code and imposition of student discipline.

## **Section 2: Scope**

1. The Code is one of three formal policies governing student conduct at UNCG. The Code addresses general student conduct, usually excluding academic responsibilities. The Code details the fundamental fairness and process requirements for student conduct proceedings; it does not duplicate or replace the purposes of the Academic Integrity Policy or of other graduate or professional policies related to schools, departments, or professions.
2. The Academic Integrity Policy (the AIP) governs student conduct directly related to the academic life of the University. The AIP is applicable to any academically related experience involving UNCG students (or alumni in cases where violations are discovered after graduation) whether occurring on the campus or at host institutions or sites. All alleged violations of the AIP must be resolved in accordance with the AIP and under the direct authority of a UNCG faculty member or the Office of Student Rights and Responsibilities.
3. Graduate or professional schools within the University may initiate charges against students for alleged violations of professional standards or ethics as a separate issue or as an extension of alleged acts of academic dishonesty or violations of the Code. [\[1\]](#)

## **Section 3: Authority of the University**

[Section 502 D\(3\)](#) of [The Code of the University of North Carolina](#) provides:

"Subject to any policies or regulations of the Board of Governors or of the Board of Trustees, it shall be the duty of the Chancellor to exercise full authority in the regulation of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the Chancellor to faculty committees and to administrative or other officers of the institution or to agencies of student government, in such manner and to such extent as made by the Chancellor be deemed necessary and expedient. 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 to every student the right to due process.”

The Chancellor has delegated this authority through the Vice Chancellor of Student Affairs to the Dean of Students Office or designee (usually the Office of Student Rights and Responsibilities) to administer, regulate, interpret, and revise the Code.

#### **Section 4: Jurisdiction of the Code**

Jurisdiction under the Code applies to behavior from a student’s acceptance to the University through the date of graduation. This includes, but is not limited to new students at orientation, persons not currently enrolled but who are still seeking a degree from UNCG, and any other person enrolled in a credit-earning course offered by UNCG. For purposes of exercising jurisdiction for University discipline, it also includes any person who has graduated from UNCG if the University determines that his/her graduation or receipt of credit may have involved misconduct while the person was working toward a degree.

The procedures provided in this Code are not intended to be equivalent to the process of federal, state, or local laws and do not determine whether criminal conduct has occurred. Criminal procedures do not address the educational mission of the University. University disciplinary proceedings may be initiated against a student charged with a violation of law that is also a violation of this Code. The University reserves the right to proceed under this Code prior to, concurrent with, or subsequent to civil litigation, criminal arrest, or criminal prosecution. The University cooperates fully with law enforcement agencies to the extent permitted by law.

Instances of prohibited conduct may be subject to the Code whether or not they occur on University Premises. The Office of Student Rights and Responsibilities or designee shall determine whether an incident off campus affects University interests and thus falls within the scope of the Code. Off-campus instances of prohibited conduct that may be addressed include, but are not limited to acts of harm, repeated or high-risk alcohol and/or drug misuse, sexual misconduct, interpersonal violence, and felony charges.

#### **Section 5: Prohibited Conduct**

##### **A. Honesty**

An academic community of integrity advances the quest for truth and knowledge by requiring intellectual and personal honesty in learning, teaching, research, activities, and service. Cultivating honesty lays the foundation for lifelong integrity, developing the courage and insight to make difficult choices and accepting responsibility for actions and their consequences, even at personal cost.<sup>[3]</sup> Violations of Honesty may include but are not limited to:

- 1. Furnishing** – providing false information to University officials.
- 2. Forgery** – alteration or misuse of any University or government document, record, or instrument of identification.
- 3. Fraud** – an act of deceiving or misrepresenting which may result in financial or personal gain.
- 4. Failing to Report Criminal Convictions** – omitting information about conviction(s) during the UNCG Admissions Process before or after acceptance to the University or the Office of Student Rights and Responsibilities after the start of courses.
- 5. Identification Misuse** – possessing, using, or displaying ID’s, including parking permits, that belong to someone else, the unauthorized selling or loaning of an ID to another person, or the misuse of University or organization names and images.

##### **B. Trust**

An academic community of integrity fosters a climate of mutual trust, encourages the free exchange of ideas, and enables all to reach their highest potential. Only with trust can members of the University community believe in and rely on others and move forward as a community. Only with trust can the community believe in the social value and meaning of an institution’s scholarship and degrees.<sup>[4]</sup> Violations of Trust may include but are not limited to:

1. **Theft/Attempted Theft or Possession of Stolen Property** – taking, attempting to take, or possessing property without permission.
2. **Unauthorized Entry or Access** – entering or accessing or attempting to enter or access University premises or property of another without permission.
3. **Assisting in the Violation of University Policies or Public Laws** – encouraging or assisting in any behavior or activity that violates University policy or law.
4. **Conduct Non-compliance** – student fails, without good cause, to comply with the requirements of the conduct process or fails to comply with directives of University officials. The Office of Student Rights and Responsibilities may seek sanctions against the student under the section, Sanctions, for failure to comply with directives of University officials. Failure to comply with the requirements of the conduct process may include failure to submit a statement, failure to attend a meeting/hearing, or failure to fulfill a sanction. A Hold may be placed on a student's record which may prevent, among other things, registration, re-enrollment, or the awarding of a degree.

### C. Fairness

An academic community of integrity establishes clear standards, practices, and procedures and expects fairness in the interactions of students, groups/organizations, faculty, and staff. For students and groups/organizations, important components of fairness are predictability, clear expectations, and a consistent and just response to dishonesty. Faculty and staff also have a right to expect fair treatment from students and from colleagues.<sup>[5]</sup> Violations of Fairness may include but are not limited to:

1. **Disruption of University Activities** – obstructing or interfering with the learning environment or freedom of movement of others, conduct proceedings, or other University activities including public service functions, whether on or off campus, and other authorized non-University activities which occur on University premises.

### D. Respect

An academic community of integrity recognizes the participatory nature of the learning process and honors and respects a wide range of opinions, ideas, and cultures.<sup>[6]</sup> Violations of Respect may include but are not limited to:

#### 1. Threats, Coercion, Harassment, Intimidation, or Hostile Environments

- I. 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 valid University policy, while on University premises or at University sponsored activities based upon the person's race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, genetic information, veteran status, disabling condition, or age.
- II. No student shall engage in unlawful harassment leading to a hostile environment. Unlawful harassment includes conduct that creates a hostile environment by meeting the following criteria: It is:
  - a. Directed toward a particular person or persons;
  - b. Based upon the person's race, color, religion, sex, sexual orientation, gender identity, national origin, political affiliation, genetic information, veteran status, disabling condition, or age;
  - c. Unwelcome;
  - d. Severe or pervasive;
  - e. Objectively offensive; and
  - f. So unreasonably interferes with the target person's employment, academic pursuits, or participation in University-sponsored activities as to effectively deny equal access to the University's resources and opportunities.
  - g. In determining whether student conduct violates these provisions, all relevant facts and circumstances shall be considered. Care must be exercised in order to preserve freedoms of speech and expression, as articulated in current legal standards. Legal advice should be sought from the Office of the General Counsel, as appropriate.

2. **Physical Injury** – inflicting, attempting to inflict, or assisting in the injury of another.

3. **Violation of a University No Contact Order** – any contact after the University has issued a No Contact Order that includes but is not limited to phone, voice mail, e-mail, text messages, letters, instant messaging, social media (i.e. Facebook, Twitter, Instagram), or messages transmitted via other individuals.
4. **Conduct Which is Disorderly** – any conduct, including threatening behavior, that creates a disturbance or endangers the values, health, or safety of the university community. Some examples may include but are not limited to: vulgar and obscene language, loitering, violent or seriously disruptive behavior, or unreasonable noise.
5. **Violation of Policy on Sexual and Gender-Based Harassment, Sex Discrimination, and Other Forms of Interpersonal Violence** – violation of policy which can be found at [https://policy.uncg.edu/university-policies/sex\\_gender\\_harrassment/sex-gender-harrassment.pdf](https://policy.uncg.edu/university-policies/sex_gender_harrassment/sex-gender-harrassment.pdf)
6. **Hazing** – any action taken or situation created, intentionally or unintentionally, whether on or off University premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule is considered hazing, regardless of the willingness of the participant.

