

**Complaint Resolution Procedure for Student Respondents
(pursuant to [University Policy 501, Nondiscrimination](#))**

I. Scope

This Complaint Resolution Procedure for Student Respondents (“Procedure”) applies to all University Students as defined in Section IV. Discriminatory Harassment, as defined in Section IV, is prohibited by [University Policy 501](#) and this Procedure.

II. Overview and Purpose

The University is committed to fostering an environment that encourages prompt reporting of all types of Discriminatory Harassment; a timely response to reports; and a fair, impartial, and equitable investigation and resolution process.

Discriminatory Harassment violates University policy and federal civil rights laws and may also be subject to criminal prosecution separate from this Procedure. In responding to reports of Discriminatory Harassment, the University complies with Titles VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the United States Constitution, and other applicable state and federal laws.

As a public institution, the University provides due process to Respondents accused of Discriminatory Harassment. Consistent with due process, a Respondent is presumed not responsible until determined otherwise through this Procedure.

III. Authority and Jurisdiction

- A. Pursuant to The Code of the Board of Governors of the University of North Carolina Section 502 D(3), the Chancellor has full authority in the regulation of student conduct and discipline. The Chancellor may delegate such authority to University administrators or other officials. The Chancellor has delegated to the Director the authority to administer the University student disciplinary process with respect to Discriminatory Harassment. The University has the right to take necessary and appropriate action to protect the safety and well-being of the University community.
- B. When necessary, and in consultation with the Office of Legal Affairs, the Director may alter this Procedure to protect the University community, property, or resources.
- C. Jurisdiction under this Procedure 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.
- D. This Procedure applies to those instances of Student or Student Organization behavior that are harmful to the appropriate interests of the University, including:
 - A. the opportunity of all members of the University community to attain educational objectives consistent with the policies and purposes of the University;

- B. the protection of the health, safety, welfare, and property of all individuals in the University community; and
- C. the protection of the University's integrity and its property.

Instances of alleged Discriminatory Harassment, as defined in Section IV, may result in initiation of this Procedure, regardless of whether the alleged conduct occurred on University premises. The Director or designee shall determine whether an incident off campus affects University interests and thus falls within the scope of this Procedure. Instances of Discriminatory Harassment may also result in initiation of this Procedure if the alleged conduct 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 shall determine whether the incident affects University interests and thus falls within the scope of this Procedure.

IV. Definitions

Administrative Hearing Officer(s) means one or more trained University staff or faculty member(s), or a trained third party(ies), appointed by the Director or designee, who addresses the charge(s) against a Respondent.

Advisor means an individual invited to the process by a Respondent or witness pursuant to Section VI.1.

Appellate Officer means the Provost for cases with sanctions including Expulsion or Registration Revocation, and the Vice Chancellor for Student Affairs for all other cases.

Day (unless otherwise specified) means a business day on which the University is open.

Director means the Director of Civil Rights and Title IX/Title IX Coordinator.

Discriminatory Harassment means engaging in unwelcome conduct directed toward a particular individual or identifiable group of individuals based upon the target individual's actual or perceived race, color, religion, age, national origin, disability, veteran status, or genetic information 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). Note that Discriminatory Harassment based on an individual's sex, sexual orientation, or gender identity is processed through [University Policy 504, Title IX Grievance Policy](#) or procedures under [University Policy 502, Sexual Misconduct and Interpersonal Violence](#).

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 \(FERPA\)](#).

Impact Statement means a submitted oral or written statement that describes how an incident affected the individual's life and any sanction(s) the individual would like to see imposed and the effect of the sanction(s) on the individual.

Minor Violation means a case in which, based on the Respondent's prior conduct record or facts and circumstances related to the case, the Director or designee determines that the possible sanctions are less than Suspension or Expulsion for a Student or less than Registration Suspension or Registration Revocation for a Student Organization, as those sanctions are defined in Section XIV.

