

UNC Charlotte

University Policy 406, Code of Student Responsibility

As amended, effective for violations occurring on or after August 15, 2022

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Preface

All UNC Charlotte Students are expected to be familiar with University policies and procedures, and to conduct themselves accordingly.

University Policy 406, Code of Student Responsibility (“the Code”) fulfills the duty of the Chancellor to regulate matters of Student behavior in the University community.

University Policy 407, Code of Student Academic Integrity governs Student behavior relating to academic work.

University Policy 501, Nondiscrimination; University Policy 502, Sexual Misconduct and Interpersonal Violence; and University Policy 504, Title IX Grievance Policy govern behavior related to discrimination, discriminatory harassment, and sexual or interpersonal misconduct, respectively. Any such allegations against Students are processed under those policies and not under this Code. See the Office of Civil Rights and Title IX website for more information.

All Student inquiries concerning the Code or University Policy 407 should be directed to the Associate Dean of Students and Director of Student Accountability & Conflict Resolution (“Director”).

The current version of the above policies, which may be periodically revised, are available online.

Special Notes:

Any individual may report an alleged violation(s) of the Code online at <https://incidentreport.charlotte.edu/>. Individuals may report crimes or incidents involving imminent threat of harm to Police and Public Safety at 704-687-2200. Any Student needing assistance because of a disability may contact the Office of Disability Services at 704-687-0040.

For the purposes of this Code and any references to this Code, the terms "accountability" or "behavior" are synonymous with the term "conduct," and the term "outcomes" is synonymous with the term "sanctions," where the terms "conduct" and "sanctions" are used in UNC System Policy 700.4.1.

Chapter 1. Philosophy and Purpose

The mission of Student Accountability & Conflict Resolution is to uphold academic and community standards; encourage personal accountability and responsible decision making; promote Student learning; and reduce and prevent behavior that undermines Student success and community safety.

Consistent with UNC Board of Governors Policy 700.4.2, the University is committed to providing a fair, impartial, and efficient process facilitated through compassionate conversations in which Students are heard, respected, and treated with dignity. All Students are responsible for conducting themselves in a manner that helps enhance an environment of learning in which the rights, dignity, value, and freedom of each member of the academic community are respected.

The University works to create and sustain an environment where freedom of speech and expression are supported and honored. The University has the discretion to regulate the time, place, and manner of exercising these and other Constitutionally-protected rights. In administering this Code, the University will exercise care to preserve the freedom of speech and expression for all in the campus community.

The University must balance its commitment to preserving Student rights, encouraging responsible growth and development of its Students, protecting the rights of those targeted by Student actions, and holding Students accountable for their actions. This balance is achieved through the use of a full spectrum approach that includes adjudicatory and alternative resolution options.

The purpose of this Code is to define what behavior is prohibited, Students' rights and resolution options, and the range of outcomes that may be implemented.

Chapter 2. Scope of the Code

A. Authority

1. Pursuant to The UNC Policy Manual, Section 502 D(3), the Chancellor has full authority in the regulation of Student accountability, conduct, and discipline. The Chancellor may delegate such authority to University administrators or other officials as described in this Code or in other appropriate policies, regulations, or rules. The Chancellor has delegated to the Director and the Associate Vice Chancellor for Student Affairs and Dean of Students the authority to administer the University Student accountability process, with the exception of discriminatory harassment and sexual or interpersonal misconduct. The University has the right to take necessary and appropriate action to protect the safety and well-being of the University community.
2. The Code may be amended, in writing, by the Chancellor at any time.
3. The Code is established, in writing, in order to give Students and Student Organizations general notice of prohibited behavior. The Code should be read broadly and is not designed to define prohibited behavior in exhaustive terms.
4. The supplemental procedural document, [Procedures for Case Resolution](#), referenced in the Code will apply to all cases in which a Student or Student Organization is Accused of a Violation of the Code.
5. All procedural and interpretive questions concerning the Code will be resolved by the Director. The Director may alter the Accountability Procedures to protect the University community, property, or resources.
6. Students assume positions of responsibility in the University Student accountability process through the Student Accountability Board so that they may contribute their skills and insights to the resolution of alleged violation(s) of the Code. Final authority in Student accountability matters, however, is vested in the University administration, subject to policies or regulations of the UNC Charlotte Board of Trustees or the University of North Carolina Board of Governors and to North Carolina law.
7. Appeals of Student outcomes will be in accordance with the Code.

B. Scope of Violations

Jurisdiction under the Code may be exercised with respect to behavior that occurs at any time from an individual's acceptance of an offer of admission until the individual is no longer in a continuing relationship with the University. Violations of University policies, rules or regulations, or federal, state, or local law may result in initiation of the Accountability Procedures.

The Code applies only to those instances of Student or Student Organization behavior that are harmful to the appropriate interests of the University, including:

1. the opportunity of all members of the University community to attain educational objectives consistent with the policies and purposes of the University;

2. the protection of the health, safety, welfare, and property of all individuals in the University community; and
3. the protection of the University's integrity, reputation and its property.

Instances of prohibited behavior may result in initiation of the Accountability Procedures or an Alternative Resolution process, regardless of whether the alleged behavior occurred on University Premises. The Director or designee will determine whether the incident affects University interests and thus falls within the scope of the Code. Additionally, if the alleged behavior occurred prior to an individual's acceptance of an offer of admission but an arrest or conviction occurs while the individual is a Student, the Director or designee will determine whether the incident affects University interests and thus falls within the scope of the Code.

C. Standards of Due Process

The University will provide due process as follows:

1. The focus of inquiry in the Accountability Procedures is to determine whether the Respondent is or is not responsible for engaging in prohibited behavior under the Code.
2. Formal rules of evidence are not applicable, and deviation from Accountability Procedures does not necessarily invalidate the findings and/or outcome of a case, unless there is significant prejudice to the Respondent or University.
3. Respondents are entitled to a Hearing, unless the Respondent waives the Hearing in writing through a Mutual Resolution or through other means.

D. Standard of Proof

For a Respondent to be found responsible for a violation(s) of the Code, the information must establish that the Respondent is responsible for the violation(s) by a preponderance of the evidence—that it is more likely than not that the Respondent violated the Code as charged. This determination must be based solely on the information presented during the Accountability Procedures.

