



2021-2022 **STUDENT CONDUCT HANDBOOK**

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This Student Conduct Handbook is a source of information on the Code of Student Conduct of North Carolina Agricultural and Technical State University (“N.C. A&T”). This Student Conduct Handbook does not constitute a contract, express or implied, between N.C. A&T and its students, parents of students, or any other individual. N.C. A&T reserves the right to alter, amend, or rescind any provision in this Student Conduct Handbook at any time. Changes in this Student Conduct Handbook may be implemented immediately throughout the academic year and these changes will be posted on the web version of the Student Conduct Handbook accessible via the N.C. A&T website. Each student is responsible for maintaining current knowledge of regulations at all times. Students will also be notified of any changes to this Handbook via e-mail to their @ncat.edu address.”

N.C. A&T is committed to equality of opportunity and prohibits discrimination based on the following protected classes: race/ethnicity, color, genetic information, national origin, religion, sex (including pregnancy and pregnancy-related conditions), sexual orientation, gender identity, age, disability, political affiliation, and veteran status (including relationship or association with a protected class), or any other basis protected by law. For inquiries regarding non-discrimination policies, contact Linda Mangum, Director of Employee Relations and Affirmative Action Officer, lmangum@ncat.edu.

I. STUDENT CONDUCT REGULATIONS

Section 502 D of the Code of the Board of Governors of the University of North Carolina gives the Chancellor of each constituent institution, or their delegate, the authority and the duty to regulate student affairs and student conduct and discipline. At North Carolina Agricultural and Technical State University, the Chancellor has delegated the regulation of student conduct and discipline to the Vice Chancellor for Student Affairs. Pursuant to this authority, and consistent with Chapter 700 of the UNC Policy Manual, the following Student Conduct Regulations and Procedures have been developed.

A. Statement of Purpose

As an academic community, N.C. A&T has an interest in the safety, welfare and education of its community members and in the promotion of an environment consistent with the educational mission, purpose and operation of the university.

Through orientation activities and student-faculty interaction, the university encourages and promotes organized student life. Additionally, individual and group counseling are made available through Counseling Services, the Student Health Center, and Office of Accessibility Resources.

B. Statement of Policy

Students voluntarily enter N.C. A&T and are obligated to perform and behave in a manner relevant to the University's lawful mission, processes and functions. Expectations of students in an academic community are higher than those of citizens in a non-academic community.

NC A&T educates students who violate its' community standards through the imposition of sanctions. The Goals of the educational process are as follows:

1. To educate the student by explaining the reasons for community standards;
2. To bring the student's behavior into compliance with community standards;
3. To have the student maturely accept accountability for the student's behavior;
4. To help clarify the student's values as they concern behaviors in question;
5. To assist the student in making future choices which enable the student to assume major adult roles of responsibility;
6. To help students consider, in advance, consequences of their behavior;
7. To determine, with the student, the reason(s) for misconduct; and
8. To protect the safety and welfare of the university community.

Procedures and processes set forth in the Student Conduct Regulations are not intended to be equivalent to the process of federal or state criminal law. Criminal processes and procedures are designed for circumstances unrelated to the academic mission of the university.

In exercising its disciplinary authority, the University is committed to the principle of equal treatment, including a like sanction for a like violation.

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.

It is the discretion of the Vice Chancellor for Student Affairs and the Chancellor to interpret and apply the provisions of the Student Conduct Regulations. In making decisions, the rights of students and the needs of the University in accomplishing its educational goals and mission will be considered.

The University has jurisdiction over all behavioral infractions that occur in facilities on property owned, controlled or used by the university. The University reserves the right to

consider the off-campus behavior of students when it is determined that the behavior interferes with or impacts the University and its educational mission. The Vice Chancellor for Student Affairs shall make this judgment on a case-by-case basis and determine when the University's educational interests are adversely affected.

The fact that a student is or has been prosecuted in criminal court for a violation of law does not preclude University jurisdiction over the misconduct. The University may pursue disciplinary action against a student at the same time the student is facing criminal charges for the same offense, even if the criminal prosecution is pending, has been dismissed, or the charges have been reduced. Governmental authorities are not precluded from taking action against students for on-campus violations of public laws.

University police officers are law enforcement officers commissioned by the State of North Carolina and have full enforcement and arrest powers. University police officers are empowered to arrest students and other persons who violate state law, local law and/or campus regulations while on the campus of N.C. A&T or within the extraterritorial jurisdiction near the campus as agreed upon by N.C. A&T and the City of Greensboro.

By action of the UNC Board of Governors, the Chancellor has ultimate authority in the regulation of student conduct. Consistent with the delegation of this authority from the Chancellor, the Vice Chancellor for Student Affairs and the Dean of Students may change or suspend any student conduct processes, as necessary, in furtherance of the welfare of the University or its students. All violations of conduct prohibited by the university are reported to the Office of the Vice Chancellor for Student Affairs, which has the authority to delegate enforcement to certain persons and bodies for the purpose of implementing approved procedures.

C. Definition of Student

Persons covered under the Student Conduct Regulations are identified as students: "Student(s)" includes all persons enrolled in courses delivered in any manner by the university, either full or part-time, for credit or non-credit, undergraduate or graduate. Student(s) also include those who have been notified of their acceptance for admission, persons who withdraw after allegedly violating the Student Conduct Regulations, persons who are not enrolled for a particular term (but who have not officially withdrawn from the university), but who enroll in courses from time to time, and those who have a continuing relationship with the university (e.g., on academic suspension or academic dismissal, disciplinary suspension or studying abroad).

