

Procedures for Case Resolution
Supplemental to University Policy 406: Code of Student Responsibility

Effective August 15, 2022

I. General

- A. Case Referrals**
- B. Formal Charges**
- C. Determination of Resolution Pathway**
- D. Notification of Referral**

II. Adjudication Methods

- A. Alternative Resolution Options**
- B. Administrative Outreach**
- C. Conflict Coaching**
- D. Educational Outreach**
- E. Facilitated Dialogue**
- F. Mediated Dialogue**
- G. Help Seeking Protocol**
- H. Finalizing an Alternative Resolution**
- I. Resolution Options for cases with Formal Charge(s)**

III. Rights and Procedures for Adjudication of Formal Charge(s)

- A. Rights of a Respondent**
- B. Participation of an Advisor**
- C. Participation of a Representative**
- D. Hearing Procedures**
- E. Notice of Hearing**
- F. Attendance of Parties**
- G. Attendance of Procedural Advisors**
- H. Challenges of Hearing Panel Members or Administrative Hearing Officer**
- I. Multiple Respondents**
- J. Administration of the Hearing**
- K. Closed Hearing**
- L. Witnesses and Information**
- M. Impact Statements and Character Documents**
- N. Special Accommodations**
- O. Outcome-Only Hearing**

IV. Recommendations and Determinations on Responsibility and Outcome(s)

- A. Determination on Responsibility**
- B. Determination of Not Responsible**
- C. Determination of Responsible**
- D. Recommendation on Outcome(s)**
- E. Determination on Outcome(s)**
- F. Determination by the Director**
- G. Determination by the Vice Chancellor**

V. Interim Suspension and Interim Removals

I. General

A. Case Referrals

Any individual may report an alleged violation(s) of the Code online at incidentreport.charlotte.edu. Reports filed are immediately received in our system and are reviewed the next business day. A University staff member will review the report and determine appropriate next steps. Individuals who submit a report and any witnesses identified in the report may be contacted to provide additional information. Reports must include factual information supporting the allegation and should be made as soon as possible after the alleged violation(s) occurred.

Anonymous reports may limit the University's ability to appropriately respond to the allegation(s). Anonymous reports can also be submitted through the LiveSafe app. Additional information about LiveSafe can be found at <https://emergency.charlotte.edu/communications/communications/livesafe>.

In the event of an emergency or crimes or incidents involving imminent threat of harm, individuals should contact UNC Charlotte Police and Public Safety at 704-687-2200.

B. Formal Charges

Formal Charge(s) may constitute a Minor Violation or a Serious Violation, based on the Respondent's prior conduct record or facts and circumstances related to the case. No Respondent is permitted to withdraw from enrollment at the University after being charged with a Serious Violation until determinations on responsibility and outcome(s) (if applicable) are made.

C. Determination of Resolution Pathway

The Director or designee will review the information submitted and determine if the situation meets the criteria for an alternative resolution option. This may include gathering more information from the reporting party or witnesses in order to determine an appropriate pathway.

Alternative resolutions may be available in situations where:

1. the Student or Student Organization does not have prior incident(s) for the same or similar behavior, or
2. the Student or Student Organization and impacted parties agree to voluntarily enter into an Alternative Resolution option, and
3. the behavior does not constitute a Serious Violation.

The Director or designee may issue Formal Charge(s) upon initial review of the information, and at their discretion, offer an alternative resolution option based on information shared during the meeting(s) with the Student or impacted parties.

The nature of some conflicts, especially those involving violence, may render the case ineligible for the Alternative Resolution process or some of the resolution options. This determination is at the discretion of the Director or designee. Alternative resolutions are not available for alleged violation(s) that could result in Conduct Suspension or Expulsion, as defined in the Code.

D. Notification of Referral

When Accountability Procedures are initiated, written notification will be sent to the Student via an electronic letter sent to their assigned university email address. The notification will include information regarding the resolution option(s) available, and information regarding the next steps in the Accountability Procedures (if applicable).