A Student is presumed not responsible until determined otherwise through the Accountability Procedures.

E. Pending Criminal Proceedings

The Accountability Procedures in the Code differ from the criminal justice system in scope, purpose, procedure, and outcome, and are not designed to replace state or federal criminal laws or procedures. Students may be accountable to both civil authorities and to the University for behaviors that constitute violations of law and the Code. The Accountability Procedures in the Code will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident(s) have not been filed or have been dismissed or reduced.

F. Student Rights

Students at the University have the same rights and protections under the Constitutions of the United States and the State of North Carolina as other citizens. These rights include freedom of expression, press, religion, and assembly. The University values freedom of expression, which includes voicing unpopular views and dissent. As members of the University community, Students have the right to express their own

views, but must also take responsibility for affording the same right to others.

Students have the right to be treated fairly and with dignity regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, physical or mental disability, veteran status, or genetic information, and as outlined in University's [Nondiscrimination policy \(University Policy 501\)](#).

Accordingly, Students will not be unlawfully discriminated against on the basis of protected group status.

Students have the right to be protected from arbitrary decision-making by the University and to have access to University policies which affect them. The University is committed to providing Students with a balanced and fair system of dispute resolution. Accordingly, Students will not be deprived of the appropriate due process protections to which they are entitled. The Code is one of the University's administrative procedures and should not be equated with or substituted for procedures used in civil or criminal court.

For a list of Respondent rights, please see [Supplemental Procedures](#).

G. Student Responsibilities

Students at the University are expected to comply with local, state, and federal laws. Students are responsible for their actions and behaviors, the impacts they have on others, and the consequences of their decisions. Persistent prohibited behavior or disregard for personal safety, where other interventions and disciplinary actions have failed to bring about cooperation and behavior aligning with the Code, may result in outcomes pursuant to the Code up to and including suspension or expulsion.

Chapter 3. Prohibited Behaviors

The following behaviors are subject to initiation of the Accountability Procedures:

a. **Acts of Harm**

1. *Physical Injury* – Inflicting, attempting to inflict, or assisting in inflicting physical injury upon an individual.
2. *Fear/Risk* – Placing an individual in fear of imminent physical injury or danger or at risk of imminent physical injury or danger.
3. *Harassment/Intimidation/Bullying* – Engaging in unwelcome behavior directed toward, including, but not limited to the dehumanization of, a particular individual or identifiable group of individuals through any action, method, device, or means which is so severe or pervasive, and objectively offensive that it unreasonably interferes with the target individual's employment, academic performance, or participation in institutional programs or activities, effectively denying equal access to institutional resources and opportunities (i.e., creates a hostile environment). This does not include Discriminatory Harassment, which is prohibited under University Policy 501, Nondiscrimination, or Sexual Harassment or Gender-Based Harassment, which are prohibited under University Policy 502, Sexual Misconduct and Interpersonal Violence and/or University Policy 504, Title IX Grievance Policy.
4. *Unwanted Contact* – Engaging in unwanted physical touching of or bodily contact with another individual. This does not include sexual touching, which is prohibited under University Policy 502, Sexual Misconduct and Interpersonal Violence and/or University Policy 504, Title IX Grievance Policy.

b. **Alcohol**

1. *Underage Possession/Consumption* – Possessing or consuming alcoholic beverages while under the legal drinking age pursuant to applicable law.
2. *Driving Under the Influence* – Operating a motor vehicle under the influence of alcohol or while impaired by the consumption of alcohol.
3. *Providing to Minors* – Furnishing or selling any alcoholic beverages to any individual under the legal drinking age pursuant to applicable law.
4. *Public Intoxication* – Being intoxicated in public attributable in part or in whole to the use of alcohol.
5. *Violation of University Policy* – Violating University Policy 706, Alcoholic Beverages, including, but not limited to, (a) failing to abide by the provisions of an "Acknowledgment of Responsibility for Service of Alcoholic Beverages" form; (b) making any sale of any alcoholic beverage on University Premises; (c) having common source containers within any University housing, any University outdoor area, or event sponsored by a Student Organization; or (d) possessing an open container on University Premises, unless specifically permitted under University Policy 706, Alcoholic Beverages.

c. **Assisting in Prohibited Behavior** – Assisting in any behavior or activity that violates University policy or law.

d. **Disorderly Behavior**

1. *Disturbance* – Creating a disturbance, including, but not limited to, fighting, creating the threat of imminent fighting or other violence, or generally engaging in objectively

disruptive behavior.

2. *Disruption of Classroom Environment* – Engaging in behavior that objectively disrupts or interferes with the normal functions of a class, including, but not limited to, failure to conform to the instructor’s announced expectations for classroom decorum.
- e. **Disruption of Normal University Activities** – Interfering with or inciting others to interfere with normal University activities and services, including, but not limited to, teaching, studying, research, the free expression of ideas, speeches and other public or private events, University administration, and fire, police, or other emergency services. Acts prohibited include, but are not limited to, those acts prohibited in University Policy 601.13, Interference with University Operations, which prohibits, among other things, Student action taken "with intent to obstruct or disrupt any normal operation or function of the University," and University Policy 802, Conduct at Speech Events, which prohibits certain disruptive activities at speech events on campus.
- f. **Drugs**
1. *Possession/Consumption/Use* – Possessing, consuming, or using any controlled substance under the North Carolina Controlled Substances Act (N.C.G.S. Chapter 90, Article 5).
 2. *Paraphernalia* – Possessing or using drug paraphernalia, including, but not limited to, bongos, bowls, pipes, roach holders, or scales.
 3. *Manufacturing/Distribution/Delivery* – Manufacturing (including growing marijuana), distributing, delivering, of any controlled substance, or attempting to manufacture, distribute, deliver, of any controlled substance.
 4. *Possessing with Intent to Manufacture/Distribute/Deliver* – Possessing with intent to manufacture (including growing marijuana), distribute, or deliver any controlled substance.
 5. *Misuse* – Misusing over-the-counter drugs, medically prescribed drugs, or huffing/sniffing any substance not intended for such use.
 6. *Driving Under the Influence* – Operating a motor vehicle under the influence of drugs or while impaired by the consumption or use of drugs.
 7. *Public Intoxication* – Being intoxicated in public attributable in part or in whole to the use of drugs.
- g. **Failure to Comply**
1. *Reasonable Directive* - Failing to comply with the reasonable directives or meeting requests by University officials, acting in the performance of their duties.
 2. *Outcomes* - Failing to comply with outcomes that resulted from Accountability Procedures.
- h. **False Identification**
1. *Forgery/Counterfeiting* – Forging, counterfeiting, or altering without authorization any form, document, or instrument of identification (ID).
 2. *Possession/Use* – Possessing, using, or displaying an ID that is not one’s own or is fictitious, canceled, revoked, or suspended.
 3. *Loaning/Selling* - Loaning or selling an ID to another individual not entitled to the ID.
- i. **Fire Safety**
1. *Setting a Fire* – Setting, attempting to set, or assisting in setting a fire without authorization or in a manner that creates a safety hazard.