Mutual Resolution means the resolution method in which, if offered, a Respondent voluntarily accepts the determinations on responsibility and sanction(s) proposed by the Director or designee, as described in Section VIII.

Notice of Outcome means a written notification that contains the determinations on responsibility and sanction(s) (if applicable), due date(s) assigned for any sanction(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.

Policy means [University Policy 501, Nondiscrimination](#).

Process Counselor means a staff member appointed by the Director or designee who assists the Respondent in preparation for and during a hearing.

Record on Appeal for appeal levels below the Board of Trustees means the notice of hearing; the audio recording 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 Administrative Hearing Officer(s), Vice Chancellor, or Provost. The Record on Appeal for appeals to the Board of Trustees may include additional documents pursuant to other applicable policies and procedures.

Representative means a licensed attorney or non-attorney advocate who represents a Student or Student Organization pursuant to Section VI.2.

Respondent means a Student or Student Organization who has been accused of a violation of the Policy or this Procedure.

Retaliation means engaging in threats, intimidation, coercion, or harassment against an individual who has engaged in protected activity, including, but not limited to, reporting an alleged violation, providing a statement or testimony as a witness, or participating in an investigation regarding an alleged violation(s) of the Policy or this Procedure.

Serious Violation means a case in which, based on the Respondent's prior conduct record or facts and circumstances related to the case, the Director or designee determines that the possible sanctions include Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization, as those sanctions are defined in Section XIV.

Staff Advisor means an individual appointed by the Director to advise an Administrative Hearing Officer(s). The Staff Advisor in any particular case shall not be the same individual who makes any determination on responsibility, recommendation on sanction(s), or determination on sanction(s) in that case.

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.

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.

V. Timing; Preservation of Information; Retaliation

1. Timing of Reports and Availability of Procedure

There is no time limit to invoking this Procedure. Nevertheless, individuals are encouraged to submit a report immediately after the alleged violation(s) occur in order to maximize the University's ability to obtain information; provide prompt support; and conduct a thorough, impartial, and reliable investigation. Failure to promptly report alleged Discriminatory Harassment may result in the loss of relevant information and witness testimony and may impair the University's ability to implement this Procedure.

The processing of a report pursuant to this Procedure is independent of any criminal investigation. This Procedure differs from the criminal justice system in scope, purpose, procedure, and outcome, and it is not designed to replace state or federal criminal laws or procedures. The University will not wait until the conclusion of a criminal investigation or criminal proceeding to investigate a report of Discriminatory Harassment and, if needed, will take interim action to protect the individual within the educational setting. The Office of Civil Rights and Title IX may be given access to any investigation notes and findings of Police and Public Safety needed to investigate the report, as long as the criminal investigation is not compromised.

2. Preservation of Information

Individuals are encouraged to preserve any information that may be important to an investigation of a report of Discriminatory Harassment, including, but not limited to, handwritten or electronic communications such as text messages, telephone messages, emails, and videos and/or photographs related to the incident.

3. Retaliation

Retaliation against any individual making a report of Discriminatory Harassment or against any individual cooperating in the investigation of any allegation of Discriminatory Harassment is prohibited by federal law and the Policy. Any such Retaliation should be reported promptly to the Office of Civil Rights and Title IX, and in the case of imminent threat of serious bodily injury, to Police and Public Safety. Retaliation will be addressed separately from the underlying allegation(s) of Discriminatory Harassment.

VI. Advisors and Representatives

1. Advisors

The Respondent and any witnesses may each invite an individual to any interview, meeting, hearing, or other part of the process to serve solely as an Advisor. The Advisor may confer with the Respondent or the witness they are advising but may not address a University official or Administrative Hearing Officer(s), 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.

The Respondent and any witnesses must complete a FERPA Consent Form prior to being accompanied by an Advisor.

The Advisor may be in addition to the Respondent's Representative pursuant to Section VI.2.