Note: A person is no longer a student upon graduation, official withdrawal, expulsion, or death.

D. Student Rights and Responsibilities

Students are guaranteed certain rights, but students also have the responsibility to be aware of the standards of appropriate behavior and the willingness to exercise the degree of order necessary to promote and preserve higher standards in a learning environment.

Students have the right to:

- Receive accurate and consistent information;
- Enjoy confidentiality of education records pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974;
- Gain access to education despite any disabilities and fully participate in any chosen university student activity;
- Seek counsel and advice;
- Be respected, heard and receive courteous delivery of services;
- Be afforded equality of opportunity to receive the best education; and
- Receive due process in all disciplinary procedures (due process is defined as written notification of charges, the opportunity to be heard, and date, time and place of hearing).

Students have the responsibility to:

- Exercise sound judgment in their choices and assume the consequences of their own actions at all times;
- Become acquainted and fully compliant with all university regulations and policies;
- Share in building and maintaining a safe and sound campus community; and
- Maintain high academic, social, moral, and civic character.

E. Conduct Prohibited by the University

The university reserves the right to examine misconduct and make a determination as to whether the misconduct is serious enough to warrant suspension or expulsion, or other discipline. To make the determination, the following example guidelines are used:

- Does the conduct present a danger to members of the university community?
- Does the conduct violate community standards of behavior to the degree that it jeopardizes the integrity of the university?
- Does the conduct interfere with the university's educational interests?
- Does the conduct infringe upon the rights of others in pursuit of an education?

Violations that place a student in peril of suspension or expulsion (serious violations) include, but are not limited to, possession of a weapon on university property; assault or

threat of violence; sexual misconduct; commission of felonies; hazing; disruption of university-sponsored activities; falsely reporting a fire or setting off a fire alarm; sale, delivery or possession of illegal drugs; violating terms of disciplinary probation; and repeated violations of the rules and regulations of the university. Minor violations include any violations for which suspension or expulsion are not the likely outcome.

Prohibited conduct, to include any behavior that interferes with the safety and/or well-being of members of the university, and/or the mission, purposes, functions, and/or processes of the university, will be subject to disciplinary action. The following examples of misconduct are illustrative and not limiting:

1. A first offense of possessing or carrying, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, powerful explosive (as defined in North Carolina General Statute 14-284.1), bowie knife, dirk, dagger, leaded cane, switchblade knife, blackjack, metallic knuckles, or any other weapon of like kind, not used solely for instructional or school-sanctioned ceremonial purposes, on any property owned, used or operated by the university; (also see section on firearms or other weapons and university policy and procedures concerning weapons on campus);
2. Possession on campus of firearms, ammunition, explosives, fireworks, or other dangerous weapons; (also see section on firearms or other weapons and university policy and procedures concerning weapons on campus);
3. Threats of violence directed toward an individual or group;
4. Sexual Violence;
 - 4.1. Sexual Assault and/or Battery
 - a. Rape,
 - b. Fondling,
 - c. Incest,
 - d. Statutory Rape,
 - 4.2 Dating/Relationship Violence,
 - 4.3 Domestic Violence,
 - 4.4 Stalking, and
 - 4.5 Sexual Coercion
5. Felonies: the commission of an act that is classified under North Carolina General Statutes as a felony;
6. Hazing, harassment and/or intimidation- see definition of 'hazing' herein. Generally, defined as the intentional commission of an act, by an individual or group, of physically abusing or harassing another person or creating a situation which produces physical hurt or discomfort, severe emotional distress, embarrassment, or ridicule;

7. Threaten, coerce, harass, or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid university policy while on university premises or at university-sponsored activities based in whole or in part upon the person's age, color, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status, political affiliation, or any other basis protected by law;
8. Engaging in unlawful harassment leading to a hostile environment, which includes conduct meeting the following criteria: a) directed toward a particular person or persons; b) based in whole or in part upon the person's age, color, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status, political affiliation, or any other basis protected by law; c) unwelcome; d) severe or pervasive; e) objectively offensive; and f) so unreasonably interferes with the targeted person's employment, academic pursuits or participation in university-sponsored activities as to effectively deny equal access to the university's resources and opportunities. However, this subsection shall not be read to deprive an accused student of their First Amendment rights to free speech;
9. Obstruction or disruption of any university-sponsored or co-sponsored athletic event, either on- or off-campus, or at any other authorized university activity;
10. Obstruction, disruption or interference with teaching, research or the general operation of university business;
11. Falsely reporting the presence of an unlawful explosive or incendiary device;
12. Falsely reporting a fire or other emergency; falsely setting off a fire alarm;
13. The illegal manufacture, sale or delivery, or possession with the intent to manufacture, sell or deliver any controlled substance identified in any of Schedules I through VI, General Statutes 90-89 through 90-94. These include, but are not limited to, heroin, mescaline, opium, cocaine, amphetamines, methaqualone, marijuana, and or other prohibited cannabinoids, phenobarbital, codeine;
14. Possession of any controlled substance identified in any of Schedules I through VI, N.C. General Statutes 90-89 through 90-94, (including, but not limited to, marijuana, phenobarbital, codeine, etc.);
15. The usage (including but not limited to consumption, injection, smoking/inhalation, etc.), manufacture, possession, or distribution of illegal drugs or significantly mind-altering substances, pharmaceutical and/or otherwise, (including salvia divinorum, medical marijuana, and synthetic forms of banned substances including, but not limited to, K2, Spice, Black Magic, etc.); inappropriate/illegal use or distribution of any pharmaceutical product; being in the presence of others while the above

mentioned drug use is occurring; or possession of drug paraphernalia including, but not limited to, smoking pipes and bongs;

