

"decision").

3. Reading of charge(s) and pleading thereto.
 4. Presentation of case by person bringing charges (complainant).
 5. Presentation of case by student charged (accused).
 6. *Testimony of witness (es) for complainant.
 7. *Testimony of witness (es) for accused.
 8. Questions by members of hearing body to any participant of the hearing to include witnesses.
 9. Opportunity for final statement by complainant and accused.
- * The chairperson of the hearing retains the discretion to limit the number of witnesses.

COUNCIL DELIBERATIONS

SECTION 39. After hearing the testimony, the council room shall be cleared and the council shall be left alone.

SECTION 40. The council chairperson shall lead deliberations. The Council will determine the guilt or innocence of the accused based solely on the evidence presented at the hearing. A decision shall be reached on the basis of preponderance of evidence with the burden of proof on the person bringing the charges (the complainant)

SECTION 41. A two-thirds vote of the court hearing the case shall be required to find the accused student guilty. All other votes shall be by a simple majority, with the exception that a two-thirds vote shall be required to recommend suspension of a student found guilty.

SECTION 42. The verdict may be: (a.) Guilty (b.) Not Guilty, or (c.) Guilty to a portion of the charge or a lesser charge.

SECTION 43. If the accused student is found guilty, the council shall deliberate upon the sanctions.

SECTION 44. Sanctions shall be imposed by a two-thirds vote.

PRESENTATION OF VERDICT AND PENALTY

SECTION 45. The Council shall submit in writing to the Office of the Dean of Students their findings and recommendations (see section 32). Within ten (10) calendar days of the date the decision is made, the Office of the Dean of Students will provide certified or hand-delivered written notification of the decision to the accused.

STUDENT CONDUCT

Statement of Purpose

As an academic community, North Carolina Agricultural and Technical State University has an interest in the safety, welfare and education of the members of this campus and in the promotion of an environment consistent with the educational mission, purpose and operation of the University.

Through orientation activities and student-faculty action, the University encourages and promotes organized student life. Additionally, individual and group counseling are made available through Counseling Services, the Student Health Center, Veterans and Disability Support Services, and Special Services.

Statement of Policy

Students voluntarily enter North Carolina Agricultural and Technical State University and are obligated to perform and behave in a manner relevant to the University's lawful mission, process

and function. These expectations of students in an academic community are higher than those expected of citizens in a non-academic community.

The process by which the University community educates students who violate the community standards of the **Student Conduct Regulations** is through disciplinary counseling and the imposition of sanctions, including the possible separation from the University. The goals of this educational process are as follows:

1. To educate the student by explaining the reasons for the community standard.
2. To bring the student's behavior into compliance with the community standard.
3. To have the student maturely accept accountability for his or her behavior.
4. To help clarify the student's values as they concern the behaviors in question.
5. To assist the student in making future choices that will enable him or her to assume later adult roles.
6. To help the student consider in advance the consequences of his or her behavior.
7. To determine with the student the reason(s) for the mis-conduct.
8. To protect the safety and welfare of the University community.

The procedures and processes given 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 without regard to race, color, sex, religion, national origin, age, disability, marital status or veteran status.

It is the prerogative 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 the student and the needs of the University in accomplishing its educational goals and mission will be considered.

The provisions of the **Student Conduct Regulations** are contractual covenants between the University and the student. The University reserves the right to change procedures herein at any time within a student's term of enrollment. Such changes will be communicated to members of the University community through appropriate publications including current revisions made to the web version of the Student Handbook. Each student is responsible for maintaining current knowledge of disciplinary rules and regulations at all times.

The University has jurisdiction over all behavioral infractions that occur in University facilities on property owned, controlled or used by the University. It reserves the right to consider the behavior of students off campus when it is determined that the off-campus behavior interferes with the University and its educational mission. The Vice Chancellor for Student Affairs shall make this judgment on a case-by-case basis. He or she will determine when the University's educational interests are adversely affected.

Instances of student misconduct may or may not also constitute offenses against the larger community. The fact that a student is or has been prosecuted in civil court for a violation of law does not preclude University jurisdiction over the misconduct. Civil authorities are not precluded from taking action against students for on-campus violations of public laws.

University police officers are deputized by the State of North Carolina and have full enforcement and arrest powers of police officers. The University police officers are empowered to arrest students and other persons who violate state, local and/or campus laws while on the campus of North Carolina Agricultural and Technical State University.

There are two (2) formal processes that govern student conduct regulations – **Misconduct Prohibited by the University** and the **Academic Dishonesty Policy**. Ethical or professional standards may also be found in an academic department, school or college. All violations of misconduct prohibited by the university are reported to the office of the Vice Chancellor for Student Affairs who has the authority to delegate to certain persons and bodies of the University community for the purpose of implementing approved policies and procedures. See Section II for guidelines regarding violations of the Academic Dishonesty Policy. By action of the Board of Governors of the University of North Carolina, the Chancellor has the ultimate authority in the regulation of student conduct.