#### E. Responsibility

An academic community of integrity upholds accountability and depends upon action in the face of wrongdoing. Every member of an academic community—student, group/organization, faculty member, and staff—is responsible for upholding the integrity of the community.<sup>[7]</sup> Violations of Responsibility may include but are not limited to:

1. **Violation of University Policy or Law Regarding Alcohol<sup>[8]</sup>** – includes but not limited to: possessing or consuming alcoholic beverages by students less than 21 years of age; operating a motor vehicle under the influence of alcohol or while impaired by the consumption of alcohol; furnishing or selling any alcoholic beverages to any person less than 21 years of age; being intoxicated in public attributable in part or in whole to the use of alcohol.
2. **Violation of University Policy or Law Regarding Firearms or Other Weapons** – using, possessing, or storing any weapon, dangerous chemical, fireworks, or explosive without University authorization, except as explicitly permitted by law.
3. **Attempted or Actual Damage to Property** – engaging in or attempting acts that damages, destroys, or defaces property of the university or another.
4. **Violation of University Policy or Law Regarding Drugs** – illegal possession or use of controlled substances as defined by the North Carolina General Statutes § 90-86 through § 90-113.8; manufacturing, selling, or delivering any controlled substance or possession with intent to manufacture, sell or deliver any controlled substance; misuse of any legal pharmaceutical drugs; knowingly breathe or inhale any substance for the unlawful purpose of inducing a condition of intoxication; or possession of drug-related paraphernalia, including, but not limited to pipes, bongos, hookahs and other water pipes.
5. **Facilitating or Accepting Improper Behavior** – choosing not to confront a person violating the Code, choosing not to leave such a situation, or choosing not to tell a University staff member about the Code violation.
6. **Fire Safety** – setting or attempting to set or assisting in setting a fire, or misusing or damaging fire safety equipment including, but not limited to smoke detectors, fire extinguishers, or hoses. This also includes not evacuating during a fire drill.
7. **Violation of University Policies** – violation of any written policies, regulations, or rules of the University.
8. **Violations of Federal or State Laws, or Local Ordinances Which Affect the Interests of the University Community** – engaging in any behavior or activities that are chargeable offenses of the law.
9. **Failure to Exercise Preventive Measures** – the knowledge of or unintentional failure of any organized group to exercise preventive measures relative to violations of this Code by its members.

#### Section 6: Reporting of Allegations

1. Any student, faculty member, University employee, or University administrator may refer a Student or Student Organization suspected of violating the Code to the Office of Student Rights and Responsibilities or, if the Student or Student Organization is suspected of Sexual and/or Interpersonal Violence Misconduct, to the Title IX Office. If appropriate, reports to the Title IX Office will be referred to the Office of Student Rights and Responsibilities.

The referral to the Office of Student Rights and Responsibilities or the Title IX Office must include factual information supporting the allegation. A person making such a referral may be expected to appear before a

Hearing Panel and/or Conduct Officer. Referrals should be made as soon as possible after the alleged violation(s) occurred, preferably within 30 business days. Any person may report an alleged violation(s) of the Code online using the [Incident Report Form](#).

Based on such a referral, the Office of Student Rights and Responsibilities will determine whether a Formal Charge(s) shall be pursued and whether the Formal Charge(s) constitutes a Minor Violation or a Serious Violation, based on the Student's prior record or facts and circumstances related to the case. This determination should be made within ten (10) Days after the initiation of the referral; however, a reasonable extension of this time limit is permissible. No Respondent is permitted to withdraw from enrollment at the University after being charged with a serious violation until determinations on responsibility and sanction(s) (if applicable) are made.

In some instances, an Investigator may be assigned to investigate an alleged violation(s) of the Code. The Investigator will conduct interviews with the Respondent, the Complainant (if applicable) and any third-party witnesses, will collect and review any other information relevant to the report, and will submit a written report to the Director or designee summarizing his/her findings. If an investigation is anticipated to last for an extended period of time, the Director or designee, in his/her discretion, may file a Formal Charge(s) following a preliminary investigation that can be modified at the conclusion of the investigation.

In instances when a student is suspected of sexual and interpersonal misconduct, the investigation shall be in accordance with the [Policy on Sexual and Gender- Based Harassment, Sex Discrimination, and Other Forms of Interpersonal Violence](#).

2. If the Office of Student Rights and Responsibilities determines that a Formal Charge(s) shall be pursued, they will deliver a written notice of referral to the Respondent. The notice of referral will include the following:
  - a. notice of the Formal Charge(s);
  - b. information regarding next steps in the Conduct Procedures (e.g., a request that the Respondent participate with the Director or designee in a meeting to discuss details related to the alleged violation(s), or a referral to an investigation);
  - c. if a Serious Violation, notice that possible sanctions include Suspension or Expulsion;
  - d. if a Serious Violation, notice that the Respondent's University account and official academic transcript will be placed on hold until determinations on responsibility and sanction(s) (if applicable) are made;
  - e. a statement indicating that the Respondent has the right to be represented, at his/her expense, by an Attorney or Non-Attorney Advocate during the Conduct Procedures, **except** when the violation is an allegation of academic dishonesty, as governed by the [Academic Integrity Policy](#).

## Section 7: Amnesty Protocol

The Amnesty Protocol ensures that a student's safety and health comes first in cases of underage possession and/or consumption of alcohol. The Offices of Student Rights and Responsibilities and Housing and Residence Life will not pursue conduct action if: (1) the intoxicated or other student(s) involved reports the incident, (2) the intoxicated or other student(s) involved is actively seeking medical and/or health assistance from a university official or medical provider, or (3) the intoxicated student is the victim of a sexual assault or other violent crime after consuming alcohol.

Medical amnesty represents a policy choice to withhold disciplinary action for students when they seek emergency medical treatment due to the consumption of alcohol or in situations where the student may have experienced some form of sexual or interpersonal violence, or otherwise have been the victim of a crime.

The purpose of affording amnesty is to remove barriers to seeking needed treatment or making a report to law enforcement or University officials for fear of being subject to disciplinary action for an alcohol violation.

This Protocol does not exempt students from being charged criminally by any law enforcement agency.

**If you seek help on behalf of a drug overdose victim, you and the victim will be exempt from certain criminal drug charges.** Charges include 1. Misdemeanor drug possession (e.g., marijuana); 2. Felony possession of less than one gram of heroin or one gram of cocaine; 3. Possession of drug paraphernalia.

In other words, you can call 911 or seek medical attention if you think a friend has overdosed, and the police cannot arrest you or the victim for any of the above, even if the drugs are in plain sight. If larger quantities of drugs are present or evidence of drug manufacturing, distribution, and/or selling, the law does not offer protection against those charges.

**NOTE:** immunity from underage alcohol possession and drug possession charges does not apply if request for assistance was made during the “execution of an arrest warrant, search warrant, or other lawful search.”

**Here are some clarifying statements included in the amnesty law:**

- Do not prevent officers from seizing any contraband or other evidence.
- Do not prevent officers from initiating detentions, arrests, and charges for other offenses.
- Officers acting in good faith are extended immunity from civil liability.

UNCG students may not be covered under the Protocol if one of the following conditions is met:

- An intoxicated student and/or other students involved allegedly committed any other violation(s) of the student code of conduct (i.e., sexual assault, vandalism, etc.) during the incident in which they are seeking amnesty.
- An intoxicated student and/or other students involved have been previously found responsible for possession of alcohol and/or drugs.
- An intoxicated student and/or other students involved have already been covered by the Amnesty Protocol for a previous underage possession and/or consumption of alcohol charge while a student at UNCG.