If the Director or designee determines that a Formal Charge(s) shall be pursued, they will deliver a written notice of referral to the Respondent. The notice of referral will include the following:

1. notice of the Formal Charge(s);
2. information regarding next steps in the Accountability Procedures (e.g., a request that the Respondent participate with the Director or designee in a meeting to discuss details related to the alleged violation(s), or a referral to an investigation);
3. if a Serious Violation, notice that possible outcomes include Disciplinary Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization;
4. if a Serious Violation, notice that the Respondent's University account and official academic transcript will be placed on hold until determinations on responsibility and outcome(s) (if applicable) are made;
5. a statement indicating that the Respondent has the right to be represented, at their own expense, by a Representative during the Accountability Procedures; and
6. if the Director or designee requests a meeting, notice that the Respondent is required to respond to the Director's or designee's request within three (3) Days of delivery of the notice of referral.

If the Respondent attends the meeting requested by the Director, the Respondent has the option to stop the meeting in order to retain a Representative. The meeting will be rescheduled as soon as possible thereafter.

II. Adjudication Methods

A. Alternative Resolution Options

Alternative Resolution options include administrative outreach, conflict coaching, educational outreach, facilitated dialogue, and mediated dialogue. The purpose of an Alternative Resolution is to provide an opportunity for a Student to reflect on the reported behavior(s) and the impact the behavior(s) had on themselves and the community. In most cases, the Student will be provided information regarding relevant campus resources they may choose to engage with in order to promote their learning and academic success. In some cases, the Student may be required to complete an assigned outcome as part of an agreed upon resolution. If the Student fails to complete an outcome that is required as part of the agreed upon resolution, a hold may be placed on their university account until the required action is completed.

Resolutions achieved through an Alternative Resolution process are not part of a reportable conduct record, but will remain an internal record to the university for a minimum of eight (8) years.

B. Administrative Outreach

Administrative Outreach regarding a policy violation(s) may be applied in cases in which the Director or designee determines the following:

1. there is a preponderance of the evidence that a Student has engaged in a single, first-time violation, as described in the Code;
2. there is little additional information needed to resolve the case;
3. important information relevant to the policy violation may be communicated to the Student without a meeting

Administrative Outreach will include a letter to the Student from the Director or designee that:

1. provides notification of the alleged violation;
2. educates the Student about the policy that has been violated;
3. offers the Student the opportunity to engage in a Mutual Resolution;
4. notifies the Student that they have three (3) Days to request a Mutual Resolution;
5. and notifies the Student that if they do not respond to the letter within three (3) Days, the Administrative Resolution stands, and the case will be closed.

C. Conflict Coaching

Conflict coaching includes meeting with the Director or designee to build skills around managing conflict in a productive manner. Conflict coaching may be part of a 1:1 meeting or small group.

D. Educational Outreach

Educational Outreach includes meeting with the Director or designee to discuss the concerning behavior, and clarify policy and university expectations.

E. Facilitated Dialogue

Facilitated dialogues are used when impacted parties do not wish to actively engage with one another, but would like to resolve the conflict without going through a mutual or hearing process. In a facilitated dialogue, the Director or designee meets with the impacted parties independently, and then relays information between the parties in order to create a resolution both parties can agree upon.

F. Mediated Dialogue

Mediated dialogues are used when impacted parties are comfortable being in the same space to discuss the conflict. The Director or designee serves as a mediator to provide structure to the meeting and help the parties create a mutually agreed upon resolution to the conflict.

G. Help Seeking Protocol

A priority of UNC Charlotte is 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 Accountability Procedures through the University.

H. Finalizing an Alternative Resolution

After meeting with the Director or designee, the Student will receive a letter that summarizes the information discussed. This letter may include information on available campus resources.