16. Use of marijuana and/or possession of marijuana paraphernalia;
17. Assault with a deadly weapon- defined as the intentional infliction of injury to another with the use of a weapon or dangerous object intentionally used as a weapon;
18. Assault and/or battery- defined as the use of physical force against another person that places the person in danger of or in apprehension of bodily harm;
19. Fighting;
20. Any act of arson;
21. Lewd, indecent or obscene conduct;
22. Trespassing- defined as the unlawful or unwarranted entrance to any university building or property or facility;
23. Unauthorized use of university property or facilities;
24. Rioting, inciting to riot, assembling to riot, raiding, inciting to raid, and assembling to raid university units;
25. Vandalism, malicious destruction, damage, misuse, or abuse of public or private property, including library materials;
26. Forgery, alteration or misuse of university documents, records or identification cards; furnishing false information to the university with intent to deceive or mislead;
27. Theft, larceny, shoplifting, embezzlement, or the unauthorized possession of the property of another;
28. Failure to comply with the official regulation or order of a duly designated authority, agency or agent of the university;
29. Knowingly furnishing false information to a judicial board or to a judicial hearing officer, or to any other university official;
30. Knowingly making, in public, a false oral statement with the intent to deceive and/or mislead or knowingly publishing and/or distributing a false written or printed statement with the intent to deceive and/or mislead;
31. Disorderly or disruptive conduct- defined as the intentional creation of a disturbance on university property or at university-sponsored events including, but not limited to, fighting, committing a nuisance, endangering one's own physical

well-being, or disrupting, disturbing or interfering with the academic atmosphere of a living or learning environment or social activity;

32. Possession or misuse of alcoholic beverages or intoxicating liquors containing more than one-half of one percent (.5%) alcohol by volume by any student under the age of 21, or providing alcoholic beverages to any student under the age of 21 (see Policy on Alcohol Use);
33. Excessive or disruptive noise or the use of unapproved amplified sound that disrupts or disturbs normal functioning of the university, including residence life;
34. Unauthorized solicitation or fundraising of any type;
35. Commission of an act, or an attempt to commit an act, at the university that would be in violation of a general statute of the State of North Carolina or any federal law;
36. Tampering with, or removing from its proper location, any fire extinguisher, hose or other fire or emergency equipment, except when done with reasonable belief of a real need for such equipment;
37. Intentionally delaying, obstructing, or resisting a person who identifies themselves as a member of the faculty, administration, campus police, or other law enforcement officer, fire person, or other university employees in the performance of their duty;
38. Violating the terms of probation or failure to comply with university-imposed sanctions, or failure to present themselves for adjudication of a charge;
39. Engaging in behavior on- or off-campus that jeopardizes the integrity of the university (including misconduct in both domestic (USA) and international countries);
40. Use of Aggie OneCard by anyone other than the person to whom it was issued is illegal;
41. Being an accessory to the commission of misconduct;
42. Disruption in a residence hall, campus or classroom building through vandalism, excessive noise, practical jokes, and/or the flagrant violation of other rules and regulations established by a department or building representative;
43. Possession of pets of any kind in any university hall or property, with the exception of fish maintained in a 10-gallon or less fish tank. This sub-section does not apply to service animals or to emotional support animals (also known as therapy animals or companion animals) that have been approved by the Office of Accessibility Resources;

44. Failure to control the conduct of one's non-N.C. A&T guest(s), whose behavior violates provisions of conduct regulations, including use of abusive language;
45. Disruptive and destructive behavior in the dining facility, such as fighting, throwing food, damaging property, vandalism, abusive language, breaking in line, and leaving trays on tables and floors;
46. Theft or removal of equipment, utensils or trays from the dining facility and/or flagrant violations of rules and regulations established by food service administration;
47. Spamming, i.e. sending unauthorized mass mailings through university computers or servers, or any violation of university computer usage policies;
48. Engaging in criminal behavior on another campus;
49. Possession of or giving a person any drug, narcotic, pill, or drink, which would render them unable to care for themselves or incapable of making informed decisions;
50. Off-Campus Safety or Health Housing Violations- Engaging in behavior that violates the safety or health-related housing rules or regulations of non-university owned property, including but not limited to: overcapacity (including at parties), serving alcohol to underage persons, or illegal or inappropriate activity prohibited under the property's rules or regulations.
51. Unauthorized peer-to-peer file sharing, or other unauthorized distribution of copyrighted materials. [See Peer-To-Peer \(P2P\) Policy](#).
52. No person may skateboard, in-line skate, roller-skate, or use any other similar-wheeled device in or on campus buildings, porch steps, loading docks, or other raised surfaces (including parking curbs and disability ramps). Use of the devices is not permitted on any structure located on or adjacent to a sidewalk, such as benches, column bases, artwork, and sculptures ([see Section 4-9 of parking and transportation service ordinances](#)).