The Office of Student Rights and Responsibilities will decide on a case by case basis if conduct action will be pursued for those seeking assistance for others on more than one occasion.

**Section 8: Fundamental Fairness Guarantees**

Students are guaranteed the following elements of fundamental fairness throughout the student conduct process:

1. In cases involving a hearing before a hearing panel or conduct officer:  
The responding party shall be afforded a fair and timely hearing to respond to the allegations;
  1. Both the responding party and the reporting party shall have the opportunity to challenge for cause the conduct officer, or panelists, or composition of any hearing panel;
  2. The responding party shall be informed of the accusations and the evidence;
  3. Both the responding party and the reporting party shall be afforded adequate time to prepare for the hearing;
  4. Both the responding party and the reporting party shall be able to offer relevant evidence and witnesses who can provide direct information; and to question witnesses present at the hearing;
  5. The responding party may be represented, at their own expense, by a licensed attorney or non-attorney advocate of their own choosing in non-academic misconduct matters in accordance with the Guidelines for Attorney/Non-Attorney Advocates (<https://osrr.uncg.edu/attorneynon-attorney-information/>). In cases involving an alleged act(s) of sexual misconduct and/or interpersonal violence, a reporting party may also be represented by a licensed attorney or non-attorney advocate of their own choosing. The attorney/non-attorney advocate may fully participate only to the extent and in the same manner afforded to the student(s) they represent. The attorney/non-attorney advocate may not provide testimony.
  6. The responding party shall have the opportunity to consult with a Student Conduct Advisor.
  7. The reporting party shall have the opportunity to consult with a Student Case Coordinator.
  8. The responding party shall receive in writing the outcome of the hearing. In cases involving sexual misconduct or interpersonal violence, both the responding party and the reporting party shall receive in writing the outcome of the hearing;
  9. The responding party may appeal the outcome of the hearing. In cases involving sexual misconduct or interpersonal violence, both the responding party and the reporting party may appeal the outcome of the hearing;
  10. Both the responding party and the reporting party shall be afforded confidentiality in the handling of the conduct process in accordance with applicable policy and law.

2. The following considerations apply equally to the reporting party and responding party:
  1. The University will not voluntarily release the reporting party's/responding party's name to the public or media except as required by law.
  2. Further, University staff will, upon request by the reporting party/responding party:
    1. discuss the situation in a confidential manner;
    2. treat the reporting party/responding party with courtesy, understanding, and professionalism; assist in privately contacting counseling, advising, and other available resources should the individual so choose;
    3. arrange that the reporting party/responding party have no contact in the form of a No Contact Order;
    4. continue to be available to answer questions, explain the systems and processes involved, and be a willing listener;
    5. provide assistance regarding University residential housing, including a request to change housing assignments or to leave University housing;
    6. assist with requests for academic relief or other exceptions to current academic regulations;
    7. in cases involving allegations of sexual misconduct or interpersonal violence, arrange at the discretion of the conduct officer, an alternative to giving a statement in a face-to-face setting; and
    8. arrange for the opportunity to make a statement concerning the impact of the incident in the sanctioning phase of the hearing.

### **Section 9: Enrollment**

A responding party who is not a student at the time of the conduct proceeding may be subject to a Hold on their records which prevents further registration at the University pending resolution of outstanding conduct allegations. The University may adjudicate the charges against the responding party regardless of whether the responding party is currently a student. In addition, the Hold can be extended to prevent release of transcripts and/or diplomas. The conduct records of students attempting to transfer to another institution are subject to disclosure to the transfer institution.

### **Section 10: Student Conduct Conference**

1. The responding party will be contacted in writing no fewer than five (5) business days via the student's UNCG email address regarding the scheduling of a Student Conduct Conference (SCC). The University has no further obligation to notify the responding party. The SCC provides the responding party with:
  1. Opportunity to discuss the allegations and provide information;
  2. Opportunity to review students' rights and responsibilities;
  3. Opportunity to accept or deny responsibility for formal charges.
2. A conduct officer will discuss with the responding party the facts of the allegations and other related information and will explain the procedures to be followed.
3. The responding party will be asked to select one of the following options in response to the charge:
  1. Plead "Not Responsible" to the charge(s) and have a hearing before a hearing panel or conduct officer where a determination of responsibility will be made through procedures described in the Conduct Hearings section. If the student is found "Responsible" by the conduct officer/hearing panel, appropriate sanctions will also be imposed.
  2. Plead "Responsible" to the charge(s) and waive a conduct officer or panel hearing on the question of responsibility. Appropriate sanctions will be imposed by the conduct officer/hearing panel.
  3. Enter a "Postponement of Plea" during the Student Conduct Conference which allows the student up to two business days (48 hours) to enter a plea.
4. A responding party who at any time fails to respond to notification regarding the conduct process or refuses to abide by the conduct procedures, forfeits the right to have a SCC and waives their right to a hearing. The hearing officer will conduct the SCC in absentia of the responding party and make a determination of responsibility based on the information available. The responding party will be notified by a certified letter via hand-delivered mail, US mail, or e-mail of a scheduled review with a hearing officer or hearing panel. At the review, the hearing officer or hearing panel will assign appropriate sanctions. This scheduled review hearing will proceed whether or not the responding party is present. Written notification of the decision and sanctions will be sent to appropriate University parties (including the reporting party when applicable) and to the responding party by email to the student's UNCG email address. The written notification shall include a description of the student's appeal rights, if any, and the deadline for exercising those rights.

## Section 11: Conduct Reviews

Following the SCC, the conduct officer will hold a conduct review of the allegations as follows:

1. Meet with the responding party to seek information relevant to the circumstances of the alleged offending conduct prior to assigning a sanction(s).
2. At the discretion of the conduct officer in cases where there is an admission of responsibility and the responding party or reporting party requests the opportunity to present new information concerning aggravating or mitigating factors in the case, a modified review may be conducted. In this review, parties will be permitted to offer relevant information, documents or other evidence, including character evidence prior to the sanction decision by the conduct officer.
3. In cases where the responding party requests an immediate decision on sanctions, the conduct officer may deem further review unnecessary and proceed with sanctioning.

## Section 12: Conduct Hearings

1. A responding party, who pleads "Not Responsible" to the charge(s) will be scheduled for a conduct hearing with either a conduct officer or with a hearing panel.
2. The responding party may request a hearing before a hearing panel and the conduct officer may, at his/her discretion, grant this request if, in his/her professional judgment, the complexity or seriousness of the allegations support this request. The request is normally granted if the sanctions of suspension or expulsion are likely.
3. After the SCC occurs, hearings are scheduled within a reasonable time, with written notice to the parties no fewer than five (5) business days, and in cases of potential suspension or expulsion no fewer ten (10) business days prior to the date of the hearing. At the discretion of the conduct officer, a one-time postponement for cause in the scheduled hearing date may be granted upon request of any party to the hearing action. This postponement for cause, when granted, in the absence of extraordinary circumstances, to be determined by the conduct officer.
4. Cases occurring during summer sessions for which a hearing is granted present special problems due to the brief term and the limited availability of hearing panelists. Such hearings shall be conducted, when necessary, through ad hoc hearing panels appointed by the Office of Student Rights and Responsibilities. Carryovers of hearings may also be utilized for students, other than students nearing graduation, when there is not sufficient time remaining in the regular academic year to arrange for the hearing process.
5. Hearings are closed to the public subject to applicable policy and law. In addition to the conduct officer and/or members of the hearing panel, only the following are normally allowed to attend: a support person for the responding party or the reporting party (a support person shall be a silent observer and may not have an active role in the hearing); attorney/non-attorney advocate; the responding party; the Student Conduct Advisor of the responding party, if engaged; the Student Case Coordinator who advises the reporting party; witnesses or persons who have been asked to provide a statement by either the responding party or reporting party. In hearings involving allegations against student groups/organizations, the president or chief officer of the charged group/organization will be expected to participate in the hearing on behalf of the group/organization. The conduct officer or hearing panel may also recommend charges be brought against individual members of the group/organization as a result of information obtained in the course of the hearing.
6. Witnesses or persons asked to provide a statement and the reporting party shall be present only for the portion of the hearing that involves their statement and questions arising from that statement. In keeping with federal law, reporting party's of violence, whose status is determined by the conduct officer, may be present for the duration of the hearing and provided the results of the hearing. The conduct officer will preside over the hearing. Admission of any additional persons to the hearing shall be at the sole discretion of the conduct officer.
7. Hearings, whether held before a conduct officer or hearing panel, are unlike courts. These conduct processes engage in a full discussion of charges and circumstances. Rules of evidence, procedures, and involvement of attorneys differ from proceedings before criminal or civil authorities as follows:
  - A. The conduct officer has sole discretion to decide what evidence and witnesses are allowed. Evidence will be allowed if, in the judgment of the conduct officer, it bears on the facts of the case.
  - B. Evidence relevant to both the issue of responsibility and appropriate sanctions is normally allowed.
  - C. Written statements by witnesses or others having knowledge of the allegations may be allowed in the absence of a personal appearance at the hearing by the author of the statement. Such signed statement must be delivered in person to the Office of Student Rights and Responsibilities by the author accompanied with matching picture identification. If the author is unable to deliver the statement in person to the Office of Student Rights and Responsibilities, the statement must be notarized. Statements by a sworn law enforcement officer or professional or student employee of