Student Rights and Responsibilities

Students at the University have certain rights and responsibilities. Included in this objective are guaranteed student rights but also the responsibility of students 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 of a learning environment.

Students have the right to:

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

*** Family Educational Rights and Privacy Act of 1974 (FERPA)**

Students have the responsibility to:

- Exercise sound judgment in their choices and assume the consequences of their own actions at all times
- Become acquainted with and fully comply with all university regulations and policies
- Conduct themselves with civility (respect and courtesy) toward all others at all times
- Share in the building and maintaining of a safe and sound campus community
- Maintain high academic, social, moral and civic character

I. Misconduct 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. To make this determination the following example guidelines are used:

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

Violations that place the offender in peril of suspension or expulsion include, but are not limited to: Possession of a weapon on University property, assault or threats of violence, the commission of felonies, hazing, disruption of University sponsored activities, falsely reporting a fire or setting off a fire alarm, the sale, delivery or possession of illegal drugs, violating the terms of disciplinary probation and repeated violations of the rules and regulations of the University.

Prohibited Misconduct includes: Any student engaging in behavior that interferes with the safety and well being of any members of the University and/or that interferes with the mission, purposes, functions and processes of the University will be subject to disciplinary action. The following examples of misconduct are inclusive but 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 *N.C. 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.
2. Possession of firearms, ammunition, explosives, fireworks, or other dangerous weapons.
3. Threats of violence directed toward an individual or a group.
4. Sexual Assault, molestation or sexual battery - defined as forcing another individual to engage in a sexual act without consent or the capacity of consent.
5. Felonies - the commission of an act that is classified under North Carolina General Statutes as a felony.
6. Hazing, harassment, and/or intimidation - defined as the intentional commission of an act, by an individual or a 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. Obstruction or disruption of any University sponsored or co-sponsored athletic event, either on or off campus or at any other authorized University activity.
8. Obstruction, disruption, or interference with teaching, research, or the general operation of University business.
9. Falsely reporting the presence of an unlawful explosive or incendiary device.
10. Falsely reporting a fire or other emergency; falsely setting off a fire alarm.
11. The illegal manufacture, sale or delivery, or possession with the intent to manufacture, sell or deliver any controlled substance identified in *Schedule I, N.C. General Statutes 90-90 or Schedules III through VI, General Statutes 90-94*. These include but are not limited to heroin, mescaline, opium, cocaine, amphetamines, methaqualone, marijuana, and Phenobarbital codeine.
12. Possession of any controlled substance identified in Schedules I through VI, General Statutes chapters 90-94, (including but not limited to marijuana, phenobarbital, codeine, etc.)
13. Use of marijuana and/or possession of marijuana paraphernalia.
14. 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.
15. 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.
16. Fighting
17. Any act of arson.
18. Lewd, indecent, or obscene conduct.
19. Trespassing - defined as the unlawful or unwarranted entrance to any University building or

- any University property or facilities.
20. Unauthorized use of University property or facilities.
 21. Rioting, inciting to riot, assembling to riot, raiding, inciting to raid and assembling to raid University units.
 22. Vandalism, malicious destruction, damage, misuse or abuse of public or private property, including library materials.
 23. Forgery, alteration, or misuse of University documents, records or identification cards; furnishing false information to the University with intent to deceive or mislead.
 24. Theft, larceny, shoplifting, embezzlement, or the unauthorized possession of the property of another.
 25. Failure to comply with the official regulation or order of a duly designated authority, agency or agent of the University.
 26. Knowingly furnishing false information to a judicial board or to a judicial hearing officer, or to any other University official.
 27. 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.
 28. 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, disrupting, disturbing, or interfering with the academic atmosphere of a living or learning environment or social activity.
 29. Possession or misuse of alcoholic beverages or intoxicating liquors containing more than one-half of one percent (.05%) alcohol by volume by any student under the age of 21, or providing alcoholic beverages to any student under the age of 21 (*sees also Policy on Alcohol Use*).
 30. Excessive or disruptive noise or the use of unapproved amplified sound that disrupts or disturbs the normal functioning of the University including residence life.
 31. Unauthorized solicitation or unauthorized fund raising of any type.
 32. Commission of an act or an attempt to commit an act, at the University that would be in violation of the General Statutes of the State of North Carolina or any federal law.
 33. Tampering with, or removing from its proper location, any fire extinguisher, hose, or other fire or emergency equipment, except when done with a reasonable belief of real need for such equipment.
 34. Intentionally delaying, obstructing, or resisting a person who identifies herself or himself as a member of the faculty, University administrator, campus police person, or other law enforcement officer, fire person, or other University employee in the performance of her or his duty.
 35. Violating the terms of probation, or failure to comply with University imposed sanctions, or failure to present him or herself for adjudication of a charge.
 36. Engaging in behavior on or off the campus which jeopardizes the integrity of the University.
 37. Use of the One Card by anyone other than the person to whom it was issued is illegal.
 38. Being an accessory to the commission of misconduct.
 39. Disruption of 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 that Department or building representative.
 40. Violating residence hall visitation policies by a member of the opposite sex, remaining in a residence hall room after visitation, or unauthorized occupancy of a residence hall room by a member of the opposite sex, or to be present in unauthorized areas within residence halls.
 41. The use of open flames or combustible materials (e.g., candles, incense or any other open flame apparatus) or the possession or use of combustible materials in a residence hall.