2. *Misusing Equipment* – Misusing, tampering with, or damaging fire safety equipment, including, but not limited to, fire extinguishers, smoke detectors, emergency exit signs, emergency exits, or sprinkler systems.
- j. **Hazing** – Any activity related to membership in a group or team, including a Student Organization, that may demean, disgrace, or embarrass a person or that risks endangering the mental, physical, or emotional health of a person, regardless of whether such person has agreed to participate in the activity. Hazing includes violation of North Carolina law as established in NCGS §14-35. (Further resources and information on Hazing are available on the Student Accountability & Conflict Resolution website.)
- k. **Misrepresentation**
1. *Furnishing* – Furnishing false information to the University.
 2. *Failing to Report Felony Convictions* – Failing to report a felony criminal conviction(s) (a) to the admissions office if convicted between the time the individual has submitted an application for admission and has accepted an offer of admission to the University, or (b) to Student Accountability & Conflict Resolution if convicted while a Student.
 3. *Misrepresenting Affiliation* – Misrepresenting to a third party one’s affiliation with the University, which may include misrepresenting or concealing one’s organizational affiliation(s) or sponsorship(s) for the purpose of enticing another individual into joining or participating in an Organization.
 4. *False Report* – Initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency.
- l. **Retaliation** – Retaliating against an individual who has engaged in protected activity, including, but not limited to, reporting an alleged violation of the Code or other University Policy, providing a statement or testimony as a witness in the Accountability Procedures, or participating in an investigation regarding an alleged violation(s) of the Code. Retaliatory acts may include threats, intimidation, coercion, or harassment and will be addressed separately from the underlying alleged violation(s) of the Code.
- m. **Theft and Unauthorized Possession/Access**
1. *Theft/Attempted Theft* – Theft, attempted theft, or assisting in the theft of University or individual property or services.
 2. *Breaking and Entering* – Breaking and entering, attempted breaking and entering, or assisting in breaking and entering into University property or the property of others, including, but not limited to, private vehicles.
 3. *Confidential Information* – Using or accessing private or confidential information in any medium without authorization.
 4. *Unauthorized Possession/Access* – Possessing property or accessing an account that is not one’s own without the owner’s authorization.
- n. **Trespassing** - Trespassing, including being present in, using, or assisting another in being present in or using, University Premises without University authorization or the premises or property owned or controlled by others without authorization.
- o. **Unauthorized Recording** – Making an audio, photographic, or video record of any individual without their knowledge or without their effective permission in a place where they have a reasonable expectation of privacy, when such a recording is objectively likely to cause injury,

embarrassment, or distress. This does not include Sexual Exploitation, which is prohibited under University Policy 502, Sexual Misconduct and Interpersonal Violence.

- p. **Vandalism** - Destroying, defacing, tampering with, or damaging the property of others or University property, including, but not limited to, chalking, spray painting, or otherwise marking without appropriate University authorization.
- q. **Violation of Law** – Committing an act, attempting to commit an act, or assisting another in committing an act that violates state or federal law or local ordinances that is not otherwise a violation of the Code. A conviction in a civil or criminal court is not required in order for this charge to be pursued under the Code.
- r. **Violation of University Policies or Regulations** – Violating, aiding in violation of, or concealing information of violation of published University policies or regulations. Such policies or regulations include, but are not limited to, all Housing and Residence Life policies, the Contract for Residential Services (housing contract).
- s. **Weapons**
 - 1. *Possession* - Possessing, or storing any Weapon or explosive without University authorization, except as explicitly permitted by law and University Policy 702, Weapons on Campus.
 - 2. *Use* - Using a Weapon of any kind, or any item that may be perceived as a Weapon, in a manner that would reasonably create a fear of harm to others.

Chapter 4. Accountability Procedures

This Chapter outlines the general process for managing cases involving alleged policy violations. Specific procedures for adjudicating cases are detailed in the [Procedures for Case Resolution](#) supplemental to the Code (“[Supplemental Procedures](#)”). Student Accountability & Conflict Resolution will use the following procedures to respond to behavior which is alleged to have violated this Code.

A. Reporting Information

1. Any individual may report an alleged violation(s) of the Code online, including allegations regarding an individual Student(s) and Student Organizations.
2. Based on the reported information, the Director or designee will determine whether an Alternative Resolution Option or Formal Charge(s) will be pursued.
 - a. Formal Charge(s) may constitute a Minor Violation or a Serious Violation, based on the Respondent’s prior disciplinary record or facts and circumstances related to the case.
 - b. No Respondent is permitted to withdraw from enrollment at the University after being charged with a Serious Violation until determinations on responsibility and outcomes (if applicable) are made.
3. If the Director or designee determines that a Formal Charge(s) will be pursued, the Respondent will be notified of the alleged charge(s) and additional rights and options as outlined in the [Supplemental Procedures](#).

B. Participation of an Advisor

The Respondent and any witnesses may each invite an individual to the Accountability Procedures to serve solely as an Advisor. A [FERPA Consent Form](#) must be completed prior to being accompanied by an Advisor. The Advisor may be in addition to the Respondent’s Representative.