In cases where the Student is required to complete an assigned outcome as part of an agreed upon resolution, the student has three (3) Days to respond to the resolution offered. The resolution will be provided in writing and signed by the Student. If the Student fails to complete an outcome that is required as part of the agreed upon resolution, a hold may be placed on their university account until the required action is completed.

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.

I. Resolution Options for cases with Formal Charge(s)

When an Alternative Resolution is unavailable or cannot be reached, the case may be referred for adjudication through an *In Absentia* Resolution, Mutual Resolution, or a Hearing. Findings of responsibility and any associated outcomes are considered part of a reportable conduct record, and may be disclosed to external parties pursuant to University Policy 402, Student Education Records (FERPA), including limited exceptions that permit disclosure without a student's consent. Case information will be retained as part of the Respondent's conduct record for a minimum of eight (8) years from the date of resolution. Records including the outcome of Expulsion or Registration Revocation will be retained for a minimum of 75 years.

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.

The Respondent will be notified of the *In Absentia* Resolution in writing no later than five (5) Days after the determination is made. A hold may be placed on the Respondent's University account until the Respondent confirms receipt of the written resolution.

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 Student'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. Resolution through a Hearing

For cases where an *In Absentia* Resolution or Mutual Resolution cannot be reached, or at the request of the Respondent, the case may be referred to a Hearing. At the discretion of the Director or designee, a case may be referred to an Administrative Hearing Officer, Administrative Hearing Panel, or a Student Hearing Panel.

For cases in which the Respondent accepts responsibility for the Formal Charge(s), but disagrees with the outcomes being offered through a Mutual Resolution, they may request an Outcome-Only Hearing.

III. Rights and Procedures for Adjudication of Formal Charge(s)

A. Rights of a Respondent

In addition to the rights outlined in the Code, a Respondent has the following rights:

1. to be provided a fair, impartial, and efficient process;
2. to be presumed not responsible until determined otherwise through the Accountability Procedures;
3. to be given written notice of any Formal Charge(s);
4. to examine the documentary information that will be presented in any Accountability Procedures, provided that the information may be available only in a redacted format;
5. to present relevant information on their behalf, including witnesses and documentary information;
6. to respond to information presented against them;
7. to accept responsibility for any or all Formal Charge(s);
8. to decline to make statements;
9. to have access to a Procedural Advisor to assist in preparing for the Accountability Procedures;
10. to have an Advisor present during the Accountability Procedures;
11. to be represented, at their own expense, by a Representative during the Accountability Procedures, **except** when the violation:
 - i. will be addressed by a Student Honor Court (Student Hearing Panel), or
 - ii. is an allegation of academic dishonesty, as governed by University Policy 407, Code of Student Academic Integrity;
12. to obtain the list of witnesses who have been called to present information at the Hearing;
13. to request a delay of the Hearing due to extenuating circumstances, provided that the granting of such request is in the discretion of the Director or designee;
14. to challenge the objectivity of a Hearing Panel member or an Administrative Hearing Officer if they believe that a bias or conflict of interest may exist;
15. to pose relevant questions to any witness appearing at the Hearing in a manner consistent with the Code;
16. to present any documents or letters regarding their character as part of the outcomes phase of the Hearing;
17. to present an Impact Statement as part of the outcomes phase of the Hearing;
18. to be notified in writing of the outcome of the Accountability Procedures;
19. to appeal the decision of a Hearing Panel or Administrative Hearing Officer within the time limits and conditions specified in the Code; and
20. to have any conduct records kept confidential to the extent permitted under the Code and University Policy 402, Student Education Records (FERPA).

B. Participation of an Advisor

During the Accountability Procedures, the Advisor may confer with the Respondent or the witness they are advising but may not address a University official or Hearing Panel, other parties, or witnesses, and may not unreasonably delay, disrupt, or otherwise interfere with the proceedings. An Advisor may not argue, make statements, or question witnesses; however, an Advisor may respond to questions if asked to do so. An Advisor may not be called as a witness.

C. Participation of a Representative

In accordance with N.C.G.S. §116-40.11, and as stated in the Code, 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.