F. Academic Dishonesty

Academic dishonesty includes, but is not limited to, the following:

1. Cheating or knowingly assisting another student in committing an act of cheating or other academic dishonesty;
2. Plagiarism (unauthorized use of another's words or ideas, as one's own), which includes, but is not limited to, submitting exams, theses, reports, drawings,

laboratory notes, or other materials as one's own work when such work has been prepared by or copied from another person;

3. Unauthorized materials or actions:
 - a. Unauthorized possession of exams or reserved library materials; destroying or hiding source, library or laboratory materials or experiments or any other similar actions;
 - b. Unauthorized changing of grades, or marking on an exam or in an instructor's grade book or such change of any grade record;
4. Aiding or abetting in the infraction of any of the provisions anticipated under the general standards of student conduct;
5. Hacking into a computer and gaining access to a test or answer key prior to the test being given. N.C. A&T reserves the right to search the emails and computers of any student suspected of such computer hacking if a police report of the suspected hacking was submitted prior to the search; and
6. Assisting another student in violating any of the above rules.

A student who has committed an act of academic dishonesty has failed to meet a basic requirement of satisfactory academic performance. Thus, academic dishonesty is not only a basis for disciplinary action, but may also affect the evaluation of a student's level of performance. Any student who commits an act of academic dishonesty is subject to disciplinary action as defined below.

In instances where a student has clearly been identified as having committed an act of academic dishonesty, an instructor may take appropriate disciplinary action, including a loss of credit for an assignment, exam or project; or awarding a grade of "F" for the course, subject to review and endorsement by the Chairperson and Dean. The instructor should check with the Office of the Provost/Vice Chancellor for Academic Affairs for the current academic dishonesty reporting form, if required, for the instructor's school/college. An offense will remain on file for eight (8) years. Repeated offenses can lead to dismissal from the university. Each college or school may have its own academic dishonesty process.

Student Appeals of Academic Dishonesty Charges

A student who feels unfairly treated as a result of an academic dishonesty matter may appeal the action, in writing, to the University Judicial Tribunal. The written notice of appeal must be submitted by the student within one week (seven calendar days) of the decision date to the tribunal chairperson (contact the Office of the Provost for the current chairperson). An appeal submitted by any third party, including an attorney or parent, will not be accepted.

II. STUDENT CONDUCT PROCEDURES

A. Allegations of Misconduct and Filing of Charges

Any member of the University community may initiate a complaint against a student or student organization for an alleged violation of the Student Conduct Regulations. Complaints must be filed within six months of the date of the misconduct alleged in the complaint, however there may be exceptions granted for good cause. Alleged sexual misconduct complaints may be filed at any time after the date of the alleged misconduct.

A complainant may personally submit a written report of alleged misconduct or inform a University faculty or staff member, or University police officer, who will submit a written report to the Vice Chancellor for Student Affairs or, in cases of academic dishonesty, to the Provost/Vice Chancellor for Academic Affairs, or their designee.

A Designated University Official presents evidence at all conduct proceedings. The person reporting a violation must be present during the conduct proceedings. This requirement may be waived in exceptional cases where the identity of the person reporting the violation needs to be protected. For allegations of sexual misconduct (including, but not limited to, rape, sexual assault, sexual harassment, and sexual violence), the university's Title IX coordinator will be notified of the complaint in accordance with University Policy 207, Sexual Harassment, Discrimination, and Misconduct.

B. Review by the Vice Chancellor for Student Affairs/Designee

All misconduct is reviewed by the Vice Chancellor for Student Affairs or their designee. It is the prerogative of the Vice Chancellor for Student Affairs, or their designee, to determine which conduct board considers charges based on the type of violation(s), caseload of the conduct boards, or other factors as follows:

1. The Vice Chancellor for Student Affairs may refer the reported violation to the Office of the Dean of Students to conduct a preliminary investigation and bring closure, or determine if evidence of the offense warrants further action;
2. In instances of minor offenses, sanctions can be assigned at the discretion of the Dean of Students, without resorting to a hearing. The student will be notified, in writing (via a warning letter), that an infraction has been reported and the student's behavior is being monitored for a specified period of time;
3. The Vice Chancellor for Student Affairs or the Dean of Students may assign a case to an administrative hearing body or to the Student Conduct Council. For academic

dishonesty violations, the University Judicial Tribunal hears all appeals referred by the Chancellor, Provost, Vice Chancellor for Student Affairs or the Dean of Students; and

4. In certain circumstances, the Vice Chancellor for Student Affairs may separate or suspend from campus property a student charged with violating the Student Conduct Regulations for an interim period prior to the outcome of a full disciplinary hearing based on merit(s) of the charge. Students may appeal an interim separation or suspension based on a showing of good cause. Good cause includes, but is not limited to, academic hardship, financial hardship, or homelessness.