C. Participation of a Representative

In accordance with [N.C.G.S. §116-40.11](#), the Respondent may be represented, at their own expense, by a Representative during the Accountability Procedures, except when the violation:

1. will be addressed by a Student Honor Court (Student Hearing Panel), or
2. is an allegation of academic dishonesty, as governed by [University Policy 407, Code of Student Academic Integrity](#).

A Representative may fully participate in the Accountability Procedures only to the extent afforded to the Respondent they represent. An attorney or other individual representing the University may participate in the Accountability Procedures in which a Representative is participating and present. Students choosing to utilize a Representative are responsible for all associated expenses.

The Respondent must provide the Director or designee with a completed [Notice of Attorney or Non-Attorney Advocate Representation form](#). The notice must be submitted at least three (3) Days prior to the scheduled meeting or Hearing. Failure to meet these requirements may result in the loss of the Respondent’s right to participation of a Representative in the Accountability Procedures.

D. Interim Suspension and Interim Removals

When the University determines that the continued presence of a Student on University premises or in University housing

1. is potentially threatening, harmful, or dangerous to others or the University community;
2. poses a threat of significant property damage;
3. impacts the stability and continuity of normal University activities; and/or
4. directly and substantially impedes the lawful activities of others,

the Director or designee may, on an interim basis, suspend the Student and/or remove the Student from University housing pending the outcome of Accountability Procedures.

Within five (5) Days of the effective date of the interim suspension or interim removal, the Student may submit an [interim suspension appeal form](#) to request a termination or modification of the interim suspension or interim removal. The Director or designee will review the form and may, in their discretion, meet with the Student and utilize information gathered in that meeting to make a decision on whether to terminate or modify the interim suspension or interim removal based on the standards outlined in the [Supplemental Procedures](#).

No Student is permitted to withdraw from enrollment at the University after being placed on interim suspension until (a) determinations on responsibility and outcome (if applicable) are made as part of the Accountability Procedures or (b) the interim suspension is terminated. A Student who has been placed on interim removal from a class may withdraw from enrollment in the class or from the University during such interim removal; however, Accountability Procedures will proceed regardless of the Student's enrollment.

A Student who persists in disrupting a particular class in violation of the Code may, at the discretion of the Director or designee, be removed from that class only, on an interim basis, pending the outcome of Accountability Procedures.

E. Resolution Types

1. *In Absentia* Resolution

If the Respondent fails to respond within six (6) Days of an initial request from the Director or designee for a meeting, the case may be resolved in the Respondent's absence through an *In Absentia* Resolution. The Director or designee will, in their professional judgment, make a determination on responsibility for any Formal Charge(s) and may specify any appropriate outcome(s). If the case is resolved through an *In Absentia* Resolution, the Respondent has the right to petition for their case to be reopened. Petitions must be received no later than five (5) Days after written notice of outcome.

In Absentia resolutions are not available if the Formal Charges constitute a Serious Violation. In such cases, if a Respondent fails to respond to the initial meeting request the case may be referred to a Hearing.

2. Mutual Resolution

If the Director or designee determines that the Mutual Resolution process is appropriate, they will offer the Respondent the option of a Mutual Resolution during the Respondent's initial meeting or at a subsequent meeting. The Respondent has three (3) Days to respond to an offer of a Mutual Resolution.

A Respondent who accepts a Mutual Resolution must voluntarily accept the determinations on

responsibility and outcome(s) proposed by the Director or designee and waive their right to a Hearing. The Mutual Resolution must be in writing and signed by the Respondent and the Director or designee. The signed Mutual Resolution may not be appealed.

If the Director or designee does not offer a Mutual Resolution or the Respondent does not accept a Mutual Resolution, the Director or designee may refer the case to a Hearing.

3. Alternative Resolutions

Alternative Resolution processes (such as an administrative outreach, conflict coaching, educational outreach, or facilitated and mediated dialogues, which are defined in the [Supplemental Procedures](#)) allow individuals involved in a conflict to have significant influence over the resolution process. The nature of some conflicts, especially those involving violence, may render the case ineligible for the Alternative Resolution process or some Alternative Resolution options. Whether to offer an Alternative Resolution is at the discretion of the Director or designee.

Participation in an Alternative Resolution process is voluntary and may or may not result in an agreement or resolution. When a mutually satisfactory resolution is reached by the individuals involved in a conflict, the case is resolved. Resolutions reached through an Alternative Resolution process may not be appealed. If resolution cannot be achieved through an Alternative Resolution process and the matter involves a pending Code violation, the Respondent may be referred for Accountability Procedures.

The University's [Help Seeking Protocol](#) is a form of Alternative Resolution. A priority of UNC Charlotte is its Students' health, safety, and welfare. Students are expected to demonstrate compassion by seeking help in potentially dangerous or life-threatening situations. The University does not want the fear of Student accountability repercussions to be a barrier for seeking help. The Help Seeking Protocol provides Students an opportunity to seek help for themselves or others while being connected to campus and community resources, in lieu of engaging in Accountability Procedures.

For more information on Alternative Resolution options, please see [Supplemental Procedures](#).

4. Resolution through Hearing

A. If the case is not resolved through a Mutual Resolution or an *In Absentia* Resolution, the Director or designee may refer the case to a Hearing. The Director or designee may modify the Formal Charge(s) based on information provided before or during the Mutual Resolution process.

The scheduling of a Hearing may be delayed at the discretion of the Director or designee

1. during times of heavy caseloads,
2. if the Formal Charge(s) occurs close to the end of an academic semester or term,
3. in the event of the reasonable need of the Respondent or the University for additional time to gather information for the Hearing, or
4. upon request of the Respondent due to extenuating circumstances.

B. Outcome-Only Hearing

If a Student takes responsibility for the Formal Charge(s) but does not accept the outcome(s) offered in a Mutual Resolution, the Student can request an Outcome-Only Hearing via the Request for [Outcome-Only Hearing form](#). Upon such a request, the Director or designee, in their discretion, may offer an Outcome-

Only Hearing. In an Outcome-Only Hearing, the Hearing Officer or Hearing Panel accepts the Student's admission of responsibility for the violation(s) and will only make a decision on an appropriate outcome(s) through a Hearing.