2. Representatives

a. General

In accordance with N.C.G.S. § 116-40.11, the Respondent may be represented, at their own expense, by a Representative. The Respondent and their selected Representative are subject to the requirements described in Section VI.2.b.

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 Administrative Hearing Officer(s), investigator, and other necessary participants when determining the date and time for a meeting or hearing.

A Representative may fully participate in the process only to the extent afforded to the Respondent they represent. The Representative may not unreasonably delay, disrupt, or otherwise interfere with the process. 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 sanctions.

An attorney or other individual representing the University may participate in the process in which a Representative is participating.

Nothing in this Procedure shall be construed to create a right to be represented at public expense during the process.

A Respondent's Representative may participate in the process only when the Respondent is also present.

Failure to meet the requirements as described in Section VI.2.b. may result in the loss of the Respondent's right to participation of a Representative in the process.

b. Requirements for Serving as a Representative

In order for a Representative to participate in the process, the Respondent must provide the Director or designee with a completed Notice of Attorney or Non-Attorney Advocate Representation form that includes the Notice of Representation, FERPA Consent, and Certification by Representative. The notice must be submitted at least three (3) Days prior to the scheduled meeting or hearing.

VII. Initial Response

1. Initial Meeting

Upon receipt of a report of any allegation of Discriminatory Harassment, the Director or designee will promptly request a meeting with the individual affected by the alleged Discriminatory Harassment to:

- provide the individual with a general understanding of this Procedure;
- discuss information regarding forms of support or immediate interventions available to the individual, such as on and off-campus resources, interim measures, etc.;
- discuss information regarding any accommodations that may be appropriate concerning the individual's academic, University housing, transportation, and/or University employment arrangements; and
- inform the individual about how the University will share information only on a need-to-know basis and will strive to protect the individual's privacy, including the omission of the individual's identifying information in publicly available records, to the extent permissible by law.

2. Affected Individual Does Not Wish to Proceed or Requests Confidentiality

If the individual affected by the alleged Discriminatory Harassment does not wish to proceed with an investigation or the University process, and/or requests the report remain confidential, the University may still be required to investigate and take reasonable action in response to the information or any other information learned while reviewing the report. The Director or designee will inform the individual that the University's ability to respond may be limited without the individual's participation.

The Director will weigh the request(s) for confidentiality and/or wish not to proceed with an investigation or the University process against the University's obligation to provide a safe, non-discriminatory environment for its campus community. Specifically, the Director may consider the following factors:

- the seriousness of the alleged Discriminatory Harassment;
- whether there have been other known reports of Discriminatory Harassment against the same accused Student at the University or any other school or known prior criminal charges against the accused Student;
- whether the accused Student threatened further Discriminatory Harassment, Retaliation, or violence against the affected individual or others;
- whether the Discriminatory Harassment was committed by multiple individuals;
- whether the Discriminatory Harassment involved use of a weapon;
- the ages and respective roles of the affected individual and accused Student;
- whether the University possesses other means to obtain relevant information of the Discriminatory Harassment;
- whether the report reveals a pattern of conduct at a particular location or by a particular Student and/or Student Organization; and
- the accused Student's right to receive information about the allegation(s) if the information is maintained by the University as an education record under FERPA or as part of a personnel file under the State Human Resources Act (SHRA).

The Director or designee will inform the affected individual if the University cannot ensure confidentiality. In an instance where the University must disclose the individual's identity to a Respondent after a request for confidentiality, the Director or designee will inform the affected individual prior to making the disclosure and will share information only on a need-to-know basis.

Even if the affected individual does not wish to proceed with an investigation or the University process because the affected individual insists on confidentiality or requests that the report not be resolved, the University reserves the authority to undertake an appropriate action, including the interim measures described in Section VII.4. of this Procedure. The Director or designee will inform the affected individual that the University will follow this Procedure in resolving the report.