the University do not have to be notarized. Such statements may be considered by the hearing panel/conduct officer on the basis of their content and relevance.

- D. The testimony of a witness will be heard if the conduct officer deems that it is offered in good faith, bears upon the facts of the case, and is not merely cumulative, i.e. does not simply repeat prior statements. The testimony of two (2) character witnesses may be heard, but only for decisions of sanctions and cannot be used to draw conclusions about the responsibility of the responding party for the charge(s). Character witnesses are permitted to testify only if a finding of responsibility occurs.
- E. Information that is not from a firsthand source may be considered in the course of a hearing under certain conditions; the legal rules of hearsay evidence do not apply. The conduct officer will rule on whether such information is appropriate and may be admitted in the hearing.
- F. In some cases, the conduct officer may issue a notice to appear as indicated below. Such internal notices are not issued unless the expected statements would be clearly relevant, and will not be issued with the intent to embarrass or harass a potential witness.
  - 1. All University students are expected to comply with notices to appear. University students who, absent good cause, fail to respond to such notices are in violation of this Code. Third parties not subject to the Code who may be requested to appear in a Conduct Hearing are expected to make every effort to assist the conduct process. The unavailability of such third parties to a hearing procedure will be treated as set forth below.
  - 2. If the conduct officer determines that a fair hearing cannot be held without the testimony of a particular witness, and if after good faith attempts are made, the witness either fails to or refuses to appear, the hearing may be postponed until the witness agrees to appear or provide a written statement; or the charges may be dismissed, at the sole discretion of the conduct officer.
- G. In an effort to ensure that conduct hearings provide equal opportunity to the responding party and the reporting party and so that the University will be prepared for the hearing, the following procedures apply:
  - 1. The parties must submit to the conduct officer a written list of the names of all witnesses they intend to present at the hearing and the expected subject matter of the witnesses' statements no later than noon (12:00 p.m.) three (3) business days prior to the hearing date for approval by the conduct officer.
  - 2. The parties must submit to the conduct officer a written list of the written evidence they intend to present at the hearing no later than noon (12:00 p.m.) three (3) business days prior to the hearing date for approval by the conduct officer. The parties shall at the same time deliver one copy of all written evidence identified in their list.
  - 3. The parties may contact the Office of Student Rights and Responsibilities after noon (12:00 p.m.) two (2) business days prior to the hearing to review the opposing party's witness list, and to review all written evidence, as applicable.
  - 4. If, at the time of the hearing, either the reporting party/Student Case Coordinator or the responding party/Student Conduct Advisor calls a witness or presents written evidence that was not previously identified, either party may challenge the admissibility of the witness testimony or written evidence. Such challenges will be reviewed by the conduct officer and affirmed or denied in their sole discretion.
- H. The following procedures apply to conduct hearings:
  - 1. The conduct officer will facilitate introductions of those present and will explain the hearing procedures to the parties.
  - 2. The responding party and the reporting party will be given the opportunity to challenge a hearing panelist or conduct officer on the grounds of conflict with, bias about, or interest in, the case. It is at the conduct officer's discretion to support or refuse the challenge, unless the conduct officer is the subject of the challenge, in which case an official within the Dean of Students Office or designee shall be brought in to hear the challenge and make the final determination. If a challenge is granted and a hearing panelist or conduct officer is disqualified then the hearing may be postponed as necessary in the discretion of the conduct officer/Dean of Students Office or designee.
  - 3. The conduct officer will state the charge(s) against the responding party.
  - 4. The reporting party or Student Case Coordinator will be provided the opportunity to make an opening statement. This opening statement is limited to no more than five (5) minutes.
  - 5. The responding party or Student Conduct Advisor will be provided the opportunity to make an opening statement. This opening statement is limited to no more than five (5) minutes.
  - 6. The reporting party/Student Case Coordinator will present evidence in support of the charge(s) and may also present written evidence and witnesses.

7. The hearing panel/Conduct Officer will be provided access to copies of all written evidence submitted by the Student Case Coordinator.
  8. The hearing panel/Conduct Officer may directly question the reporting party/Student Case Coordinator and witnesses. The responding party/Student Conduct Advisor has the right to question the reporting party/Student Case Coordinator and the witnesses who appear. However, in cases involving allegations of sexual misconduct (rape, sexual assault, and sexual harassment, etc.) or interpersonal violence (dating violence, domestic violence, and stalking, etc.), the reporting party and the responding party may not directly question one another. All questions, including those directed to any witnesses, must be asked through the Case Coordinator for the reporting party and through the Student Conduct Advisor for the responding party. The reporting party may be visually screened during questioning.
  9. The responding party may respond to the charge(s) and may present evidence in the form of written evidence or testimony of the responding party or other witnesses.
  10. The hearing panel/Conduct Officer will be provided access to copies of all written evidence submitted by the responding party.
  11. The hearing panel/Conduct Officer may then question the witnesses presented by the responding party and may also question the responding party. The reporting party/Student Case Coordinator may then question the witnesses, including the responding party/Student Conduct Advisor.
  12. The reporting party or Student Case Coordinator will be provided the opportunity to make a closing statement. This closing statement is limited to no more than five (5) minutes.
  13. The responding party or Student Conduct Advisor will be provided the opportunity to make a closing statement. This closing statement is limited to no more than five (5) minutes.
  14. The conduct officer will conclude the evidentiary portion of the hearing and begin deliberations.
  15. During conduct hearings, deliberations about responsibility of the responding party are conducted by the hearing panel/conduct officer in a closed session. Other parties are excused from the hearing room during this time. Once begun, the deliberations normally will continue until a decision as to responsibility has been reached. Recesses will be granted at the sole discretion of the conduct officer.
  16. The University will be responsible for preparing a transcript or other verbatim recording of all hearings conducted by hearing panels, but not conduct officers. The transcript or recording shall not include the deliberations of the hearing panel.
- I. All issues before hearing panels/conduct officers must be decided according to the preponderance of evidence standard (whether it is "more likely than not"). In finding responsibility of the responding party under this standard of proof, the hearing panel/conduct officer must be convinced, based solely upon the information presented in the course of the hearing, that the conduct alleged is more likely than not to have occurred.
  - J. Except in those cases where the responding party has already plead "Responsible" as charged, hearing panels shall decide whether the responding party is "Responsible" or "Not Responsible" by simple majority vote of the panelists present. In the case of hearings before a conduct officer, the decision of the officer will determine whether the responding party is found "Responsible" or "Not Responsible" for the violation.
  - K. The hearing will reconvene and the parties will be advised of the decision on responsibility.
  - L. In the event of a finding of "Responsible", recommendations for sanctions shall then be heard from the Student Case Coordinator, the responding party/Student Conduct Advisor, and up to two (2) character witnesses. The conduct officer may introduce past student conduct records and/or precedent cases. Deliberations about sanctions are then conducted by the hearing panel/conduct officer in a closed session. Other parties are excused from the hearing room during this time.
  - M. In assigning appropriate sanctions, the hearing panel/conduct officer may consider relevant precedents and the conduct history of the responding party. Consideration may also be given to aggravating or mitigating circumstances including but not limited to:
    1. intent to act in the manner described, regardless of motive;
    2. intent to violate the policy or regulation described;
    3. prior experience, age, and understanding;
    4. prior violations or related behavior;
    5. other personal circumstances that might have affected the responding party student at the time of the violation; and
    6. how the conduct violation impacted or potentially impacted or still has the potential to impact others.