For more information about the hearing process, please see [Supplemental Procedures](#).

Chapter 5. Outcomes

If a Student is found responsible for a violation of the Code through Accountability Procedures, outcomes (synonymous with the term “sanctions” in The University of North Carolina Board of Governors Policy 700.4.1) may be imposed. Outcomes are intended to educate Students on the effects of their behavior and encourage change in future decision making.

A. Compelling Factors

Mitigating or aggravating factors or circumstances affecting outcomes will be considered prior to imposing an outcome. Factors to be considered may include, but are not limited to:

1. the Respondent’s demonstrated understanding of their responsibility and level of accountability;
2. the prior Accountability record of the Respondent;
3. the nature of the incident and the facts and circumstances related to the case;
4. the severity of any damage, injury, or harm resulting from the incident;
5. the level of disruption to normal University activities and services;
6. whether the incident was motivated by bias based upon an individual’s actual or perceived race, color, religion, sex, sexual orientation, gender identity, age, national origin, physical or mental disability, veteran status, or genetic information; and
7. guidance from applicable governing policies and regulations of the UNC Board of Governors.

B. Individual Student Outcomes

One or more of the following outcomes may be imposed if a Student is found responsible for a violation(s) of the Code.

1. **Disciplinary Warning** – Formal written warning indicating that the Respondent’s behavior was unacceptable and that if the Respondent is subsequently found responsible for a violation(s) of the Code, more severe outcomes could result.
2. **Disciplinary Probation** – A status in which the Respondent is deemed not to be in good Disciplinary Standing with the University for a definite period of time not less than the remainder of the semester in which the Disciplinary Probation is imposed for a period of time. Disciplinary Probation does not affect the Respondent’s academic standing, is not shared with faculty members, and is not notated on the Respondent’s academic transcript. In the event the Respondent is subsequently found responsible for a violation(s) of the Code while on Disciplinary Probation, more severe outcomes, including Disciplinary Suspension or Expulsion, could result. Conditions restricting the Respondent's participation in University activities may also be imposed.
3. **Deferred Disciplinary Suspension** – A status in which the Respondent is deemed not to be in good Disciplinary Standing with the University for a definite period of time not less than the remainder of the semester in which the outcome is imposed. Deferred Disciplinary Suspension does not affect the Respondent’s academic standing, is not shared with faculty members, and is not notated on the Respondent’s academic transcript. In the event the Respondent is subsequently found responsible for a violation(s) of the Code, more severe

outcomes, including Disciplinary Suspension or Expulsion, could result, with Disciplinary Suspension being considered as a most likely possibility. Conditions restricting the Respondent's participation in University activities may also be imposed.

4. **Disciplinary Suspension** – Separation of the Respondent from the University for a definite period of time not less than the remainder of the semester in which the Disciplinary Suspension is imposed. During the Disciplinary Suspension period, the Respondent is trespassed from the University and may not be present on University Premises; attend or participate in classes; access various University electronic systems, including, but not limited to, email services; or participate in Student Organizations or any University-sponsored program, activity, or related event. The Respondent will be automatically withdrawn from registered courses based upon the effective date of the Disciplinary Suspension. The Respondent will be responsible for any financial obligations to the University but may be eligible for a reduction of tuition and fees based upon the effective date of the Disciplinary Suspension and the University's Reduction of Tuition and Fees Schedule. Notification of the Disciplinary Suspension will appear on the Respondent's academic transcript and will remain until the end of the Disciplinary Suspension period. The Respondent's name will be added to the UNC System Suspension/Expulsion Database, where it will remain indefinitely. In order to re-enroll at the University at the conclusion of the Disciplinary Suspension period, the Respondent must reapply for admission to the University, but no Respondent may re-enroll at the University until after the Disciplinary Suspension period has ended.
5. **Expulsion** – Permanent separation of the Respondent from the University. The Respondent is trespassed from the University and may not be present on University Premises; attend or participate in classes; access various University electronic systems, including, but not limited to, email services; or participate in Student Organizations or any University-sponsored program, activity, or related event. Violation of the terms of Expulsion may subject the Respondent to arrest. The Respondent will be automatically withdrawn from registered courses based upon the effective date of the Expulsion. The Respondent will be responsible for any financial obligations to the University but may be eligible for a reduction of tuition and fees based upon the effective date of the Expulsion and the University's Reduction of Tuition and Fees Schedule. A Respondent who has been expelled from one constituent institution of The University of North Carolina system may not be admitted to another UNC System institution until the Expulsion has been rescinded by the institution that imposed the outcome. Notification of the Expulsion will appear on the Respondent's academic transcript until the date the Expulsion is rescinded, if it is rescinded. The Respondent's name will be added to the UNC System Suspension/Expulsion Database, where it will remain indefinitely. The Respondent may petition the Chancellor in writing for the Expulsion to be rescinded, but not earlier than two (2) calendar years from the effective date of the Expulsion.
6. **Removal from University Housing** – Loss of the privilege of living in University housing, including any off-campus housing provided by the University. Removal may be for a definite period of time not less than the remainder of the semester in which the Removal is imposed. Any cancellation fee, pro-rata refund, or return of deposit will be assessed as described in the housing contract between the University and the Respondent.
7. **Post-Enrollment and Post-Graduation Outcomes** – A Respondent who is found responsible for a violation(s) of the Code, but who graduates from the University before imposition of a outcome, is subject to (a) revocation of any degree awarded; (b) temporary

or permanent withholding of the transcript for any degree earned, regardless of whether the degree has been awarded; and/or (c) having outcome(s) imposed as a condition of re-enrollment at the University.

8. **Additional Outcomes** – Outcomes, including but not limited to the following, may be imposed in addition to those listed above:
 - a. restitution for loss incurred by an individual or the University as a result of the Respondent's violation(s);
 - b. exclusion and/or trespass from all or a portion of any University Premises or any University-sponsored program, activity, or related event, as specified in the outcome;
 - c. an administrative no contact order with an individual(s);
 - d. loss of driving and/or parking privileges on University Premises;
 - e. community service and/or participation in educational programs;
 - f. restitution for expenses incurred by individuals or the University as a result of providing educational programs or other educational experiences related to the violation(s);
 - g. parental/guardian notification, pursuant to Section II.B.11 of University Policy 402, Student Education Records (FERPA); or
 - h. any other appropriate outcome as determined by the Director or designee.