3. Proceeding with the University Process

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

- notice of the charge(s);

- information regarding next steps in the Procedure (*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);
- if a Serious Violation, notice that possible sanctions include Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization;
- 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 sanction(s) (if applicable) are made;
- a statement indicating that the Respondent has the right to be represented, at their own expense, by a Representative during the process pursuant to Section VI.2.; and
- 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.

4. Interim Measures

a. General

In all reports of alleged Discriminatory Harassment, the University may take prompt action to prevent continuing or future acts of Discriminatory Harassment in any form against any individual who participates in the investigation and other parts of this Procedure. Such action may include an interim removal or interim suspension as described in Section VII.4.b. The University may also take immediate steps to accommodate reasonable requests for academic, University housing, transportation, University employment, and other accommodations as appropriate.

b. Interim Removal or Interim Suspension

When the University determines that the continued presence of a Student on University premises or in University housing (a) is potentially threatening, harmful, or dangerous to others or the University community; (b) poses a threat of significant property damage; (c) impacts the stability and continuity of normal University activities; and/or (d) 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 this Procedure.

Within five (5) Days of the effective date of the interim suspension or interim removal, the Student may submit a written request for termination or modification to the Director or designee. In reviewing the request, the Director or designee shall consider the following issues only:

- the reliability of the information concerning the Student's conduct, including an assertion of mistaken identity; and
- 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.

The Director or designee may, in their discretion, meet with the Student and utilize information gathered in that meeting to decide 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 pursuant to Section VI.2.

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 shall 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 a written request for termination or modification of the interim suspension or interim removal to the Director or designee. The Director or designee shall consider such report in deciding 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 sanction(s) (if applicable) are made as part of this Procedure or (b) the interim suspension is terminated. Any restrictions related to being charged with a Serious Violation shall 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, the process will proceed regardless of the student's enrollment.

This Procedure shall be initiated as soon as practicable; however, a Student who has been placed on interim suspension may request a deferral of this Procedure 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:

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

VIII. Mutual Resolution

If the Director or designee determines that the Mutual Resolution process is appropriate, the Respondent will be asked whether they agree to engage in that process. Participation is completely voluntary, and the Respondent may elect to proceed with an investigation at any point prior to signing a

Mutual Resolution. In general, a Mutual Resolution in lieu of an investigation will only be appropriate when the basic facts of the underlying incident are not in dispute.

The Director or designee will speak separately with the Respondent and the individual affected by the alleged Discriminatory Harassment to ascertain each person's perspective regarding responsibility and sanctions. The Director or designee may then offer the Respondent the option of a Mutual Resolution. 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 sanction(s) proposed by the Director or designee and waives their right to a hearing. The signed Mutual Resolution may not be appealed.

If the Director or designee does not offer a Mutual Resolution or if the Respondent does not accept a Mutual Resolution, the Director or designee shall refer the case to an investigation or a hearing pursuant to this Procedure.

IX. Investigation Proceedings

The Director or designee will determine whether to conduct an investigation. If the Director determines that an investigation will proceed, the Director will appoint an investigator.

The investigator will provide a written notice of investigation to the Respondent. This notice will include a reference to the charge(s); a description of the investigation process; a reminder regarding the Respondent's right to be represented, at their own expense, by a Representative; a reaffirmation of available resources throughout this Procedure; and a reminder that Retaliation is prohibited under University policy.

The investigator will conduct interviews with the affected individual, the Respondent, and any relevant third-party witnesses, and will collect and review any other information relevant to the report. When applicable, the investigator will coordinate with Police and Public Safety and other law enforcement officials.

Party and witness interviews may be audio recorded by the University on a case-by-case basis as determined by the Director; however, individual parties and witnesses may not record the interview. Notice will be provided to each interviewee if the interview will be recorded.

Once the formal investigation is completed, the investigator will prepare an investigation report. Once the investigation report is finalized, the investigator will distribute the documents to the Director, who will determine whether to continue pursuing the charge(s).