- N. Repeated violations of the Code may result in the imposition of progressively more severe sanctions, although any sanction may be imposed as appropriate under the circumstances.
- O. If an appeal follows a student conduct review or hearing, all sanctions resulting from the review or hearing may be held in abeyance pending the outcome of the appeal at the sole discretion of the conduct officer.
- P. The hearing will reconvene and the parties advised of the decision concerning sanctions.

At the conclusion of the conduct process, the conduct officer will provide verbal and written notification of the decision and sanctions to the responding party and, if applicable the reporting party in cases involving sexual misconduct or interpersonal violence. The written notification shall include a description of the appeal rights, if any. In all cases, written notification of the decision and sanctions will be sent to the student's UNCG email account.

### **Section 13: Office of Student Rights and Responsibilities-Level Hearings**

- 1. A representative from the Office of Student Rights and Responsibilities designated by the Vice Chancellor for Student Affairs will serve as the conduct officer.
- 2. All cases that may result in expulsion or suspension from the University shall be referred to the Office of Student Rights and Responsibilities.
- 3. In cases referred to hearing panels, the Office of Student Rights and Responsibilities will assemble a hearing panel which will normally consist of six trained persons: three (3) students, and three (3) members of the faculty/staff. In no case shall a panel consist of less than four (4) nor more than six (6) members with students and faculty/staff equally represented.
- 4. In cases of sexual misconduct or interpersonal violence a panel will consist of ONLY faculty and staff.

### **Section 14: Adjudication in the Office of Housing and Residence Life and of Student Groups/Organizations**

The Office of Housing and Residence Life has designated conduct officers who may hear cases which will not result in separation or interim suspension from the University. Reviews of allegations in which the responding party pleads Responsible may be conducted in accordance with procedures described in this Code.

- 1. Office of Housing and Residence Life
  - 1. Violations of the student Housing Contract constitute violations of the Code and shall be processed as regular violations under the Code. The Director of Housing and Residence Life shall designate a staff member to serve as the conduct officer in such cases.
  - 2. Other minor offenses of this Code occurring in the residence halls will be subject to reviews by the Office of Housing and Residence Life and be resolved under policies as stated by each residential area.
  - 3. The Office of Housing and Residence Life has discretion to refer adjudication of any alleged violation to the Office of Student Rights and Responsibilities.
- 2. Student Groups/Organizations
  - 1. The Office of Student Rights and Responsibilities adjudicates all cases involving alleged violations by student groups/organizations of departmental and University policies and regulations following the processes as outlined in this Code.

### **Section 15: Sanctions**

The primary purpose of sanctions in the University setting is to provide incentive and opportunity for education and reflection of the student as well as due consideration of the needs of the larger University community. Sanctions define a student or student organization's disciplinary standing with the University following a finding of "Responsible" for a violation.

Compelling factors that affect the severity of the sanction(s) may include, but are not limited to, the present demeanor and past conduct record of the student; the nature of the incident; the severity of any damage, injury, or harm resulting from the incident; and whether the incident was motivated by bias based upon a person's actual or perceived race, color, religion, age, national origin, ethnicity, gender, gender identity or expression, sexual orientation, disability, or veteran status.

Any one of the following sanctions or their combinations, or others, as appropriate, may be imposed at the discretion of the conduct officer/hearing panel:

1. **Disciplinary Expulsion:** Permanently separates the student from the University, unless at a later date the Chancellor concludes on the basis of the former student's petition and any supportive documentation that he or she should be approved for reinstatement at UNC Greensboro. In addition, the student may not attend any of the other University of North Carolina institutions. The former student shall be banned from all University premises and University-sponsored activities and is subject to arrest for trespassing if found on any University premises or at a University-sponsored activity. The sanction of expulsion comes to the Vice Chancellor for Student Affairs or designee as a recommendation that is not effective until approved. The student's name will be included in the UNC System database for suspended/expelled students.
2. **Disciplinary Suspension:** Separates the student from the University for a finite period, the terminal date of which coincides with the official ending of an academic semester or summer session. While suspended, the student shall not participate in any University-sponsored activity and will be trespassed from University premises, unless the student is granted permission by the Office of Student Rights and Responsibilities. Suspension may carry conditions that must be satisfied prior to future re-admission to the University and/or probationary conditions following re-enrollment. Students should contact the Office of Admissions to determine the re-enrollment process after the suspension period is complete. The student's name will be included in the UNC System database for suspended/expelled students.
3. **Deferred Disciplinary Suspension:** Issued either for violations serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. A student on deferred disciplinary suspension cannot represent the university as an official delegate or representative, hold an office (elected or appointed) in university groups of any kind, or participate in university-sponsored travel or study abroad programs. Any further proven violations or failure to complete any assigned educational sanctions by the deadline(s) will result in suspension for the defined term of the Deferred Disciplinary Suspension in addition to the education sanctions imposed for the subsequent violation.
4. **Disciplinary Probation:** Permits continuation as a student at the University, but the student may be required to satisfy specified conditions or requirements and may be barred from holding any office or participating in any activity in which the student represents the University or University-recognized student organizations either within or outside the University community. The sanction of probation prohibits graduation until the period of probation has ended and the student has complied with all requirements as established by the Office of Student Rights and Responsibilities. Any further proven violations by the student under probation will likely result in the student's suspension or expulsion from the University.
5. **Disciplinary Warning:** The warning period provides a time for the student to reflect upon the violation and to consider the responsibilities of a University citizen. A warning gives notice that any subsequent violation of the Code may result in more serious consequences because of the warning.
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 or for an indefinite period of time. Students subject to housing removal may be trespassed from entering all University housing.
7. **Administrative Room Change:** A relocation to a different room within University Housing.
8. **Restriction of Privileges:** Limiting or removing privileges students receive while attending UNC Greensboro including, but not limited to: attendance at events, use of library, use of computer facilities, use of UNCG bookstore, parking, driving on campus, computer network access, participation in organized student or University groups or activities.
9. **Parental Notification:** Consistent with federal law, parents or legal guardians of dependent students under the age of 21 may be advised by the Office of Student Rights and Responsibilities of such misconduct involving alcohol or drugs when it results in a sanction of probation or separation from the University. This notification may occur once the appeal process is complete and the sanctions are final.

10. **Additional Sanctions:** The following educational sanctions may be given in addition to those listed above:
- a) restitution for loss, damage, or actual expenses incurred as a result of the student's behavior;
  - b) community service hours with a non-profit agency;
  - c) reflection opportunities like, papers, research projects, informational interviews;
  - d) drug testing at the student's expense;
  - e) SMART Planning;
  - f) No Contact Orders restricting contact with, or proximity to, other specified members of the University community;
  - g) Trespass Orders for a definite or indefinite period of time prohibiting the student from being in or around specific areas of campus;
  - h) counseling assessment, substance abuse assessment, anger management assessment, behavioral or educational programs or classes;
  - i) cancellation of pre-registration, a Hold being placed on the student's record, and/or preventing the awarding of a degree;
  - j) any other sanction deemed appropriate by a conduct officer or hearing panel.

