

- The Dean of Students may require a student to participate in a **Mental Health Conduct Conference** when an alleged violation of the Student Conduct Regulations (misconduct prohibited by the university) has occurred in which the student demonstrates evidence of a physical and/or emotional condition which would preclude an effective resolution of the situation through a student judicial hearing. Any student who participates in a Mental Health Conduct Conference is entitled to the same rights and has the same responsibilities as any other student who participates in any other judicial conference, hearing, or appeal. All university judicial procedures and guidelines apply to Mental Health Student Conferences.

Once a determination is made by the Dean of Students (based on the incident report) to refer the student to a mental health conduct conference, the conference will be scheduled with the student, the Director of Counseling Services, the University Psychiatrist (where applicable) and the Director of Disability Support Services -all of whom will serve as hearing officers. The Dean of Students will preside over the conference.

Hearing Notification

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

1. The student shall be informed of the 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 judicial board. In certain instances a student may be notified of a hearing by telephone. The notifications for judicial hearing are delivered at least five (5) days prior to the hearing except in certain cases when time is of the essence or extenuating circumstances prevail. The student may choose to waive his or her right to a hearing by the method described under Waiver of Rights to a Hearing.
2. In the case of Student Conduct Regulations, based on the type of charge(s) and information available, the Vice Chancellor for Student Affairs or Dean of Students may decide to have a pre-hearing conference in which case the student would be notified by telephone or a hand delivered letter.

Conduct of all Hearings & Appeals

All judicial hearings shall be conducted according to the following form:

1. Introductions
2. Reading of the regulatory statements that govern process and behavior during a hearing (see Student Handbook sections on “presence of advisor and observers at hearing” thru “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

*Three(3) material witnesses may offer evidential information relative to the incident, whereas there may also be submitted three (3) character witnesses or three (3) signed written character letters. Character witnesses are used only for sanctioning purposes and not for finding of responsibility.

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 other than an attorney, except if the offense charged is also the subject of pending criminal charges. In this case, the attorney may not participate but may confer with the student during the hearing so long as the attorney does not address the hearing official or committee, other parties or witnesses and does not delay or disrupt the proceeding. In addition to an advisor, a student shall be accompanied by not more than three other persons. These persons shall have no official status before the judicial board; they are merely observers of the proceedings and may not address the judicial board nor conduct examination or cross examination of any witness.

Evidence and Burden of Proof

Rules of evidence and procedures may differ from proceedings before civil authorities. Unlike courts, University hearing officers engage in a full discussion of charges and circumstances. Irrelevant or unduly repetitious evidence shall be excluded at the jurisdiction of the chairperson. A decision shall be reached on the basis of the preponderance of evidence with the burden of proof on the person bringing charges (complainant).

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.

Deliberations

Panel members will assemble and make a determination of the guilt or innocence of the accused that is based solely on the evidence presented at the hearing. If culpability of the accused is determined, the hearing panel will recommend an appropriate sanction or sanctions to the hearing officer (chairperson).

Decision

The hearing officer makes decisions on sanctions except when the panel recommends expulsion or suspension. In cases where there is a violation of the Misconduct Prohibited by the University and suspension is recommended, the hearing officer forwards the panel recommendations to the Vice Chancellor for Student Affairs for review, evaluation, and a decision. In cases of Academic Dishonesty and suspension is recommended, the College or School forwards the recommendation to the Office of the Provost /Vice Chancellor for Academic Affairs for review, evaluation, and a decision. Whenever expulsion is recommended regarding violation of any form of student conduct, the recommendation is forwarded to the Chancellor for a decision.

Decision Deferred

In cases where a panel or hearing officer believes additional information is needed prior to decision or sanction, the case may be referred for assessment or evaluation by internal or external agencies. In such cases, the final decision on the case shall be deferred until such time as the requested assessment or evaluative information can be obtained.

Notice of Decision

Within ten (10) calendar days of the date the decision is made, the hearing officer will provide certified or hand-delivered written notification of the decision to the accused.

Parental Notification

Pursuant to the 1974 FERPA law, parents or guardians/sponsors are sent written notification, without the student's consent, regarding students under the age of 21 who are in violation of campus and/or state alcohol and drug policies or if there is an indication of imminent danger to one's well-being or that of the university community.

Sanctions

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

Sanctions of expulsion and suspension affect the student's academic status at the University. In order that students under suspension not contravene the terms of penalty, the offices of Admissions, Cashier, Financial Aid, Graduate School, Registrar, Residence Life and University Police will be notified in writing. During the suspension period records will remain flagged and transcripts will be held until students have complied with university imposed sanctions and the suspension period is over. No credit earned at another institution during the suspension period shall be transferred to North Carolina Agricultural and Technical State University. A student under expulsion or suspension is subject to arrest for trespassing if found on University property. **A student who is suspended or expelled from the University for disciplinary reasons is not eligible for a refund and forfeits any funds previously paid.**

A student who loses campus- housing privileges for disciplinary reasons and has concerns about the financial ramifications of such should contact the Office of Housing and Residence Life for guidelines and shall be governed by those guidelines.

Student's failure to appear at a hearing

Scheduled university judicial hearings will be held in absentia if the student fails to present him/herself at the scheduled hearing. The administrative hearing body will convene and make a decision based on the evidence at the hearing.

Should a sanction result from a student's failure to present himself or herself for adjudication of a charge, the offices of Admissions, Cashier, Financial Aid, Graduate School, Registrar, Residence Life and University Police will be notified in writing and the student's records will be flagged. In addition, a transcript will not be released to persons outside the University until the student answers to the charge.