When scheduling a meeting or Hearing in which the Respondent has notified the University that a Representative plans to participate, the University will make reasonable efforts to accommodate the Representative's schedule. The University will, however, prioritize the availability of the Respondent, witnesses, the designated Hearing Panel members or Administrative Hearing Officer assigned to the matter, Investigator (if applicable), and other necessary participants when determining the date and time for a meeting or Hearing.

A Representative may fully participate in the Accountability Procedures only to the extent afforded to the Respondent they represent. The Representative may not unreasonably delay, disrupt, or otherwise interfere with the Accountability Procedures. A Representative may not be called as a witness. A Representative may act on behalf of the Respondent they represent in any instance where the action is not inherently personal to the Respondent. Inherently personal actions include, but are not limited to, personal testimony, signing documents, and completing outcomes.

An attorney or other individual representing the University may participate in the Accountability Procedures in which a Representative is participating and present.

Nothing in the Code shall be construed to create a right to be represented at public expense during the Accountability Procedures.

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. Hearing Procedures

The following Accountability Procedures shall be applicable for a Formal Charge(s) adjudicated by a Hearing Panel or Administrative Hearing Officer under the Code. They also apply to cases involving student Respondents under University Policy 502, Sexual Misconduct and Interpersonal Violence (UP 502). In UP 502 cases, the Complainant, as defined in UP 502, has the same rights and opportunities regarding the hearing and appeal as the Respondent.

The University will create an audio or audiovisual recording and/or transcript of the Hearing and will make it available to the Respondent for inspection and review. Such recording or transcript will be maintained in accordance with Chapter 7 of the Code. No Party, witness, Advisor, Representative, or other individual may record the hearing.

E. Notice of Hearing

If a case is referred to a Hearing, the Director or designee shall deliver a written notice of Hearing to the Respondent. The notice of Hearing will include the following:

1. notice of the Formal Charge(s), citing the alleged behavior prohibited by the Code;
2. the date, time, and location of the Hearing;
3. the names of the Hearing Panel members or the name of the Administrative Hearing Officer who will hear the case;
4. the names of any witnesses being called to provide testimony;
5. a statement indicating that the Respondent may seek assistance from a Procedural Advisor in the preparation of their case for the Hearing;

6. a statement indicating that the Respondent has the right to be represented, at their own expense, by a Representative during the Accountability Procedures;
7. if a Serious Violation, notice that possible outcomes include Disciplinary Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization; and
8. if a Serious Violation, notice that the Respondent's University account and official academic transcript will be placed on hold until determinations on responsibility and outcome(s) (if applicable) are made.

In a case of a Minor Violation, the Respondent shall have no fewer than five (5) Days' notice of the Hearing. In a case of a Serious Violation, the Respondent shall have no fewer than ten (10) Days' notice of the Hearing. The time limit for any notice of the Hearing may be waived by the Respondent.

Notice is sufficient if sent via email to the Respondent's University email address or mailed via first class, registered, or certified mail to the Respondent's current address as shown in the student information system on the date of mailing. All claims of failure to receive adequate notice are waived by the Respondent if the Respondent appears at the Hearing and does not formally raise the issue of adequate notice at the first opportunity.

F. Attendance of Parties

If the Respondent fails to appear at the Hearing after being notified pursuant to the Code, the Hearing will continue in the absence of the Respondent.

G. Attendance of Procedural Advisors

A Procedural Advisor will attend the Hearing and may provide procedural advice to the Respondent. The Procedural Advisor is in addition to the Respondent's Representative and any Advisors, as described in the Code. Any witnesses called to provide testimony may seek procedural advice from a Procedural Advisor, and any participants may decline the assistance of a Procedural Advisor.