C. Rights of the Accused

Students accused of violating the Student Conduct Regulations are guaranteed the following rights:

1. To receive accurate and consistent information;
2. To enjoy confidentiality of your education records pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974;
3. To request reasonable accessibility accommodations, by calling (336)334-7791, to facilitate your participation in the conduct adjudication process;
4. To be respected, heard and receive courteous delivery of services.
5. To be afforded equality of opportunity and receive the best education;
6. To waive their right to a hearing by accepting responsibility for the alleged violation. If a student agrees that they are responsible, they may not appeal the decision but they may appeal the sanction. In order to accept responsibility for an alleged violation, a student may call the Office of the Dean of Students at 336-334-7791;
7. To receive Due Process in all disciplinary procedures (due process is defined as written notification of charges, the opportunity to be heard, and date, time and place of hearing, including a fair and timely hearing);
8. To receive hearing notification at least five days prior to the hearing in order to prepare a defense for minor violations; and at least ten days for serious violations;

9. To offer evidence and witnesses, and to question the complainant and all witnesses through the hearing panel, except in cases where the complainant may be justifiably unable to appear for a hearing;
10. To seek counsel and advice, at their own expense, from a licensed attorney or non-attorney advocate of their choosing (representation form must be submitted at least 5 days prior to the hearing);
11. To receive, in writing, the case disposition;
12. To appeal a finding of responsibility, except where a student has waived their right to a hearing. Sanctions may always be appealed; and,
13. For sexual misconduct allegations, both the alleged victim and the responding party will be assigned non-attorney advisors, as required under the policy. A student has the option whether to use the non-attorney advisor.

D. Rights of Persons Bringing Charges

A student, university administrator or other person bringing charges has the following rights:

1. To appear and be present at any resulting conduct proceeding(s), although this may be waived in exceptional cases where the identity of the person reporting the violation needs to be protected; and,
2. To file criminal charges or seek civil action in court, in addition to any action taken by the University conduct system.

E. Waiver of Rights to a Hearing

Individual student conduct violations are administered by the Office of the Dean of Students. Conduct violations by student organizations of University and/or student organizational rules, regulations and policies are administered by the Office of Student Activities.

After being informed of the charges, and the right to a hearing, a student or organization may decide to voluntarily waive their rights and request that a resolution of the individual conduct charges be made by the Dean of Students or, in the case of student organizations, by the Office of Student Activities.

To request that charges be settled without a formal hearing, the student or organization shall do the following:

1. Schedule a meeting with the designated representative from the Office of the Dean of Students or the Office of Student Activities (in cases of violations by student organizations of the Student Organization Code of Conduct, and other group-related university rules, regulations and policies) to discuss the charges;
2. Accept responsibility for the charge(s) of misconduct;
3. Agree to a waiver of their right to a hearing. The waiver and acceptance must be in writing and signed by the student and the designated university official; or
4. Agree to a single adjudicator hearing.

The Dean of Students or the Office of Student Activities (for student organizations, including fraternities and sororities) may decline a student's or organization's request for a hearing waiver. If the student's or organization's request is declined, the student or organization will be referred to a conduct board within the respective office. If the director of the respective office agrees to the request for a waiver of hearing, any sanction(s) imposed will be governed by the principle of "like sanction for like violation."

F. Records

1. Records shall be created for all reported cases of student misconduct;
2. Disciplinary records are confidential and shall not be released without a student's or organization's written consent, except to such persons functioning in their official university capacity on a need-to-know basis, or in response to a court order or subpoena;
3. All disciplinary records are the property of the university. Records of conduct violations are maintained in the Office of the Dean of Students, whereas violations of the Student Organization Code of Conduct are maintained in the Office of Student Activities, whereas violations of the Academic Dishonesty Policy are maintained in the Division of Academic Affairs. The university reserves the right to maintain records for any length of time, depending on the severity of infractions. Records of minor offenses are destroyed after eight years, while major offenses involving criminal charges or suspensions and expulsions can be maintained indefinitely;
4. A tape recording or transcript, which are property of the university, is made of every conduct board hearing and kept Pursuant to NC public records law. Neither the complainant nor the accused is allowed to make separate recordings of any

type. Under no circumstances will a copy of the recording be released except in the case of an appeal of a conduct decision, wherein an attorney issues a court-ordered subpoena (see the section on Appellate Procedures: Filing Appeal and Timing).

G. Referral to a Conduct Board

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. Hearing panels, unlike courts, engage in full discussion of charges and circumstances. In cases of violation of the Student Conduct Regulations, N.C. A&T has three formal hearing bodies: Administrative Hearing Panel, University Tribunal and Student Conduct Council. The Vice Chancellor for Student Affairs and/or the Dean of Students determines to which hearing body a particular case will be assigned based on the type of violation(s), caseload of conduct boards and other factors. The Dean of Students, or a designee, presides over the hearing, the University Designated Official brings the charge, and a majority of three members is required to decide any issue of fact or sanction. For minor offenses and under certain circumstances, the Dean of Students or his or her designee may decide based on the type of violation or the caseload of other conduct boards to serve as a single adjudicator. In those cases, the Dean of Students or his or her designee alone will decide responsibility based on preponderance of the evidence and determine a sanction, if appropriate. During the prehearing conference, if one is elected by a student, a student will be given the option to request a single adjudicator hearing.

1. Administrative Hearing Panel

Consists of the Dean of Students, or a designee, a Designated University Official, and three other University administrators designated by the Vice Chancellor for Student Affairs and/or the Dean of Students.

2. Student Conduct Council

Described under Article XIII of the SGA Constitution.

3. University Judicial Tribunal (academic dishonesty appeals only)

Consists of a pool of ten members evenly divided between students and faculty, and selected by the chancellor. The chairperson has faculty rank, presides over hearings and is a non-voting member, except in the case of a tie vote. A majority of members, including the chairperson, must be present to constitute a quorum and decide any issue of fact or sanction.

NOTE: In some incidents involving two or more people in conflict with each other, mediation, or another alternative method of dispute resolution, may be considered and employed with the voluntary consent of those involved. A university-approved mediator may serve as a neutral facilitator of the problem-solving process.