42. Possession and use of appliances prohibited in the residence halls in violation of University and/or North Carolina State fire code regulations.
43. Possession of pets of any kind in any University Hall or property with the exception of fish maintained in a ten gallon or less fish tank.
44. Failure to control the conduct of one's non-N.C.A.&T.S.U. guest(s) whose behavior violates provisions of the conduct regulations, 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 the food service administration.
47. Spamming, i.e., sending unauthorized mass mailings through University computers or any violation of the 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 helpless.
50. Violating residence hall policies by allowing an unauthorized person to "room in."
51. Sexual Exploitation - including but not limited to, prostituting another student, non-consensual video or audio taping of sexual activity, going beyond the boundaries of consent (such as allowing others to surreptitiously watch you having consensual sex), engaging in voyeurism, knowingly transmitting an STD or HIV to another student, or plotting to engage others in sex acts without their knowledge or consent.

In addition, see The Zero Tolerance Policies on Drugs and Aggressive Behavior in the section "University Policy and Excerpts".

II. ACADEMIC DISHONESTY POLICY

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

- a) Cheating, or knowingly assisting another student in committing an act of cheating or other academic dishonesty.
- b) Plagiarism (unauthorized use of another person's words or ideas as one's own) which includes but is not necessarily limited to submitting examinations, theses, reports, drawings, laboratory notes or other materials as one's own work when such work has been prepared by another person or copied from another person.
- c) Unauthorized possession of examinations or reserve library materials, destruction or hiding of source materials, library materials, or laboratory materials or experiments or any other similar actions.
- d) Unauthorized changing of grades or marking on an examination or in an instructor's grade book or such change of any grade record.
- e) Aiding or abetting in the infraction of any of the provisions anticipated under the general standards of student conduct.
- f) 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 the 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 academic act of dishonesty, the instructor may take appropriate punitive action including a loss of credit for an assignment, an examination or project, or awarding a grade of “F” for the course subject to review and endorsement of the chairperson and the dean. Repeated offenses can even lead to dismissal from the university.

Student Appeals on Academic Dishonesty

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 within one week (seven calendar days) of the date of the decision to the Chairperson of the University Tribunal. For the current chairperson, contact the Office of the Dean of Students.

UNIVERSITY JUDICIAL PROCEDURES

Allegations of Misconduct and Filing of Charges

If a student observes another student committing a violation of the **Student Conduct Regulations**, or is the victim of a crime, he or she may inform a faculty member, staff member or University police officer who will make a written report to the Vice Chancellor for Student Affairs for violations of the Student Code or in cases of Academic Dishonesty, the Provost/Vice Chancellor for Academic Affairs, or their designee. The student reporting the violation would be expected to appear and testify at any resulting judicial proceedings. This requirement may be waived in exceptional cases where the identity of the person reporting the violation needs to be protected.

Review by the Vice Chancellor for Student Affairs (in cases of Misconduct Prohibited by the University)**

All misconduct is reported to the Vice Chancellor for Student Affairs who will review the charges. There are several options for the resolution of disciplinary matters and it is the prerogative of the Vice Chancellor for Student Affairs and/or his/her designee to determine which judicial board will consider the charges based on the type of violation(s), the caseload of the judicial boards and other factors.

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 to the matter or to determine if the evidence of the offense warrants further action.
2. In instances of minor offenses in either Student Affairs or residential jurisdictions, sanctions will be assigned at the discretion of the Dean of Students without resorting to a hearing. In some instances the student will be notified in writing (warning letter) that an infraction has been reported and his or her behavior is being monitored for a specific period of time.
3. The Vice Chancellor for Student Affairs or the Dean of Students may assign the case to an Administrative Hearing or to the Student Judicial Council. The University Tribunal hears all cases referred to it by the Chancellor, Vice Chancellor for Student Affairs, or Office of the Dean of Students charges of violation of University Rules and Regulations.