H. Challenges of Hearing Panel Members or Administrative Hearing Officer

The Respondent may challenge a Hearing Panel member or the Administrative Hearing Officer on grounds of bias or a personal relationship that might affect impartial consideration of the case. The Respondent must submit the challenge in writing to the Director at least two (2) Days prior to the scheduled Hearing. The Director must decide the challenge prior to the Hearing. If the Director determines possible bias, they will excuse the Hearing Panel member or Administrative Hearing Officer and appoint a replacement. The Hearing may be rescheduled at the discretion of the Director in order to appoint an available replacement.

I. Multiple Respondents

Pursuant to FERPA, a Formal Charge(s) against multiple Respondents involved in the same incident may be heard in a single Hearing only if each Respondent consents in writing in advance of the Hearing.

J. Administration of the Hearing

1. Formal rules of evidence do not apply. The Chair of the Hearing Panel or the Administrative Hearing Officer, in consultation with the Staff Advisor, will determine the admissibility of any information. The Respondent's prior accountability record is not to be considered in the Hearing unless and until the Respondent is found responsible for a violation(s) of the Code.
2. The Chair of the Hearing Panel or the Administrative Hearing Officer will exercise control over

the proceedings in order to maintain a fair, impartial, and efficient Hearing. The Chair of the Hearing Panel or the Administrative Hearing Officer may exclude or remove any individual who unreasonably delays, disrupts, or otherwise interferes with the Hearing, including the Respondent or their Advisor or Representative.

3. A Staff Advisor appointed by the Director or designee will attend the Hearing, may comment on questions of procedure and admissibility of information, and will otherwise assist in conducting the Hearing. The Staff Advisor will be present during deliberations of the Hearing Panel but may not actively participate in the deliberations or vote.
4. Each Hearing shall be audio or audiovisual recorded and/or transcribed by the University and not by any other individual, and the recording and/or written transcript becomes a part of the case file in Student Accountability & Conflict Resolution. All documents or recordings included in the case file are the property of the University.

K. Closed Hearing

A Hearing before a Hearing Panel is an open meeting pursuant to North Carolina law; however, the Hearing shall be closed to the public once a proper motion to go into closed session is made and adopted by the Hearing Panel. Once the Hearing is closed, admission of any individual to the Hearing shall be at the discretion of the Chair of the Hearing Panel, in consultation with the Staff Advisor.

A Hearing before an Administrative Hearing Officer is never an open meeting and is therefore closed to the public. Admission of any individual to the Hearing shall be at the discretion of the Administrative Hearing Officer, in consultation with the Staff Advisor.

L. Witnesses and Information

1. The Director or designee shall present the case on behalf of the University, including witnesses and/or documentary information to establish the Formal Charge(s).
2. The Director or designee may submit as documentary information any notes from the Mutual Resolution process.
3. The Investigator (if applicable) will present information regarding the investigation to the Hearing Panel or the Administrative Hearing Officer.
4. The Respondent is expected to give truthful testimony. Furnishing untruthful testimony may subject the Respondent to additional Accountability Procedures.
5. The Respondent shall be given the opportunity to present any witnesses or documentary information that they wish to offer, provided that, at the discretion of the Chair of the Hearing Panel or the Administrative Hearing Officer, the information is relevant to the Formal Charge(s) or other information presented and does not otherwise infringe upon the rights of other Students. If the Respondent has a question for a witness during the Hearing, they must present the question to the Chair of the Hearing Panel or the Administrative Hearing Officer, who may then ask the question or a rephrased question in their discretion on behalf of the Respondent.
6. The Respondent will be afforded the opportunity to examine any documents offered as information. Documentary information does not include written witness statements.
7. All witnesses are required to give truthful testimony. Furnishing untruthful testimony may subject a University student or employee to appropriate disciplinary action.