H. Hearing Notification

All charges of misconduct referred to a hearing body are heard as promptly as circumstances permit. Conduct proceedings will be initiated as follows:

1. A student or organization shall be informed of charges, in writing, by mail or hand-delivery by a university official and notified of the time, date and place to appear before a specific conduct board. Notifications for conduct hearings are delivered at least five days prior to the hearing for a minor violation and at least ten days prior to the hearing for a serious violation, except in certain cases when time is of the essence or extenuating circumstances prevail. For serious violations, notice must include the possible sanctions and a brief recitation of factual allegations supporting the charge. If expulsion is being contemplated for any violation, a notice that expulsion precludes matriculation at any UNC constituent institution must be included. A student may choose to waive the student's right to a hearing by the method described under Waiver of Rights to a Hearing.
2. In the case of the Student Conduct Regulations, any student may request a pre-hearing conference in order to review the evidence to be presented at a hearing, to waive the right to a hearing, or to request a single adjudicator hearing.
3. All students are given the opportunity to review any written evidence to be used at the hearing and to obtain a list of the witnesses before the hearing. Further, all students will be given the opportunity to challenge a committee member or hearing official on the grounds of conflict, bias, or interest in the case.

III. HEARING AND APPEAL PROCEDURES

Hearings shall be conducted according to the following form:

1. Introductions;
2. Reading of regulatory statements that govern process and behavior during a hearing (see student handbook sections on Presence of Advisor and Observers at Hearings);
3. Reading of charge(s) and statement of responsible or not responsible;

4. Presentation of incident by the Designated University Official. The Complainant or their representative may also elect to make a presentation of the incident, in addition to the Designated University Official;
5. Statement and questioning of witness(es) for complainant*;
6. Presentation of incident by student or organization charged (respondent) or their representative;
7. Statement and questioning of witness(es) for respondent*;
8. Questions by members of hearing body to any participant, to include witnesses (hearing body may ask questions at any time); and
9. Opportunity for final statement by complainant and respondent.

* Material witnesses may offer evidential information relative to the incident, whereas there may also be up to three character witnesses or signed written character letters. Character witnesses are used only for sanctioning purposes and not for finding of responsibility. No party in a Sexual Misconduct case shall be allowed to directly question another involved party. Questions must be asked by the parties' advisor(s).

A. Presence of Advisors and Observers at Hearings

Students charged with misconduct, or those bringing charges, have the right to appear alone or with any other person of their choice to advise and assist them. Observers may be parents and/or other University administrators. A transcriber, whose purpose is to transcribe the hearing for the university, may be present at the hearing.

Students charged with, or under investigation for non-academic misconduct, may be represented by an Attorney or Non-attorney advocate in a disciplinary conference or administrative hearing.

B. Evidence and Burden of Proof

Rules of evidence and procedures may differ from proceedings before civil and criminal court judges. Unlike courts, university hearing officers engage in full discussion of charges and circumstances. Irrelevant or unduly repetitious evidence shall be excluded by the chairperson. A decision is reached on the basis of the preponderance of evidence (more likely than not that the event occurred), with the burden of proof on the person bringing charges (complainant).

C. Confidentiality of Deliberations

Information generated in the course of disciplinary proceedings will be given the full extent of confidentiality accorded by law to a student's educational record. Any person who, without authorization, reveals such information will be subject to disciplinary action.

D. Deliberations

Panel members will assemble and make a determination of the responsibility of the accused/respondent, based solely on evidence presented at the hearing. If responsibility of the accused is determined, the student will be informed of such. The hearing panel will determine appropriate sanction(s). The determination may be final or it may be a recommendation for final decision by the Dean of Students or their designee. In cases of academic dishonesty, the panel's recommended decision will be sent to the Provost/Vice Chancellor for Student Affairs.

E. Decision

In cases of alleged violations of Conduct Prohibited by the university, the hearing officer (Dean of Students or designee) makes decisions on sanctions except when the panel recommends expulsion or suspension. In cases where suspension is recommended, the hearing officer forwards panel recommendations to the Vice Chancellor for Student Affairs for review, evaluation and decision. In cases of academic dishonesty, the chairperson of the University Tribunal forwards all recommendations (up to and including suspension or expulsion) to the Office of the Provost/Vice Chancellor for Academic Affairs for review, evaluation and decision. Whenever expulsion is recommended regarding any violation of any form of student conduct, the recommendation is forwarded to the chancellor for a decision.

The focus of inquiry in a university hearing will be the determination of whether a violation of university rules occurred, and such decision will be totally unrelated to any criminal or civil decisions for or against the student(s)/ organization arising from the same incident.

F. Notice of Decision

The final administrative decision must be reached within 45 calendar days after the hearing is completed. Within 10 calendar days of the decision date, the decision must be

transmitted in writing to the student and must contain a brief summary of the evidence upon which the decision was made.

G. Parental Notification

Pursuant to the 1974 FERPA law, parents or guardians/sponsors may be sent written notification, without a student's consent, regarding students under the age of 18 who are in violation of campus and/or state alcohol and drug policies or if there is an indication of imminent danger (serious risk of death or serious physical harm, or would pose significant risk of harm to public welfare or the environment) or to one's well-being or that of the university community.