If the Director determines that the charge(s) will be pursued, the case may be resolved through a Mutual Resolution, as provided in Section VIII, or may be referred to a hearing, as provided in Section X.

X. Notice of Hearing

If the 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:

- notice of the charge(s), citing the alleged behavior prohibited by the Policy, this Procedure, and/or other University policy;
- the date, time, and location of the hearing;
- the name(s) of the Administrative Hearing Officer(s) who will hear the case;
- the names of any witnesses being called to provide testimony;
- a statement indicating that the Respondent may seek assistance from a Process Counselor in the preparation of their case for the hearing;
- a statement indicating that the Respondent has the right to be represented, at their own expense, by a Representative during this Procedure pursuant to Section VI.2.;
- if a Serious Violation, notice that possible sanctions include Suspension or Expulsion for a Student or Registration Suspension or Registration Revocation for a Student Organization; and
- 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 sanction(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.

XI. Conduct of the Hearing

1. Attendance of Respondent

The Respondent may remain present throughout the hearing, with the exception of the Administrative Hearing Officer(s) deliberations. If the Respondent fails to appear at the hearing after being notified pursuant to this Procedure, the hearing will continue in their absence.

2. Attendance of Process Counselors

A Process Counselor will attend the hearing and may provide procedural advice to the Respondent. Any witnesses called to provide testimony may seek procedural advice from a Process Counselor.

Participants may decline the assistance of a Process Counselor. The Process Counselor is in addition to the Respondent's Representatives and any Advisors, as described in Section VI.

3. Challenges to Administrative Hearing Officer(s)

The Respondent may challenge the Administrative Hearing Officer(s) on grounds of bias or an individual relationship that might affect impartial consideration of the case. The Respondent must submit the challenge in writing to the Director at least three (3) Days prior to the scheduled hearing. The Director must respond to the challenge prior to the hearing. If the Director, in their sole discretion, determines possible bias, they will excuse the Administrative Hearing Officer(s) and appoint a replacement. The hearing may be rescheduled at the discretion of the Director in order to appoint an available replacement.

4. Multiple Respondents

Pursuant to FERPA, a 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.

5. Special Accommodations

Upon request to the Director or designee by the Respondent or any witnesses, 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. The University's ability to provide special accommodations may be limited by the timing of the request and the accessibility of resources.

6. Administration of the Hearing

Formal rules of evidence do not apply. The Administrative Hearing Officer(s), in consultation with the Staff Advisor, will determine the admissibility of any information. The Respondent's prior conduct record is not to be considered in the hearing unless and until the Respondent is found responsible for a violation(s) of this Procedure.

The Administrative Hearing Officer(s) will exercise control over the proceedings in order to maintain a fair, impartial, and efficient hearing. The Administrative Hearing Officer(s) may exclude or remove any individual who unreasonably delays, disrupts, or otherwise interferes with the hearing, including the Respondent, a witness, a Representative, or an Advisor.

A Staff Advisor appointed by the Director will attend the hearing to assist the Administrative Hearing Officer(s), may comment on questions of procedure and admissibility of information, and will otherwise assist in conducting the hearing. The Staff Advisor will be present while the Administrative Hearing Officer(s) makes any determinations, but may not actively participate in the determinations.

Each hearing shall be audio 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. All documents or recordings included in the case file are the property of the University.

7. Closed Hearing

The hearing is closed to the public. Admission of any individual to the hearing shall be at the discretion of the Administrative Hearing Officer(s), in consultation with the Staff Advisor.