### **Sanctions for Student Groups/Organizations**

11. **Disciplinary Expulsion:** Separates the student group/organization with the University. Expulsion therefore is reserved for the most severe violations where the group/organization's conduct has shown them to be unfit to continue or ever return as a member of the University Community and/or where their presence likelier than not constitutes a continuing danger to the physical safety or well-being of members of the University Community and/or property, which danger cannot be adequately mitigated through lesser sanctions such as suspension. The sanction of expulsion comes to the Associate Vice Chancellor for Student Affairs as a recommendation that is not effective until approved.
12. **Disciplinary Suspension:** Separates the student group/organization with the University for a finite period, the terminal date of which coincides with the official ending of an academic semester or summer session. Suspension is imposed when other sanctions are deemed ineffective to deal with the severity of the conduct committed and/or in cases of aggravated or repeated violations of the Code. Suspension is appropriate where the group/organization's conduct has shown them to be unfit to continue as a member of the University Community for a set period of time and/or where it is believed that the group/organization will be fit to return if certain conditions are satisfied. Student groups/organizations should contact the Office of Campus Activities and Programs to determine the re-affiliation process after the suspension period is complete. Suspension for groups/organizations carries the immediate revocation or restriction of University Affiliation. In cases involving student groups/organizations that have been suspended, the group/organization will be placed on social probation for a minimum of one (1) year following the end of the suspension period.
13. **University Affiliation Revocation:** The removal of University affiliation until such time, if ever, that the group/organization is able, in the discretion of the University, to meet stated conditions for reconsideration of affiliation. Affiliation revocation may be imposed upon any group, club, society, or organization. It is appropriate where the group/organization's conduct has shown it to be unfit to continue as a member of the University Community for a set period of time and/or where it is believed that the group/organization will be fit to return if certain conditions are satisfied. This action carries a recommendation to any National/International Headquarters for charter revocation.
14. **Restriction of University Affiliation:** The temporary restriction of University Affiliation. Typically, the minimum time period for restrictions will be no less than one (1) full academic semester. While under restriction the group may continue, but it may not seek or add members, it may not hold or sponsor events in the University community, and it may not enjoy any of the privileges removed as a result of the Social Probation described below.
15. **Social Probation:** Imposed for a specific period of time but for not less than four (4) weeks of a regular academic semester. This action prohibits the group/organization from sponsoring or participating in any organized social activity, party, or function, including philanthropy events.

16. **Social Warning:** An official reprimand. Any subsequent violation of the same nature by the group/organization within a period of two (2) years may result in suspension as a minimum penalty.
17. **Other:** In addition to the above, any one or combination of the following may be concurrently imposed by a conduct officer or hearing panel provided the time period not exceed the term of the major sanction:
  - a) Exclusion from intramural competition
  - b) Restitution
  - c) Denial of use of University facilities for meetings, etc.
  - d) Recruitment Probation
  - e) Task Assignment/Community Service

## Section 16: Assessment or Evaluation Referrals

In cases where a hearing panel or conduct officer believes additional information is needed prior to decision or sanction, the responding party may be referred for assessment or evaluation by internal or external agencies for psychological or substance abuse concerns. In such cases, the hearing shall be deferred until such time as the requested assessment, evaluation and/or treatment is completed.

### 1. Psychological Evaluation/Counseling

Requests for psychological evaluation may be made by a conduct officer or hearing panel through the conduct officer if, in their judgment, the behavior of the responding party, as shown by a preponderance of the evidence, is unexplained or appears beyond the actions of a reasonable person informed of policies of the University, or if the behavior of the responding party suggests a threat to the University community. Such consultation or evaluation is undertaken with the following conditions:

1. Conduct action may involve prior consultation between the staff of the Counseling Center and the conduct officer concerning questions related to student conduct so long as such consultations are held in keeping with confidentiality protections of the student if the student is a client of the Counseling Center.
2. Students presenting such behavior may be referred for assessment or other intervention in consultation with the Director or designee of the Counseling Center.
3. Following adjudication and the imposition of sanctions, students suspended from the University as a result of such sanctions may be required by the conduct officer to submit evidence of psychological evaluation and recommendation as to their readiness to re-enroll at the University under existing conduct and academic conditions. Such evaluation shall be at the expense of the student and through agencies external to the University, subject to the approval of the conduct officer. The University retains the right to have a separate evaluation conducted at the University's expense if the University desires a second opinion or has any concern about the documentation provided by an external entity.
4. All primary documents related to psychological evaluation will be retained by the evaluative agency and, as such, do not become part of the student's educational record under FERPA.
5. Responsibility for violations of the Code is based on inappropriate behavior and will not be excused based upon any potential cause of such behavior including, but not limited to, the diagnosis of behavioral or psychological disabilities. However, such a diagnosis may be considered as a mitigating factor for purposes of the imposition of sanctions.
6. A student suffering from a mental disorder who is the responding party of a Code violation may or may not be diverted from the disciplinary process unless, as a result of the mental disorder, the student lacks the capacity to respond to the charges. In such case, the student will be subject to the Student Involuntary Medical Withdrawal Policy. (<http://sa.uncg.edu/handbook/policies/>)

### 2. Substance Abuse Assessment/Treatment

Students found "Responsible" for any first or subsequent alcohol or other substance related violation which suggests a history of substance abuse or related behavioral problems with potential harm to others may, at the discretion of the hearing panel/conduct officer, be placed, at minimum, on disciplinary warning and be referred to an appropriate agency for an alcohol or other substance abuse screening, at the expense of the student, as follows:

1. A student appearing before either a conduct officer or hearing panel who exhibits a possibility or history of substance abuse or behavioral problems may be referred to the Nicholas A. Vacc Counseling and Consulting Clinic or a licensed agency or therapist that is acceptable to the University for an assessment. The student shall be required to:
  1. complete a consent to share information from the office of the appropriate conduct officer;

2. contact the Nicholas A. Vacc Counseling and Consulting Clinic to schedule an appointment;
  3. provide a written consent to the Nicholas A. Vacc Counseling and Consulting Clinic for the purpose of providing information concerning this screening to the conduct officer, and;
  4. complete the screening process with the Nicholas A. Vacc Counseling and Consulting Clinic in a timely manner as directed.
2. A summary of treatment recommendations, based upon this evaluation, will be provided by the Nicholas A. Vacc Counseling and Consulting Clinic to the appropriate conduct officer, noting any recommendation for further evaluation or treatment.
  3. The hearing panel/conduct officer shall consider the findings of the hearing, past conduct record, and recommendation of the Nicholas A. Vacc Counseling and Consulting Clinic in deciding on sanctions appropriate to the behavior.
  4. Treatment of a diagnosed substance problem may constitute grounds for deferral of some conduct sanctions, pending successful resolution of the problem. Where further alcohol or other substance related assessment or treatment is indicated, the first referral shall be identified in consultation with the Nicholas A. Vacc Counseling and Consulting Clinic, a professional in the Counseling Center, or a physician in the Student Health Services for further assessment or long-term intervention. Other professional resources may be utilized at the discretion of the hearing panel/conduct officer and with appropriate information and consultation with other members of the University community. Costs of treatment programs are the responsibility of the student.
  5. All records concerning conduct actions under this procedure shall be maintained in the Dean of Students Office and the Office of Student Rights and Responsibilities. All student records shall be protected in accordance with the University's FERPA Policy located at <http://www.uncg.edu/reg/Policy/Ferpa/>.