Chapter 6. Appeals

A. Eligibility for Appeal

A Respondent may appeal the Hearing determination on responsibility and outcomes. If a Respondent engages in an Outcome-Only Hearing, they may appeal only the determination on outcomes.

Grounds for appeal are limited to:

1. a violation of due process; or
2. a material deviation from Substantive and Procedural Standards adopted by the Board of Governors, described in The University of North Carolina Board of Governors Policy 700.4.1.

Appeals not meeting these grounds will not be considered. It is not the purpose of the appeal process to provide for a new hearing at a higher administrative level.

B. Submission of Appeal

A Respondent who wishes to appeal must submit an appeal form in support of the appeal within five (5) Days after the Notice of Outcome.

1. The appeal should separately state each ground upon which the Respondent believes that the Hearing committed an error and should include all information the Respondent feels pertinent to support their claims.
2. Failure to submit an appeal within the set timeframe or failure to meet the grounds will render the decision of the Hearing final and conclusive.
3. Upon request, the University will provide access to the case file to the Respondent for the purpose of preparing an appeal. The University will redact any such copy to exclude confidential records regarding other Student(s), as appropriate.
4. The Director or designee will promptly forward appeals meeting the grounds, along with the Record of Appeal, to the Appellate Officer.

The Appellate Officer will decide appeals based upon the information provided in the appeal form and the Record of Appeal. The decision may:

1. Affirm the determinations on responsibility and the outcome(s) (if applicable);
2. Affirm the determination on responsibility and reduce but not eliminate the outcome(s); or
3. Remand the case to the same or a new Hearing.

The Respondent will be notified within a reasonable time in writing of the decision on appeal. The decision of the Appellate Officer affirming the determination on responsibility will be final and conclusive, and the outcome(s) will be imposed as directed. If the case is remanded to a Hearing, the appropriate Accountability Procedures described in the Code will apply.

If the decision of the Appellate Officer imposes an outcome of Expulsion for a Student or Registration Revocation for a Student Organization, a Respondent who believes that the rights described in Section 502 D(3) of The Code of the University of North Carolina (violation of due process or material deviation from Substantive and Procedural Standards adopted by the Board of Governors) have been violated may file a notice of appeal from the decision of the Appellate Officer to the Board of Trustees. No appeal to the

Board of Governors or the President of the University of North Carolina is permitted.

C. Deferral of Outcome(s)

At the discretion of the Director, the imposition of an outcome normally will be deferred until after a decision on an initial level of appeal, but may be imposed immediately after the Hearing if:

1. the Respondent has been found responsible for an act which resulted or foreseeably could have resulted in personal injury to another;
2. the Respondent has been found to be in possession of a Weapon;
3. the Respondent has been found responsible for the forgery or falsification of a University document; or
4. the Respondent has committed an additional violation of the Code or has violated the terms of a previous outcome(s).

Chapter 7. Case Files and Accountability Records

- A. Disciplinary records related to an individual Student are confidential and will be maintained pursuant to University Policy 402, Student Education Records (FERPA), including limited exceptions that permit disclosure without a Student's consent. Any portions of Accountability records related to a Student Organization that do not contain identifiable Student information are generally not protected from disclosure.
- B. Students may request a copy of their Accountability records in accordance with University Policy 402, Student Education Records (FERPA).
- C. The case file, including audio or audiovisual recordings and/or transcripts of the Hearing, will be retained as part of the Respondent's Accountability record for a minimum of eight (8) years from the date of resolution. Disciplinary records including the outcome of Expulsion or Registration Revocation will be retained for a minimum of 75 years.
- D. Disciplinary Suspension and Expulsion will appear on academic transcripts for the period of time designated in the Notice of Outcome.

Chapter 8. Student Organizations

- A. A Student Organization may be Accused of a Violation of the Code regardless of whether a member of the Organization is individually Accused of a Violation arising from the same incident(s).
1. A Student Organization and its officers, leaders, or any identifiable spokespersons may be held collectively or individually responsible when prohibited behavior by those associated with the Organization have received the implicit or overt consent or encouragement of the Organization or of the Organization's leaders, officers, or spokespersons.
 2. Student Organizations are expected to comply with reasonable requests from University officials to take appropriate action designed to prevent or end prohibited behavior by the Organization or by any individuals associated with the Organization. Failure to make reasonable efforts to comply with staff directives will be considered a violation.
 3. A Student Organization may be held accountable if any of the following situations regarding an alleged violation(s) of the Code apply:
 - a. it was committed by one or more members of the Organization;
 - b. it was committed by one or more members of the Organization, and Organization funds were used to finance the function;
 - c. it occurred in the context of an Organization-sponsored function; or
 - d. it occurred in the context of an Organization-sponsored activity that was advertised via Organization-controlled mediums (e.g., social media).
 4. The president or equivalent officer of a Student Organization will represent the Organization unless they request the Director or designee to substitute another Student to represent the Organization.

B. Investigation

In their discretion, the Director or designee may pursue a Formal Charge(s) following a preliminary investigation. The Director or designee may meet with the Respondent and utilize information gathered in that meeting to make a decision on whether to offer a resolution or assign an Investigator.

In some instances, an Investigator may be appointed by the Director to investigate an alleged violation(s) of the Code. The Investigator will submit a written report to the Director or designee summarizing their findings from their investigation which may include information from interviews and any other information relevant to the alleged violation(s). Formal Charge(s) may be modified at the conclusion of the investigation.

C. Interim Measures for Student Organizations

The Director or designee may, on an interim basis, suspend the activities of the Organization pending the outcome of any Accountability Procedures when the University determines that the continued activities of a Student Organization

1. are potentially threatening, harmful, or dangerous to others or the University community;
2. pose a threat of significant property damage;

3. impact the stability and continuity of normal University activities; and/or
4. directly and substantially impede the lawful activities of others.