8. Presentation of Information

- a. The University shall present the case, including witnesses and/or documentary information to establish the charge(s).
- b. The investigator will present the information regarding the investigation to the Administrative Hearing Officer(s).
- c. The Respondent and all witnesses are expected to give truthful testimony. Furnishing untruthful testimony may subject a University student or employee to appropriate disciplinary action.
- d. All witnesses with any relevant information and all relevant information must be brought to the attention of the investigator during the investigation. Absent extraordinary circumstances and except in the case of character documents as described in Section XI.9., no witnesses who were not brought to the attention of the investigator may participate in the hearing, and no information that was not brought to the attention of the investigator may be presented.
- e. The Respondent will not be allowed to directly cross-examine or question any witnesses under any circumstances. If the Respondent has a question for a witness during the hearing, they must present the question to the Administrative Hearing Officer(s), who may then ask the question or a rephrased question in their discretion on behalf of the Respondent. The Respondent will be afforded an opportunity to examine any documents offered as information.
- f. University students or employees called as witnesses must attend the hearing unless compliance would result in significant and unavoidable individual hardships or substantial interference with normal University activities. A desire to avoid questioning may not be used to demonstrate "individual hardships." Failing to appear after an appropriate request may subject a University student or employee to appropriate disciplinary action.

9. Impact Statements and Character Documents

If the Administrative Hearing Officer(s) determines that the Respondent is responsible for a violation(s) of University policy, the Respondent may present an Impact Statement as part of the sanctioning phase of the hearing. The Respondent may also present any documents or letters regarding their character as part of the sanctioning phase of the hearing.

If the Administrative Hearing Officer(s) determines that the Respondent is responsible for a violation(s) of University policy 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 sanctioning phase of the hearing.

The Administrative Hearing Officer(s) may consider, but is not bound by, any Impact Statements or character documents in determining a recommendation on sanction(s).

XII. Outcome

A. Determination on Responsibility

The determination by the Administrative Hearing Officer(s) on responsibility for any charge(s) shall be made in private, based solely on the information presented at the hearing. The determination on responsibility must be announced at the hearing prior to making a recommendation on sanction(s). The determination on responsibility must contain a brief rationale upon which the determination is based.

B. Recommendation on Sanction(s)

A determination by the Administrative Hearing Officer(s) that a Respondent is responsible for any charge(s) shall be followed by a recommendation of an appropriate sanction(s). The prior conduct record of the Respondent shall be considered in determining a recommendation of an appropriate sanction(s). After private deliberation on the appropriate sanction(s), the Administrative Hearing Officer(s) will announce the recommended sanction(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 sanction(s) must contain a brief rationale upon which the recommendation is based.

C. Determination on Sanction(s)

The determination of the Administrative Hearing Officer(s) on responsibility and recommendation on sanction(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.

- a. Determination by the Administrative Hearing Officer(s): The Administrative Hearing Officer(s) has the authority, in consultation with the Staff Advisor and the Director, if necessary, to determine the sanction(s) other than Expulsion or Registration Revocation. The Director shall deliver the determination in a written Notice of Outcome to the Respondent no later than ten (10) Days after the conclusion of the hearing.
- b. Determination by the Vice Chancellor: The Vice Chancellor for Student Affairs has the authority, in consultation with the Director, to affirm or adjust the sanction of Expulsion or Registration Revocation recommended by the Administrative Hearing Officer(s). When the Administrative Hearing Officer(s) recommends a sanction of Expulsion or Registration Revocation, the Director shall deliver that recommendation to the Vice Chancellor, who shall make a final determination on the sanction of Expulsion or Registration Revocation. The Vice Chancellor shall deliver the determination in a written Notice of Outcome to the Respondent no later than ten (10) Days after the recommendation is made.

XIII. Sanctions

Sanctions are intended to educate students on the effects of their behavior and encourage change in future decision making. To be considered in good conduct standing, a student must have completed any and all outstanding sanctions by the appropriate due dates.