8. All witnesses are expected to attend the Hearing. University students or employees called as witnesses must attend the Hearing unless compliance would result in significant and unavoidable personal hardships or substantial interference with normal University activities. A desire to avoid questioning may not be used to demonstrate “personal hardships.” Failing to appear after an appropriate request may subject a University student or employee to appropriate disciplinary action.
9. Subject to other provisions in the Code related to the admissibility of information, written witness statements in lieu of appearance and testimony at the Hearing may be admitted as information only if the witness’s attendance would result in significant and unavoidable personal hardships or substantial interference with normal University activities. To be eligible for admission as information, such written statements must be signed by the individual writing the statement and verified by an individual appointed by the Director.

M. Impact Statements and Character Documents

If the Hearing Panel or Administrative Hearing Officer determines that the Respondent is responsible for a violation(s) of the Code, the Respondent may present an impact statement as part of the outcome phase of the Hearing. An impact statement means a submitted oral or written statement that describes how an incident affected the individual’s life and any outcome(s) the individual would like to see imposed and the effect of the outcome(s) on the individual

If the Hearing Panel or Administrative Hearing Officer determines that the Respondent is responsible for a violation(s) of the Code related to a crime of violence (as defined in Section II.B.10 of University Policy 402, Student Education Records (FERPA)), any victim of the crime of violence may present an impact statement as part of the outcome phase of the Hearing.

The Respondent may also present any documents or letters regarding their character as part of the outcomes phase of the Hearing.

The Hearing Panel or Administrative Hearing Officer may consider, but is not bound by, any impact statement(s) or character documents in determining a recommendation on outcome(s).

N. Special Accommodations

Upon timely request to the Director or designee by the Respondent or any witness, the University may be able to provide special accommodations for testimony by alternate methods (e.g., room divider or video conference). Such accommodations are at the discretion of the Director or designee, and may not be available for all Hearing options.

O. Outcome-Only Hearing

1. In order for a Respondent to request an Outcome-Only Hearing, the Student must submit an outcome-only hearing request form within three (3) Days after declining a Mutual Resolution.
2. By requesting an Outcome-Only Hearing, the Respondent is acknowledging that they are taking responsibility for all of the Formal Charge(s), as outlined in their written notice of referral. A request for an Outcome-Only Hearing will not be approved if the Respondent takes responsibility for only a portion of the violations.
3. Once a Respondent submits the form to request an Outcome-Only hearing, the request cannot be appealed. If a Respondent is unclear as to whether or not they intend to take responsibility for the Formal Charge(s), they should proceed with the full hearing, where the Hearing Panel or Administrative Hearing Officer will make a determination on responsibility and if applicable, outcome(s).

IV. Recommendations and Determinations on Responsibility and Outcome(s)

A. Determination on Responsibility

The determination by the Hearing Panel or Administrative Hearing Officer on responsibility for any Formal Charge(s) shall be made in private, based solely on the information presented at the Hearing. In the case of a Hearing Panel, the determination shall be by majority vote. The determination on responsibility must be announced at the Hearing prior to making a recommendation on outcome(s). The determination on responsibility must contain a brief rationale upon which the determination is based.

B. Determination of Not Responsible

If the determination of the Hearing Panel or Administrative Hearing Officer is that the Respondent is not responsible for a violation of Code, the Hearing is called back to order and the Chair or Administrative Hearing Officer announces the finding of the proceeding.

A summary of the hearing will be drafted and sent to the Director or designees to be retained as part of the file held by Student Accountability & Conflict Resolution. Student Accountability & Conflict Resolution will maintain an internal record for eight (8) years. No part of that file becomes part of the Student's accountability record. The case is closed, and no outcomes may be imposed.

C. Determination of Responsible

If the determination by the Hearing Panel or Administrative Hearing Officer is that the Respondent is responsible for one or more of the Formal Charge(s), the Hearing moves into the outcome phase to determine a recommendation on outcome(s).

If the Respondent has requested an Outcome-Only Hearing, the Respondent acknowledges that they are accepting responsibility for all of the Formal Charge(s), as outlined in the notice of referral. They also acknowledge the determination on Responsibility cannot be appealed.