H. Sanctions

The primary purpose of sanctions in the university setting is to provide incentive and opportunity for re-dedication of the offender. Except in the case of serious offenses, such as those involving intentional infliction of injury, drug violations, etc., sanctions imposed through conduct proceedings may be tailored to suit circumstances of each offense.

Sanctions of expulsion and suspension affect a student's academic status at the university. In order that students under suspension or expulsion not contravene the terms of penalty, the Offices of Admissions, Cashier, Financial Aid, Graduate School, Registrar, Residence Life, and University Police (as well as other university officials) will be notified in writing. During the suspension period, records remain flagged until students are readmitted to the university. Transcripts are held until students have complied with university-imposed sanctions until the period ends. In addition, a suspension or expulsion precludes matriculation at any UNC constituent institution. No credit earned at another institution during the suspension period shall be transferred to N.C. A&T. A student under expulsion or suspension is subject to arrest for trespassing if found on university property. **Students suspended or expelled from the university, for disciplinary reasons, are not eligible for refunds and forfeit any funds previously paid.**

Students who lose on-campus housing privileges for disciplinary reasons, and have concerns about financial ramifications, should contact the Office of Housing and Residence Life for guidelines and shall be governed by them.

Failure of accused to appear at a hearing

Scheduled university conduct hearings will be held in absentia if a student or organization fails to present themselves. The administrative hearing body will convene and make a

decision based on evidence at the hearing. This requirement may not apply to sexual misconduct cases.

Any one of the following sanctions, or combinations, may be imposed upon individual students. Sanctions for organizations are outlined in the [Student Org Handbook](#):

1. **Expulsion** permanently severs the relationship of a student with the University. With recommendation of a hearing panel, it will be imposed and can only be rescinded by the Chancellor. This penalty will likely prevent a student's admission to any other institution of higher education;
2. **Interim suspension** calls for the immediate removal of a student from the University when there is reasonable cause to believe that the alleged misconduct is of such nature that their continued presence at the University is potentially dangerous to the health and safety of the University community, its' property or educational mission. A Student subject to interim suspension may appeal the interim suspension by requesting an informal hearing before the Vice Chancellor for Student Affairs and the Dean of Students within five calendar days of the effective date of the interim suspension;
3. **Suspension** severs the relationship of a student or 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;
4. **Disciplinary probation** is a period of close scrutiny of a student or organization by the university during which their conduct is under review. Disciplinary probation is imposed for a specified period of time, the terminal date of which coincides with the official ending of an academic semester or summer session. Failure to meet probation requirements or further infractions of university policies may result in more severe sanctions, including suspension or expulsion from the university. Individuals on disciplinary probation are not eligible to hold office or membership in any student group or organization, and may not be eligible for certain employment positions or participation in other campus programs;
5. **Warning** is an official reprimand which, by formal written communication, gives official notice to a student or organization that any subsequent offense against the Student Conduct Regulations will likely result in more serious consequences. In cases involving violations of the Student Conduct Regulations, a copy of the letter is retained in files in the Division of Student Affairs or, in the case of academic dishonesty, with the Provost/Vice Chancellor for Academic Affairs and will be available as evidence of relevant past behavior to hearing panels;

6. In addition to the above, any one or combination of the following may be recommended by a conduct hearing board and/or imposed by the Vice Chancellor for Student Affairs or Dean of Students in the Student Conduct Regulations or, in cases of academic dishonesty, the Provost/ Vice Chancellor for Academic Affairs:
 - a. Requirement of participation in community service
 - b. Restitution, where applicable
 - c. Loss of campus housing
 - d. Official notice that conviction of any other violation of the Student Conduct Regulations will result in suspension
 - e. Prohibited from participating in organized groups or activities
 - f. Recovery program offered by counseling services
 - g. Judicial Educator Modules
 - h. Reflection paper/letter of apology

Note: *Students enrolled in Collegiate Recovery Programs may be allowed to participate in other programs when on probation. Our goal is the help students reenter college and to learn healthy strategies for coping with life challenges related to drugs, alcohol or other addictive disorders.*

Students who are suspended must apply for re-admission. After proper review of submission of all items specified in the sanction letter, the student will be notified when to contact the Office of Admissions about the process if they desire to return to N.C. A&T. Readmission rules, regulations and decisions are governed by the Office of Admissions; neither the Division of Student Affairs nor the Office of the Dean of Students readmits students.

IV. APPELLATE PROCEDURES

At N.C. A&T, there are several appellate levels, as described below:

- **Chancellor** – considers all appeals allowed by 700.4.1;
- **Vice Chancellor for Student Affairs** - considers all initial appeals of Misconduct Prohibited by the university;
- **University Tribunal** - hears all appeals involving academic dishonesty. The tribunal consists of a pool of 10 members evenly divided between students and faculty, and selected by the Chancellor. The chairperson of the tribunal is of faculty rank and presides over the hearing. The chairperson is a non-voting member, except in the case of a tie vote. A majority vote of the panel is required to decide any issue of fact or

sanction. A majority of tribunal members, including the chairperson, must be present to constitute a quorum;

- **Student Supreme Court** - hears all appeals from the Student Conduct Council involving infractions within residence halls (see Article XIII, SGA Constitution, Section 3).