A. Compelling Factors

Compelling factors affect the severity of the sanction(s) imposed through this Procedure. They may include, but are not limited to, the Respondent's demonstrated understanding of their responsibility and level of accountability; the prior conduct record of the Respondent; the nature of the incident and the facts and circumstances related to the case; the severity of any damage, injury, or harm resulting from the incident; the level of disruption to normal University activities and services; and guidance from applicable governing policies and regulations of the UNC Board of Governors.

B. Individual Student Sanctions

One or more of the following sanctions may be imposed on a Student found responsible for a violation(s) of the Policy or this Procedure:

Warning. Formal written warning indicating that the Respondent's behavior was unacceptable and that if the Respondent is subsequently found responsible for additional policy violation(s), more severe sanctions could result.

Probation. A status in which the Respondent is deemed not to be in good conduct standing with the University for a definite period of time not less than the remainder of the semester in which the Probation is imposed or for an indefinite period of time. 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 University policy while on Probation, more severe sanctions, including Suspension or Expulsion, could result. Conditions restricting the Respondent's participation in University activities may also be imposed. If the Probation is for an indefinite period, the Respondent may petition the Director in writing for reinstatement to good standing, but not earlier than two (2) calendar years from the effective date of the Probation.

Deferred Suspension. A status in which the Respondent is deemed not to be in good conduct standing with the University for a definite period of time not less than the remainder of the semester in which the Deferred Suspension is imposed or for an indefinite period of time. Deferred 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 University policy while on Deferred Suspension, more severe sanctions, including Suspension or Expulsion, could result, with Suspension being considered as a most likely possibility. Conditions restricting the Respondent's participation in University activities may also be imposed. If the Deferred Suspension is for an indefinite period, the Respondent may petition the Director in writing for

reinstatement to good standing, but not earlier than two (2) calendar years from the effective date of the Deferred Suspension.

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 Suspension is imposed or for an indefinite period of time. During the 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. Violation of the terms of Suspension may subject the Respondent to additional sanctions and/or to arrest. The Respondent will be automatically withdrawn from registered courses based upon the effective date of the Suspension. The Respondent will be responsible for any financial obligations to the University but may be eligible for a reduction of tuitions and fees based upon the effective date of the Suspension and the University's Reduction of Tuition and Fees Schedule. Notification of the Suspension will appear on the Respondent's academic transcript and will remain until the end of the 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 Suspension period, the Respondent must reapply for admission to the University, but no Respondent may re-enroll at the University until after the Suspension period has ended. If the Suspension is for an indefinite period, the Respondent may petition the Director in writing for reinstatement to good standing, but not earlier than two (2) calendar years from the effective date of the Suspension. If the Director grants reinstatement, the Respondent may reapply for admission to the University, but no Respondent may re-enroll at the University until after the Director has granted reinstatement.

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 tuitions 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 sanction. 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.

Removal from University Housing. Loss of the privilege of living in University housing. Removal may be for a definite period of time not less than the remainder of the semester in which the Removal is imposed or for an indefinite period of time. If the Removal is for an indefinite period, the Respondent may petition the Director in writing for restoration of University housing privileges, but not earlier than one (1) calendar year from the effective date of the Removal. Any cancellation fee, pro-rata refund, or return of deposit shall be assessed as described in the housing contract between the University and the Respondent.

Post-Enrollment and Post-Graduation Sanctions. A Respondent who is found responsible for a violation(s) of the Policy or this Procedure, but who graduates from the University before imposition of a sanction, 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 sanction(s) imposed as a condition of re-enrollment at the University.

Additional Sanctions. The following sanctions may be imposed in addition to those listed above:

- restitution for loss incurred by an individual or the University as a result of the Respondent's violation(s);
- 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 sanction, for a definite or indefinite period of time;
- an administrative no contact order with an individual(s);
- loss of driving and/or parking privileges on University Premises;
- community service and/or participation in educational programs;
- 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
- any other appropriate sanction as determined by the Director or designee.

C. Student Organization Sanctions

One or more of the following sanctions may be imposed on a Student Organization found responsible for a violation(s) of the Policy or this Procedure:

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 University policy, more severe sanctions could result.