## Section 17: Appeals

1. Each student who has received a disciplinary sanction shall be notified in writing of their appeal rights. This notice must be given no later than the date the written decision is delivered, whether emailed or by hand. Only the student who has been found responsible for a violation under the Code may appeal, except as allowed in cases involving relationship violence, sexual misconduct, or stalking, where the reporting party also has the right to file an appeal.
2. Any disciplinary decision resulting in sanctions less than suspension, except where the responding party has waived their right to appeal, may be appealed to the Associate Vice Chancellor for Student Affairs/Dean of Students or designee whose decision is final, and no further appeal of the decision is permitted.
3. Any disciplinary decision resulting in suspension, except where the responding party has waived his or her right to appeal, may be appealed to the Associate Vice Chancellor for Student Affairs/Dean of Students or designee, whose decision is final, and no further appeal of the decision is permitted.
4. Expulsion decisions may be appealed to the Chancellor or designee, whose decision is final, and no further appeal of the decision is permitted.
5. Under the appeal rights set by the UNC Policy Manual and applicable at the University of North Carolina at Greensboro, an appeal of a disciplinary decision is limited to allegations that the decision violates due process rights or there has been a material deviation from the Minimum Substantive and Procedural Standards for Student Disciplinary Procedures, Section 700.4.1. of the UNC Policy Manual. Therefore, the appeal must allege a violation of
  1. Procedural Standards; and/or
  2. Substantive Standards.
6. On appeal, a responding party has the burden of showing that the disciplinary decision violates Procedural and/or Substantive Standards.
  1. Violation of Procedural Standards means that the responding party was not provided the required notice or an opportunity for a fair hearing due to specified procedural errors, or errors in interpretation of University policies or regulations, that were so substantial as to effectively deny the responding party a fair hearing. Reasonable deviations from the procedures set out in this regulation will not invalidate a decision or proceeding unless the responding party can show that, but for the deviation or error, there likely would have been a different outcome in the case.

2. Violation of Substantive Standards means there is a lack of information in the record that could support the decision or sanction(s). This last ground for appeal does not mean the information presented at the hearing can be re-argued on appeal; rather, it requires a showing that no reasonable person could have determined the responding party was responsible or could have imposed the sanction that was issued.
7. In all cases resulting in an appeal, the decision, the complete record of the proceeding (including documentary evidence and any recording or transcript of testimony), the appeal materials filed by the student, and any other relevant information, will be compiled by the Office of Student Rights and Responsibilities and delivered to the person designated to review the appeal.
8. Written notice of appeal must be submitted by the responding party or the reporting party (when applicable) to the Office of Student Rights and Responsibilities within three (3) business days of the date of written notification of the decision of the hearing panel or the conduct officer provided at the time of the decision. Failure to submit the appeal within this time limit will render the original decision final and conclusive. Appeals that fail to cite one or more criteria as listed in Section 18.5., or to allege facts supporting at least one of the above criteria, shall be dismissed without further action. When a student group/organization makes an appeal, that group's/organization's president or chief officer will be required to submit the notice of appeal.
9. The appeal must be submitted via the [online Notice of Appeal Form](#) available from the Office of Student Rights and Responsibilities.
10. The imposition of sanctions will go into effect immediately, but may be deferred during the pendency of appellate proceedings, at the discretion of the person(s) reviewing the appeal, upon written request of the responding party. Where sanctions are deferred during the pendency of the appellate proceedings and the student's appeal is ultimately unsuccessful, students may fail to receive grades or credit for courses or assignments already completed while awaiting a decision, or, in cases resulting in the sanction of suspension or expulsion, cause a student to pay back previously received financial aid for the semester completed.
11. Appeals will be decided on the record of the original proceedings. New hearings will not be conducted on appeal.
12. Following their review, the official reviewing the appeal may:
  1. Uphold the original decision;
  2. Overturn the original decision;
  3. Modify the sanction (s); or
  4. Remand for a new hearing. (In all remanded cases, the conduct officer may elect to dismiss the case rather than re-hear it).
13. A student group/organization aggrieved by a decision covered by this section of the Code may appeal to the Vice Chancellor for Student Affairs or designee by giving written notice within three (3) business days after the decision of the hearing panel/conduct officer is announced. The decision of the Vice Chancellor for Student Affairs or designee shall be final, and conclusive, and the sanction(s) will be imposed as directed if previously held in abeyance.

## **Section 18: Interim Measures**

### **1. Interim Suspensions**

If a student's or organization's actions/behavior pose a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal UNCG functions, a student or student organization may be placed on interim suspension. Pending resolution of the incident, the student or organization may be denied access to the UNCG campus, UNCG campus facilities and/or all other UNCG activities or privileges for which the student or organization might otherwise be eligible, as UNCG determines appropriate. When interim suspension is imposed, UNCG will make reasonable efforts to complete the investigation and resolution within an expedited time frame. A student or organization placed on Interim Suspension who wishes to return to the UNCG campus may appeal the Interim Suspension by contacting the Vice Chancellor for Student Affairs or designee in writing within two (2)



business days, detailing the basis for the appeal. Unless under unusual circumstances, the decision from the Vice Chancellor or designee will be communicated to the student or organization within three (3) business days from receipt of the written appeal. The purpose of reviewing the written appeal is to determine the following:

1. The reliability of the information concerning the student's or organization's conduct, including the matter of the student's or organization's identity.
2. Whether or not the student's or organization's conduct and surrounding circumstances reasonably indicate any or all of the following:
  1. engages, or threatens to engage, in behavior(s) which poses a danger of causing harm to others;
  2. exhibits behavior(s) that renders the student or organization unable to effectively function in residence areas and/or the University;
  3. exhibits disruptive behavior(s) that significantly interferes with the educational pursuits and/or living environment of others.

Following the review of the Interim Suspension appeal, the Office of Student Rights and Responsibilities or designee shall notify the student or organization, within three (3) business days, whether the Interim Suspension has been lifted, or will continue pending the outcome of a disciplinary proceeding. If it is alleged that a Student Code of Conduct violation has occurred, the student or organization will receive a written notice of the charge(s) from the Office of Student Rights and Responsibilities outlining the allegations and noting the date and time of the scheduled disciplinary proceeding. The disciplinary proceeding will comply with the procedures outlined in this Student Code of Conduct.

An Interim Suspension, in and of itself, does not become part of a student's or organization's permanent disciplinary record.

Depending on the circumstances, an Interim Suspension may lead to the issuance of an Involuntary Medical Withdrawal for those students who are determined by the Vice Chancellor for Student Affairs or designee, in consultation with the Counseling Center staff and/or the Behavioral Assessment Team, to require medical or psychological evaluation or intervention prior to returning to the University (see [Involuntary Medical Withdrawal Policy](#)).

## 2. **Student Groups/Organizations**

Interim suspension mandates the immediate cessation of all organization activity including recruitment, meetings, social gatherings, programs, etc. This decision will be communicated to the President of the organization by the Office of Student Rights and Responsibilities. The President of the organization may appeal the interim suspension by following the procedures outlined above.

## 3. **Interim Removal from University Residence Halls**

In the event of serious allegations, a student may be removed from University Housing immediately, pending the outcome of the conduct process. Such removal will be imposed when, in the opinion of the Director of Housing and Residence Life or designee, the allegations against the student constitute such serious violations of the Code as to create a danger to the larger residential community. The conduct process will follow this interim removal as soon as practical. The student will be notified in writing by the Director of Housing and Residence Life or designated University Official of the interim removal from housing and the opportunity to appeal within a specified time period. The time period for such appeal will be no more than twenty-four (24) hours. A student wishing to oppose such removal will provide a written response or request a personal interview within the specified time to the Director of Housing and Residence Life. If the Director upholds the interim removal, the student may appeal the decision to the Vice Chancellor for Student Affairs or designee by following the procedures outlined above.

## **Section 19: Confidentiality and Records**

1. Pursuant to the Family Educational Rights and Privacy Act (FERPA), conduct proceedings will be closed in order to protect education records and information from such records. Conduct proceedings are considered to be confidential and, therefore, are not to be divulged outside the hearing, subject to applicable policy and law. Violation of the confidentiality of a hearing is a violation of this Code.
2. Records generated by the hearing procedure are maintained in the Dean of Students Office and the Office of Student Rights and Responsibilities. These are considered part of the student's educational record under FERPA. These records are accessible only to the student and others as provided by that Act and University

policy. These records are also used to follow progress of students under assigned sanctions, including warning, probation, or for assessment/evaluation requirements. Such records are created and purged according to the Student Records Policy (FERPA at <http://sa.uncg.edu/handbook/policies/>). Information about expulsion and Academic Integrity violations designated as permanent record are maintained permanently in the student's conduct record.