The interim suspension may require the Organization to cease activities both on campus and off campus until the Accountability Procedures have been conducted.

Within five (5) Days of the effective date of the interim suspension, the Organization may submit an interim suspension appeal form requesting termination or modification. In reviewing the request, the Director or designee will consider the following issues only:

1. the reliability of the information concerning the Organization's behavior, including an assertion of mistaken identity; and
2. whether the behavior in the surrounding circumstances reasonably indicates that the continued activities of the Organization are threatening, harmful, or dangerous to others or the University community; pose a threat of significant property damage; impact the stability and continuity of normal University activities; and/or directly and substantially impede the lawful activities of others.

The Director or designee may, in their discretion, meet with the Student Organization and utilize information gathered in that meeting to make a decision on whether to terminate or modify the interim suspension. The Student Organization may be represented in that meeting, at its own expense, by a Representative. The Accountability Procedures will be initiated as soon as practicable.

D. Student Organization Outcomes

One or more of the following outcomes may be imposed on a Student Organization found responsible for a violation(s) of the Code.

1. **Disciplinary Warning** – Formal written warning indicating that the Respondent's behavior was unacceptable and that if the Respondent is subsequently found responsible for a violation(s) of the Code, more severe outcomes could result.
2. **Registration Probation** – A status in which the Respondent is deemed not to be in good Disciplinary Standing with the University for a definite period of time not less than the remainder of the semester in which the Registration Probation is imposed. In the event the Respondent is subsequently found responsible for a violation(s) of the Code while on Registration Probation, more severe outcomes, including Registration Suspension or Registration Revocation, could result. The Respondent may seek and add members during this probationary period and may host other activities unless otherwise specified.
3. **Deferred Registration Suspension** - A status in which the Respondent is deemed not to be in good Disciplinary Standing with the University for a definite period of time not less than the remainder of the semester in which the Deferred Registration Suspension is imposed. In the event the Respondent is subsequently found responsible for a violation(s) of the Code while on Deferred Registration Suspension, more severe outcomes, including Registration Suspension or Registration Revocation, could result, with Registration Suspension being considered as a most likely possibility. The Respondent may seek and add members during this probationary period and may host other activities unless otherwise specified.

4. **Registration Suspension** – Removal of University recognition of the Respondent for a definite period of time. During the period of Registration Suspension, the Respondent is deemed not to be in good Disciplinary Standing with the University. While under Registration Suspension, the Respondent may continue to occupy or hold property, but may not function at the University; utilize University facilities or services; or participate in any University-sponsored program, activity, or related event.
5. **Registration Revocation** – Permanent removal of University recognition of the Respondent. The Respondent may not function at the University; utilize University facilities or services; or participate in any University-sponsored program, activity, or related event. The Respondent may petition the Vice Chancellor in writing for the Registration Revocation to be rescinded, but not earlier than two (2) calendar years from the effective date of the Registration Revocation.
6. **Additional Outcomes** – outcomes, including but not limited to the following, may be imposed in addition to those listed above:
 - a. exclusion from intramural competition;
 - b. restitution for loss incurred by an individual or the University as a result of the Respondent's violation(s).
 - c. denial of use of University Premises for meetings or activities;
 - d. exclusion and/or trespass from all or a portion of any University Premises or any University- sponsored program, activity, or related event, as specified in the outcome
 - e. suspension of rushing, recruiting, or intake processes;
 - f. loss of social privileges where the Respondent may not sponsor any activity, party, or function that is social in nature during the established period of time;
 - g. community service and/or participation in educational programs;
 - h. restitution for expenses incurred by individuals or the University as a result of providing educational programs or other educational experiences related to the violation(s); or
 - i. any other appropriate outcome as determined by the Director or designee.

Chapter 9. Definitions

When used in the Code, the following terms have the meanings provided below, though not every term in the Code is formally defined:

1. **Accountability Procedures** means procedures in this Code and the [Procedures for Case Resolution](#) addressing alleged violations of prohibited behaviors by a Student or Student Organization, during which a designated University official or Hearing considers information and/or documentation in order to address whether a Student or Student Organization has violated the Code.
2. **Accused of a Violation** occurs when the Director or designee brings a Formal Charge(s) against a Student or Student Organization to initiate the Accountability Procedures.
3. **Advisor** means an individual invited to the Accountability Procedures by a Respondent or witness pursuant to Chapter 4 of the Code.
4. **Affirm** means to approve and uphold the determination or recommendation of a lower level decision- maker.
5. **Appellate Officer** means the Provost and Vice Chancellor for Academic Affairs for cases with outcomes including Expulsion or Registration Revocation, and the Vice Chancellor for Student Affairs for all other cases.
6. **Code** means [University Policy 406, Code of Student Accountability](#).
7. **Day** (unless otherwise specified) means a business day on which the University is open.
8. **Disciplinary Standing** is a designation of a Student's or Student Organization's status with Student Accountability & Conflict Resolution.
 - a. "Good" disciplinary standing means the Student or Student Organization is not on a probationary or higher status, and does not have any outstanding Accountability outcomes
 - b. "Not in Good" disciplinary standing means the Student or Student Organization has an active probationary or higher status and/or has outstanding Accountability outcomes
9. **FERPA** means the [Family Educational Rights and Privacy Act \(20 U.S.C. Section 1232g; 34 C.F.R. Part 99\)](#), a federal law that protects the privacy of Student education records. Additional information can be found in [University Policy 402, Student Education Records \(FERPA\)](#).
10. **Formal Charge** occurs when the Director or designee initiates the Accountability Procedures to address an alleged violation(s) of the Code by a Student or Student Organization.
11. **Investigation Report** means a report or summary developed by an Investigator who has conducted an investigation of an alleged violation(s) of the Code.
12. **Investigator** means an official(s) appointed by the Director or designee to conduct the investigation of an alleged violation(s) of the Code and who acts as the primary witness(es) in

the event of a Hearing.