Registration Probation. A status in which the Respondent is deemed not to be in good conduct 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 University policy while on Registration Probation, more severe sanctions, 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.

Deferred Registration Suspension. A status in which the Respondent is deemed not to be in good conduct 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 University policy while on Deferred Registration Suspension, more severe sanctions, 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.

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 conduct 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.

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 for Student Affairs 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.

Additional Sanctions. The following sanctions may be imposed in addition to those listed above:

- exclusion from intramural competition;
- restitution for loss incurred by an individual or the University as a result of the Respondent's violation(s).
- denial of use of University premises for meetings or activities;
- 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 sanction, for a definite or indefinite period of time;
- suspension of rushing, recruiting, or intake processes;
- 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;
- community service and/or participation in educational programs;
- 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
- any other appropriate sanction as determined by the Director or designee.

D. Deferral of Sanctions

At the discretion of the Director, the imposition of a sanction normally will be deferred until after a decision on a first-level appeal as described in Section XIII, but may be imposed immediately after the hearing if:

- the Respondent has been found responsible for an act which resulted or foreseeably could have resulted in individual injury to another;
- the Respondent has been found to be in possession of a weapon; or
- the Respondent has committed an additional violation of University policy or has violated the terms of a previous sanction(s).

XIV. Appeals

A. Grounds for Appeal

The Respondent (hereinafter Appellant) may appeal the determination on responsibility and/or the determination on sanction(s) based on the following grounds:

- a. a violation of due process; or
- b. 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.](#)

B. Process

Within five (5) Days after delivery of the Notice of Outcome, the Appellant may submit written rationale for appeal of the determination on responsibility and/or the determination on sanction(s) to the Director.

The Director or designee will promptly forward appeals meeting the grounds described in Section XIII.1., along with the Record on Appeal, to the Appellate Officer. Appeals not meeting the grounds described in Section XIII.1. will not be considered.

The Appellate Officer shall decide appeals based upon the Appellant's written appeal and the Record on Appeal. The decision may:

- Affirm the determinations on responsibility and the sanction(s) (if applicable);
- Affirm the determination on responsibility and reduce but not eliminate the sanction(s); or
- Remand the case to the same or a new Administrative Hearing Officer(s).

The Appellant shall be notified within a reasonable time in writing of the decision on appeal. The decision of the Appellate Officer affirming the determination on responsibility shall be final and conclusive, and the sanction(s) will be imposed as directed. If the case is remanded to an Administrative Hearing Officer(s), this Procedure shall apply.

If the decision of the Appellate Officer imposes a sanction of Suspension or Expulsion for a Student or Registration Suspension 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 by providing such appeal to the Director.

The notice of appeal must be in writing and must specify the rights alleged to have been violated and the reasons for such allegation. No such notice is effective unless received by the Board of Trustees within five (5) Days after delivery of the decision of the Appellate Officer. Appeals not meeting the grounds described in Section XIII.1. will not be considered.

The Board of Trustees shall decide appeals based upon the Appellant's written appeal and the Record on Appeal. The decision may:

- Affirm the determinations on responsibility and the sanction(s) (if applicable);
- Affirm the determination on responsibility and reduce but not eliminate the sanction(s); or
- Remand the case to the same or a new Administrative Hearing Officer(s).

The Appellant shall be notified within a reasonable time in writing of the decision on appeal. If the case is remanded to an Administrative Hearing Officer(s), this Procedure shall apply.

No appeal to the Board of Governors or the President of the University of North Carolina is permitted.

XV. Recordkeeping

The University will maintain pertinent records related to each case processed under this Procedure in accordance with the UNC System Records Retention Schedule. Access to these records will be governed by applicable state and federal laws, including but not limited to FERPA.

History:

- Initially enacted July 5, 2022
- Revised August 8, 2023