Any one of the following sanctions or their combinations may be imposed:

1. **Expulsion** permanently severs the relationship of the 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. **Indefinite suspension** severs the relationship of the student with the University with no date established for the student to return. A date at which time the student may request reinstatement can be established or may be contingent on a student fulfilling one or more stipulations (e.g. resolution of criminal matters pending in the courts, psychological evaluation).
3. **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 a serious nature that his or her continued presence at the University is potentially dangerous to the health and safety of the University community, its property or its educational mission.
(In cases of violations of the Student Conduct Regulations, to invoke interim suspension, the Vice Chancellor for Student Affairs or his/her designee will conduct a preliminary investigation and hearing with the student - if possible. In cases of Academic Dishonesty, the Provost/Vice Chancellor for Academic Affairs or his/her designee will conduct such an investigation. At the time, the student will be informed of the charges and given the opportunity to explain the circumstances.)
4. **Suspension** severs the relationship of the student with the University for a finite period, the terminal date of which coincides with the official ending of an academic semester or summer session. Students placed on suspension or expulsion are placed in the UNC Statewide Database, per state requirements, which restricts the student from attending a college or university within the UNC system.
5. **Disciplinary Probation** is a period of close scrutiny of a student by the University during which his or her 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 the requirement of the probation or further infraction of University policy may result in more severe sanctions including suspension or expulsion from the University. Individuals on Disciplinary probation are not eligible to hold office or obtain membership in any student group or organization; or may not be eligible for certain employment positions or participation in other campus programs.
6. **Warning** is an official reprimand, which by formal written communication, gives official notice to a student 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 contained in files of the Division of Student Affairs or in the case of Academic Dishonesty, the Vice Chancellor for Academic Affairs and will be available as evidence of relevant past behavior to hearing panels.
7. In addition to the above, any one or a combination of the following may be recommended by a judicial hearing board and/or imposed by the Vice Chancellor for Student Affairs or Dean of Students in 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) Counseling
- g) Conflict Management Training

The penalties listed above are examples only and do not limit the discretion of judicial officers. Students placed on suspension or expulsion are placed in the UNC Statewide Database, per state requirements, which restricts the student from attending a college or university within the UNC system.

Students that are suspended must apply for readmissions. After the proper reviews of submissions of all items specified in the sanction letter, the student will be notified when to contact the Office of Admissions about the readmissions process if he/she desires to return to North Carolina A&T. Readmission rules, regulations, and decisions are governed by the Office of Admissions; The Division of Student Affairs nor the Office of the Dean of Students re-admit students.

APPELLATE PROCEDURES

At North Carolina A&T State University there are three (3) Appellate Boards as described below:

1. **Vice Chancellor for Student Affairs** – The Vice Chancellor for Student Affairs hears all appeals of Misconduct Prohibited by the University.
2. **University Judicial Tribunal** - The University Judicial Tribunal hears all appeals involving Academic Dishonesty. This tribunal shall consist of a pool of the ten (10) members evenly divided between students and faculty. The Chancellor of the University shall select the members.

The Chairperson of the University Tribunal shall be of faculty rank and shall preside over the hearing. He or she shall be a non-voting member of the Tribunal, except in the case of a tie vote. A majority vote of the panel shall be required to decide any issue of fact or sanction. A majority of the members of the Tribunal, including the Chairperson, must be present to constitute a quorum.

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

Basis for Appeal

A student may appeal the outcome of a hearing if the student can provide clear and convincing new evidence or that procedural due process was violated. A written notification of the charges, rights of the student, and date, time, and place of the hearing constitutes procedural due process. 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 (cases other than suspensions or expulsions) may either:

1. Reduce, change, or dismiss the sanctions of the original hearing body;
2. Remand the case back to the original hearing body.

Filing the Appeal and Timing

The Student should provide a signed statement, clearly outlining the specific grounds and all supporting facts upon which the appeal is based. Where a student group makes an appeal, the president or chief officer's signature will be required. In cases of violations of the Student Conduct Regulation, the appeal should be addressed and delivered to the Vice Chancellor for Student Affairs within one week (seven calendar days) after notification from the original hearing committee. Academic Dishonesty Appeals are made to the Chairperson of the University Tribunal.

Process of Appeal

The Vice Chancellor for Student Affairs will receive and review all initial appeals regarding Violations of Misconduct Prohibited by The University. The University Tribunal receives all initial appeals of Academic Dishonesty. In cases which do not involve suspension or expulsion from the University, the appeals process will conclude with the Vice Chancellor for Student Affairs regarding Misconduct Prohibited by The University and in the case of Academic Dishonesty Violations, the University Tribunal. The Vice Chancellor for Student Affairs or the Chairperson for the University Tribunal will call in any appropriate parties necessary to assist in making the 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 of the University. The Chancellor will call in any appropriate party necessary to assist in making the final decision.

The next level in the appeals process after the Chancellor's decision would be made to the University's Board of Trustees and the final avenue of appeal would conclude with the Board of Governors. The exception to this would be if the appeal is based on a claim of procedural due process and fair hearing. In accordance with The Code of the Board of Governors Section 502D(3), the appeal after the Chancellor's ruling concerning due process and fair hearing claims must be forwarded to the President of the University of North Carolina for review of the proceedings.

Important Note: It will be 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 outcome of the appeal. Factors that will be considered include the nature of the violation, interference with the University's educational mission and the safety and welfare of other members of the University community.