13. **Notice of Outcome** means a written notification issued in accordance with the Code that contains the determinations on responsibility and outcome(s) (if applicable), due date(s) assigned for any outcome(s), the rationales upon which the determinations are based, and any available appeal rights, including the permitted grounds for appeal and the time limits in which to appeal.
14. **Possession** means physically holding or controlling the subject item, or owning or controlling the space the item was present. The presence of the item creates a presumption that the individual owning or controlling the space had knowledge of the item's presence, unless sufficient information to the contrary is provided.
15. **Procedural Advisor** means a representative from the Student Accountability Board or a staff member appointed by the Director or designee.
16. **Record on Appeal** for appeal levels below the Board of Trustees means the notice of Hearing; the audio or audiovisual recordings or written transcript of the Hearing; all documents offered as information at the Hearing, including the Investigation Report (if applicable); the summary of the Hearing; and any written decision of the Director, Vice Chancellor, or Provost and Vice Chancellor for Academic Affairs. The Record on Appeal for appeals to the Board of Trustees may include additional documents pursuant to other applicable policies and procedures.
17. **Representative** means a licensed attorney or non-attorney advocate who represents a Student or Student Organization pursuant to Chapter 4 of the Code.
18. **Respondent** means a Student or Student Organization who has a pending Formal Charge(s).
19. **Resolution Types**, include but are not limited to:
 - a. ***In Absentia* Resolution** means the resolution method in which a case is resolved in the Respondent's absence.
 - b. **Mutual Resolution** means the resolution method in which, if offered, a Respondent voluntarily accepts the determinations on responsibility and outcome(s) proposed by the Director or designee.
 - c. **Hearing** means a formal resolution option involving a Student Hearing Panel, Administrative Hearing Panel, or Administrative Hearing Officer.
 - **Administrative Hearing Officer** means a trained University staff or faculty member, or a trained third party, appointed by the Director or designee, who addresses a Formal Charge(s) against a Respondent.
 - **Administrative Hearing Panel** means a body of three voting members appointed by the Director or designee, consisting of either (a) trained University staff and/or faculty members or (b) one or more trained University staff and/or faculty members and one or more Student Accountability Board member(s), that addresses a Formal Charge(s) against a Student or Student Organization.

- **Outcome-Only Hearing** means a hearing in which the Student takes responsibility for the Formal Charge(s) and the Hearing Officer or Panel only makes a decision on an appropriate outcome(s).
 - **Student Hearing Panel** means a body of three voting members appointed from the Student Disciplinary Board that addresses a Formal Charge(s) against a Respondent. A Student Hearing Panel may also be referred to as a “Student Honor Court” in the Code.
- d. **Alternative Resolution** means resolution methods that are an alternative to the Accountability Procedures.
20. **Responsible** means determined by the Accountability Procedures to have committed a violation(s) of the Code.
21. **Staff Advisor** means an individual appointed by the Director to advise a Hearing. The Staff Advisor in any particular case will not be the same individual who makes any determination on responsibility, recommendation on outcome(s), or determination on outcome(s) in that case, as those duties are described in the [Supplemental Procedures](#).
22. **Student** means an individual who has accepted an offer of admission to the University; is currently enrolled in coursework or has registered for coursework at the University; has a continuing relationship with the University; is an auditing Student; or is participating in an educational program sponsored by or affiliated with the University. The continuing relationship ends upon graduation, termination of the relationship, or a break in enrollment of twelve (12) consecutive months after the last semester attended at the University.
23. **Student Organization** or **Organization** means a collection of individuals associated with each other for a common purpose that has complied with formal requirements for registration through the Student Government Association. This includes, but is not limited to, registered Student organizations, fraternities and sororities, Student media organizations, and club sports teams.
24. **University Premises** means buildings, properties, grounds, or vehicles owned, leased, operated, controlled, or supervised by UNC Charlotte. This includes, but is not limited to, University housing, dining, recreation, leisure, library, computer lab services, or other University facilities.
25. **Violations** include:
- a. **Minor Violation** means a case in which, based on the Respondent’s prior Accountability record or facts and circumstances related to the case, the Director or designee determines that the possible outcomes are less than Disciplinary Suspension or Expulsion for a Student or less than Registration Suspension or Registration Revocation for a Student Organization.
 - b. **Serious Violation** means a case in which, based on the Respondent’s prior Accountability record or facts and circumstances related to the case, the Director or designee determines that the possible outcomes include Disciplinary Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization, as those outcomes are defined in the Code.

26. **Weapon** means any item defined as such in University Policy 702, Weapons on Campus. Examples include, but are not limited to, all firearms; explosive agents; fireworks; chemicals such as mace and tear gas (if used in an illegal manner); air or canister propelled guns such as BB guns, pellet guns, and paintball guns; tasers or stun guns; metallic knuckles; switchblade knives; martial arts weapons; any object or substance used, attempted to be used, or intended to inflict a wound, cause injury, or incapacitate; or any other “weapon” as defined by N.C.G.S. §14-269.2.

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Related Resources:

- [Procedures for Case Resolution \(Supplemental Procedures\)](#)
- [Student Accountability & Conflict Resolution](#)
- [Associate Vice Chancellor for Student Affairs and Dean of Students Office](#)
- [Office of Civil Rights and Title IX](#)
- [Office of Disability Services](#)
- [Section 502 D\(3\) of The Code of the University of North Carolina](#)
- [UNC Board of Governors Policy 700.4.1](#)
- [UNC Board of Governors Regulation 700.4.1.1\[R\]](#)
- [UNC Board of Governors Policy 700.4.2](#)
- [Free Speech Website](#)
- [University Policy 402, Student Education Records \(FERPA\)](#)
- [University Policy 407, Code of Student Academic Integrity](#)
- [University Policy 501, Nondiscrimination](#)

- University Policy 502, Sexual Misconduct and Interpersonal Violence
- University Policy 504, Title IX Grievance Policy
- University Policy 601.13, Interference with University Operations
- University Policy 706, Alcoholic Beverages
- University Policy 711, Program to Prevent Use of Illegal Drugs and Alcohol Abuse
- University Policy 802, Disciplinary at Speech Events
- Disposition of Appeal: Instructions to General Counsel
- Notice of Attorney or Non-Attorney Advocate Representation
- Help Seeking Protocol
- Code of Student Responsibility Archives