D. Recommendation on Outcome(s)

If a Student is found responsible for a violation of Code through Accountability Procedures, outcomes (synonymous with the term "sanction" 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 determination by the Hearing Panel or Administrative Hearing Officer that a Respondent is responsible for any Formal Charge(s) shall be followed by a recommendation of an appropriate outcome(s). The prior accountability record of the Respondent shall be considered in determining a recommendation of an appropriate outcome(s).

After private deliberation on the appropriate outcome(s), the Hearing Panel or Administrative Hearing Officer will announce the recommended outcome(s) at the Hearing and shall specify appeal rights, including the time in which to appeal and the permitted grounds for the appeal. The recommendation on outcome(s) must contain a brief rationale upon which the recommendation is based.

E. Determination on Outcome(s)

The Hearing Panel's or Administrative Hearing Officer's determination on responsibility and recommendation on outcome(s) (if applicable) shall be transmitted to the Director in the form of a brief written summary noting the rationales upon which the determination and recommendation are based.

F. Determination by the Director

The Director has the authority to Affirm or adjust the outcome(s) other than Expulsion or Registration Revocation recommended by the Hearing Panel or Administrative Hearing Officer. The Director shall deliver their determination in a written Notice of Outcome to the Respondent and the Complainant (if under UP 502 or UP 504) no later than ten (10) Days after the recommendation is made.

G. Determination by the Vice Chancellor

The Vice Chancellor has the authority to Affirm or adjust the outcome of Expulsion or Registration Revocation recommended by the Hearing Panel or Administrative Hearing Officer. When the Hearing Panel or Administrative Hearing Officer recommends an outcome of Expulsion or Registration Revocation, the Director shall deliver that recommendation to the Vice Chancellor, who shall make a final determination on the outcome of Expulsion or Registration Revocation. The Vice Chancellor shall deliver their determination in a written Notice of Outcome to the Respondent and the Complainant (if under UP 502 or UP 504) no later than ten (10) Days after the recommendation is made.

V. 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.

After receiving a warning by the instructor, 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.

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 for termination or modification. 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 whether to terminate or modify the interim suspension or interim removal. The Student may be represented in that meeting, at their own expense, by a Representative.

In reviewing the request, the Director or designee shall consider the following issues only:

1. the reliability of the information concerning the Student's conduct, including an assertion of mistaken identity; and
2. whether the conduct in the surrounding circumstances reasonably indicates that the continued presence of the Student on University Premises, in University housing, or in the classroom is threatening, harmful, or dangerous to others or the University community; poses a threat of significant property damage; impacts the stability and continuity of normal University activities, including the normal conduct of class; and/or directly and substantially impedes the lawful activities of others.

Under certain circumstances, as a condition for termination or modification of the interim suspension or interim removal, the Director or designee may require that certain conditions be met, such as the Student's consent to

completion of a medical or psychological evaluation to be arranged by the University. The Student will ensure that the medical or psychological evaluation report or other requested report is delivered to the University promptly. Within five (5) Days after delivery of such report, the Student may submit an interim suspension appeal form to request for termination or modification of the interim suspension or interim removal to the Director or designee. The Director or designee will consider the report in making a decision whether to terminate or modify the interim suspension or interim removal.

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. Any restrictions related to being charged with a Serious Violation, will still apply regardless of the status of the interim suspension. 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.

The Accountability Procedures will be initiated as soon as practicable; however, a Student who has been placed on interim suspension may request a deferral of the Accountability Procedures until the conclusion of any criminal proceedings or medical treatments. Within five (5) Days of the effective date of the interim suspension or the decision on termination/modification, the Student may submit a written request for deferral to the Director. In reviewing the request, the Director shall consider the following:

1. whether the interests of the University will be served by postponing the Accountability Procedures until after the criminal process or medical treatment has been concluded;
2. the amount of time the resolution may take;
3. the availability of witnesses at the time of the request and the likelihood of their availability in the future; and
4. any federal or state laws or policies that would not permit the process to be delayed.