A. Basis for Appeal

A student may appeal the outcome of a hearing to the Vice Chancellor for Student Affairs and/or Chancellor, as set out below, if the student or organization can provide evidence of violations of due process or material deviation from the substantive and procedural due process standards described in UNC Code 700.4.1. If an appeal is upheld in cases involving appeals by students who have violated the Student Code of Conduct (Misconduct Prohibited by the University), the Chancellor, in cases involving suspension or expulsion, or the Vice Chancellor for Student Affairs, in cases other than suspensions or expulsions, may either:

- Affirm the original findings and sanction(s) imposed;
- Reverse or modify the original decision and/or sanction(s);
- Remand the case. Cases will only be remanded based on specified procedural errors or errors in interpretation of University policies or regulations that were so substantial as to effectively deny a fair hearing or new and significant material evidence.

B. Filing an Appeal

A student should provide a statement clearly outlining specific grounds and all supporting facts on which an appeal is based. In cases of violations of the Student Conduct Regulations, an appeal should be addressed and delivered to the Vice Chancellor for Student Affairs within one week (seven calendar days) after notification of the original decision. If the appeal is of a decision of the Vice Chancellor for Student Affairs, the Vice Chancellor for Student Affairs will transmit the appeal to the Chancellor's office. **Appeals to the Board of Trustees concerning a decision from the Chancellor (suspension or expulsion) must be submitted to the Chancellor's office within one week (seven calendar days) after notification of the Chancellor's decision.** Academic dishonesty appeals are made to the chairperson of the University Tribunal.

An appeal submitted by any third party, including an attorney or parent, will not be accepted.

C. Process of Appeal

The Vice Chancellor for Student Affairs receives and reviews all initial appeals regarding conduct prohibited by the university. The University Tribunal receives all initial appeals of academic dishonesty. In cases that do not involve suspension or expulsion, the appeals process concludes with the Vice Chancellor for Student Affairs regarding misconduct prohibited by the university and, in cases of academic dishonesty violations, with the Provost/Vice Chancellor Academic Affairs (based on a recommendation from the tribunal). The Vice Chancellor for Student Affairs, or the Provost/Vice Chancellor for Academic Affairs, may call in appropriate parties necessary to assist in making a final decision.

In appeal cases involving suspension or expulsion, the Vice Chancellor for Student Affairs (for violations of misconduct prohibited by the university), or the Provost/Vice Chancellor for Academic Affairs (for academic dishonesty violations) will forward the appeal to the chancellor, who may call in appropriate parties necessary to assist in making a final decision.

Where the sanction is suspension or expulsion, an appeal may be made to the board of trustees. No appeal to the UNC president or Board of Governors is permitted.

Important Note: It is at the discretion of the Vice Chancellor for Student Affairs and the chancellor as to whether, or not, a student remains under suspension pending the appeal outcome. Factors to be considered include the nature of the violation, interference with the university's education mission and the safety and welfare of other members of the university community.

V. ADDITIONAL IMPORTANT POLICIES AND NORTH CAROLINA GENERAL STATUTES

A. Title IX Policy

The Interim [University Policy 207, Sexual Harassment, Discrimination, and Misconduct](#) is located on the university website.

B. Firearms on Campus

See [North Carolina General Statute Section 14-269.2](#) for more information.

C. University Drug and Alcohol Policy

Drug and Alcohol Education Policy

Refer to the university's [Drug and Alcohol Education Policy](#) for more information.

VI. APPENDICES

A. Student Organization Code of Conduct

See the appendix section in the [Student Organization Handbook](#).

B. Unlawful Harassment and Discrimination

See Interim [University Policy 207, Sexual Harassment, Discrimination, and Misconduct](#).

C. ADA/504 Grievance Procedures

Complaints alleging violations of the ADA or Section 504 of the Rehabilitation Act of 1973 should be addressed to the Director of Employee Relations/Affirmative Action Officer of Human Resources or to the Director of Accessibility Resources. Complaints will be addressed through the "[Unlawful Harassment and Discrimination](#)" policy.

D. UNC Policy (700.4.1) on Minimum Substantive and Procedural Standards

You may find UNC Policy (700.4.1) Under "Student Conduct" on the [UNC Policy Manual and Code](#) website.

E. N. C. A&T Procedure on Disruptive Behavior in the Classroom

An instructor may withdraw a student from a course for behavior that is deemed to be disruptive to the class. The grade assigned will be "W" if the behavior occurs before the deadline for dropping a course without academic penalty; the instructor has the option of giving a "W" or "F" if the behavior occurs after the deadline.

1. Binding Procedures for Instructors

The instructor must provide an opportunity for a student to be heard. In providing the opportunity, an instructor must follow the procedure described below:

- A student should be notified, in writing, before the next class attended that the instructor is proposing to drop the student from the course for disruption of the class, and the instructor should provide the student with written instructions regarding the time and place for a meeting with the instructor. A copy of written notification must be sent to the instructor's department head at the same time;
- A time limit of five working days, Monday-Friday, from the time written notification is given for the student's opportunity to be heard by the instructor;

- The date of notification establishes whether the withdrawn student will be given a “W” or “F.” “W” is appropriate before the eight-week drop date and either “W” or “F” is appropriate after that date, at the instructor’s discretion;
- The student may be suspended from class until the instructor takes final action to withdraw the student from class or allow the student to continue in the class. The final decision is the instructor’s;
- Either party in the resolution of the dispute may invite one other person from the university community to be present as an observer.

2. Student Right to Appeal

If a student wishes to appeal an instructor’s decision to withdraw from class, they should follow the academic appeal procedures outlined in the section on grades in the undergraduate bulletin.