3. Students who wish to contest information contained in the record, including a request for removal of information from the record, must address such requests in writing to the Vice Chancellor for Student Affairs or designee, who shall review the request and notify the student of any actions related to the contention or request pursuant to FERPA and University policy.
4. All transcripts or recordings of each panel hearings shall be preserved in accordance with the University's Record Retention Policy ([http://policy.uncg.edu/electronic\\_records/](http://policy.uncg.edu/electronic_records/)). Following this period, the transcript or recording shall be destroyed. The transcript or electronic recording and any written record pertaining to the hearing process shall remain the property of the University and may be reviewed by the parties, by appointment. Reasonable conditions for this review will be established by the Office of Student Rights and Responsibilities or designee.

## Section 20: Definitions

1. **Affirm** means to approve and uphold the determination or recommendation of a lower level decision-maker.
2. **Administrative Hearing Panels** consists of no less than four (4) nor more than six (6) faculty and staff trained to adjudicate cases of sexual misconduct or interpersonal violence cases.
3. **Case Coordinator** refers to a student representative of the Office of Student Rights and Responsibilities who advises the reporting party of the conduct process and will assist in the preparation and presentation of information to the conduct officer or hearing panel.
4. **Chancellor** is the Chancellor of the University of North Carolina at Greensboro. The Chancellor may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Chancellor include any such designee.
5. **Code** is the UNCG Student Conduct Code of Conduct, unless specifically stated otherwise.
6. **Consumption** is the ingesting of substances orally or by injection or inhalant devices.
7. **Conduct Officer** refers to an appointed University Official with the authority to adjudicate Student Conduct Conferences or to send cases to a Hearing Panel for resolution.
8. **Dean of Students** refers to the Associate Vice Chancellor for Student Affairs and Dean of Students. The Dean of Students may delegate the authority to perform any of the duties assigned to that official in this Code. All references to the Dean of Students include any such designee.
9. **Director** refers to the Assistant Dean of Students and Director of the Office of Student Rights and Responsibilities unless otherwise specified.
10. **FERPA** is the Family Educational Rights and Privacy Act of 1974.
11. **Hearing** means the resolution method involving a Hearing Panel, Administrative Hearing Panel, or Conduct Hearing Officer.
12. **Hearing Panels** refers three (3) students, and three (3) members of the faculty/staff.
13. **Good Conduct Standing** refers to a student or organization in Good Conduct Standing with the University and is regarded as having no prior conduct violations imposed or has complied with all required educational sanctions and is no longer on warning, probation, suspension, or expulsion.
14. **Minor Violation** means a case in which, based on the student's prior record or facts and circumstances related to the case, the possible sanctions are other than Suspension or Expulsion.
15. **No Contact Order** refers to an order issued by an authorized University Official to any student(s) of the University community if, in their professional judgment, a member of the University feels threatened or unsafe in that individual's presence. A No Contact Order includes the prohibition of direct or indirect contact with an individual. This includes, but is not limited to, phone calls, text messages, voice mails, e-mails, letters, instant messaging, social media including but not limited to: "Facebook, Twitter, Instagram," verbal conversations or having others contact the individual, and messages transmitted via other individual, or being within 100 feet of the individual. These mandates apply to both students involved. Violation of the No Contact Order is a violation of Respect under the Code. If there are events which both students must attend (i.e. study abroad orientation meetings), then it is the expectation that both students stay as far away from each other as possible and do nothing to provoke each other. If individuals who have a dispute must be in each other's presence (i.e. same class or residence hall) then decisions about how to mediate that situation will be made on a case by case basis. Failure to comply with a No Contact Order directive may result in suspension from the University.
16. **Not Responsible** means a student does not accept responsibility for conduct allegations and agrees to appear before a conduct officer or hearing panel for resolution. If there is a finding of Not Responsible, no

further action will be taken. A finding of responsibility by the conduct officer or hearing panel will lead to sanctions.

17. **Possession** means having actual knowledge of a substance or property, consumption, and/or being in such close proximity to the substance or property that it is a reasonable presumption that one had knowledge of the substance or property. A student in the presence of a policy violation and who is not actively involved, has three choices: 1) leave the situation; 2) ask the student(s) to stop the behavior and/or take it out of the room; or 3) seek assistance from a University staff member.
18. **Responding Party or Respondent** means a student(s) or student group/organization alleged to have engaged in conduct that violates the Code.
19. **Responsible** is when, based on the preponderance of the evidence, a student is found to have committed a violation of this Code.
20. **Reporting Party or Complainant** means any person who submits a report alleging that a student and/or a student group/organization engaged in conduct that violates the Code.
21. **Serious Violation** means a case in which, based on the student's prior record or facts and circumstances related to the case, the possible sanctions include suspension or expulsion.
22. **Standard of Proof** means the standard by which it is determined whether or not a violation of the Code has occurred. For the purposes of the conduct procedures, the standard of proof requirement is a preponderance of the evidence (i.e., the evidence demonstrates that it is more likely than not that a violation has occurred).
23. **Student** means any person from the time the person accepts admission to UNCG up through the date of graduation. This includes, but is not limited to, new students at orientation, persons not currently enrolled but who are still seeking a degree from UNCG, and any other person enrolled in a credit earning course offered by UNCG. For purposes of exercising jurisdiction for University discipline, it also includes any person who has graduated from UNCG if the university determines that this person's graduation or receipt of credit may have involved misconduct while the person was working toward a degree.
24. **Hold** means an indicator placed on the record of a suspended, expelled or student found responsible under this Code to be in non-compliance of directives by a university official, without reasonable cause for being in non-compliance. Holds prevent students from being able to do such things as register for classes or graduate.
25. **Student Advisor** refers to a student representative of the Student Government Attorney General's Office who advises the responding party of the conduct process and is available to assist in the preparation and presentation of information to the conduct officer or hearing panel.
26. **Student Organization or Organization** means a collection of persons associated with each other for a common purpose. This includes, but is not limited to, registered student organizations, fraternities and sororities, student media organizations, and club sports teams.
27. **Support Person** means a silent observer who may not have an active role in the conduct hearing.
28. **Title IX Coordinator** refers to the designated University official with ultimate oversight and responsibility for the University's compliance with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX") and the Campus Sexual Violence Elimination Act, part of the Violence Against Women Reauthorization Act of 2013 ("Campus SaVE"), as well as relevant supplemental guidance and regulations.
29. **University** means The University of North Carolina at Greensboro.
30. **University Official** means an employee of the University acting in the performance of their assigned duties, capacity, or authority. This includes any individual who is a student employee, faculty member, staff member, or other individual employed by or volunteering for the University.
31. **University premises** means buildings or grounds owned, leased, operated, controlled or managed by the University of North Carolina at Greensboro.
32. **Weapon** means any object or substance used, attempted to be used, or capable of inflicting a wound, causing injury, or incapacitating and may include, but is not limited to: all firearms, pellet guns, paintball guns, tasers or stun guns, switchblade knives, bowie knives, chemicals such as "mace" or tear gas (if used in an illegal manner), any explosive agents, or any other object as defined in N.C. Gen. Stat. § 14-269.2.

ENDNOTES:

[1] Affiliated organizations for students are registered with the Office of Campus Activities and Programs under affiliation policies.

[2] Adapted from the Center for Academic Integrity's Fundamental Principles project, 2000.

[3] Adapted from the Center for Academic Integrity's Fundamental Principles project, 2000.

[4] Adapted from the Center for Academic Integrity's Fundamental Principles project, 2000.

[5] Adapted from the Center for Academic Integrity's Fundamental Principles project, 2000.

[6] Adapted from the Center for Academic Integrity's Fundamental Principles project, 2000.

[7] Information in this section was adapted from language used in Gehring, D. and Pavela, G. (1986) *Issues and Perspectives on Academic Integrity*, second edition, Washington: National Association of Student Personnel Administrators.